

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "Good morning, Illinois. The Illinois House of Representatives will come to order. Members are asked to please be at their desks. And today, we're asking staff to please retire to the rear of the floor. We'll be led in prayer by Assistant Doorkeeper Wayne Padget. Members and guests are asked to refrain from starting their laptops or cell phones, and please rise for the invocation and the Pledge of Allegiance. Wayne Padget."

Padget: "Let us pray. Dear Lord, we come before You today in sound body and mind, praying that on this day You grant us wisdom and guidance. During these times of negotiations, we pray that everyone can come together on one common ground and resolve the issues for the people of Illinois. We pray for the men and women in our Armed Services, both here and abroad. Provide them with Your protection and give them the strength to make it through these tough times. And let us also pray for the men, women and their families who have made the ultimate sacrifice to defend our country. These things we ask in Your Son's name, Amen."

Speaker Lyons, J.: "Be led in the Pledge of Allegiance today by Representative Ron Stephens."

Stephens - 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 Lyons, J.: "Roll Call for Attendance. Representative Lang, Democrats."

Lang: "Thank you, Mr. Speaker. Representative Will Davis and Representative Harry Osterman are excused today."

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "Representative Bost on Republicans."

Bost: "Thank you, Mr. Speaker. Let the record reflect that our own Marine Jimmy Watson is the only one excused on the Republican side of the aisle."

Speaker Lyons, J.: "Thank you, Representative. Mr. Clerk, take the roll. 114 Members are answering the Roll Call, we have a quorum. Representative Lang."

Lang: "Never mind, Mr. Speaker."

Speaker Lyons, J.: "Ladies and Gentlemen, it's my privilege and my honor to once again be in the Chair to preside over the memorial service for those men and women who have paid the ultimate price and passed away in defense of our country. And we will ask Members to please take their seats. We'll start with the ceremony and we'll be honored today with the Chair... chamber Major General William Enyart, Adjutant General of the National Guard, State of Illinois and Illinois Army National Guard."

Harrison (Color Guard): "Soldiers post. Colors forward"

Speaker Lyons, J.: "Mr. Clerk, read the Resolution."

Clerk Bolin: "House Resolution 1325."

WHEREAS, In accordance with House Resolution 510, offered by Representative Ron Stephens during the 94th General Assembly, it has been fitting that each year in observance of Memorial Day that the Illinois House of Representatives has continued the established memorial tradition of honoring our fallen brethren by reading an annual list of all of the names of those American soldiers, sailors, airmen, and marines from the State of Illinois that have

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

275th Legislative Day

5/29/2008

given the ultimate sacrifice in the preceding year since the previous tribute; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that on May 29th 2008, the Illinois House of Representatives shall read the names of all of the soldiers, sailors, airmen, and marines from each of the branches of the United States and Illinois military reserve and guard units, who have been killed in the line of duty during the year since the last tribute; and be it further

RESOLVED, That the list of fallen heroes is to be obtained by the Clerk of the House of Representatives no later than May 23rd, 2008, and that the clerk may enlist the help of the United States Department of Defense or the Illinois Department of Military Affairs so that the most accurate account of fallen soldiers, sailors, airmen, and marines may be honored by the Illinois House of Representatives as well as the State of Illinois; and be it further

RESOLVED, That the Clerk of the House shall, as has become tradition, preface the tributary reading of names of those fallen heroes with the reciting of a quote from President Abraham Lincoln's Gettysburg Address: "The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full

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

275th Legislative Day

5/29/2008

measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth."; and be it further

RESOLVED, That a copy of this resolution and a copy of the ceremonial honor roll and program of the May 29, 2008 reading of names be presented to the families of those fallen heroes; and be it further

RESOLVED, That copies of this resolution be presented to each of the state legislatures throughout the United States and its territories to encourage their annual participation in this tribute to those Americans who have made the ultimate sacrifice to guarantee our freedom."

Speaker Lyons, J.: "The Chair recognizes Representative Ron Stephens on the Resolution."

Stephens: "Well, Thank you, Mr. Speaker. This is a wonderful tradition that we have. And I would first ask that all Members be added as cosponsors. I would remind the Body that we have begun this tradition to honor our fallen soldiers and we're asking every other State Legislature to assume this same responsibility. The idea is that we have a perpetual list. And I don't know about you, but sometimes it's hard to get my mind around all this, there are so many. But maybe like me, if you can just grasp one soldier or marine or sailor or airman's name, and remember that soldier, then you have done all who have fallen a great service. Because everyone who has ever worn our uniform has only asked one thing in return, please don't

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

275th Legislative Day

5/29/2008

forget me. So I salute each of my fellow Legislators here and all who have served and are serving today, because we will strive to remember. And with that, Mr. Speaker, and asking that all Members be added, I would ask the Clerk to begin the roll."

