

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

41st Legislative Day

4/24/2007

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones and pagers, and we ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Father Al Kemme, who is the Pastor of St. Thomas the Apostle Church in Newton, Illinois. Father Kemme is the guest of Representative Reis."

Father Kemme: "Let us pray. God of perfect peace, Creator of all, You got everything in wisdom and in love. Accept our prayer of thanksgiving for this new day. In Your goodness, watch over those in authority so that people everywhere may enjoy freedom, safety and peace. Lead the men and women of this Assembly to serve the people of Illinois with honesty and truth. May they be guided by insight in their discussions and fairness in their deliberations to enact laws that reveal the wisdom of Your divine will. Accept our prayers for the integrity of the people this Body serves. Let harmony and justice be secured with lasting prosperity and peace for all our citizens. Lord, watch over the families who lost loved ones at Virginia Tech last week, comfort them by Your divine hope, the compassions of our actions and our prayers of sympathy. Continue to ask for understanding and revelation into the presence of evil in our world. Help us to fight it by living according to Your word, to love one another as You love us. We ask this, Lord, in Your holy name, the name above all others who lives and reigns forever and ever. Amen."

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

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

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

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

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Aaron... that Representative Schock, Mulligan and Jim Meyer are excused today."

Speaker Madigan: "The Clerk shall take the record. There being 111 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Committee Reports. 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 April 24, 2007, reported the same back with the following recommendations: 'approved for floor consideration' is Amendment #2 to House Bill 1877 and Amendment #4 to Senate Bill 377. Referred to the House Committee on Rules is House Resolution 321, offered by Representative Harris and House Joint Resolution 51, offered by Representative Colvin."

Speaker Madigan: "Mr. Clerk, HR 137."

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Clerk Mahoney: "House Resolution 137, offered by Representative Flowers.

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate the Simeon men's high school basketball team on their upset victory over top-ranked Oak Hill; and

WHEREAS, Simeon beat USA Today No. 1 ranked Oak Hill Academy (Va.) 78 to 75 in a game at the UIC Pavilion televised on ESPN and witnessed by 3,070 in attendance; and

WHEREAS, Derrick Rose, Tim Flowers, and Daniel Green grew up together on the South Side of Chicago attending Beasley Elementary and Simeon; Rose staked his case for national player of the year honors with 28 points, nine assists, and eight rebounds; Green, the Wolverines' sixth man, made three three-pointers and finished with 11 points; Flowers finished with ten points and ten rebounds, including a three-pointer that put Simeon up by 15 with less than five minutes to play; and

WHEREAS, Senior Kevin Johnson provided 18 points and 10 rebounds and Keyon Smith came off the bench to add nine points, four steals, and four assists to aid in the victory; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Simeon men's high school basketball team on their upset victory over Oak Hill; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Simeon men's high school basketball team as a token of our esteem."

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Speaker Madigan: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like for you to please take this opportunity to applaud the hard work and the efforts of Simeon Basketball Team. And my nephew Joshua Jamal Anderson. Please, would you give them a hand. Thank you."

Speaker Madigan: "Mr. Clerk, House Resolution 71."

Clerk Mahoney: "House Resolution 71 urges the United States Congress to support a Constitutional Amendment to allow foreign born citizens to run for President of the United States."

Speaker Madigan: "Mr. Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present this Resolution with a number of distinguished guests in our gallery the back guests. These are parents of adopted children and the children are here. Many of them have come in before the age of one (1). If this Resolution is carried out by Congress, it would allow these children, born in foreign countries, but moving to the United States before the age of one (1), becoming natural citizens upon their adoption, would then be authorized to run for President when they reach an age of majority and I urge its adoption. If they'd please rise and be acknowledged by the House."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. There being no discussion, the question is, 'Shall the Resolution be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. And the

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Resolution is adopted. Mr. Clerk, what is the status of House Bill 1?"

Clerk Mahoney: "House Bill 1, a Bill for an Act concerning procurement has been read a second time, previously. Amendments 1 and 2, offered by Representative Fritchey, have been approved for consideration."

Speaker Madigan: "Mr. Fritchey on Amendment #1."

Fritchey: "Thank you, Speaker, Members of the Body. Amendment 1 was a technical issue talking about payment of penalties due under the Act and that those payments would go to the General Revenue Fund. We know of no objections."

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

Clerk Mahoney: "Floor Amendment #2, offered by Representative Fritchey, has been approved for consideration."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Sir. Ladies and Gentlemen, Amendment 2 tightens the provisions of the underlying Bill to cover a contribution ban during the bidding period. We can talk about this further during the discussion. The Bill, again, we know of no objections. Only thing this makes a good Bill better."

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

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

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of House Bill 8?"

Clerk Mahoney: "House Bill 8, a Bill for an Act concerning ethics. Second Reading of this House Bill. Amendments 2 and 3, offered by Representative Fritchey, have been approved for consideration."

Speaker Madigan: "Again, Mr. Clerk, is the Bill on Second Reading?"

Clerk Mahoney: "House..."

Speaker Madigan: "Is the Bill on Second Reading?"

Clerk Mahoney: "House Bill 8 is on Second Reading."

Speaker Madigan: "And is there an Amendment?"

Clerk Mahoney: "Floor Amendment 2 and Floor Amendment 3 have both been approved for consideration."

Speaker Madigan: "All right. On Amendment #2, Mr. Fritchey."

Fritchey: "Oh, Amendment 2, Speaker, I believe, is a technical Amendment. We know of no objections."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #2. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Mahoney: "Floor Amendment #3 has been approved."

Speaker Madigan: "Number 3. Mr. Fritchey."

Fritchey: "Floor Amendment 3 exempts out legislative staff from certain revolving door provisions within the Bill. Raises the threshold for itemization of expenditures from ten

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dollars (\$10) to seventy-five dollars (\$75). We know of no objection, Speaker."

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

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

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Clerk, what is the status of House Bill 1557?"

Clerk Mahoney: "House Bill 1557 is on the Order of Third Reading."

Speaker Madigan: "Mr. Clerk, put that Bill on the Order of Second Reading. Mr. Acevedo. Did you wish to call House Bill 873? The Bill's on Third. Okay. Okay. Take the Bill out of the record. Mr. Boland, did you wish to call House Bill 1460? Mr. Boland. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1460, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Boland: "Thank you, Mr. Speaker. House Bill 1460 sets up a program of replacement of lighting in state buildings that are a thousand (1,000) square feet in size or larger, where it is practical. And as the old lighting... light bulbs burn out they would be replaced by Energy Star labeled light bulbs. This is a program of the United States Environmental Protection Agency and the purpose of this Bill is to save energy and save taxpayer money over the long term."

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

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response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting in open. Have all voted who wish? Representative Durkin, do you wish to be recorded? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black, you have House Bill 618. Excuse me, we'll go back to that. Representative Bradley on House Bill 734. John Bradley. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 734, a Bill for an Act concerning aging. Third Reading of this House Bill."

Speaker Hannig: "Representative Bradley."

Bradley, J.: "Thank you, Mr. Speaker. This Bill is brought to me by the AARP. All it does is provide that there would be a phone number that's... a twenty-four-hour number the people can call with regards to elder abuse problems, complaints, et cetera. My area already does this and there's a hope that this could be provided statewide. Ask for an 'aye' vote."

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

Pritchard: "Yes, Mr. Speaker, to the Bill. Ladies and Gentlemen, when this idea comes up, it sounds like a very plausible Bill until you start dealing with some of the issues and the costs that might be affected in your particular district, with your particular agencies. I've

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talked to my elder care services that provides care during the day. They have a procedure for twenty-four hour-coverage, and they have found that there are only twenty-eight (28) cases that this Bill would affect. It's going to add five-hundred thousand dollars (\$500,000) for twenty-eight (28) cases. It makes no fiscal sense let alone no local reason. I would urge your opposition to this Bill."

Speaker Hannig: "Is there any further discussion? Then Representative Bradley, you're recognized to close."

Bradley, J.: "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 Moffitt, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 110 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black on House Bill 618. Do you wish us to read the Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 618, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This is a Bill I've been working on for probably a decade. I know Representative Franks has been working on it and the former Representative Larry McKeon and I have worked on it and I think Representative Lang and I have worked on it. All this Bill does is to

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increase the personal needs allowance for long-term care residents from the current thirty dollars (\$30) a month to fifty dollars (\$50) a month. Now, my Bill has a methodology to pay for it, and we would pay for this out of tobacco settlement funds. There would be a cost of roughly two million dollars (\$2,000,000) to the Department of Human Services. Ladies and Gentlemen, we have not increased the personal needs allowance for those people who live in nursing home or long-term facilities since 1988. If you go to the beauty shop or you want some candy or something from the cart that comes around, thirty dollars (\$30) just simply... it doesn't even come close to meeting the needs. And I think what you need to remember, is that when your grandmother or grandfather goes into a nursing home, all of their assets are spent down, including their life insurance policy, which will be signed over to the department, and about the only thing they get to keep, unless they have a spouse for the Spouse Impoverishment Law, is a prepaid burial plan. And then whatever they get in Social Security also then goes to the department or the long-term care facility to defray the cost of their care from Medicaid. So, if you have somebody in a nursing home who's... was getting fourteen hundred dollars (\$1400) a month in Social Security, that check now goes to the long-term care facility, and all we have allowed those people to keep since 1988 is thirty dollars (\$30). I think it's time to increase it by a very modest amount of twenty dollars (\$20) and we also have a suggestion in the Bill on how to pay for it. I would ask for your 'aye' vote."

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

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

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

Lang: "Representative, as you... I'm sure well know I support your Bill, but I want to ask you a couple of questions to get some facts out here on the floor. So I see that the department opposed the Bill, was that simply on financial grounds?"

Black: "Yes."

Lang: "They had no substantive problem with the Bill?"

Black: "None that they shared with me, whatsoever."

Lang: "Has... does anybody have anybody substantive problem with your Bill that you're aware of?"

Black: "No one shared any problem with me except the fact that they didn't want the twenty dollars (\$20) that they currently received, they being the Department of Healthcare and Family Services, going to the resident rather than going into the Medicaid account. That's the only objection they indicated to me."

Lang: "And just for the record here. We're talking about out-of-pocket expenses..."

Black: "Yes."

Lang: "...that people, so if they wander into the gift shop and they want to buy a candy bar..."

Black: "That's correct."

Lang: "...or if they... or if they want to buy some ice cream or whatever on the facility, for a very long period of time

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they've been limited to thirty dollars (\$30), that's a dollar a day. Is that correct?"

Black: "That's... that's correct."

Lang: "And how long have they been limited to this?"

Black: "1988."

Lang: "So, for the last almost twenty (20) years they've been limited to a dollar a day. And all you're trying to do is... is basically allow these folks to lift themselves out of poverty within the nursing home to allow them a few human dignities, like buying some ice cream."

Black: "Not only that, Representative, but with some relatives of mine who have been in a nursing home, particularly females, on the thirty dollar (\$30) personal needs allowance, I think that every woman would like to have her hair washed and set more than once a month and this might allow them to do maybe twice a month, and in some facilities, may be three (3) times a month. And I don't think that's excessive."

Lang: "Thank you, Representative. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Lang: "Mr. Black has been working on this Bill a long time. It was a good Bill when he started working on it, it's a better Bill today because he has good revenue stream for it. We should not require our constituents that live in nursing homes to live in poverty. We should allow them these few human dignities to allow them to live out their years in these nursing homes with some dignity, respect and some semblance of a normal life. This is a very good piece of legislation and I would urge you to vote 'aye'."

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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 111 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative John Bradley, you have House Bill 1775. Representative Bradley, do you wish us to read that Bill? Out of the record. Representative Crespo, you have House Bill 1434. Do you wish us to read that Bill? Okay. Out of the record. Representative Cultra, you have House Bill 1116. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1116, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Iroquois, Representative Cultra."

Cultra: "Thank you, Mr. Speaker, Ladies of the House and Gentlemen. This Bill simply allows fire chiefs to have a special license plate."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? The Gentleman from Cook, Representative McCarthy."

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

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

McCarthy: "There's a... it's real noisy in here. Could you tell me what this Bill does again?"

Cultra: "Just allows fire chiefs to have a special license plate."

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McCarthy: "Just fire chiefs themselves?"

Cultra: "Yes."

McCarthy: "And would it be front and back?"

Cultra: "Probably."

McCarthy: "And this would be in lieu of a regular Illinois license plate?"

Cultra: "That's correct."

McCarthy: "What is the cost going to be?"

Cultra: "Eight dollars (\$8)."

McCarthy: "Eight dollars (\$8)?"

Cultra: "Yes."

McCarthy: "What about the seventy-eight dollar (\$78) registration fee?"

Cultra: "That would probably be in addition to the eight dollars (\$8)."

McCarthy: "So, it'd be eight (8) in addition to any regular fee?"

Cultra: "Yes."

McCarthy: "Okay. Well, you're probably aware that I think we have way too many license plates on the streets of Illinois as it is. On the way down here today, I came upon another one that I had no idea even what state it was. I think this is a safety hazard for our police officers and along with maybe one (1) or two (2) other people in the House, I'll be voting against this Bill."

Cultra: "Well, actually, I agree with you, but I'm doing this as a favor, so."

Speaker Hannig: "Representative Bost."

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

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Speaker Hannig: "Indicates he'll yield."

Bost: "Two (2) questions. One, has the fire caucus took a position on this?"

Cultra: "As far as I know, they're the ones that came up with this Bill."

Bost: "Really. Okay. And this is to go along with their little red lights on top or... or is this..."

Cultra: "Whatever else, yes."

Bost: "All right. Thank you."

Speaker Hannig: "Is there any further discussion? Representative Cultra, you're recognized to close."

Cultra: "Vote 'yes'."

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? Representative Hassert and Kosel, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 103 voting 'yes' and 7 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Feigenholtz, you have House Bill 3604. Do you wish us to read that on Third? 3604. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3604, a Bill for an Act concerning regulation. Third Reading of this House Bill."

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

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Feigenholtz: "Mr. Speaker, I think that there is an Amendment that was just released from Rules. So it needs... can you move it to Second?"

Speaker Hannig: "Well, I'm advised that your Amendment is out of Rules. So Representative, why don't we take the Bill back to Second. And Mr. Clerk, are there any Amendments?"

Clerk Mahoney: "Floor Amendment #1, offered by Representative Feigenholtz, has been approved for consideration."

Speaker Hannig: "Representative Feigenholtz on the Amendment."

Feigenholtz: "Thank you, Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 3604 is language that was worked out between the proponents of Agudath, Israel, and the Illinois Hospital Association. I'd be glad to answer any questions."

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

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

Speaker Hannig: "Third Reading. So, we're going to hold this on Third at this time, Representative. And Representative Graham, you have House Bill 731. Do you wish us to read this Bill? 731. Representative Graham. Out of the record. Representative Hamos on House Bill 1842. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1842, a Bill for an Act concerning energy efficiency. Third Reading of this House Bill."

Speaker Hannig: "Representative Hamos."

Hamos: "Thank you. Ladies and Gentlemen, I'm pleased to present to you today House Bill 1842, which would create an energy

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efficient Building Code for Illinois. This would only apply to new construction of homes and the theory really is, that if we build the building right in the first place, we have a real chance to help that homebuyer achieve energy efficiency, energy savings and energy cost savings. That is the essence of helping people through what our difficult escalating electric costs in a time when we know that we should be saving on our energy use. This would do this in a simple way by building the home energy efficient in the first place. As I mentioned on Second Reading, the Committee on Energy & Environment helped me think through this concept, and we are applying this only to new construction, and I will say to you, that if in fact we do this, we will help people amortize the costs which are not that great, but there are some upfront costs. The costs will be amortized and recouped within three (3) to seven (7) years but the co... but the families will begin to feel the energy cost savings the very first month. The electric bills will in fact be reduced. Let me say that forty-two (42) states have adopted at least one version of the Illinois Energy Efficiency Code. A hundred thirty (130) Illinois municipalities have adopted this, and Illinois already has this in place, something we passed two (2) years ago for commercial, industrial, institutional, and high-rise residences. And I seek your support. This passed out of committee by a very strong numbers and I think it's because this is the year we are more aware than ever that what our constituents are looking for is help with their electric

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bills but also help in thinking ahead about the needs in this country for energy savings."

Speaker Hannig: "We're going to put this on the Order of Standard Debate to accommodate our Members. And Representative Sacia, you're recognized for five (5) minutes."

Sacia: "Will the Lady..."

Speaker Hannig: "...she indicates..."

Sacia: "...yield?"

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

Sacia: "Representative Hamos, a question comes to mind reading over our analysis. The homebuilders have determined that this will add an additional ten to fifteen thousand dollars (\$10,000 to 15,000) per home. That strikes me as very significant and probably the reason that my attention was so specifically drawn to it is my son and his new wife just bought a brand new home and among other things, the basement is not dry-walled. And the analysis said, using... dry-walling a basement alone that will add an additionally... an additional twenty-five hundred dollars (\$2500) cost to a new residence. I guess in my heart of hearts, I don't understand why dry-walling a basement would create energy efficiency. Maybe I would start with that as a question."