Speaker Lyons, J.: "Mr. Clerk, all Members will be added to the Resolution. The Gentleman moves for the adoption of House Resolution 1325. All those in favor signify by saying 'aye'; those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted."

Harrison (Color Guard): "Memorial forward."

Speaker Lyons, J.: "We'll now begin with the Roll Call honors. Members, you have the names and the list in front of you. We'll be reading their names. Representative Rich Brauer."

Brauer: "Specialist Francis M. Trussel, Jr., United States Army, Lincoln. Killed in action May 26, 2007."

Speaker Lyons, J.: "Representative Wyvetter Younge."

Younge: "Sergeant Nicholas R. Walsh, United States Marine Corps, Millstadt. Killed in action May 26, 2007."

Speaker Lyons, J.: "Representative Naomi Jakobsson."

Jakobsson: "Private First Class Robert A. Liggett, United States Army, Urbana. Killed in action May 29, 2007."

Speaker Lyons, J.: "Specialist Jeremiah D. Costello, United States Army, Carlinville. Killed in action June 2, 2007. Representative Renée Kosel."

Kosel: "Specialist Jacob M. Lowell, United States Army, New Lenox. Killed in action June 2, 2007."

Speaker Lyons, J.: "Representative Dennis Reboletti."

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

275th Legislative Day

5/29/2008

Reboletti: "Private Timothy W. Crislip, United States Army, Elmhurst. Died June 15, 2007."

Speaker Lyons, J.: "Representative Pat Verschoore."

Verschoore: "Private First Class Michael P. Pittman, United States Army, Rock Island. Killed in action June 15, 2007."

Speaker Lyons, J.: "Representative Rich Myers."

Myers: "Captain Joshua E. Steele, United States Army, North Henderson. Killed in action June 17, 2007."

Speaker Lyons, J.: "Representative Roger Eddy."

Eddy: "Private First Class Jacob T. Tracy, United States Army, Palestine. Killed in action June 18, 2007."

Speaker Lyons, J.: "Representative Bob Flider."

Flider: "Specialist Karen N. Clifton, United States Army, Mt. Zion. Killed in action June 21, 2007."

Speaker Lyons, J.: "Sergeant Eric A. Lill, United States Army, Chicago. Killed in action July 6, 2007. Representative Raymond Poe."

Poe: "Sergeant William R. Howdeshell, United States Army, Springfield. Killed in action July 26, 2007."

Speaker Lyons, J.: "Representative Jim Sacia."

Sacia: "Sergeant Andrew 'Andy' Lancaster, United States Army, Stockton, Illinois. Killed in action August 11, 2007."

Speaker Lyons, J.: "Representative Chapin Rose."

Rose: "Specialist Justin Penrod, United States Army, Mahomet. Killed in action August 11, 2007."

Speaker Lyons, J.: "Representative Renée Kosel."

Kosel: "Corporal Phillip J. Brodnick, United States Army, New Lenox. Killed in action August 22, 2007."

Speaker Lyons, J.: "Representative Dan Burke."

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

275th Legislative Day

5/29/2008

Burke: "Private First Class Omar E. Torres, United States Army, Chicago. Killed in action August 22, 2007."

Speaker Lyons, J.: Representative JoAnne Osmond."

Osmond: "Lance Corporal Matthew S. Medlicott, United States Marine Corps, Waukegan. Killed in action August 25, 2007."

Speaker Lyons, J.: "Private Randol S. Shelton, United States Army, Schiller Park. Killed in action September 4, 2007. Representative Jack Franks."

Franks: "Specialist Keith A. Nurnberg, United States Army, McHenry. Killed in action September 5, 2007."

Speaker Lyons, J.: "Representative David Reis."

Reis: "Sergeant Nickolas Lee Hopper, United States Marine Corps, Montrose. Died September 8, 2007."

Speaker Lyons, J.: "Representative Joe Dunn."

Dunn: "Corporal Jonathan Rivadeneira, United States Army, Naperville. Killed in action September 14, 2007."

Speaker Lyons, J.: "Representative Mike Smith."

Smith: "Sergeant Rickie L. Hiatt, Jr., United States Army, Bartonville. Died October 25, 2007."