Hamos: "And I don't know the ins and outs of this Energy Code, Representative Sacia, but I can tell you that when I sat next to the homebuilder lobbyist in committee and he raised the same numbers, I challenged him and ever since then, three (3) weeks ago, I have been challenging the homebuilders to come up with the basis for their

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information. They have never provided it. Let me say to you, that the group that I am working with did commission a study. The Pacific Northwest National Laboratories does this kind of work. They looked at a standard downstate, two thousand (2,000) square foot home, and they looked at these kinds of incremental costs and what... what we're talking about typically, is ceiling and wall insulation, windows and energy efficient furnace. Those are the three (3) real components, and the total incremental costs for a rather modest home downstate, was fifteen hundred dollars (\$1500). And that has never been challenged by the opponents, but they had never produced any data either."

Sacia: "Representative Hamos, what also comes to mind, is... we... in our great state we do many things with the right heart but we create an additional significant cost. Again, I think of my son and his wife who spent every nickel they could scrape together to buy a new home and a good home and in due time, they will put dry wall in their basement. In due time they will do more significant things. But let's not even use any specific figure of fifteen hundred (1500) or fifteen thousand (15,000). It's fair to say it will increase the cost of the home, I think that's a fair assumption to some extent."

Hamos: "Well, it increases the cost of the home at the front end, but it is recouped immediately with a lower electric bill, something that we have been struggling with all Session and the incremental costs will be... will be recouped to a positive cash flow in three (3) to seven (7) years."

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Sacia: "Well, that being said, I guess there's no real way we can come up with a significant compromise on what it's going to cost. The bottom line is, the homebuilders... the National Home Builders Association (sic-National Association of Home Builders has instituted a program nationwide asking homebuilders to voluntarily increase insulation and do energy efficient things. This just seems to be another one of those efforts by government to carry a heavy hand over those trying to create new quality homes and I'm not... I'm going to listen very carefully to the discussion. I know several others want to speak on this, but my initial reaction is, let's keep government out of this and let's let homebuilders, who are professionals, make the determination of what's the proper energy. Thank you, Representative Hamos."

Speaker Hannig: "Representative Joyce."

Joyce: "Thank you, Mr. Speaker. To the Bill. I agree with the previous speaker that this could cost on the front end some more money. But he mentioned about compromise and we couldn't find a compromise. I would argue that in committee the Sponsor listened to the Members of the committee and came up with a compromise. The cost is certainly greater, as all that were in the committee and all that were testifying in the committee would agree, the cost of making a residential building more energy efficient is much greater on an existing building. The original Bill called for alternations, for additions to homes, for any kind of repairs done to homes that these Energy Efficient Codes would apply. The Sponsor listened to the Members of that

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committee, changed the Bill and exempted all repairs, alterations, and additions on homes. And I live in a district in which on one end of the district a lot of new homes are being built. On the other end of the district, a lot of existing homes are being added onto, in many cases people refer to the additions that are being added as building a house upon a house. The Sponsor's taking those cases out of this... out of this Bill, but on the case of new homes, I talked to many individual homebuilders within my district, and not only are they building these homes with an energy efficient... in an energy efficient manner, but the market and the buyers have asked for energy efficient homes because, in fact, it does save them in the long run, in the very short long run, it saves them money by doing this. This is a good Bill. It's been a lot of hard work and a lot of compromise has taken place in developing this... the final text of this Bill. So, I would just urge an 'aye' vote."

Speaker Hannig: "Representative Black."

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

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

Black: "Representative, in your opening remarks you indicated that several counties, several cities have already done this and as more information becomes available, I think that will be the case. And since we are learning a little bit as we go, why do we need to put it in state statute? Why not just let the marketplace take care of it?"

Hamos: "Well, I also pointed out, Representative Black, that forty-two (42) states have already done this. We are really

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at the back end of thinking about energy efficiency, and if there's ever been a year to do it, this is the year. So again, the people who are building houses, for example, on the spec don't necessarily have a long-term interest in that family, they're going to sell their house, they're gone. But we're talking about our families living there and enjoying the house and with energy efficiency savings."

Black: "With the various real estate laws on disclosure, if you don't want to buy a house that isn't ENERGY STAR, sobeit. Why do we have to mandate it? I know enough and I think most people know enough if we're looking at a home that was built on speculation, we know the questions to ask. We know what... we want to to know what the R-value is in the attic, what the R-value is in the side walls. Do we have a 92 percent efficient furnace or a 96. Are your appliances ENERGY STAR, assuming that they even have the appliances, not many spec homes do that, you have to buy your own. But I mean the marketplace is responding. I don't know why you'd want to put this in State Law. And quite frankly, I live in Illinois, I'm really not too concerned about what the other forty-two (42) states have done. We're a very diverse state. Well, Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "We have a very active Habitat for Humanity organization in my area, more so in Champaign County than Vermilion, I don't know if they fall under this. I know those homes are built to rather moderate standards of energy efficiency. I don't know anybody who builds a house today that doesn't understand the value of insulation, side wall, attic,

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depending on what kind of foundation you're on, what sort of insulation you have in the crawlspace, the vapor barrier, all of this. If you build a house and you hire a contractor, then you work that out with the contractor by stating what you want. I can remember when homes were built with 2 by 2 wall studs. You cannot find a home today that's built with 2 by 2 wall studs. Two by four is the minimum standard. I've seen some houses today that have wall studs of 2 by 6 and 2 by 8 for maximum insulation value. In fact, some of them are so well insulated that we have a problem with moisture. I know my brother has told me in the family business, some of them are so tightly constructed and insulated, you have to figure out a way to bring in outside air in order to make products of combustion work in the house. I don't know why we what to put this in state statute. It does, as a previous speaker indicated, raise the price of the home which I think taking a Habitat for Humanity or low-income housing, it doesn't encourage more people to seek the American dream, in fact, it may price them out of the American dream. Once you get that starter home as I did some forty years ago, you change and you add as you can afford it. And over the years we've done that. And we're now in the market for a new refrigerator. And I can assure you it will be as highly energy efficient as we can find on the marketplace. But when we bought the furniture the refrigerator that we have now and it's twenty-five (25) years old, we couldn't have... well, it wasn't on the market first of all and even if it was we couldn't have afforded it. And the same with the washer and dryer and we

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need... we know we need to replace those. And as we get the money, we will make those investments as we're able to do so. But to put this in state statute, will have the... the reverse effect in my opinion. Somebody trying to buy a starter home, Habitat for Humanity, various nonprofit corporations that build low-income housing, they don't build them with no insulation, they don't build them on the cheap, but they don't..."

Speaker Hannig: "Could you bring... could you bring your remarks to a close."

Black: "Yeah, thank you very much, Mr. Speaker. I've made my point. But all homes today are built to a reasonable standard of energy efficiency. To do otherwise, the builder would not be in business very long. But I want to encourage home ownership and making the changes as you can afford to do so. I just have a tendency to say we tend to rule by State Law too many times. We're a very, very diverse state what may work very well in the Sponsor's district may not work so well in mine, and in fact, may have the opposite intent. I urge a 'no' vote."

Speaker Hannig: "So, we've now had two (2) speak in favor and two (2) in response. Representative Durkin, you're recognized for five (5) minutes on what side?"

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

Speaker Hannig: "Yes."

Durkin: "Representative, what is the effective date of this legislation?"

Hamos: "Well, we said, this Act takes effect upon becoming law. But the Capital Development Board is going to work in

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creating standards and rules around this, and as with the Commercial Building Code that took a year, year and a half, so there's a lot of training and start-up time."

Durkin: "So, the... this will go in effect when the Governor signs the legislation, so... and our legislation will trump anything that the CBD does. Now, from listening to the debate, you indicated that this will apply just strictly to new residential... new construction for residential, correct?"

Hamos: "That is correct."

Durkin: "How do we define 'new construction' within the code or within the industry? Is it when they dig the ditch or is it when the local government issues permits that it is habitable or when someone moves inside the house? I mean there's a lot of spec builders out there who build homes, some are in the process. I know... need to know exactly when... how we define 'new construction'."

Hamos: "Well... I don't know... I don't know if this is a... I feel like I have a simplistic kind of answer to it, but at the time that a builder is using a Building Code, and right now we have a thousand (1,000) municipalities and a thousand (1,000) Building Codes, this would be a new State Building Code dealing with a few of these elements that have to do with energy efficiency, so at the time that the builder has to figure out what Building Codes he's using for the entire home, that's when this would become operative."

Durkin: "Well, my... my concern is that there are probably a number of builders who are in the process of digging the ditches, pouring the foundation and... haven't sold it to an owner and the house may be built by the time this summer

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comes but they still have not sold it. Are they going to be forced to go back in to make it comple... energy efficient based on these standards after it has been completed?"

Hamos: "I think you're raising an interesting point that has never come up before, but I certainly would be willing to talk to the Senate about changing... making some kind of a minimum baseline if you've done such and such, obtained a permit, then you would be exempted from this. But I'm suggesting to you that it really is going to be at least a year, year and a half before this thing takes effect."

Durkin: "I understand that, but sometimes it takes a significant amount of time, particularly in a slow residential market... real estate market, which we have, where we don't have any clear definition of what we mean by 'new construction' and how that's going to be applied within the... within the... throughout the State of Illinois with our contractors and all our homebuilders. So, I respectfully will oppose this legislation and for the reasons that my counterpart, Bill Black has said, I think that we should let it... leave it up to the homebuilder... homeowners and homebuilders to make these decisions as to us making this a one-size-fits-all type of approach. Thank you."

Speaker Hannig: "We've had three (3) in opposition. The rules will provide one additional proponent. Representative Munson. Would you like to speak in favor? Okay. You have five (5) minutes."

Munson: "Thank you, Mr. Speaker. To the Bill. I rise in support of this legislation. In the current climate where our constituents are experiencing skyrocketing energy bills,

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House Bill 1842 puts in place a statewide mechanism to help future homeowners save on their energy costs. Like the Commercial Building Energy Efficiency Code we passed a couple of years ago and that's been successfully implemented, this Bill is limited to new construction and will ultimately result in annual savings for the families in this state not just in the next few years but well into the future. I urge your 'aye' vote."

Speaker Hannig: " And we've had now three (3) on each side, Representative Bost. Representative Bost we've... Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. I request... I... I'm wanting to know a parliamentary question here. Does this require seventy-one (71) votes or will it... because I think this overrides Home Rule, doesn't it?"

Speaker Hannig: "So wh... we'll get a ruling here, Representative. The ruling, Representative Bost, and we'll just... Representative Bost."

Bost: "While we're waiting, if there's that many people that are wanting to talk about it, can me move this off of Short Debate?"

Speaker Hannig: "Representative, we can... we can do that. So why don't we proceed with some additional debate. Did you wish to speak, Representative Bost?"

Bost: "Yes, thank you, Mr. Speaker. On... I have concerns as many have spoke about. When we start down a path, first off, if it does override Home Rule, but if we start down a path to discourage homeowners from building. I think Representative Black spoke about that. You know, each one of us want to

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encourage, encourage, now we can do that with a Resolution not with a Bill, encourage people to have the most efficient homes that you possibly can. But when we start down a path that we're discouraging people from building by raising the prices on their home at a time when government has already got a stranglehold on so many, I don't think this is a proper way to go. I will encourage people to build efficient homes. I'd encour... I know for instance, years ago my father-in-law was one of the first to step forward to build an underground home, which is just amazing the way they built it and the direction they faced it and how it is so energy efficient. And at a time whenever we're fighting these high energy bills, I think that's good, but he made that choice, not the government, he made that choice. There's a time when government's got to quit doing these things. I do believe that saving energy is a positive thing. I don't believe that this a proper Bill and I think that we should give her a sounding 'no' vote on this."

Speaker Hannig: "Representative Holbrook."

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

Speaker Hannig: "Indicates she'll yield."

Holbrook: "Representative Hamos, when we've talked about this in committee, you agreed to adopt the Amendment that only allows to new... this affects new construction, isn't that correct?"

Hamos: "Yes, yes."

Holbrook: "So additions, alterations, renovations, that sort of thing, aren't even affected by this, are they? Renovations, additions, they're not included in new construction."

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Hamos: "They're not included, no."

Holbrook: "Right. Nationally, how many states already have this exact same program?"

Hamos: "Forty-two (42) states have adopted an Energy Efficient Building Code."

Holbrook: "Okay. With that said, people would still have options if they were buying a home, would they not? They could go to a home that's a not a new construction if they wanted to buy one that was less efficient or if they're renovating a home they wouldn't have to meet these standards. So, there is quite a bit of choice is there not?"

Hamos: "That... that... that is correct."

Holbrook: "Okay. In this day of energy efficiency and the high cost of energy, I know where I've seen a lot... unfortunately I just bought a new house not long ago and I found out from talking to these salesmen at these new subdivisions, that people a lot of times just want to know what the monthly payment is, they don't care about the actual cost of the house. But I can tell you the one item that they all ask about is the energy efficiency standards, and in many cases to get these low prices low-balled onto the paper, they'll throw in a less efficient furnace, less efficient windows, and many times these people when they get in there, find out that they would like to make those changes. So forty-two (42) states thinks this is good idea with the price of energy and the way the climate in this world's going today, why would someone not want to do this?"

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Hamos: "Well, that's what I'm wondering, Representative Holbrook, because it seems like the exact appropriate public policy for our time. And when we say let's not go down this path, we are well behind other states, and further more, as a public policy, this is what our constituents would want us to do. We have only one chance to build the building right in the first place, and that is at the front end. And that's what this Bill would provide."

Holbrook: "Do not the Home... National Home Builders, not the state but the National Home Builders (sic-National Association of Home Builders) support this program?"

Hamos: "I wouldn't go so far as to say they support it, but we did find some items that I read from, from their national Web site. So, for example, right here I'm looking at something from December and here's what the National Association of Home Builders says, 'Is it hard to build green? Is it a lot more expensive? Do I have to live in a straw-built cottage or some other strange building? No, no and most decidedly no', according to the National Association of Home Builders. They are, in fact, supporting these kind of initiatives and in forty-two (42) states, where they equally have some influence, they have recognized already that this is the best public policy for our time."

Holbrook: "Thank you. I think forty-two (42) states already have this in effect. I think we need to turn the corner here and start realizing what energy efficiency is needed in our state. The buyer still has the options, he doesn't have to buy new construction, he can renovate without meeting these standards. I think this is a good Bill and I'll be

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supporting it. And I think that's why it passed out of committee 20 to 2. Thank you."

Speaker Hannig: "Representative Bost, the parliamentarian is prepared to make his ruling."

Parliamentarian Ellis: Representative Bost, on behalf of the Speaker in response to your inquiry, House Bill 1842 preempts Home Rule powers on a subject on which the state is providing concurrent regulation. Therefore, under Article VII, Section 6(i) of the Illinois Constitution, the Bill requires 60 votes for passage."

Speaker Hannig: "So, we're going to proceed with the debate, and we'll recognize Rep... Representative Bost, did you have... Okay."

Bost: "Just to follow-up. I know the Speaker's made that ruling. I don't have to agree with it, but that's the way it is. I think it's always amazing on which Bills we decide that we're going to apply that rule and not apply that rule. I think this clearly overrides Home Rule. Well... government at its best."

Speaker Hannig: "Representative Leitch."

Leitch: "Will the Lady yield?"

Speaker Hannig: "Indicates she'll yield."

Leitch: "Did I understand you to say that forty-two (42) states have adopted this specific Energy Code or an Energy Code?"

Hamos: "I have a... I have a map, Representative Leitch, and there are a hand full of states, I'm looking real quickly, about sev... eight (8) states that have adopted a code that meets or exceeds this Energy Efficiency... Commercial Code, and then there are different ones that have passed them over the

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years. And it is this particular code beginning... I'm looking at 1998 when states started adopting this code."

Leitch: "So, forty-two (42) states have not accepted or enacted the international Energy Conservation Code. Who prepares the International Energy Conservation Code? What does 'international' mean?"

Hamos: "All I know, Representative, they said it's a group out of Rolling Meadows and it's a group of experts, and they revise them periodically which is why this is kind of a rolling process for the forty-two (42) states, and they do that to come up with the new products that are available so they can make them available to the builders, and I know they work with architects and builders as well."

Leitch: "What other countries are covered by the International Conservation Code?"

Hamos: "I don't think I know that."

Leitch: "I notice... in our analysis that the homebuilders were concerned and suggested that were this to be enacted the 202 Code should be applied because that code had been vetted and people actually knew what was in that code. I believe your Bill requires that the most recent code be enacted. Does that mean going into the future as that code is changed and amended, it would also become a requirement for new construction in Illinois?"

Hamos: "Representative, the way the Bill is written, that is the case and I was willing to work with the homebuilders and I still am to fix the date at some point, like 2006. The 2006 code we learned is better than some of the previous codes. So, they've been working out, again working with builders

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and architects, but nobody ever came up with that as a proposal. The homebuilders did come to me a week ago with a different kind of proposal for ENERGY STAR, but we were not able to make that work. So, I was open to those kind of changes, but they were not really offered."

Leitch: "You use the word 'better'? Who says it's better? I mean, what is the definition of 'better'? What if there are some rather egregious over-the-top recommendations that come out in the new code and the entire state is stuck with them. How do you respond? I mean, how do you get out from underneath or appeal those?"

Hamos: "Well, the only thing I can say here, Representative, is that these energy efficient building codes are created and again also for commercial, institutional, industrial, high-rises and now homes. They are created to help builders and the whole building community get it done, that is the whole point of this. So, there is no advantage whatsoever for the people who create these codes to come up with things that are egregious. You know, we have a thousand (1,000) municipalities. They all have building codes, but they're not trying make it difficult, they're trying to make it reasonable and sensible, and that's what this is as well. That's why a hundred and thirty (130) communities in Illinois have adopted this. Forty-two (42) states have as well."

Leitch: "To the Bill, Mr. Speaker.

Speaker Hannig: "To the Bill."

Leitch: "I don't think forty-two (42) states have adopted this Bill as the Sponsor indicated. While I have great respect

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for the Sponsor, I must say this kind of one-size-fits-all legislation is always... always leads to an unhappy result in the state. And we need, I think, to rely on the common sense of individual people who are making these choices every day, depending on where they live and what their economic circumstances are. I don't think it is in the interest of our state to impose this standard on every part of the state. And I would respectfully urge a 'no' vote."

Speaker Hannig: "So, just for clarification. I moved this from extended to... from Standard Debate to Extended Debate which would allow five (5) speakers on each side. So the rules would provide one additional speaker in support. Representative Flider, would you like to speak in support and then we'll let Representative Hamos close. So, Representative Flider."

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

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

Flider: "Yes. Representative, are you aware of the practices that utilities have usage in order to reduce energy usage during the summer months when customers are using their air conditioners at peak loads? Are you aware of what they do to their rates in order to control demand?"

Hamos: "Am I aware of what they do with their rates?"

Flider: "Yes. Do they increase them or decrease them? Are you aware of this?"

Hamos: "Yeah, I think they probably increase the rates when it's really hot weather and people use their air conditioning."

Flider: "Well, they... they increase the rates because whenever you increase rates it's... it's the law of supply and demand

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in pricing that... by increasing rates that reduces demand considerably. So, you have a piece of legislation that seems somewhat moving in a more la... rational or commonsense direction in which we're trying to control our efficiency in future demand by actually investing in more efficient homes and weatherization. So, I guess my question, it's more of a commonsense question, if you'll indulge me. What makes more sense to you, to the consumer, increasing their prices in order to stop the next construction project and the investment in billions of dollars in generation or being more energy efficient? What makes more sense?"

Hamos: "Well, thank you, Representative Flider, for stating it so eloquently or stating the dichotomy. It obviously makes more sense if we can reduce energy use, and that is something that our country has not paid as much attention to. But I believe as we move forward and we see electric prices increase, as we see the prospects of foreign dependence... more and more foreign dependence on oil, as we see issues with climate change, there will be more of an effort to think about energy efficiency. This just moves Illinois into the large majority of states that are doing this exact thing and you're pointing out exactly that dichotomy."

Flider: "So really, what we're talking about doing here is, in the long run, saving billions of dollars in investment in generation. And to your point of about reducing our dependence on foreign oil, this is not the first time that governments have tried to induce efficiency into the process, is it not? I mean, each automobile that we drive

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has certain kind of standards. Isn't that correct? The... the... actually the furnaces and the air conditioners that people buy, those... they have government-induced efficiency standards, isn't that correct?"

Hamos: "That is correct."

Flider: "So, really what we're talking about here is, in the long run, trying to... trying to forestall billions of dollars in investment that would be necessary due to the use of energy at a high cost when utilities have gone to the Illinois Commerce Commission and said we want to increase our prices to stop people from using power. That just doesn't make a whole lot of sense when you think about it, so it's been costing consumers an awful lot of money in order to control demand in the future. And then when you look at the future investment of generation, you have to ask yourself the question, who's going to be investing in this? You know, we don't see generators building base-load power plants anymore. We see them investing in peaker units, jet engine peaker units, natural gas peaker units. The price of electricity is high, the price of natural gas is high. And what are we... instead of base-load units, we're investing in these peakers. That doesn't make a lot of sense. And then when we do talk about some kind of base-load units like FutureGen, our communities are doing cartwheels trying to get the Federal Government and the State Government to invest in those kinds of facilities because nobody else is going to build them. So we as taxpayers, we as the government, it's the State and the Federal Government who's going to be investing in this because of our current energy

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policy in Illinois. So, this is really a move in the right direction to save money by being efficient, and if we're all more efficient, that's going to forestall the investment that's going to be needed in power plants which will cost billions and billions of dollars to build if we're not efficient and if we're not careful. Thank you. And I'd urge an 'aye' vote on your legislation."

Speaker Hannig: "Under the Rules of Extended Debate, now we've had five (5) speak in support and five (5) in opposition. And Representative Hamos, you're recognized to close."

Hamos: "Thank you. Ladies and Gentlemen, I appreciate this very thoughtful debate. I especially appreciate the previous speaker who pulled together a couple of strands in what we are doing as a state right now in thinking about energy policy and that's what this Bill really frames for us and... and focuses on. This is about really good sensible energy policy. Energy efficiency is the quickest and least expensive way to reduce our reliance on energy. It is inexpensive to include it in the construction of new homes, not later on for rehab, but if we build the building right in the first place, we have a chance at real savings to help our constituents with reduced heating and cooling bills. And I would really strongly appreciate an 'aye' vote."

Speaker Hannig: "And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 74 voting 'yes' and 38 voting 'no'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed. Representative Hoffman, you have House Bill 1930. Out of the record. Representative Howard, you have House Bill 3627. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3627, a Bill for an Act concerning finance. Third Reading of this House Bill."

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

Howard: "House Bill 3627 creates the Charitable Trust Stabilization Fund and for the purpose of making grants to public and private entities for certain purposes. The Department of Commerce and Economic Opportunity had a slight problem with it because they maintain that it's going to cost them money that I did not provide for, but they have agreed that if I'm able to get this into the Senate, that we can all work with the Senate in making that change."

Speaker Hannig: "The Lady has moved for the..."

Howard: "I'll take..."

Speaker Hannig: "Okay. The Lady has moved for the passage of House Bill 3627. This is on the Order of 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 Cultra, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 104 voting 'yes' and 7 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Joyce, you have House Bill 1839.

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Representative Krause, you have House Bill 2973.
Representative Krause, 2973. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2973, a Bill for an Act concerning
regulation. Third Reading of this House Bill."

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

Krause: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House, I present 2973. This Bill would state that the
Illinois Commerce Commission would create a Consumer
Education Program for both residential and small retail
customers. And it is to assist them in understanding their
options for energy conservation. The Bill goes on and
provides for a working group to be set up. They are to make
recommendations as to certain printed materials so it then
could go forward and the commission then would determine if
any should and the nature of having those. And again, it is
with the goal of assisting different types of consumers, as
the elderly, low-income, multilingual, minority, rural,
disabled customers. And the goal is, as I said, to direct
consumers to more ideas for electrical... for electricity
conservation. I'd be pleased to answer any questions."

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

Scully: "Thank you, Mr. Speaker. I rise in support of this
legislation and I want to thank Representative Krause for
the work she's done as the Minority spokesperson on the
Electric Utility Oversight Committee. I also want to commend
her for the sponsorship of this legislation. It does help
us achieve a more energy efficient state and reduce our

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reliance on these... these alternative sources of electricity.
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 Beaubien, Brady, Cole, Smith, do you wish to be recorded? Mr. Clerk, take the record. On this question there are 111 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1839."

Clerk Mahoney: "House Bill 1839, a Bill for an Act concerning education. Third Reading of this House Bill."

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

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1839 will change the School Code Waiver Law. Currently, schools can apply for a five (5)-year wavier and there is no limit to the number of waivers that they can renew... number of times they can renew that. 1839 will change that to (2) two years and limit the number of renewals to two (2) times. I'd be happy to answer any questions."

Speaker Hannig: "This is on the Order of 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 Cultra and Sommer, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 104 voting 'yes' and 8

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voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lyons, you have House Bill 2304. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2304, a Bill for an Act concerning local government. Third Reading of this House Bill."

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

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2304 is almost identical to House Bill 4161 which I ran through the House last year in the 94th General Assembly. Basically, there's some property on the northwest side of Chicago, it's in my district and Representative McAuliffe's district. This used to house the Dunning State Mental Facility back when we were in the industrial institutional housing of our mentally disabled. And part of that property's been parceled off for the last twenty, twenty-five (20,25) years and there's a certain parcel left that is adjoined by Wright College and the abandoned Horner School which was there for many years. It's been vacant for the last twenty (20) years. This allows the City of Chicago and Chicago Park District on a quit claim to go there and to make some proposals for use, keeping it public use in the possible form of a park district complex where they have a agricultural high school similar to which is on the south side of Chicago or an adjacent part to expanding Wright College. It takes the person who had some objections to this a year ago, a joint venture group that was going to develop some of the light industrial part of this property, out of the equation. They

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were opposed to it last year. I've been informed from Senator DeLeo who held this up last year in the Senate that they're now neutral on the Bill and would have no objection. But it is still somewhat controversial in the neighborhood. There are some people concerned about what exactly... exact details'll be... and involved in... the ultimate plan will be, but at least it lets the city have the green light to try to do something to keep this area green and of course, in public... public use. So I'd be happy to answer any questions."

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

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

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

Black: "Representative, I appreciate your honesty in your remarks 'cause I think this is somewhat controversial. What I don't understand is that the state sold this property at fair market value. Now, how do we turn around then and give it to a government entity?"

Lyons: "Representative, the parts that were sold at fair market value were done piecemeal over the last twenty- some years, long before I was a State Representative, so things were done... developed in different ways on this property. Wright College actually got part of it. I don't know how exactly that process happened. They got a parcel... this is about two hundred (200) acres of property, Representative Black. And there was a development group that was given an exclusive to further develop a light industrial park there that through

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legislation we passed here in the year 2000 gave them an exclusive to develop the property, never take title to it, but to develop it to light manufacturing. That has not been done for the last six (6) or seven (7) years. So, the local alderman, Alderman Tom Allen wants to see an extension of this property used for public purposes, which was the original intent of the Dunning family who this is named after. It was given to the state a hundred 100 years ago. So the fair market value issue was just a... once this was developed the state was to be reimbursed in light of the fact that this is going to be continued to be used for public purposes, a possible agricultural high school, a possible park, a possible extension of Wright College. This would be done on a quitclaim process to the City of Chicago and/or the park district. I hope this explains, Bill, what you're..."

Black: "Well, yes and no. In the 91st General Assembly we conveyed this property by quitclaim deed to Chicago Reed Joint Venture Limited Partnership, property from the former Chicago Reed Mental Hospital at Irving Park Road, Narragansett Avenue, Montrose and Forest Preserve Drive for fair market value and on terms and conditions necessary to bring about the orderly new development of such surplus property. So it would seem to me that the deed was recorded and money changed hands."

Lyons: "Representative, that's not my understanding of the Bill. The understanding of that Bill that was passed in 2000-2001, was to give somebody exclusive for the purpose of developing. They never took possession of it,

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Representative. If they had the Black and Lyons Company come in to develop it for some type of light industry, once they would negotiate the deal, then the fair market value would come from you and I as the developers. They never took the possession of it. They were the ones who were opposed to this last year and why it was held up in the Senate and now my understanding is that they're agreeable to not litigate any decision that we would make here and they're in favor of the Bill which was the concern in the Senate. So, I think there's a misconception when we talked about this Bill in committee and even prior to reintroducing the Amendment that does what I'm trying to do here. My best understanding, there was never any deeds given to the joint venture group that tried to develop this, there was only agreement to once somebody agrees to take the property, then the fair market value would be reimbursed to the state."

Black: "Well, parts of the... our staff differs from yours. They say, and you don't have to take possession of land, obviously, many of us buy a vacant lot or two (2) in our lives thinking it will accrue in value and we never take physical possession of it, but we're listed as the owner. And... and it's my understanding that this Reed Joint Venture Limited is the current owner of this parcel."

Lyons: "Representative, according to my staff, they are not. And... we talked about this in committee I believe when it came up that, ya know, this was never transferred from the state to this developer. They only had the exclusive rights to develop it."

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Black: "Well, part of this land has in fact been developed.
Eli's Cheesecake Factory..."

Lyons: "Pardon me, what..."

Black: "Is there not a cheesecake factory on part of this land?"

Lyons: "Yeah, Eli's Cheesecake is part of this. Oh yeah,
there's all kinds of development on this property,
Representative. Eli's Cheesecake was one of the anchors in
the industrial park there. The Chicago Tubular, there's some
light manufacturing. They did this in different phases.
New Horizons has a beautiful complex for children with
disability. There's a Senior Suites, a senior citizen
facility built there, a shopping center up on the north... on
Irving Park and Narragansett, you know, that..."

Speaker Hannig: "So, Representative Black, your time has time
has expired. One... we're going to move this to Short Debate,
perhaps someone would yield you five (5) additional minutes.
Representative Eddy, would you like to do that?"

Black: "That's fine."

Speaker Hannig: "'Cause it seems like you're... you still got some
questions. So Representative Black is recognized for (5)
five minutes."

Black: "Thank you very much, Mr. Speaker and thank
Representative Beaubien for the time. It's not my intent,
Representative, to... I don't know enough about the parcel to
be in favor of or opposed to. I... I am simply reiterating
what staff has told me. I don't think it's your intent to
recapture any of the territory that has been used or
developed. But staff on our side of the aisle feels very
strongly that the actual language of the Bill does not

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stipulate that fact. That the language of the Bill says, 'the state' well, not... not the state, 'the Chicago Park District will take back whatever land is in phase three development or any property that has already been declared as surplus property.' But, we can find no definition of what 'phase three development' is. What is 'phase three development'?"

Lyons: "All I can tell you, Representative, from my experience, it's a parcel of the property that was adjacent to this light manufacturing area that has been developed that has never been further developed. They were given an exclusive on this for five (5) or six (6) years, nothing has been deemed a worthy proposal for the use of this development for this property, and so it's gone nowhere. And the alderman there, who's initiated part of this, says there's a plan to try to do something with this along public lines. Again, things that I have explained previously..."

Black: "Well..."

Lyons: "...I don't want to eat up your time..."

Black: "No, I understand."

Lyons: "...on these questions."

Black: "How many acres were in the original parcel?"

Lyons: "Well, the original Dunning property, Representative, is probably two hundred, two hundred and twenty (200-220) acres of property."

Black: "And how much land are you actually talking about in the Bill?"

Lyons: "We're talking about forty (40) acres. There's about (40) forty acres east of Oak Park Avenue which is in my

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district, the other side is in Michael McAuliffe's district and it's all Senator DeLeo's district."

Black: "Have... have any members or principals of the Chicago Reed joint venture contacted you about their feelings on this legislation?"

Lyons: "Representative, they have not contacted me but they contacted Senator DeLeo who stopped the Bill last year in the Senate. He had an issue about what you're speaking of and now the joint venture group which has developed numerous properties, from my understanding..."

Black: "Okay."

Lyons: "...has agreed to not litigate this thing, not to get in the way of this legally..."

Black: "Okay."

Lyons: "...and have some kind of exclusive parcel on other property somewhere in Chicago."

Black: "Right."

Lyons: "I don't access to that information, Representative."

Black: "Okay. My last question has to deal with, since the property is being conveyed to a unit of government, no land appraisal will be done and that's in accordance with existing law. Do you have any idea what this forty (40) acres might be worth on the market place?"

Lyons: "I... I don't, but I'm sure... you know, it's Chicago real estate. It's... it's, you know, worth... you could build... there's condominiums built on other parcels here..."

Black: "Okay."

Lyons: "...there's unlimited..."

Black: "All right."

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Lyons: "...what things can be done here?"

Black: "All right."

Lyons: "I think the important thing also to understand here, Representative, is there's a large abandoned school property in this thing also, the Horner School which used to be a developmentally disabled school that's been sitting idle for probably close to thirty (30) years now. It's boarded up, CMS goes out there and tries to maintain it. It's a nightmare of an issue in the district as far as it's..."

Black: "Well, I..."

Lyons: "...boarded up. We have fly dumping we got..."

Black: "Yeah, I..."

Lyons: "...all kinds of problems..."

Black: "I think it's..."

Lyons: "...standing water, I mean..."

Black: "I think it's a safe assumption that you wouldn't be able to reopen that school because if we had a statewide energy efficiency standard it wouldn't meet it, right?"

Lyons: "Well, that's a possibility, yes."

Black: "That's what I thought. So, we'd probably have to tear that down. Representative, I don't... I'm relying on staff and... and I know you and I both depend on the expertise of our staff, we just have a number of questions about this. The... what we assume is the current ownership, what we thought in fact happened about four (4) or five (5) General Assemblies ago, and if there's 'no' votes on my side of the aisle or 'present' votes, I don't think it's a reflection on what... Well, I know it isn't, a reflection on you or the Bill or what you're trying to do in your district, it's just that

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we... we're just not exactly sure how we got into this situation and whether or not we can get out without some kind of legal action being taken against the state. Perhaps those more familiar with the process could ask you some questions and I'll certainly listen. But as always, I appreciate your honesty in your answers."

Speaker Hannig: "Representative McAuliffe."

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

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

McAuliffe: "Joe, and I know that while you're trying to respond to Representative Black's questions, I just wanted to bring a little history. There's been like a couple of different parcels of land in this last part which I guess would be phase three (3). I mean, in your words wouldn't you say the developer has no inclination of doing anything to this property except just leaving it desolate as it's been for the last fifteen (15) or twenty years (20)?"

Lyons: "Michael, if I understand your question right about... when we passed this what, back in 2000, an exclusive right was given to try to develop this to continue what was going on by Eli's and Chicago Tubular and in the last five(5) or six (6) years not... no proposal has come forward that has met the criteria of the local community, particularly Alderman Allen, who's 38th Ward this is. Was that the question? And as I..."