Speaker Lyons, J.: "Representative Sandra Pihos."

Pihos: "Corporal Joseph E. Stevenson, III, United States Marine Corps, Downers Gove. Died October 28, 2007."

Speaker Lyons, J.: "Representative Wyvetter Younge."

Younge: "Master Sergeant Thomas A. Crowell, United States Air Force, O'Fallon. Killed in action November 1, 2007."

Speaker Lyons, J.: "Representative Bob Flider."

Flider: "Staff Sergeant Carletta S. Davis, United States Army, Decatur. Killed in action November 5, 2007."

Speaker Lyons, J.: "Representative Ruth Munson."

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

275th Legislative Day

5/29/2008

Munson: "Staff Sergeant Maun F. Hardy, III, United States Army, East Dundee. Died November 8, 2007."

Speaker Lyons, J.: "Representative Dennis Reboletti."

Reboletti: "Sergeant Joseph M. Vanek, United States Army, Elmhurst. Killed in action November 12, 2007."

Speaker Lyons, J.: "Representative Bob Pritchard."

Pritchard: "Specialist Ashley Sietsema, United States Army, DeKalb. Killed in action November 12, 2007."

Speaker Lyons, J.: "Representative Chapin Rose."

Rose: "Corporal Allen C. Roberts, United States Marine Corps, Arcola. Died November 28, 2007."

Speaker Lyons, J.: "Representative Al Riley."

Riley: "Private Dewayne L. White, United States Army, Country Club Hills. Killed in action December 4, 2007."

Speaker Lyons, J.: "Representative Dave Winters."

Winters: "Specialist Kevin Shields, United States Army, Roscoe. Died December 5, 2007."

Speaker Lyons, J.: "Representative David Leitch."

Leitch: "Private First Class Phillip J. Pannier, United States Army, Washburn. Killed in action January 9, 2008."

Speaker Lyons, J.: "Representative Shane Cultra."

Cultra: "Private First Class Danny L. Kimme, United States Army, Fisher. Killed in action January 16, 2008."

Speaker Lyons, J.: "Representative Mike Fortner."

Fortner: "Staff Sergeant Robert J. Miller, United States Army, Wheaton. Killed in action January 25, 2008."

Speaker Lyons, J.: "Staff Sergeant Robert J. Wilson, United States Army, Taylorville. Killed in action January 26, 2008. Representative Mike Bost."

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

275th Legislative Day

5/29/2008

Bost: "Sergeant First Class Ritchie Morgan, United States Army, Murphysboro. Died January 28, 2008."

Speaker Lyons, J.: "Representative Robert Rita."

Rita: "First Lieutenant David E. Schultz, United States Army, Blue Island. Killed in action January 31, 2008."

Speaker Lyons, J.: "Representative Tom Holbrook."

Holbrook: "Specialist Matthew F. Straughter, United States Army, Belleville. Killed in action January 31, 2008."

Speaker Lyons, J.: "Representative Frank Mautino."

Mautino: "Staff Sergeant Julianna Gehant, United States Army, Mendota. Died February 14, 2008."

Speaker Lyons, J.: "Representative Lou Lang."

Lang: "Corporal Albert Bitton, United States Army, Chicago. Killed in action February 20, 2008."

Speaker Lyons, J.: "Representative Susana Mendoza."

Mendoza: "Senior Airman Blanca A. Luna, United States Air Force, Chicago. Died March 7, 2008."

Speaker Lyons, J.: "Representative Bill Mitchell."

Mitchell, B.: "Staff Sergeant John Easton [sic-Gaston], United States Army, Waynesville. Died March 8, 2008."

Speaker Lyons, J.: "Representative Linda Chapa LaVia."

Chapa LaVia: "Corporal Scott Biesterfeld, United States Marine Corps, Aurora. Died March 30, 2008."

Speaker Lyons, J.: "Representative Mike Smith."

Smith: "Staff Sergeant Keith 'Matt' Maupin, United States Army, Bartonville. Death confirmed March 30, 2008."

Speaker Lyons, J.: "Representative George Scully."

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

275th Legislative Day

5/29/2008

Scully: "Private First Class Shane D. Penley, United States Army, Sauk Village, Illinois. Killed in action on April 6, 2008."

Speaker Lyons, J.: "Representative Chapin Rose."

Rose: "Specialist Seth Allen Miller, United States Army, Monticello. Died April 14, 2008."

Speaker Lyons, J.: "Representative Chuck Jefferson."

Jefferson: "Petty Officer First Class Cherie L. Morton, United States Navy, Rockford. Killed in action April 20, 2008."