McAuliffe: "Yeah, yeah that's a question. Just to the... to the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

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McAuliffe: "What Representative Lyons is trying to do is... he inherited this part of the district that used to be part of mine. There is Eli's Cheesecake there, there's light industry there, there's senior housing there, what there also is, is a bunch of abandoned buildings. Chicago Reed used to house five thousand (5000) patients there. They've foregone... forgoing the eastern part of their campus part, and what we're trying to do is we tried to get the contractor to try and do something beside letting the grass grow. We had buildings knocked down at taxpayer expense and the developer just refuses to do anything. So, the community has come to Representative Joe Lyons and myself and asked for us to do something, and what I believe is in this Bill is Representative Joe Lyons is trying to get this parcel of land that does not... that the developer does not seem to want to do to get redeveloped to some type of green space and something better than what's there. So I urge an 'aye' vote. Thank you."

Speaker Hannig: "Representative Lyons to close."

Lyons: "I can't improve upon my... Representative McAuliffe's fine closing for me. And this... all I can tell you folks, I mean, if there are questions to be answered I'd like to move this over to the Senate. If there are some legal questions that could be clarified, I'd be happy to work with Senator DeLeo to make sure the Senate staff could satisfy any questions that aren't crystal clear, but I'd... certainly on behalf of my neighborhood, 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."

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mautino, do you wish to be recorded? Representative Mautino. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Brady, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Brady: "Ladies and Gentlemen of the House, would you please join me in giving a warm Springfield and Illinois House of Representatives' welcome to the Illinois Wesleyan University student nurses who are here in the gallery to my left from Bloomington/Normal, my legislative district, lobbying on nursing day nursing issues. Welcome to Springfield."

Speaker Hannig: "Representative Mendoza, you have House Bill 1900. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1900, a Bill for an Act concerning transportation. Third Reading of this House Bill."

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

Mendoza: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1900 is a Bill that would require the... I should say, would give the opportunity to the family members of a victim of a DUI crash, a DUI accident where the victims are deceased to be able to place a roadside marker memorializing the life of their loved one, but at the same time asking those who are transiting the highways to please not drink and drive. The roadside maker would say, 'Please do not drink and drive in memory of the name of the

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individual who was the victim of a DUI crash and the date that they died.' This came as a result of Tina Ball who was a very high profile case of a construction worker who was killed by a DUI driver and I think it's a really great way to be able to honor the victims of these crashes, give a little bit of closure and a little bit better feeling to their family members. Would eliminate also or hopefully discourage people from putting little makeshift road markers on the sides of the roads and just keep a uniform presence along our Illinois highways and at the same time, send a strong message to please not drink and drive because the result of drinking and driving oftentimes leads to deaths, too often in Illinois and other states. And we just look for your support and we'll be happy to answer any questions. Thank you."

Speaker Hannig: "We're going to move this to the Order of Standard Debate to recognize some of our Members. And Representative Black, you're recognized for (5) five minutes."

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

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

Black: "Representative, I thought when this was in committee you had done a rather good job. Let me just clarify a few things. The Department of Transportation is not opposed to this..."

Mendoza: "No, they're in favor of it."

Black: "...concept."

Mendoza: "Yeah."

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Black: "Well, I think they're neutral. I don't know if they're...
I don't know if they're wholeheartedly..."

Mendoza: "They're... they're in favor of it."

Black: "...in favor of it."

Mendoza: "From... yes, but thank you."

Black: "Well, I've talked to a lot of transportation workers
that aren't in favor of it, 'cause they have to go out and
put up the signs which they would prefer not to do."

Mendoza: "But it gives you the job, which is always a good thing
you know."

Black: "They have..."

Mendoza: "We're all about employment opportunities."

Black: "Well, they have plenty to do. It's my understanding and
these... these memorials have been put up for (50) fifty
years, often in places where they shouldn't be. They're a
traffic hazard or people will gawk. People come out to put
flowers, your Bill addresses all of that. If DOT thinks it's
in a hazardous area, then the signs... or the cross will not
be erected there, correct?"

Mendoza: "That's exactly correct."

Black: "Okay. And if one of the family members objects, then
the cross will not be placed there."

Mendoza: "That's correct."

Black: "Okay. Now..."

Mendoza: "We need to make sure everyone's in support of it in
the family."

Black: "Okay. What... there's a time line as I recall wasn't
there? The memorial would be erected and maintained for..."

Mendoza: "For two (2) years."

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Black: "...two (2) years. All right. I... I think your Bill is much better than what we've done in the past and I will speak just for my district. IDOT has always been very understanding about these things, but we did... we've had a couple that were right by the right-of-way and they've asked that they be taken down. I think this is a very reasonable approach, but what... what do we say if a fatality occurs and it was not DUI related, maybe it was reckless driving, speeding. One of the worst accidents in my district in recent history, somebody was going the wrong way on Interstate 74 and killed three (3) people. Now, do we tell these people that the loss of their loved one is not addressed in the Bill, they'd have to come back, or how are we going to handle things like that?"

Mendoza: "Yeah. Unfortunately, this particular piece of legislation only deals with DUI..."

Black: "Okay."

Mendoza: "...victims..."

Black: "Okay."

Mendoza: "...but that's something we can entertain for future..."

Black: "Yeah. And I..."

Mendoza: "Thank you."

Black: "...as I recall, one of the families who gave testimony, my daughter and son-in-law lived in Aurora at the time of that horrible crash, the students were attending Waubonsee, I believe that four (4)... four (4) young ladies were killed in that, and there was a memorial set up, as I recall, to the west of the intersection. So... and it was a drunk driver.

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So, I... I just think you've done a good job. I think you've addressed..."

Mendoza: "Thank you."

Black: "...most of the concerns that were expressed. I think you have IDOT on your side and I think there are enough safeguards, 'cause I have talked to some of the workers in my district who don't particularly want to put up two (2) or three (3) crosses in a high speed interstate area."

Mendoza: "Mmm mmm."

Black: "But again, your Bill gives ways to keep them out of harm's way, if that's what needs to be done. I congratulate you on the work you've done."

Mendoza: "Thank you, Representative."

Speaker Hannig: "The Gentleman from McLean, Representative Brady."

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

Speaker Hannig: "Indicates she'll yield."

Brady: "Representative, I want to ask a couple of questions and maybe this was cleared up earlier, I'm sorry, I was off the floor for a minute. But when fatalities would occur when I was county coroner, the families would quite often and go out and put up makeshift memorials to families and I know this is the whole premise of what you're starting off of. And I know in talking to Representative Black you did indicate and narrow down this would deal only with the fatality if it was related to DUI. Is that not correct?"

Mendoza: "Correct."

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Brady: "And who is the authority then that makes the final decision whether a memorial goes up?"

Mendoza: "The Department of Transportation. They're the ones who would determine whether or not to approve the application and the application would be filled out by a member of the family of the victim. But all members of... there could be no objection from a different family member to the marker or otherwise it won't be approved. So there has to be a full consensus if that's what the family wants, no opposition to it. And then depending on where the sign would go to the best judgment of IDOT would be whether or not they agree to approve the sign."

Brady: "And what's... what's the time frame then in which the memorial process could begin? In other words, after the coroner's inquest is final, is there pending litigation in civil court or criminal court? At what point in time is that..."

Mendoza: "Yeah. Keep going."

Brady: "...allowable?"

Mendoza: "My indication... well first of all, I don't think we stipulated that in the actual language of the Bill."

Brady: "Okay."

Mendoza: "But the language of the Bill says is that if your family member was a victim of a DUI-related accident, then at that point I'm assuming that there would be you know, police records or something indicating that the driver was... Oh okay, I'm sorry. A certified copy of the guilty plea, a verdict, or a finding by a judge, in the DUI-court case against the person who engaged in the DUI that resulted in

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the person's loss of life. So it's part of the application. It's not in the law, but the law says that as part of the application there would need to be that finding in order for the application to be approved."

Brady: "So... so, if I heard you correctly, Susana, a certified or a... a..."

Mendoza: "I'll repeat it."

Brady: "...report..."

Mendoza: "I'll repeat it. It would be a cert..."

Brady: "...to IDOT?"

Mendoza: "...a certified copy of the guilty plea. This would have to be part of the application. A verdict or a finding made by a judge in the DUI-court case against the person who engaged in the driving under the influence that resulted in the loss of the decedent's life."

Brady: "Okay."

Mendoza: "So, it would be clearly a victim of a DUI."

Brady: "Okay. Thank you. I couldn't hear... I couldn't hear that."

Mendoza: "No problem, thanks."

Brady: "I guess I'm just getting older. This has nothing to do with county highways, is that correct? Only state?"

Mendoza: "It's state highways. And the... IDOT is commissioned to work with local municipalities and any other person or government unit that might have an interest in making sure that those signs go up in the right location and aren't infringing upon any one else's rights."

Brady: "And so within IDOT there'll be some individual or division in charge of this. The family pays?"

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Mendoza: "The family pays for now, but we've actually considered coming back later on and amending this or creating a new Bill that would create a fund that would be paid for by actual DUI offenders that would help pay for these signs in the future."

Brady: "And what is the cost on average..."

Mendoza: "Roughly..."

Brady: "...what are they estimating?"

Mendoza: "...the department has estimated about a hundred and twenty dollars (\$120.00) or so..."

Brady: "Okay."

Mendoza: "...but they're only going to charge whatever the cost of the sign would be."

Brady: "And how long does that sign stay erected?"

Mendoza: "For two (2) years, Representative."

Brady: "Okay. All right. Thank you very much, Representative."

Mendoza: "Thank you."

Speaker Hannig: "Representative Ramey."

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

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

Ramey: "Thank you. Representative, I was in committee on this Bill... thank you for what you've done for this. Just a couple of questions. What's the size of the sign again?"

Mendoza: "Let me find that for ya. I don't remember off the top of my mind. Let me see... Um okay. I don't... you know what... now that I think about it, I don't think we have the actual measurements in here. The department would be responsible for coming up with a model of the sign. What it would,

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though... what we have in the Bill is what it would what would go on the actual sign."

Ramey: "And it was unif... but it was unified... a universal size, right?"

Mendoza: "Yeah. They're going to be same..."

Ramey: "Correct."

Mendoza: "They would... one size for, ya know, all."

Ramey: "Right. And the price of that was going to be?"

Mendoza: "Roughly, their estimate was about a hundred and twenty to a hundred twenty-five dollars (\$120-\$125). It could be more or less, but it would only be for the actual cost and maintenance of the program."

Ramey: "Okay. And why haven't we made the DUI guy pay for it?"

Mendoza: "Well, we don't have a fund created for that, but I anticipate doing that next and actually working with you on that because we should not only create a fund, but make sure it's a fund that the Governor cannot sweep and that is paid for by the DUI offenders."

Ramey: "Absolutely. I commend you on your Bill and wondering why you didn't put me on it yet?"

Mendoza: "Oh, you should be on. So, I'll make sure you're on right now. Thank you."

Ramey: "Thank you very much, Representative."

Speaker Hannig: "Representative Mendoza to close."

Mendoza: "Well, thank you very much for your attention. And would ask for your support. 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

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voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Turner, for what reason do you rise?"

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd like at this time if you would recognize our guests here from the Chicago International Trade Commissioners Association. And I'm going to try to briefly run through their names; we have about fifteen (15) people here. Cor Hersbach who's the Consul General from the Netherlands, Enrique Alejo who's with the Trade Commission of Spain, Kanya Amornteerakul who's with the Thai Trade Center, Noa Asher with the Government of Israel Daniel Bangser who's with the Consul General of Switzerland, Vladyslav Dovhopiat who's with the Trade Commission of the Ukraine, Asad Hayauddin who's with the Pakistan Trade and Commerce, Lucyna Jaremczuk who's with the Consul General of Poland, Tadas Kubillus who's with the Consul General of Lithuania, Martine Leclercq who's with the Wallonia Trade and Economic Consul, Charles Manuel who's with the South African Consul General, Endang Mardeyani who's with the Consul General for the Republic of Indonesia, Miklos Kovacs who's with the Hungarian Investment & Trade Development Agency, Glenn Penaranda who's with the Philippine Consul General, Claude Stomp with the Flaunders Investment and Trade, K. Sukomaran with the Malaysian Industrial Development, and Richard Tam who's with the Hong Kong Trade Development Consul. They're in the gallery behind me. Let's

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give them a State of Illinois welcome. Welcome to Illinois, gang."

Speaker Hannig: "Mr. Clerk, read House Bill 1775."

Clerk Bolin: "House Bill 1775, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Bradley."

Bradley, J.: "Thank you, Mr. Speaker. This is a Bill proposed by the Health Care Association, supported by AARP. I don't know of any opposition to it. It increases the requirements for a director of an assisted living nursing home from one (1) to two (2) years and increases the continuing education from sixteen (16) to twenty (20) hours. I'd ask for an 'aye' vote."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand 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? Repr... Okay. Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mitchell, Bill Mitchell, on House Bill 306. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 306, a Bill for an Act concerning criminal law. Third Reading of this Bill."

Speaker Hannig: "The Gentleman from Macon, Representative Mitchell."

Mitchell, B.: "Yeah. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 306 makes unauthorized

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video recording and live video transmissions of tanning beds or tan... in tanning salons a Class IV felony rather than a Class A misdemeanor. This is a situation that happened in Decatur. A lady was videotaped against her will as she was tanning and got a real slap on the wrist or the perp... who did that, just got a slap on the wrist and she was upset about it and asked me to file this legislation."

Speaker Hannig: "This is on the Order of Short Debate. And on that question, the Gentleman from Cook, Representative Fritchey."

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

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

Fritchey: "Would this apply to all unauthorized videotaping now? There was recently a case that made a lot of headlines involving a school district where there was some activity that was allegedly videotaped without authorization. Would this apply to that?"

Mitchell, B.: "This is just narrow; it applies to tanning beds and tanning salons."

Fritchey: "Why would we not want to... my understanding is that videotaping is not covered in eavesdropping? Why wouldn't we want to take this protection of privacy and expand it to all situations?"

Mitchell, B.: "Well, if you'd like to, certainly you'd be more than willing to do this. This was just a very narrow situation that happened in my legislative district dealing with tanning and so I made it really a... crafted it very narrowly."

Fritchey: "Okay. Thank you."

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Speaker Hannig: "Representative Scully."

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

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

Scully: "Representative, are you familiar with the eavesdropping statute in the Criminal Code?"

Mitchell, B.: "I am not."

Scully: "It's my understanding that the eavesdropping statute..."

Mitchell, B.: "I beg your pardon?"

Scully: "It's my understanding that the eavesdropping statute specifically prohibits any type of audio or visual recording of a person without their permission."

Mitchell, B.: "That could be. That's the first I've heard of it, Representative Scully."

Scully: "Are you concerned about passing duplicative legislation? Passing a statute to make something criminal that is already criminals..."

Mitchell, B.: "You know in drafting this Bill, Representative, I was not made aware of that, so it's hard for me to comment on it. Our staff, when I went to them with this problem, had not discussed that with me so it's... I'm a little bit of a loss to answer... I'm not familiar with the eavesdropping statute and how it would be applicable or not applicable to this situation."

Scully: "We do under..."

Mitchell, B.: "Representative Scully, this was already in statute in terms of it being a misdemeanor and we're just making it a Class IV felony. The person who was a victim of this crime... the person... the criminal who did this, in her opinion, didn't get... got off with no jail time, got off with

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a slap on the wrist. And the young lady who was the victim viewed this as not being a... not being appropriate to the crime."

Scully: "Is this an Amendment to the eavesdropping statute?"

Mitchell, B.: "I beg your pardon, Representative Scully. I couldn't hear you."

Scully: "Is this an Amendment to the eavesdropping statute?"

Mitchell, B.: "No."

Scully: "Okay. Thank you."

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

Speaker Hannig: "Representative Bost."

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

Speaker Hannig: "Indicates he'll yield."

Bost: "Representative, as of right now, this is illegal, is just a Class A. Is that correct? Is that what..."

Mitchell, B.: "That is correct."

Bost: "And... I carried a Bill similar several years ago but it didn't deal with tanning beds, it was when we were having the problems with people actually carrying cases with camera equipment into the malls and things like that and..."

Mitchell, B.: "Yes, I do."

Bost: "And you remember that legislation? Has this been... do you know how many people have actually been charged with this under a Class A misdemeanor around the state? Has it been a big problem or..."

Mitchell, B.: "To my knowledge it has not been a... hopefully, it's not a big problem, but it's happened at least twice in my legislative district."

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Bost: "Well... let me... let me just say... Mr. Speaker, to the Bill. You know, if something like this is... it should be a lot more than Class A misdemeanor, but I commend the Sponsor on carrying this legislation. As times change and we get unique crimes like this, we should be very strict on them. Thank you."

Speaker Hannig: "Representative Mitchell to close."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a... this woman who had this happen to her felt she said that this was similar to her being violated. With the advent of technology, people have these newfangled cameras where you can videotape without a person's consent, but we think that this is appropriate to the offense in terms of making it a Class IV misdemeanor... excuse me, a Class IV felony. And I would 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 112 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Nekritz, you have House Bill 680. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 680, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Hannig: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 680 establishes a panel to study the feasibility of a biological monitoring program in our state."