Speaker Lyons, J.: "Representative Connie Howard."

Howard: "Private First Class Howard A. Jones, Jr., United States Army, Chicago. Died May 18, 2008."

Speaker Lyons, J.: "Representative Ron Wait."

Wait: "Sergeant Blake W. Evans, United States Army, Rockford. Killed in action May 25, 2008."

Harrison (Color Guard): "Bugler sound taps."

Angela Martin: (Sings Amazing Grace)

Harrison (Color Guard): "Colors recover."

Speaker Lyons, J.: "Thank you, Ladies and Gentlemen. We will also have another ceremony... we're all going to be a part of. We're in the presence of a Bronze Star awardee to Ron Stephens' son, Captain Todd Stephens. So, I'll ask Captain Adamczyk to please come to the podium and from the Clerk's microphone will start the program. Captain Adamczyk."

Captain Adamczyk: "The award of Bronze Star Medal with 'V' would be device for valor is presented to Captain Todd D. Stephens. Captain Todd D. Stephens, United States Army, distinguished himself by exceptionally valor conduct in the face of the enemy of the United States as a maneuver

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

275th Legislative Day

5/29/2008

advisor, Military Transition Team, 2nd Brigade, 5th Iraqi Army Division on the 16 June 2007 during Operation Iraqi Freedom. Captain Stephens demonstrated outstanding courage and bravery on the morning of the 16 June 2007 during a routine logistics convoy an escort of eight (8) local national tractor-trailers from Forward-Operating Base Gabe to Forward-Operating Base Warhorse. The patrol led by Captain Stephens departed Forward-Operating Base Gabe with four (4) Humvees and traveled westward along Route Vanessa through Baqubah, Iraq. As the patrol reached the intersection of Route Vanessa and Route Tora Tora, it begun receiving small arms fire from multiple buildings from the north. The enemy ambush initially targeted one of the local national tractortrailers, riddling the vehicle with over one hundred (100) rounds of small arms fire. Attacking at close range, the enemy succeeded in critically wounding the driver in the neck and disabling the vehicle. Captain Stephens, with little regard for his own safety, dismounted his vehicle under fire and ran to the wounded driver. Meeting the wounded civilian in the middle of the street, Captain Stephens moved the driver to the nearest U.S. Humvee and handed him over to the team Sergeant Major. After escorting wounded civilian to safety, Captain Stephens moved alone and under fire to the damaged tractor-trailer to engage the enemy. With enemy fire impacting the truck and the grounds around him, Captain Stephens engaged in multiple enemy positions with his M-4 rifle and M-203 grenade launcher. Captain Stephens continued engaging the enemy riflemen as the damaged truck burst into flames next

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

275th Legislative Day

5/29/2008

to him. As he maneuvered forward on the enemy, Captain Stephens was pinned down in the open by fifty (50) rounds of accurate enemy fire. Radioing nearest U.S. Humvee, Captain Stephens directed the machine gunner using tracer rounds from his rifle onto the enemy position. With the enemy temporarily suppressed, Captain Stephens pressed forward again, continuing to fire grenades onto the enemy positions. When a team of Apache helicopters arrived to support, Captain Stephens directed the employment of Hellfire Missiles, rockets and thirty (30) millimeter cannon fire onto the enemy positions using tracer fire and grenades. After expending all of his ammunition and still under accurate fire, Captain Stephens remained at his forward and exposed position directing the fires of two Bradley-Fighting Vehicles which arrived to relieve the patrol. Investigation of the ambush site revealed fourteen (14) enemy dead. Captain Stephens' tenacity in the face of a determined enemy and skillful reaction to a deliberate ambush resulted in a destruction of the enemy force. His courage under fire, disregard for his personal safety are in keeping with the finest tradition of the military service and bring great credit upon him, the 3rd Heavy-Brigade Combat Team, Grey Wolf, and the 1st Cavalry Division of the United States Army."

Speaker Lyons, J.: "Congratulations, Captain Stephens. We're all so very, very proud of you. Ladies and Gentlemen, we're also joined by someone who is a tremendous supporter of our men in services and has been for a long time. And

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

275th Legislative Day

5/29/2008

for an announcement, let's give a welcome to our Lieutenant Governor, Pat Quinn."