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Biological monitoring is the direct measure of chemicals in the human body. This legislation calls for a report to be prepared by the University of Illinois in Chicago, the Great Lakes Center for Occupational Environmental Safety and Health that will recommend activities and estimate the cost of establishing an Illinois Environmental Contaminant Biomonitoring Program. Currently, the Centers for Disease Control and Prevention conducts a nationwide biomonitoring program, but it only tests about two thousand (2000) people a year across the nation. The CDC encourages states to adopt their own programs. A statewide biomonitoring program will help provide data that will help scientists, researchers, public health experts and community members explore linkages between chemical exposures and health concerns. The Illinois EPA and the Department of Public Health will establish a scientific guidance panel composed of eleven (11) members who will meet to provide guidance to the UIC, make recommendations regarding the design and implementation of a biomonitoring program and recommend chemicals that are priorities for biomonitoring. There was some opposition to this Bill in committee. We have worked that out with the Chemical Industry Consul and this is now an agreed Bill. Or I guess there's no opposi..."

Speaker Hannig: "This is on the Order of 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 113 voting 'yes' and 0

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voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Phelps, you have House Bill 1847. Representative Phelps. Out of the record. Representative Pritchard, you have House Bill 3597. Representative Pritchard. 3597. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3597, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Pritchard."

Pritchard: "Ladies and Gentlemen of the House, this Bill is one that we have worked on for over a year in bringing agreement between all parties that deal with preannexation agreements in municipalities. What this Bill does it puts some limit on to what now is a limited... limitless ability of municipalities to reach out and annex property well beyond a reasonable planning horizon. This Bill would set some standards that allow a municipality to still reach out a mile and a half, but in counties that want to retain control it allows that county by a superior majority vote to retain regulations in the area beyond a mile and a half. It's an area that I've had... or an issue that I've had a number of communities support. There is a situation very close to my district where one community is threatening to annex property in the backyard of a second community and thereby circumvent their local zoning authority. It's a good Bill. It's a Bill that has no opposition that I'm aware of. I would ask for your support."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this

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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? Repre... Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Reis, you have House Bill 3289. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3289, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3289 will allow... for the election of the Board of Trustees to the University of Illinois. Right now they're appointed by the Governor. This will go back to a practice that we practiced for years, but it will set up provisions where each board of trustee member will be elected from each of the Illinois Supreme Court districts. Voters need input on this very important issue. We're talking about an institution with over a three billion dollar (\$3,000,000,000) annual budget. And I think that we should have more public input into the board of trustees' elections. Appreciate an 'aye' vote."

Speaker Hannig: "This is on the Order of 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 113 voting 'yes' and 1

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voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Rita, do wish us to call House Bill 855? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 855, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 855 requires any parolee that has been required to participate in a community based sanctioned program as an alternative to reincarceration due to a technical parole violation to serve the full term of their parole. This Bill would apply... the amount of time that the parolee was absent without leave to the end of the parole term, thereby ensuring that the proper amount of time that was put on the parolee was to be served. There's no known opposition to this legislation and there's no fiscal impact on the Department of Corrections. Be happy to answer any questions."

Speaker Hannig: "This in on the Order of 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 Brady, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared

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passed. Representative Currie, for what reason do you rise?"

Currie: "Thank you, Speaker. I had intended to vote 'no' on House Bill 3289 and I would hope the record would so reflect."

Speaker Hannig: "The record will reflect your intentions, Representative. Representative Smith, you have House Bill 1998. Would you like us to read that Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1998, a Bill for an Act concerning sex offenders. Third Reading of this House Bill."

Speaker Hannig: "Representative Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is legislation addressing the issue of missing sex offenders, and would require the Department of State Police to develop a separate database or a designation on their database listing all of those sex offenders who are currently unidentified or missing. They currently have that designation on their Web site, but this would compile those in one list and make them available for the public, and obviously, the intent is to make that information available to the public and to seek their support and assistance to law enforcement in helping to find the whereabouts of these missing sex offenders. I know of no opposition to the Bill. I'd be happy to answer any questions."

Speaker Hannig: "This is on the Order of 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

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who wish? Have all voted who wish? Representative Durkin, Howard, Reis. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Sommer on House Bill 1878. Mr. Clerk, read the Bill. 1878... 76, excuse me."

Clerk Bolin: "House Bill 1876, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Hannig: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1876 makes a change in the Election Code. Specifies that those communities that by election or by referendum become Home Rule they must notify the Secretary of State forty-five (45) days after the election. This eliminates the provision that requires prior to the election."

Speaker Hannig: "This is on the Order of 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 Leitch, McAuliffe, Rita, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Turner on House Bill 1380. Out of the record. Representative Verschoore on

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House Bill 410. Representative Fritchey, I'm advised that...
Mr. Clerk, what's the status of House Bill 8?"

Clerk Mahoney: "House Bill 8 is on the Order of Third Reading."

Speaker Hannig: "Representative, I'm advised you want to move
this back to Second?"

Fritchey: "Speaker, I'd like to move this back to Second for the
purpose of making a Motion to Table."

Speaker Hannig: "Okay. So Mr. Clerk, move this back to the
Order of Second Reading. And Representative Fritchey's
recognized on a Motion to Table."

Fritchey: "Thank you, Speaker. My apologies for the delay to
the Body. Simply put, I made an error in adding Amendments
onto this Bill. It is my desire right now to table
Amendment #2."

Speaker Hannig: "Gentleman moves to table Amendment #2. Is
there leave to use the Attendance Roll Call? Leave is
granted, the Motion is adopted and the Amendment is tabled.
Is there any further Amendments?"

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

Speaker Hannig: "Do you want to move this to Third?"

Fritchey: "Inquiry of the Chair. In letting the Motion to Table
Amendment 3 which was previously adopted would now be in
order, is that correct?"

Speaker Hannig: "Sorry, could you repeat your question?"

Fritchey: "We had adopted Amendment 2 then we had adopted
Amendment 3. We moved the Bill to Third. We just moved it
back. I've tabled Amendment 2. It would be my
understanding that procedurally Amendment 3 would be in

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order, and so if we move this Bill to Third Reading it would be moved to Third Reading as amended by Amendment 3."

Speaker Hannig: "Mr. Clerk, are there any other Amendments pending?"

Clerk Mahoney: "Floor Amendment #3 was already adopted to the Bill. No further Amendments are pending."

Speaker Hannig: "So 2... So, I'm advised by the parliamentarian that Amendment #3 now is in order, Representative and adopted."

Fritchey: "Okay. Thank you. In that case I'd like to move it to Third Reading, Speaker. Thank you."

Speaker Hannig: "Okay. So..."

Fritchey: "Thank you, Tim."

Speaker Hannig: "...so Mr. Clerk, Third Reading. Mr. Clerk, let's read House Bill 1470."

Clerk Mahoney: "House Bill 1470, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Rock Island, Representative Verschoore."

Verschoore: "Mr. Speaker, I'd like to move the Bill back to Second for a possible Amendment."

Speaker Hannig: "Okay. So, we're going to return this to the Order of Second Reading at the request of the Sponsor. And Representative Verschoore, shall we read House Bill 410?"

Verschoore: "Mr. Speaker, 410 was the one I wanted to move back. 1470 I want to move forward on."

Speaker Hannig: "So... so, on 410 let's move that to the Order of Second Reading at the request of the Sponsor. And now, Mr. Clerk, read House Bill 1470."

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Verschoore: "I want... I want... Mr. Speaker, I want to take this one out of the record for a min... for the time being also."

Speaker Hannig: "We have moved it back to Second Reading, I think in error, Representative, but we could move it to Third. It's been read a second time..."

Verschoore: "Four... 1470 I want to take out of the record, 410 I want to move back to Second."

Speaker Hannig: "So, out of the record at the request of the Sponsor. Representative Crespo, I'm advised you wish us to read House Bill 1434? So, is that correct?"

Crespo: "For purposes of... to table Amendment #1."

Speaker Hannig: "Okay. So, let's re..."

Crespo: "And adopt..."

Speaker Hannig: "So let's return..."

Crespo: "...Amendment #2."

Speaker Hannig: "Let's return that to the Order of Second Reading. And now the Gentleman... is there a Motion to Table Mr. Clerk? Okay. So, what Amendments... what Amendments are pending, Mr. Clerk?"

Clerk Mahoney: "Floor Amendments 1 and 2 have been recommended for adoption and offered by Representative Crespo."

Speaker Hannig: "So what is your pleasure on Amendment #1, Representative?"

Crespo: "We want to table Amendment #1."

Speaker Hannig: "Okay. So, we'll actually withdraw Amendment #1. Is there any further Amendments?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Crespo, has been approved for consideration."

Speaker Hannig: "Representative Crespo on the Amendment."

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Crespo: "And Amendment #2 basically allows a four-year state colleges, gives them the refuse... the right of first refusal."

Speaker Hannig: "Is there any discussion? Then all in favor of the Gentleman's Motion to adopt 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. Am I... and I'm... I am advised, Mr. Clerk, that Representative Phelps wishes to move House Bill 1847, 1847, from Third Reading to Second. So that'll be on Second Reading, Mr. Clerk. We're going to... we're going to go to the Order of Second Reading for a while. And so, Representative... Representative Arroyo, you have House Bill 3434. Out of record. Okay. Representative Beiser on 894. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 894, a Bill for an Act concerning regulation. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Brosnahan, you have House Bill 1798. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1798, a Bill for an Act concerning civil law. Second Reading of this Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Brosnahan, has been approved for consideration."

Speaker Hannig: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. I'd move to adopt Floor Amendment #1. This Amendment removes the language dealing

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with the contributory negligence of a beneficiary in a wrongful death suit. The Amendment removes the opposition with the Illinois Insurance Association and the Property Casualties Insurance Association of America. These groups are now neutral on this Bill. And I'd ask that it be adopted."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black on the Amendment."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, if House Amendment #1 is adopted, what then is the substance of the Bill?"

Brosnahan: "The substance of the Bill that it would only allow juries to award damages for grief, sorrow, and mental suffering in a wrongful death action. It would not have anything to do with contributory negligence, so it takes that part that involve contributory negligence totally out of the equation and that's why the insurance industry is now neutral on the Bill."

Black: "So, what will be the new class of damages that a party would seek?"

Brosnahan: "It's grief, sorrow... it just adds grief and suffering. A loss to society is already something that a jury can award. This just allows grief and suffering to be considered by the jury."

Black: "Will these damages be capped under the Medical Malpractice Act of a year or two (2) ago?"

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Brosnahan: "Representative, grief and sorrow and all those, those are all noneconomical damages anyway. This does nothing to affect the cap on noneconomic damages. The cap will remain the same. This is not a way around the cap. This is just simply a way for the jury to consider the grief and suffering of an aggrieved party. Right now, they can consider loss to society, this just allows them to consider grief and suffering, as well. But it does nothing... it does not affect the cap in any way."

Black: "All right. What... how does one... how does one quantify grief? I mean, I've been there and I'm sure all of us have, but how... how does one quantify grief when it comes to monetary damages?"

Brosnahan: "Representative Black, I'm not sure if maybe this is something we should talk about on Third Reading. To me, that does not really deal with the Amendment. The Amendment just takes out the language from... about contributory negligence, so I'd be more than happy to answer question, but I think maybe that's something we could talk about on Third Reading."

Black: "Well, I think... I think the basic substance of the Amendment is grief and suffering, isn't it? Isn't that the substance of Amendment #1?"

Brosnahan: "That's right."

Black: "Okay. I mean, that's... I don't know how you'd quantify that. How would a jury be able to put a monetary award on a person's grief?"

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Brosnahan: "Well... I... I guess they would just have to listen to the evidence that's presented and make an informed decision as a group. And that's how they would do it."

Black: "In your opinion, does this Amendment violate the agreement that we had in 19... in 2005 on the medical malpractice litigation?"

Brosnahan: "Does it break the agreement? No."

Black: "All right. Thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, to the Amendment. I'm not going to ask for a Roll Call on the Amendment, we'll debate that on Third Reading. But I... I think this Amendment clearly violates the intent of the 2005 cap on noneconomic damages. And I really think and in all due respect to the Sponsor, who I not only respect but like and cosponsor a number of Bills with him, in the overall scheme of things I look at this Amendment as another opportunity to test the 2005 malpractice law to see if it can be ruled in fact unconstitutional. And if that happens, then we're right back where we were in late 2004, early 2005, where the Medical Malpractice Bill was brought to us primarily from Democrats in southern Illinois. Particularly, the Metro East area. I... I oppose the Amendment; I'll oppose it on Third Reading and I hope that all of you will take a look at it, because those of you who felt so strongly on that side of the aisle, that you were often at odds with your Leadership in both the Senate and the House. We reached, with the Speaker's good offices, I think, a reasonable compromise in 2005. Now, we're beginning to chip away at that agreement and we're beginning to give

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standing, if you will, for additional challenges to the Medical Malpractice Act of 2005. If that happens, those of us in downstate who had to fight so hard in order to get a compromise, a reasonable compromise in 2005, we're going to be right back where we started and I don't want to go back there again. I lost too many doctors in 2004 and I'd really prefer not to go back there. I stand in opposition to the Amendment."

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

Clerk Mahoney: "No further Amendments. However, notes have been requested and not yet received."

Speaker Hannig: "Okay. So, Representative Brosnahan, did you hear the Clerk? There's been some note requests, so the Bill has to remain on Second Reading. Representative Burke, you have House Bill 1478. Would you like us to read that on Second? Okay. Out of the record at the request of the Sponsor. Representative Beaubien, you have House Bill 1622. Out of the record. Representative Black on House Bill 587. On Second Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 587 has been read a second time, previously, a Bill for an Act concerning elections. No Committee Amendments. Floor Amendment #1, offered by Representative Black, has been approved for consideration."

Speaker Hannig: "Representative Black on the Amendment."

Black: "Thank you very much, Mr. Speaker. Floor Amendment #1 adds to the Bill. It clarifies my intent that those enrolled in Illinois community colleges be eligible to be a

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student election judge. That wasn't clear in the underlying Bill. That's all the Amendment does."

Speaker Hannig: "Is there any discussion? Then all in favor of the Amendment say... Oh, excuse me, Representative McCarthy on the Amendment."

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

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

McCarthy: "Representative, does the Bill address the course work that would be missed on the day of the election? Whose responsibility is it to either make it up or make it available to be made up? Like if a test is given that day, does it say that the professor would have to redo the test later?"

Black: "I... I would assume, having worked in a community college for ten (10) years, that that's going to be left up to the instructor and/or the administrative staff at that community college. I don't assume and it's not my intent that this be automatic, that you will make application to be an election judge. If your instructor or your advisor or counselor however your community college is governed, works that out then I assume it would be an excused absence. If on the other hand an instructor would say, no, no, no, we have the biggest exam of the semester and if you miss, you're on your own, then I'd think again. Dealing with students of community college age, it's a decision that they certainly would know how to make."

McCarthy: "Okay. But the legislation itself does not at this time say that it's automatically an excused absence?"

Black: "That's correct."

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McCarthy: "Okay. Thank you."

Black: "Yep."

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

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

Speaker Hannig: "Third Reading. Representative Chapa LaVia on 1977. Do you wish us to read that on Third? Out of the record. Representative Coladipietro on House Bill 3767. Do you wish us to read that on Third? Out of the record. Representative D'Amico on House Bill 2749. Okay. Out of the record. Representative Eddy on House Bill 261. Mr. Clerk read the Bill."

Clerk Mahoney: "House Bill 261, a Bill for an Act concerning schools. Second Reading of the House Bill. Amendment #2, offered by Representative Reddy... Eddy, has been approved for consideration."

Speaker Hannig: "Representative Eddy."

Eddy: "Thank you, Mr. Speaker. Amendment #2 adds a portion to the bid law that says school boards have to either award electricity contracts involving expenditures in excess of twenty-five thousand dollars (\$25,000) to the lowest possible bidder or they must go through an RFP process for awarding that contract. If the school district is in a utility consortium this then requires that that consortium bid contracts of over twenty-five thousand dollars (\$25,000)."

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

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

Speaker Hannig: "Third Reading. Representative Flider on House Bill 736. Do you wish us to read it? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 736, a Bill for an Act concerning regulation has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Flider, has been approved for consideration."

Speaker Hannig: "Representative Flider."

Flider: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Amendment #1 clarifies language in the underlying Bill regarding ex parte communications and due process. And I'd ask for an 'aye' vote."

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

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

Speaker Hannig: "Third Reading. Representative Ford, you have House Bill 1361. Do you wish us to read that Bill? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1361, a Bill for an Act concerning regulation. Second Reading of this House Bill. Amendment... No Committee Amendments. Amendment #1, offered by Representative Ford, has been approved for consideration."

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Speaker Hannig: "Representative Ford on the Amendment."

Ford: "Thank you, Mr. Speaker and Members of the House. Amendment #1 simply provides that the licensee acting as a real estate broker escrowee will be able to transfer the money to the Treasurer's Office if six (6) months has elapsed and the buyer or seller or any principal to the party authorized the release. Thank you."

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

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

Speaker Hannig: "Third Reading. And Representative Ford, you have House Bill 3602. You wish us to read that? Okay. Out of the record. Representative Golar on House Bill 1398. Out of the record. Representative Graham on House Bill 415. You wish us to read that on Second? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 415, a Bill for an Act concerning insurance. No committee Amendments. Floor Amendment #1, offered by Representative Graham, has been approved for consideration."

Speaker Hannig: "Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 limits the insurance to the state level if the person... the family member is interested in the insurance... it's only per request only. There's no opposition to the Bill."

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

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

Speaker Hannig: "Third Reading. Representative Granberg on House Bill 161. Out of the record. Representative Hamos on House Bill 742. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 742, a Bill for an Act concerning civil law has been read a second time, previously. Floor Amendment #1, offered by Representative Fritchey, has been approved for consideration."