Quinn: "Well, thank you very much and I think all the people of Illinois honor Captain Stephens and his father and his family for their All-American hero. This is what the Land of Lincoln is all about and I salute the Members of the House of Representatives a House that Abraham Lincoln once served in for your ceremony today remembering those who have given their last full measure of devotion to our democracy. Abraham Lincoln at Gettysburg in 1863, in two hundred and seventy-two words (272) summed up the essence of our democracy, that it is indeed government of the people and by the people and for the people and it shall not perish from the Earth. And we heard today those who went forward in the face of danger as volunteers to protect our democracy. And it is important that we remember each and every one of those heroes today and every day. We should make every day Memorial Day. And today in our State Capitol and through next week, there's a special memorial of the portraits of soldiers who've been killed in action since the Global War on Terror began on September 11 of 2001. These are hand-drawn portraits of our heroes, men and women from Illinois who have given their lives in the last few years. It's important, I think, that all of us look at those portraits, especially the eyes of those men and women. Into those eyes you see the souls of special Illinoisians and special Americans, people who answered the call to duty, gave their life for our country and for our democracy. There are no words in the English language or

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

275th Legislative Day

5/29/2008

any language to relieve the pain of parents who have lost someone that they have known from the day they were born. But I think it is important for all of us in Illinois as Portrait of a Soldier that's gone across our state for us to come and remember and learn about each and every one of these service members who've been killed in action. There is a verse... the third verse of the song, America the Beautiful, that we sang at our church a few weeks ago and, I think, sums up the lives of each and every one of those who have fallen in defense of our country and our democracy. It says, 'Oh beautiful for heroes proved in liberating strife, who more than self their country loved and mercy more than life.' So all of those service members who have died for our country, they're heroes proven in liberating strife. They loved their country more than self and mercy more than life. So today and every day we ask God to bless their mortal souls. We love you soldiers of Illinois. We always will. Thank you very much."

Speaker Lyons, J.: "Representatives, I ask that we also show our appreciation to our Adjutant General of the Illinois National Guard, and the men and women who serve us so proudly in the State of Illinois, William Enyart. Thank you, General, for being here today. Thank you, Ladies and Gentlemen, that concludes our program. Ladies and Gentlemen, there'll be an opportunity fore photographs with... with Todd Stephens."

Speaker Lyons, J.: "Mr. Clerk, on page 4 of the Calendar, on House Bills-Second Reading, Representative Paul Froehlich

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

275th Legislative Day

5/29/2008

has House Bill 2167. What's the status of the Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 2167, a Bill for an Act concerning safety. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Froehlich, has been approved for consideration."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook on the Amendment, Representative Paul Froehlich."

Froehlich: "Mr... Could you pull it out? I don't have it in front of me."

Speaker Lyons, J.: "Mr. Clerk, take this Bill out of the record temporarily on the request of the Sponsor. Mr. Clerk, on page 5 of the Calendar, under House Bills-Second Reading, Representative Acevedo has House Bill 2759. What's the status of the Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 2759, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Acevedo, has been approved for consideration."

Speaker Lyons, J.: "Representative Acevedo on the Amendment."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Amendment #2... House Amendment #2 (sic-#1) enhances the penalty from a Class III felony to a Class II felony for anyone who makes a false threat to any school or university. It also asks for reimbursement to law enforcement agencies that respond to a false threat. I'd be happy to answer any questions."

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "Is there any discussion on the Floor Amendment 1? Seeing none, the Chair recognizes the Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Representative, this increases the penalty for what exactly?"

Acevedo: "It increases the penalty for an individual who calls in or writes a false threat to a university or any school."

Davis, M.: "If they call in a false..."

Acevedo: "Yes... Representative, in the past month or so there's been false threats made at universities or written down in different dormitories. This past... two (2) weekends ago, there was a suburban high school that had a senior prom and someone called in a false threat and fifty (50) policemen had to work overtime to search every individual that came into that party."

Davis, M.: "Yeah, I know. And one of them closed Saint Xavier..."

Acevedo: "Right."

Davis, M.: "...and then all the elementary schools in the neighborhood. But exactly what is the penalty? What will the penalty be after your Bill passes?"

Acevedo: "It goes from a Class III penalty to a Class II penalty, Representative."

Davis, M.: "And what does that entail? I mean, what'll happen to..."

Acevedo: "Instead of two (2) to five (5) years, it enhances it to three (3) to seven (7) years."

Davis, M.: "Okay. Thank you very much for your answer. Thank you."

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

275th Legislative Day

5/29/2008

Acevedo: "It's only for firearms and bombs."