Speaker Hannig: "Representative Fritchey. Representative Fritchey on the Amendment. I'm advised there's three Amendments. Representative Fritchey has Amendment #1. So, this is Amendment #1, 2 is still in Rules and Representative Hamos has Amendment #3. So, Representative Fritchey, what's your pleasure?"

Fritchey: "We'd like to table Amendment Speaker."

Speaker Hannig: "Draw... withdraw Amendment #1."

Fritchey: "Thank you."

Speaker Hannig: "Are there any further Amendments, Mr. Clerk?"

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

Speaker Hannig: "Representative Hamos."

Hamos: "Thank you. Ladies and Gentlemen, Amendment #3 basically takes the Whistleblower Act which applies to local governments and local school districts and puts it back into the same position as the underlying Bill. It supersedes

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what the... the Amendment that was just tabled. And we will debate it on the Third Reading. Thank you."

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

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

Speaker Hannig: "Third Reading. Representative Harris on House Bill 3490. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3490, a Bill for an Act concerning local government. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Representative Jakobsson, on House Bill 1453. Representative Jakobsson do you wish us to read 1453? Okay. Out of the record. Mr. Clerk, read House Bill 161."

Clerk Mahoney: "House Bill 161, a Bill for an Act concerning transportation has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Lyons, has been approved for consideration."

Speaker Hannig: "Representative Lyons."

Lyons: "Thank you, Speaker. Amendment #2 simply adds the right to paratroopers. It's a Bill I've tried to run for five (5) or (6) six years. Gives paratroopers the right to get a license plate made in their honor."

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

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

Speaker Hannig: "Third Reading. Representative Jakobsson, you have House Bill 682. 682. You wish us to read that? Okay. Out of the record. Representative Jefferies on House Bill 2734. You wish us to read that Bill on Second? On Second? Out of the record. Representative Jefferson on House Bill 1719. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1719, a Bill for an Act concerning local government. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Jefferson, do you wish us to read 1141? 1141. We just moved 1719. Now, do you wish us to read 1141? Out of the record. Okay. Out of the record. Representative Mautino on House Bill 1628. Out of the record. Representative... Representative Mc... Oh, I'm sorry. Mr. Clerk, return to House Bill 1628 and read the Bill."

Clerk Mahoney: "House Bill 1628, a Bill for an Act concerning regulation. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Mautino, has been approved for consideration."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Speaker. Floor Amendment 1 takes out the provisions in 1628 which would have removed the copay requirements in the All Kids Program. This has been done in discussion with the departments. It's an initiative which came from the Med Society on the Bill itself. And these

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languages were done by agreement, so I'd ask that that gets placed into the Bill. And ask for its adoption."

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

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

Speaker Hannig: "Third Reading. Representative Lindner, you have House Bill 3678. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3678, a Bill for an Act concerning children. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Lindner, has been approved for consideration."

Speaker Hannig: "Representative Lindner."

Lindner: "Thank you. I just ask for the adoption of the Amendment which says that if DCFS... when is reported that there is an infant with a controlled substance in their blood that that should be reported to the state's attorney."

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

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

Speaker Hannig: "Third Reading. Representative McCarthy, on House Bill 2632. You wish us to read that Bill? Mr. Clerk, has there been Amendments approved on House Bill 2632?"

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Clerk Mahoney: "Floor Amendment #1, has been approved for consideration, offered by Representative McCarthy."

Speaker Hannig: "So out of the record at the request of the Sponsor. Representative Nekritz, you have House Bill 1421. On Second Reading. Should we read the Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1421, a Bill for an Act concerning public safety. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Nekritz, has been approved for consideration."

Speaker Hannig: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Amendment #2 is an Amendment that was discussed in committee moving some dates to be consistent with a report that was issued by the EPA on these flame retardants."

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

Clerk Mahoney: "No further Amendments. However, notes have been requested and not yet received."

Speaker Hannig: "Okay. So this... did you hear that? They'll be... there's some requests for notes, Representative Nekritz. Representative Osterman, you have House Bill 1805. You wish us to read that? On Second. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill... House Bill 1805, a Bill for an Act concerning health. Second Reading of this House Bill. Amendments 1 and 2, offered by Representative Osterman, have been approved for consideration."

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Speaker Hannig: "So, on Amendment #1, Representative Osterman."

Osterman: "Amendment #1 becomes the Bill and it sets up a pilot program dealing with lead paint poisoning. Ask that it be amended."

Speaker Hannig: "So there's two Amend..."

Osterman: "Or adopted."

Speaker Hannig: "...there's two Amendments. You wish us to adopt both of them?"

Osterman: "I'd like to adopt Amendment #1 and 2."

Speaker Hannig: "Okay. So, is there any discussion on Amendment #1? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Osterman, has been approved for consideration."

Speaker Hannig: "Representative Osterman."

Osterman: "Thank you, Mr. Speaker. Amendment #2 just specifies the number of pilots is two (2) in this legislation. I'd ask the Amendment... be adop... amended... adopted."

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

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

Speaker Hannig: "Third Reading. Representative Phelps, you have House Bill 825. Okay. Out of the record. Representative Sommer on House Bill 1875. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1875, a Bill for an Act concerning transportation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hannig: "Third Reading. Representative Tryon, you have House Bill 3728. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3728, a Bill for an Act concerning regulation. Second Reading of this House Bill. No Committee Amendments. Floor Amendment 1 and 2, offered by Representative Tryon, have been approved for consideration."

Speaker Hannig: "So, on Floor Amendment #1, Representative."

Tryon: "Mr. Speaker, I'd like to withdraw Floor Amendment #1 and replace it with Floor Amendment#2."

Speaker Hannig: "Okay. So, Floor Amendment #1 is withdrawn. Mr. Clerk, are there further Amendments?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Tryon, has been approved for consideration."

Speaker Hannig: "Representative Tryon."

Tryon: "Yes. Floor Amendment #2 to House Bill 3728 is an agreed Amendment between IDPH and IEPA. And what this simply does is there's been a lot of discussion in our states about the need to obtain an NPDS permit for residential wastewater discharges that have been allowed to be constructed in our state for the last fifteen (15) years and we've not ever been able to come to any kind of agreement on this permitting system. And this simply states that if we don't have a permit system by January 1, 2009, for our citizens to be able to comply with NPDS regulations of the U.S. Environmental Protection Agency that we will quit constructing these types of discharges."

Speaker Hannig: "The Gentleman moves for the adoption of the Amendment. Is there any discussion? Then all in favor of

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the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it.
The Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Third Reading. Representative Watson, you have
House Bill 1253. Clerk, read the Bill."

Watson: "Is there an Amendment?"

Clerk Mahoney: "House Bill 1253, a Bill for an Act concerning
public employee benefits. Second Reading of this House
Bill. No Committee Amendments.

Watson: "The Amendment ..."

Clerk Mahoney: "Floor Amendment #1, offered by Representative
Watson, has been approved for consideration."

Speaker Hannig: "The Gentleman from Morgan, Representative
Watson."

Watson: "Thank you, Mr. Speaker. I move to adopt Amendment #1
which simply pulls the IMRF out of this Bill at their
request. I know of no opponents of this Amendment. Thank
you."

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

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

Speaker Hannig: "Third Reading. And Representative Watson, you
also have House Bill 3014. Shall we read that? Mr. Clerk,
read the Bill. 3014."

Clerk Mahoney: "House Bill 3014, a Bill for an Act concerning
public aid. Second Reading of this House Bill. No Committee
Amendments. Floor Amendment #1, offered by Representative
Watson, has been approved for consideration."

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Speaker Hannig: "Representative Watson."

Watson: "Just move to adopt the Amendment. This Bill simply will add 10 percent increase to shelter care home providers. And I'd be happy to answer any questions."

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

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

Speaker Hannig: "Third Reading. Representative Phelps, did you wish us to read House Bill 825? Okay. So, out of the record. Representative Flowers, do wish us to read House Bill 1335? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1335, a Bill for an Act concerning education. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Flowers, has been approved for consideration."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Amendment #2 would make this Bill only apply to Chicago. And I move for this adoption."

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

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

Speaker Hannig: "Third Reading. Representative Joyce, on House Bill 511. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 511, a Bill for an Act concerning government. Second Reading of this House Bill. Amendment

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#1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative... Representative Collins on House Bill 1517. Do you wish us to read that? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1517, a Bill for an Act concerning juveniles. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Collins, has been approved for consideration."

Speaker Hannig: "Representative Collins."

Collins: "Yes. I would like to adopt Amendment #1 to House Bill 1517."

Speaker Hannig: "The Lady moves 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. All notes have been filed."

Speaker Hannig: "Third Reading. Repres... Representative Arroyo on House Bill 3434. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3434, a Bill for an Act concerning State Government. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third... Third Reading. We'll return to the Order of Third Reading. Representative... Representative Collins, you have House Bill 1050. Do you wish us to read that Bill? Representative Collins. You wish us to read

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House Bill 1050 on Third Reading? Mr... Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1050, a Bill for an Act concerning courts. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Rep... Representative Collins. You wish... Representative, this is on Third Reading. You need to present the Bill. No? So, out of the record? Okay. Representative Dugan, you have House Bill 1519. Do you wish us to read that on Third? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1519, a Bill for an Act concerning local government. Sec... Third Reading of this House Bill."

Speaker Hannig: "Representative Dugan."

Dugan: "Thank you, Speaker, Members of the House. House Bill 1519 addresses an issue in my district for the Village of Manteno, and what it does is just extend an existing TIF til the 23rd year. It's just to extend it, I think it's twelve (12) years. And I do have letters from all of the taxing bodies in that district in support of extending of the TIF in Manteno. And so I'll certainly be happy to answer any questions and would like an 'aye' vote."

Speaker Hannig: "This is on the Order of 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 Lindner, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 111 voting 'yes' and 3 voting 'no'. And this Bill, having received a Constitutional Majority, is

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hereby declared passed. Representative Flider, you have House Bill 1514. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1514, a Bill for an Act concerning municipalities. Sec... Third Reading of this House Bill."

Speaker Hannig: "Representative Flider."

Flider: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is very similar to the previous Bill. It extends the TIF district in the Village of Mt. Zion from twenty-three (23) to thirty-five (35) years. We have letters on file from all the affected taxing districts. I know of no opposition. I'd ask for your support."

Speaker Hannig: "This is on the Order of 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 110 voting 'yes' and 4 voted 'no'... voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Rep... Representative Hernandez, do you wish us to read House Bill 1072? Representative Hernandez. You wish us to read 1072? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1072, a Bill for an Act concerning regulation. Third Reading of this House Bill."

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

Hernandez: "Thank you, Speaker. Ladies and Gentlemen of the House, this is a Bill that aims to improve health care quality for limited and non-English speakers by amending the Language Assistance Services Act. The Bill would require

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for health Bills... health... health facilities to adopt a policy for providing language assistance services to patients with language or communication barriers and review it annually. Inform patients and their families of language access services at facilities by posting notices informing of the availability of interpreters. The procedure for obtaining an interpreter and the telephone numbers to call for filing complaints concerning interpreter service problems. Inform staff of the existing language access services at their facility and how to make these language services available for patients. These changes will improve health care access and quality for the growing, limited and non-English speaking population in Illinois. And I urge your 'aye' vote."

Speaker Hannig: "This is on the Order of 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 Saviano, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Hoffman on House Bill 2133. The Gentleman... Representative Hoffman. All right. Out of the record. Representative Jefferson on House Bill 3428. You wish us to read that? No? Yes, okay. So Mr. Clerk, read the Bill."

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Clerk Mahoney: "House Bill 3428, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "So Representative, the Clerk advises me that there was an Amendment that was not put on the Bill. So, I mean, it's your call, but did you want to bring it back to Second? Are you happy with..."

Jefferson: "We'll... we'll bring it back to Second until..."

Speaker Hannig: "Okay. So, let's move it back to Second..."

Jefferson: "Thank you."

Speaker Hannig: "...and do you wish... we could adopt the Amendment now, Representative. So, Mr. Clerk, I... I think... are there any Amendments pending, Mr. Clerk?"

Clerk Mahoney: "Floor Amendment #1 was adopted to the Bill. Floor Amendment #2, offered by Representative Jefferson, has been approved for consideration."

Speaker Hannig: "So would you like to present the Amendment, Representative?"

Jefferson: "Thank you, Mr. Chairman. All this basically does is clears up all concerns of the railroad, the IDOT people, to make sure that they're comfortable with what the Bill is doing. Basically all we're trying to do is establish a rail authority... port authority in Rockford."

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

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

Speaker Hannig: "Okay. So Third Reading. Representative Joyce, you have House Bill 820. Mr. Clerk, read the Bill."

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Clerk Mahoney: "House Bill 820, a Bill for an Act concerning regulation. Third Reading of this House Bill."

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

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 820 will preclude those that are convicted of rape, murder, or sex offenses from working at a carnival. We've had this Bill before. It passed the Senate a couple of years ago. We've tried to change the Bill to address some of the issues of not only the operators of carnivals but also the Department of Labor who will oversee this process in which they would be registered. There's a background check that takes place through the Illinois State Police. Once it is done, those same workers are covered under this... under the... that background check for as long they remain employees of that particular carnival. I know that I'd spoken to Representative... Representative Sacia, some of the concern would be that the standing facilities such as Great America, certain water parks, that they would be exempted. It was my understanding from the attorneys from the Department of Labor that they were indeed exempted, based on their own acts and backgrounds that they do checks on. If they're not exempted I'm more than willing to amend that in the Senate. I'd be happy to answer any of your questions."

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

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

Speaker Hannig: "Indicates he'll yield."

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Sacia: "Representative Joyce, you and I have had numerous conversations over this... this Bill over the past several months, and I have shared with you that I have a carnival owner in my district who has expressed great concern. His concern is that many of the local fairs and so forth, they come into town relatively quickly, they're there for four (4) or five (5) days and then they're gone. And their concern is, how this will bottom line affect them? Is there a mechanism, and I'm embarrassed to say I... it came up quickly here and I didn't read the specifics. But is there a mechanism where local transient-type help can be hired to set these carnivals up and tear them down?"

Joyce: "Yes... yes there is. And that's done through the Department of Labor in which the notification will be provided to the Department of Labor that they intend to do a background check on that person. Pending that... the result of that background check, that person could work there unless a hit comes up automatically from the State Police."

Sacia: "I think their concern is that there is kind of an issue here where all this is happening relatively quickly. So I'm a transient worker in Freeport, Illinois, and the Joyce Carnival is coming to town and you need some workers... I know that was a poor analogy. It's the only one I could come up with. And I need the work and you're paying twelve dollars (\$12) an hour, and I go there and apply. How can a background check be done in a rapid period of time or is that a requirement?"

Joyce: "First of all, I think when you're dealing with most of these carnival workers, I should say for the record, or

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carnival operators and owners, many of them are family owned businesses, many of them are small businesses, many of them... most of them do a great job. And they are concerned with the long-term success of their business and they do look out to make sure that they're hiring good people. That is why we allowed the Department of Labor to develop these rules for preceding on short-term cases like this. But when something is scheduled they know that people are coming into town, most of them run their businesses very well and they know that they're going to need five (5) people for this particular week or seven(7) people for the next particular week and that allows them to put in advance the paperwork in with the Department of Labor to say we're going to use these people. And once they're registered, they're covered as long as the criminal background check is checked as we'll call for in the Bill with the Illinois State Police. They do the background check with the FBI computers and they'll be covered for as long that particular company wants to hire that particular worker."

Sacia: "And I think you made these comments in your opening remarks but I was a little bit detained at the time but for legislative intent, I understand that there has been an Amendment that's been pretty much agreed to by the concerned parties and you're pretty much in agreement with it. Is that correct?"

Joyce: "With regards to if... that there is a standing issue... if there's an issue with regards to standing events such as Great America, such as you know, a particular year-round water park or you know, seasonal water park. If they in

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fact are not exempted out then I would certainly do that in the Senate."

Sacia: "Okay. Thank you, Representative Joyce."

Joyce: "Thank you."

Sacia: "I appreciate your comments."

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

Black: "Thank you very much, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Black: "I commend the Sponsor for his work on this Bill. I sponsored this some years. It was brought to me by a local chief of police who was out of uniform at a small community festival in his community, taking his two (2) young daughters to the circus or the amusement carnival, whatever you want to call it, and the operator of the carnival ride did not know he was talking to the chief of police and went on to regale the chief of police with all of the things he had been charged with, convicted of, and just gotten out of prison and had been railroaded on a sex offender charge and went on and on and on. And this chief of police came to me about seven (7) or eight (8) years ago and said, 'you know what, with all of the work we're doing on sex offenders, there's a loophole big enough to drive a Mac truck through and that's people who come through working for amusement companies.' And I know when we started out, I don't think there was an amusement company in the country that favored the language. But I... I will... I will say this, Representative Joyce has worked with many of these companies, he's worked closely with the Attorney General,

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and I know two (2) of the larger amusement companies are now in favor... maybe 'favor' is too strong a word, but they understand that they need to clean up their act. And I think for those of you who have long memories there was an incident at the State Fair here in Springfield not that long ago, where a young lady was accosted. It was a very unfortunate circumstance, and it's happening and has happened in a number of communities around the country. Somehow you have to start the process. To make sure that people, who are taking your children by the hand if that's what you do, I walk my grandchildren to the ride and generally ride with them, but we have a number of families that just drop their kids off at these events. And say, 'I'll pick you up at 5:00.' I wouldn't advise that, but they do it. I think Representative Joyce has gotten this Bill to the point where we can move forward, where we can begin to discuss something that I think all of you who vote for all of these sex offender notification and where you can live and where you can't live, well, I think Representative Joyce should be commended for pointing out that many times in your own community, at your own fairgrounds, there may be five (5), six (6), seven (7) adjudicated sex offenders dealing with children on a relatively daily basis, as you will, as these circuses and carnivals travel around the state, and in fact the country. It isn't a perfect Bill but it's better than doing nothing and pretending that these things don't happen. They have happened, they happened in Springfield. As a chief of police in my district will testify, he certainly had his eyes opened at a festival in

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his own community. It's time this Bill move along, it's time to bring all the parties to the table, and it's time to close off one of the most glaring loopholes in this whole case of people who might abuse or harm children who have access to children and currently no way to check on that. I intend to vote 'aye'."

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

Joyce: "Enough said. Thank you. I appreciate 'aye' votes."

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 Brosnahan and Mitchell, do you wish 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 Tryon, you have House Bill 962. Representative Tryon. Out of the record. Representative Turner, you have House Bill 1380. Where'd he go? Okay, there he is. Representative Turner. Mr. Clerk, read the Bill. 1380."

Clerk Mahoney: "House Bill 1380, a Bill for an Act concerning courts. Third Reading of this House Bill."

Speaker Hannig: "Representative Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1380 provides that a minor under the age of seventeen (17) at the time of the commission of an act, anyone of these particular acts, homicide, criminal sexual

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assault, aggravated criminal sexual assault, predatory criminal sexual assault, and aggravated criminal sexual assault, must have counsel at the time of interrogation. Currently, we require counseling if the minor is adjudicated if he's under eighteen (18) and he's aju... under... under thirteen (13) we require it if he's adjudicated under the Delinquent Minors Act. This would raise it up to the age of seventeen (17) requiring counsel."

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

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

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

Durkin: "Representative Turner, I understand this... what you're trying to do. My question is, will the public defenders and also just ... how are the ... what's going to be the process for bringing the attorney in for these minors under the age of seventeen (17) when there is an interrogation in... which is going to take place? Who's going to get the call and how is the... what's going to be the mechanism that's going to ensure that there will be an attorney brought in?"

Turner: "It will be the same process that's currently used for kids under the age of thirteen (13)."

Durkin: "All right."

Turner: "So, whatever that process is today that will be the same process that they will use now only we're raising the level to the kids is up to the age of seventeen (17)."

Durkin: "There will be situations where the investigation will take place in hours which are in the interrogation process will be in the early morning hours or sometime after

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midnight, that happens quite frequently. Is... are the police and the state's attorney prohibited from the interrogation if there's no counsel available, whether it's through the public defender or private counsel at those hours? If there's no attorneys available are they precluded or they allowed to..."

Turner: "They would have to... they would have to provide counsel for the juvenile. That's what the Bill... prior to questioning, they would have to provide counsel."

Durkin: "So, it'd be up to the..."

Turner: "That's what we're... that..."

Durkin: "Would it be the police or the state's attorney who would have to seek counsel for the juvenile for the interrogation?"

Turner: "The Bill itself doesn't say whether it would be the police or the state's attorney who would be responsible for doing it first. It might..."

Durkin: "I guess, Art, that's the one thing that I... I... I just see just... as someone... a few of us have worked in that area, now as state's attorneys, it's going to be the mechanism upon how we're going to get the attorneys into the police stations or wherever they're interrogating them. Is the... if we're saying it's up to the prosecution to do it, I mean... well, it doesn't say that, I guess, is that how we're going to... I guess there's going to be a lot scratching their head who I... We have someone under the age of seventeen (17), he's a suspect in a murder case, he's... add to that point, is asserting his Fifth Amendment rights, is what... I mean, he's not talking at all, he's been mirandized. Who's responsible

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for getting the police officer... are we getting the attorneys in into the station house? That's the question I have."

Turner: "The Bill doesn't specifically address it, Representative. My gut feeling would be that it would be a police that would be responsible for... the Bill does not address whether it will be the state's attorney or the police. I assume in the interrogation process that... that the state's attorney would be on site or be available if they're going through that type of interrogation."

Durkin: "This... they will be... they'll be there, but I think at that point you get into situations if... it gets a little more involved because they will start asking questions of the... of the juvenile. They're going to be precluded from asking questions: (1) whether or not they have counsel 'cause I... I don't know if that's something which would qualify under the interrogation process, but it just... There's... I... I... see some holes in this in about who's going to have the responsibility of ensuring that there will be a counsel present within the station house should the interrogation process begin. That's my concern, 'cause I think that you'll be in a situation where the state's... assistant state's attorney and also the local police department are just going to kind of stare, it's like, it's not my responsibility, I'm like, you know, we don't... we don't know what to do. Do you understand what my point, I'm saying Art?"

Turner: "Representative, the Bill doesn't address who would be responsible. I mean... in a situation, you know, if we're throwing out hypothetical, what if the kid requests counsel

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right away? What if the kid... the individual requests counsel right away, I mean, it'll be the same situation even if the... we're saying that you have to provide it, but what if the minor once picked up says, 'look, I want counsel', at what point who then determines? What's the situation, currently? I assume that the police... if I say I have a... you know, I have a right to counsel, I wanted my counsel..."

Speaker Hannig: "Representative, you're time has expired. Could you bring your remarks to a close."

Durkin: "Certainly. The only other issue that I'd raise of this Art, is that under State Law there's a (6) six hour holding requirement for juveniles and you're going to have those situations where at all hours of the... you know... from midnight or 1:00, it's just going to be practically impossible to provide counsel and at that point they can no longer be held within the station house and they're transferred over to the juvenile detention center. While I think this is a... you know, I'm not against this concept but I think there's a lot of... there's some issues about how this would be implemented within the... in the police departments when there is an interrogation process which is going to be initiated. Thank you."

Speaker Hannig: "We're going to move this to Standard Debate. And Representative Reboletti, you're recognized for five (5) minutes."

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

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

Reboletti: "Representative, in the situations where these crimes that are covered in the Bill, what if the juvenile is in

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custody for any other crime and this custodial interrogation regarding those crimes and during the investigation, the interrogation, one of these crimes comes up, is that covered in this Bill? Where then the interrogation would have to stop and then a public defender or private attorney would have to be... would have to be brought forth for the defendant or suspect?"

Turner: "So, are you saying that the juvenile's being held for some other crime other than the ones that spelled out in this legislation?"

Reboletti: "That's correct, Representative."

Turner: "And then it's discovered that he is a suspect in one of these other particular crimes?"

Reboletti: "That's correct."

Turner: "At that point, counseling would be required."

Reboletti: "Mr. Speaker, to the Bill. This is going to be an undue burden on prosecutors, on law enforcement. There's absolutely no way that a public defender's going to be on call and be available to get to a suspect in these types of investigations and people in law enforcement know that if the suspects are going to speak, they're going to speak initially after the event. And... there is... actually this is an unfunded mandate. The counties cannot provide oncalled... oncall public defenders. And I urge a 'no' vote. Thank you."

Speaker Hannig: "Is there any further discussion? Then Representative Turner's recognized to close."

Turner: "Thank you, Mr. Speaker. I... I understand the hypothetical's that were put out by the previous speakers."

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I think this is something that can be worked out between the police department and the state's attorneys. Keep in mind that we're talking about minors, kids under the age of seventeen (17), and I think it's only right that we provide counsels to these individuals when being charged with crimes of the nature as spelled out in House Bill 1380. And I move for the adoption of House Bill 1380."

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 62 voting 'yes' and 51 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Tryon, did you wish us to read House Bill 962? 962. So, Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 962, a Bill for an Act concerning vacancies in public office. Third Reading of this House Bill."

Speaker Hannig: "Representative Tryon."

Tryon: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 962 amends the Election and Municipal Clod... Code and it actually sets up the conditions when a vacancy actually occurs on a municipal consul. This is the result of years of work by the Municipal League. We fixed part of these problems last year. But they've continued to work out... work out the Bill to actually be able to designate when in a vacancy occurs. So, now we have different types of vacancies, a conditional vacancy, an unconditional

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vacancy, and a vacancy that's set by date. We may all have heard at some point in the past where a mayor or city consul member storms out of the consul, says he resigns and then comes back a month later and say, well he didn't really resign. Well, now we have it codified in law that a resignation is not a resignation unless it's received in writing and notarized. We've also had situations where there are conditional resignations because somebody may be transferred and if they're transferred, and it doesn't go through, they may want to withdraw their resignation, we have that addressed as well. But there's also a part of this Bill that deals with how we're going to feel... fill the vacancies. And what this requires is the mayor to submit to the consul a name of a person that they're... he's recommending for appointment, requires the consul to take action within thirty (30) days. If the consul rejects that, the mayor submits a second name, they have an additional thirty (30) days. If there's an impasse, this Bill will allow the mayor to appoint a temporary person to the consul until they can come to an agreement. Well, like I say, this Bill is the result of several years of work with the Illinois Municipal League and I think it reflects a good consensus of all of their members. And I would answer any questions if any Members have a question."

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

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

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

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McCarthy: "Thank you. Representative Tryon, this is the Bill that filled the vacancy with one (1) of two (2) choices, both consuls... the consul both times turns it down, and the mayor gets to pick one of those two (2)?"

Tryon: "He gets to pick a temporary appointment."

McCarthy: "A temporary appointment which could be until the next election twenty-six (26) months later, would be the longest time but it could be whatever day it is. If it's... Depending on a date, they'd be there until the next general election."

Tryon: "Yeah. The longest it could possibly be would be twenty-six (26) months."

McCarthy: "Okay. Well, to the Bill. I just would like to alert the Ladies and Gentlemen of the House. I know they've worked on many, many aspects of this and I agree with almost every aspect of this except for the appointment of a vacancy. Right now, the way it's written, if a mayor of a village wants to replace one of the trustees who leaves for whatever reason, he gets to nominate a person, like it is today. Then the council says, 'yes' or 'no' to that person. Today, he would appoint... nominate a second person. The consul would once again say, 'yes' or 'no'. The way it is today under current law, the mayor would go back and try find a third person that might be agreeable to the consul. Under this piece of legislation, the mayor then gets to say, 'well, you didn't approve either of my first two (2) choices now I go back and I pick one (1) of those two (2) and it becomes a temporary appointment.' But a temporary appointment is basically going to be there until the next general election, as we said earlier, up to twenty-six (26)

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months later. I really think instead of having the best of the two (2) bad choices, they'd be better off without representation for that time. Make the mayor go out and pick somebody that the trustees can agree, can work together, get a majority of that board whom say, 'yes'. The nominee you brought forward is worthwhile, should be appointed to the board. This thing where... all... you know, every trustee could vote against both of these nominees for replacement and the mayor still gets to pick one (1) of the two (2) under this current legislation. I just think that... this little part of this Bill, unfortunately, makes it a Bill that I would certainly ask you to oppose. I don't think the mayors need this kind of power. They should be make to work their local consul. Find some people that could be agreeable to the majority of those members. Thank you."

Speaker Hannig: "Representative Mulligan."

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

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

Mulligan: "Representative, did this law supersede anything that a local municipality already had in place to address a situation like this?"

Tryon: "You mean if they've already made an appointment or if..."

Mulligan: "No."

Tryon: "...if they have in their rules?"

Mulligan: "If they have in their rules how to do it. I've had this happen since I've been elected twice. One in one community where the mayor died and one in another community where a mayor resigned."

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Tryon: "This would become law so they would have to adopt or change their rules to... to comply with the law."

Mulligan: "I'm just trying to remember back. One, the vote took place where the mayor that resigned and they elected someone from the city consul to fill the vacancy. The other one where the mayor died, they were in a deadlock for like six (6) months arguing over who was going to get that spot. It was evenly voted on several times and although there was a temporary mayor, there wasn't a voted replacement. But neither of them went to an electoral process until the next election. And I think they both did it by their own communities' rules. So..."

Tryon: "And... and that could still happen in the case of a vacancy, a mayoral vacancy. I mean, that still comes up to the consul to make a recommendation. And if they're at an impasse they would elect a mayor pro tem to actually be... to serve in that... in that position. And what we did last year... or two (2) years ago, that was always at a conflict because if they... if one of the consul members became mayor pro tem, then he had veto power and he could vote also as a consul member sometimes and as a mayor sometimes and he could veto over the consul. We fixed that at the last... two (2) years ago, the last time we addressed some of these issues. This... this really has a very consistent way of determining when a vacancy exists in that position and then has the ability of the consul in the term... in the case of the mayor. They have to come to an agreement in to order to make the appointment."

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Mulligan: "So what happens... plus we've also had an alderman who was elected mayor when his term was not up. So, if you have an alderman or a trustee, say a vacancy for a mayor, who then fills the vacancy of the alderman? There was a whole big argument in one of my communities whether it should be the alderman whose vacancy occurred, could fill the spot as opposed to a city consul who might fill it with someone that the people did not want."

Tryon: "What happens now, Representative, is the mayor... the consul's seat would remain vacant until they filled the mayoral seat. When the mayoral seat was filled, the consul member would return to the consul and... and there would be a full... and there would be a mayor and a full consul. If the mayor... if the consul member became mayor, then the mayor would then submit a name to the consul to considerate... to consider for the vacancy on the consul member's side."

Mulligan: "All right. So if a mayor... if an alderman in the middle of his term is elected mayor, he then would be able to a... submit the name of the person that would fill his vacancy to the consul and then the consul would vote on it?"

Tryon: "Right. And the consul has to act within thirty (30) days. There's actually been times where the consul wouldn't act on the appointment. So he submits a name, the consul has thirty (30) days to act, and if they vote that down then he submits a second name and the consul has (30) thirty days to act. And then if they come to an impasse on that vacancy, then he makes a temporary appointment and continues to submit additional names until they can come to an agreement."

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Mulligan: "So, they have sixty (60) days to approve his appointment or the appointment becomes temporary as a voting member of the consul until the next election?"

Tryon: "That's... or until they make it a permanent appointment."

Mulligan: "All right. Would the same thing... what would happen if there was a vacancy... that would be the same thing. If the mayor died and a consul member was elected mayor, then he would have the same right over his seat... over his consul seat?"

Tryon: "That's correct."

Mulligan: "I wouldn't be asking all these questions except we've had it happen several times since I've been elected and it was very contentious."

Tryon: "And part of the problem, Representative Mulligan, is that the statutes weren't real clear. There was a lot of interpretation to be made here by those who interpret the law. And what I think is really important..."

Speaker Hannig: "Representative, your time has expired. Could you bring your remarks to a close."

Mulligan: "That's fine. Thank you."

Speaker Hannig: "So, we've had two (2) in response. Representative Lang, you're recognized for five (5) minutes."

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

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

Lang: "Thank you. Representative, I actually wasn't paying too much attention to this Bill until Representative McCarthy spoke, and while I rarely listen to Representative McCarthy, the... he raised an interesting point. Was his interpretation

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of that situation regarding the appointment by the mayor of trustees, correct?"

Tryon: "If there's an impasse between the mayors and the trustees, his interpretation is correct."

Lang: "And you interpret two (2) passes added as an impasse?"

Tryon: "That's correct."

Lang: "Well, don't you leave open the possibility that the mayor in an effort to get his or her person without consul support just sort of throws out two (2) people that he knows are not going to be acceptable and then he just comes up with his own person?"

Tryon: "I... I believe that the mayor could do that. And that's in the, end up to the voters to deal with the mayor. Now let me give you a real example of a aldermanic form of government where you have wards and you have a vacancy in a trustee's position in the consul and mayors have an impasse because of political differences or whatever, nobody's represented in that ward. Let's say Wal-Mart comes to town for an annexation into the community. They have no local representation and there isn't any... any initiative for the consul members to fill that seat, if in fact they wanted that... that development to occur there, they might want to leave that seat vacant. Keep coming to an impasse. The issue is I think, Representative Lang, is there isn't any perfect way to have an appointment process. No matter what of the appointment process there is, there will always be some disagreement at some time. And this at least gives the voters and the residents a way to have some representation in the term of an impasse."

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Lang: "Thank you. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Lang: "I understand what the Representative's trying to do. I think it's a good idea to try to find a more perfect way to do this system than it's done today. But I think this just leaves open too much opportunity for mischief. We all assume that the mayors all around the state are all above board and they want to work with their consulmen, etc cetera, etc cetera. But the truth of the matter is, the way that this is written, no matter how well-intentioned it is, it leaves open the opportunity that a mayor for his or her own purposes, would simply lob onto the table two (2) unacceptable candidates to the board of trustees or the city consul, so that he or she can get the person he or she really wants with this temporary appointment. So, while I agree that the current system may be flawed, I think replacing it with a system that's flawed more badly is not a good idea. I do not think while most of the rest of this Bill is well written, I do not think we can vote for a Bill that allows mayors to simply put into place anyone they want without advise and consent of the trustees. So, I reluctantly must rise in opposition to the Gentleman's Bill."

Speaker Hannig: "So we've had two (2) ... we had three (3) now speak in response and the rules would provide that two (2) additional speakers could rise in support. So, Representative Smith, do you wish to speak in favor of the Bill?"

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Smith: "I'm not sure, Mr. Speaker. I think so, but I have a question."

Speaker Hannig: "So the Sponsor would yield."

Smith: "Yes. Representative Tryon, does this legislation address only vacancies in elected office?"

Tryon: "That's correct."

Smith: "So it doesn't pertain to other mayoral appointments that are done annually, such as a city attorney or police chief or..."

Tryon: "Does not apply to those. It's just consul members and mayoral positions."

Smith: "Because I was aware that that can be a problem also if there's not consensus among the consul to approve the mayoral appointments, they continue on as temporary appointments."

Tryon: "That's correct."

Smith: "Okay. This does not address that, it's only..."

Tryon: "This does not address that."

Smith: "Okay. Thank you."

Speaker Hannig: "The rules would provide for one additional speaker in support. Representative Washington, are you in support? The rules say only one more to speak in support."

Washington: "Mr. Speaker, like the former speaker, I don't know yet. I have a question."

Speaker Hannig: "The Gentleman will yield."

Washington: "Representative Tryon, I was looking at the language and maybe I'm not understanding where it says 'that the vacancy occurs in any other elected office, the mayor, with the consent of the council, must appoint a qualified person

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to hold the position until the office is filled by election.' Is that saying that consent mean, just say okay, I got to do this, well go ahead and do it? I mean... can you give a little more detail as to what that might involve and did I pretty well say it or is it a little more involved than that?"

Tryon: "No. 'Consent' in that case is a vote of the consul."

Washington: "So, it's the... it's the voting consent..."

Tryon: "Right."

Washington: "...not just consent?"

Tryon: "That's correct. And as it relates to an actual consul member where they're filling the consul position, the mayor submits a name and in thirty (30) days the consul has to act on it. If they turn it down he submits another name within thirty (30) days, the consul has to act on it and if they don't, then he makes a temporary appointment."

Washington: "Is it any reason that in your sponsorship names on the board that you didn't get a diverse cross section? I mean, anybody... is there anybody on this aisle on this legislation?"

Tryon: "Well, I don't know. Of all the cosponsors on there, but people that asked to be put on the Bill, I put on the Bill. And Representative Franks is on the Bill."

Washington: "To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Washington: "Mr. Speaker, I think... when I look at the Sponsors of the Bill, all of their honorable and intent, and when I tie that in with what Representative Lang was saying, I'm leaning with Representative Lang more so and I respect the

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Sponsor greatly, but I think this opens up a bigger problem than it solve. So, I won't be voting for this particular legislation. Thank you."

Speaker Hannig: "We've now had... we've had three (3) a on each side. So, we're going to go to Representative Tryon to close."

Tryon: "Thank you, Mr. Speaker. When you look at the appointment process we have today, it's not about who gets to appoint that's most important, it's about getting representation to the district or the community that they represent. What we have... when we resign, one person makes an appointment and that's generally the Party chairman. They don't go out and get in impasses with their electors, they make an appointment. That's for State Representative. I don't think you could have any process that would not have some conflict in it. When I was county board chairman in McHenry County, we had conflict on appointments so we did interviews of candidates to fill vacancies on the county board, and the committee would make a recommendation and those names would blow up. But in the case of municipal representation, especially where you have an aldermanic form of government where you have wards, it's important that those individuals come to some... get some type of representation and not be left open for at least twenty-four (24) months until the next election with nobody representing'em. And that has happened. And when you... when it comes down to it in that impasse, only the mayor represents the entire community. And I can't imagine a mayor that would want to make an appointment that would be

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in conflict with the wishes of the majority of the community. Because in that case, he's probably not going to be mayor. But when you look at how this is structured, I think it's structured very well, very fairly, to make sure that the people that live in the community get representation. This is a result of at least two (2) years, three (3) years of work by the Municipal League. It reflects a consensus of the Municipal League. It doesn't affect communities over a million (1,000,000) so it's communities over... under five hundred thousand (500,000). I think they've done a lot of hard work and I think this ends a decade long problem. It clarifies when vacancies occur, clarifies the steps, takes a lot of the legal interpretation out that's been made that wasn't in statute before, and I would hope that we would support it. I urge an 'aye' vote."

Speaker Hannig: "And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Mr. Clerk... Representative Lindner. Mr. Clerk... Mr. Clerk, take the record. On this question, there are 98 voting 'yes' and 17 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, introduction of Bills."

Clerk Mahoney: "Senate Bill 1592, offered by Representative Black, a Bill for an Act concerning regulation. First Reading of this Senate Bill."

Speaker Hannig: "Representative Jakobsson, do you wish us to read House Bill 682? Mr. Clerk, read the Bill."

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Clerk Mahoney: "House Bill 682, a Bill for an Act concerning finance. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendments 2 and 3, offered by Representative Jakobsson, have been approved for consideration."

Speaker Hannig: "So Representative, Amendments 2 and 3 have been approved. So on Amendment #2, what is your pleasure?"

Jakobsson: "Amendment #2... just want to have Amendment #3 adopted."

Speaker Hannig: "So the Lady withdraws Amendment #2. Are there any further Amendments, Mr. Clerk?"

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

Speaker Hannig: "And on Amendment #3, Representative Jakobsson."

Jakobsson: "Amendment #3 addresses this House Bill 682, the Illinois Procurement Code. And what it says is that Section would not apply... does not apply to a printing by a public institution of higher education, of material that's not paid for in any portion from funds appropriated by the General Assembly or printing that is performed by a university unit... unit, or printing that is performed in conjunction with contracts referenced in subsection (1) of Section 110."

Speaker Hannig: "Any discussion on the Lady's Amendment? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1319."

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Clerk Mahoney: "House Bill 1319, a Bill for an Act concerning insurance. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendments 2 and 3 have been approved for consideration, offered by Representative Molaro."

Speaker Hannig: "Representative, 2 and 3 have been approved. What's your choice..."

Molaro: "Thank you. Even though..."

Speaker Hannig: "What's your pleasure on 2?"

Molaro: "...even though it was very nice of them to approve Amendment #2, I'd like to table Amendment #2 at this time."

Speaker Hannig: "So the Gentleman withdraws Amendment #2."

Molaro: "And then we would..."

Speaker Hannig: "Mr. Clerk, are there further Amendments?"

Molaro: "...we would like to move Amendment #3. And all Amendment 3 does is a technical... we just added some language like an (s) here or there and that's all Amendment #3 does. One was really the Bill. So with 1 already adopted and 3 adopted, we would be ready to call the Bill. So, I ask for its adoption."

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

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

Speaker Hannig: "Third Reading. And Mr. Clerk, read Senate Bill 377."

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Clerk Mahoney: "Senate Bill 377, a Bill for an Act concerning public employee benefits. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Molaro."

Molaro: "Mr. Speaker, Amendment #4 has been let out of the Rules Committee..."

Speaker Hannig: "Representative, I'm advised by the Clerk that we should move this back to Second..."

Molaro: "Correct."

Speaker Hannig: "So that we can get the Amendment. So move this back to Second at the request of the Sponsor."

Clerk Mahoney: "Floor Amendments 2 and 4, offered by Representative Molaro, have been approved for consideration."

Speaker Hannig: "So Representative Molaro on Amendment #2, what is your pleasure?"

Molaro: "Once... once again I thank the Rules Committee for approving it, but we'd like it to be tabled at this time."

Speaker Hannig: "So the Gentleman withdraws Amendment #2, and on Amendment #4, Representative Molaro."

Molaro: "Thank... thank you. Amendment #4, which we'd like approval on, is Cook County only and it's very similar to what the state did in 2002 and 2005, it's what they call the contribution cancellation. And what it does, it opens a window for sixty (60) days which allows people to resign their job and get one and a half times their contribution. Here in the state it worked very well. It was two times the contribution, this is only one and a half. And even though there's a payment by the pension fund, when you get rid of

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the liabilities it's a plus for the funded ratio and what you have is voluntary resignations as opposed to involuntary layoffs. The pension board is with it, the employers are with it, the employees with it and we would ask approval of Amendment #4."

Speaker Hannig: "On the Amendment, the Gentleman from Cook, Representative Fritchey."

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

Speaker Hannig: "The Gentleman will yield."

Fritchey: "Representative, one more time in English. I... I... not..."

Molaro: "I know I loved it. Pensions..."

Fritchey: "I... I can't understand what this does."

Molaro: "Yeah, well pensions is obviously a language in and of itself. All it is, John, is this. As you well know, we did this with the state, well maybe you don't know, 'cause we did it twice with the state and they do it in a lot of places. Basically, all it is this. When we're trying to get the head count down, you don't want to do more layoffs, which we know is very difficult, all you do is this. You give a sixty-day window, so if me or you were county employees and we went in and it was ten thousand (10,000) was our contribution, now they would get fifteen thousand (15,000), one and a half times their contribution, to try to induce employees to leave. So, it's..."

Fritchey: "So... it's a window with a sweetener in order to lighten the job rolls."

Molaro: "Right, but remember, it's not a early retirement incentive 'cause that's too much of a cost. And this is a plus to the pension fund because even though, say you were

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getting ten thousand (10,000) now you get fifteen thousand (15,000) what it does is because you're a seven (7) or eight (8) year employee, all your liabilities go off the books. So the pension fund would probably go from 80 percent funded to 81 or 82 percent funded. So it's a win-win for both the county, the employees, as well as the pension system."

Fritchey: "So, this... I don't think I have a problem with that, I don't think I understand it well enough to have a issue with it. Was this an initiative of the county in an attempt to reduce the workforce? Well, I mean, in essence we usually see these things where you're trying to get some of the top-heavy from a seniority standpoint, some of the top-heavy bodies off of there by giving them an incentive to retire."

Molaro: "And that's... that's basically it, but as you well know by reading the papers and of course you being from Chicago, know at firsthand, there's budgetary problems up there. It doesn't seem like they're going to not... going to get much relief from us, local governments, so instead of actually, John, what they're hoping is that if four or five hundred people take this opportunity, then there would be four or five hundred (400 or 500) less people they would have to lay off. And what happens is, when you lay off, as you well know, not only is that brutal for the families who get laid off, you also have to pay them unemployment insurance or workman's... not workman's comp but unemployment insurance. When you do it this way, the county saves that money. And I might add while you're thinking, the state did this twice and we doubled it, we earmarked it and it worked out to be a wonderful program for the State of Illinois."

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Fritchey: "So would it be the intention of the county then to refill these positions with ..."

Molaro: "No."

Fritchey: "...younger... with younger individuals?"

Molaro: "No, it' the intent of the county that they would be taken out of the budget."

Fritchey: "So they would be taken out and these positions would be eliminated and zeroed out?"

Molaro: "It would... they would be zeroed out, therefore, staving off even more layoffs."

Fritchey: "Okay. I appreciate the answers. Thank you."

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

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

Speaker Hannig: "Third Reading. Mr. Clerk, would you read or would you move House Bill 876 from Third Reading back to the Order of Second Reading at the request of the Sponsor. And Representative Howard, you're recognized on House Joint Resolution 11. Representative... Representative Howard. On House Joint Resolution 11."

Howard: "Thank you, Mr. Speaker. This Joint Resolution designates the Department of Commerce and Economic Opportunity to work with the Lincoln-Douglas Debates Sesquicentennial Collation in planning the sesquicentennial activities. As you know, the celebration will be next year for a hundred and fifty (150) years, and we're just encouraging all of the kinds of activities possible to make sure that this year is a memorable one."

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Speaker Hannig: "Is there any discussion? Then all in favor of House Joint Resolution 11 vote 'aye'; those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Tryon, Reitz, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And the Resolution is adopted. Representative Black, you're recognized for a Motion."

Black: "Thank you very much, Mr. Speaker. I move to suspend the posting requirements for I believe it's Senate Bill 1529."

Speaker Hannig: "Fifteen... 1592."

Black: "1592 was a very good year, yes. I remember that well. That's what I intended to move. I thank you for the correction."

Speaker Hannig: "You heard the Gentleman's Motion. Is there any discussion? Can we use leave for the Attendance Roll Call? And the Motion is adopted and the posting requirements are suspended. Representative Howard, you're recognized for a Motion to Table. Representative Howard. Representative Howard, you're recognized to make a Motion to Table on House Bill 2184."

Howard: "That's exactly what I'd like to do. Thank you."

Speaker Hannig: "So the Lady moves to table House Bill 2184. Is there leave for the Attendance Roll Call? Leave is granted, the Lady's Motion is adopted and the Bill is tabled. Representative Arroyo, you have an announcement? Not yet, okay. Representative... Mr. Clerk, read the Agreed Resolution."

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Clerk Mahoney: "Agreed Resolutions. House Resolution 317, offered by Representative Flider. House Resolution 318, offered by Representative Flider. House Resolution 319, offered by Representative Flider. House Resolution 320, offered by Representative Cole. House Resolution 322, offered by Representative Kosel. House Resolution 323, offered by Representative Kosel. House Resolution 324, offered by Representative Kosel. House Resolution 325, offered by Representative Kosel. House Resolution 326, offered by Representative Sommer. House Resolution 327, offered by Representative Younge. House Resolution 328, offered by Representative Brady. House Resolution 329, offered by Representative Biggins. And House Resolution 330, offered by Representative Madigan."

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. Representative Arroyo is recognized for an announcement."

Arroyo: "Thank you, Mr. Speaker and Members of the House. We have an announcement to make. We have a birthday party for Tony Berrios, my seatmate, at Brown's Saloon from 6-8 o'clock today. If all the Members could make it I'd appreciate it. Thank you very much. He's old. Does anyone want to sing Happy Birthday? Does anybody want to sing Happy Birthday?"

Speaker Hannig: "Are there any other announcements? Representative Ryg."

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Ryg: "Thank you, Mr. Speaker. Just a reminder to all Members that the Capitol Capers rehearsal will be at 5:30 this afternoon in the auditorium at the Howlett Building. All are welcome. Thank you."

Speaker Hannig: "Any other announcements? Then Representative Currie moves that the House stands adjourned until tomorrow, Wednesday, April 25, at the hour of 11:00 a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Motion is adopted and the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Mautino, Chairperson from the Committee on Insurance, which the following measures were referred, action taken on April 24, 2007, reported the same back with the following recommendations: 'recommends be adopted' Floor Amendment #1 to House Bill 2982. Representative May, Chairperson from the Committee on Environmental Health, which the following measures were referred, action taken April 24, 2007, reported the same back with the following recommendations: 'recommends be adopted' is House Resolution 226. Representative Rich Bradley, Chairperson from the Committee on Personnel & Pensions, which the following measures were referred, action taken on April 24, 2007, reported the same back with the following recommendations: 'recommends be adopted' House Resolution 233. Representative Holbrook, Chairperson from the Committee on Environment & Energy, which the following measures were referred, action taken on April 24, 2007, reported the same back with the following recommendations: 'recommends be adopted' is House Resolution 174 and House

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Joint Resolution 13. Representative John Bradley, Chairperson from the Committee on Revenue, which the following measures were referred, action taken on April 24, 2007, reported the same back with the following recommendations: 'recommends be adopted' is Floor Amendment #1 to House Bill 2307. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education, which the following measures were referred, action taken on April 24, 2007, reported the same back with the following recommendations: 'recommends be adopted' House Joint Resolution 40, House Resolution 162, and House Resolution 228. Representative Dugan, Chairperson from the Committee on State Government Administration, which the following measures were referred, action taken on April 24, 2007, reported the same back with the following recommendations: 'recommends be adopted' is Floor Amendment #1 to House Bill 1101, House Resolution 189, House Resolution 218, House Resolution 246, House Joint Resolution 36, House Joint Resolution 37, House Joint Resolution 42, and House Joint Resolution 43. Representative Reitz, Chairperson from the Committee on Agriculture & Conservation, which the following measures were referred, action taken on April 24, 2007, reported the same back with the following recommendations: 'recommends be adopted' is Floor Amendment 1 and 2 to House Bill 2820, Floor Amendment #1 to House Bill 2106, House Resolution 163, House Resolution 208, and House Resolution 242. Representative Mendoza, Chairperson from the Committee on International Trade & Commerce, which the following measures were referred, action taken on April 24, 2007,

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reported the same back with the following recommendations: 'recommends be adopted' is House Resolution 156, House Resolution 216, and House Resolution 265. Introduction and reading of Senate Bills-First Reading. Senate Bill... Senate Bill 573, offered by Representative Saviano, a Bill for an Act concerning regulation. Senate Bill 639, offered by Representative McAuliffe, a Bill for an Act concerning transportation. Senate Bill 1426, offered by Representative Eddy, a Bill for an Act concerning education. Senate Bill 1433, offered by Representative Dunkin, a Bill for an Act concerning revenue. Senate Bill 1434, offered by Representative Franks, a Bill for an Act concerning citizen participation. Senate Bill 1479, offered by Representative Dugan, a Bill for an Act concerning safety. Senate Bill 1511, offered by Representative Colvin, a Bill for an Act concerning finance. Senate Bill 1514, offered by Representative McAuliffe, a Bill for an Act concerning revenue. Senate Bill 1559, offered by Representative Jakobsson, a Bill for an Act concerning fuels. Senate Bill 1566, offered by Representative Osmond, a Bill for an Act concerning public Health. Senate Bill 1580, offered by Representative Ryg, a Bill for an Act concerning public health. Senate Bill 1592, offered by Representative Black Senate Bill 1619, offered by Representative Mathias, a Bill for an Act concerning finance. Senate Bill 1621, offered by Representative Saviano, a Bill for an Act concerning finance. Senate Bill 1625, offered by Representative May, a Bill for an Act concerning liquor. Senate Bill 1617, offered by Representative Coulson, a Bill for an Act

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concerning conservation. And Senate Bill 1618, offered by Representative Coulson, a Bill for an Act concerning public health. There being no further business, the House Perfunctory Session will stand adjourned."