Speaker Lyons, J.: "Seeing no further questions, all those in favor of the adoption of the Amendment signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons, J.: "Third Reading. Mr. Clerk, read House Bill 2759. Mr. Clerk, we'll leave that Bill on Third Reading. Representative Arroyo, on page 15 of the Calendar, House Bills-Second Reading, you have House Bill 4861. What's the status of that Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4861, has been read a second time, previously. Floor Amendment #1 and Floor Amendment #3, offered by Representative Arroyo, have both been approved for consideration."

Speaker Lyons, J.: "Representative Arroyo on the Amendment."

Arroyo: "Thank you, Mr. Speaker, Members of the House. This third Amendment is a gut and replace Amendment to become the Bill. The Amendment will permit the Secretary of State to provide information to the medical examiner and the coroner as to whether an individual on an organ or tissue donor registry. Currently, medical examiners and coroners cannot ask for this information, nor can the Secretary of State give this information to them. Currently, law... only federal organ procurement agencies and tissue banks receive this information from the Secretary of State."

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "Representative Arroyo, is it also your intention to withdraw Amendment #1 and adopt this Amendment? Is that correct?"

Arroyo: "Yes."

Speaker Lyons, J.: "The Gentleman makes a Motion to withdraw Amendment number... Amendment #1, Mr. Clerk? Amendment #1. All those in favor of his Motion signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is withdrawn. On Amendment #2, is there any discussion? Amendment #3, is there any discussion, which was just presented? Then all those in favor of its adoption signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons, J.: "Read the Bill, Mr. Clerk. Put that Bill on the Order of Third Reading and read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4861, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons, J.: "Representative Arroyo."

Arroyo: "I also wanted to take out Amendment 2 out of the Bill. Okay. This is a gut and replace Bill classification... no, this is... Could you pull it back out for a minute, Joe?"

Speaker Lyons, J.: "We'll take this Bill out of the record at request of the Sponsor. Mr. Clerk, on page 44 of the Calendar, under House Bills-Third Reading, Representative Mark Beaubien has House Bill 4905. Read the Bill, Mr. Clerk."

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

275th Legislative Day

5/29/2008

Clerk Mahoney: "House Bill 4905, a Bill for an Act concerning public employee benefits. Third Reading of this Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Lake, Representative Mark Beaubien."

Beaubien: "Thank you, Mr. Speaker. This is a culmination of a great deal of effort that's been put forth by a combination of the Illinois Municipal League and the various fire and police pension boards. It took many, many meetings and a long time. There are no objectors to the Bill and I would urge its passage."

Speaker Lyons, J.: "Is there any discussion on House Bill 4905? Seeing none, the question is, 'Should it pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Representative Arroyo. Representative Mitchell. Representative Rose. Representative Stephens. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we'll be starting on page 46 of the Calendar, under Senate Bills-Third Reading and if I see you, we can call your Bill. We'll start with Representative Turner. You have Senate Bill 887. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 887, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Art Turner."

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

275th Legislative Day

5/29/2008

Turner: "Thank you, Mr. Speaker. Senate Bill 887 is similar to a Bill that we passed out of here a couple weeks ago; it was House Bill 2248. And basically, what it does is it makes a technical correction in the Home and Health Services Act that we passed in... went into effect in 2006. It changes the term from home health aid services provided under the direction of a registered professional nurse or advanced practiced nurse. And I move for the adoption of this legislation."

Speaker Lyons, J.: "Any discussion? The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

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

Speaker Lyons, J.: "Sponsor yields."

Eddy: "Representative, this is identical to House Bill 2248?"

Turner: "That's correct."

Eddy: "Does this have the rulemaking Amendment?"

Turner: "No, it doesn't. It doesn't have the rulemaking Amendment."

Eddy: "Okay. House Bill 2248 had the rulemaking Amendment on it?"

Turner: "That's correct."

Eddy: "Why would the exact same version of a Bill not have the rulemaking Amendment on it when the original version of the Bill had it on? Was there a re-examination of the need or...?"

Turner: "It was a re-examination, Representative."

Eddy: "So, after further review...?"

Turner: "That happens around here."

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

275th Legislative Day

5/29/2008

Eddy: "Okay. After further review it was noted that the rulemaking on this particular Bill may not have been necessary?"

Turner: "That's correct, Representative."

Eddy: "Okay. Thank you."

Speaker Lyons, J.: "Representative Turner to close."

Turner: "I just move simply for the adoption of Senate Bill 887."

Speaker Lyons, J.: "All those in favor of the passage of Senate Bill 887 signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Karen May... take the record. On this Bill, there's 113 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative D'Amico, you have Senate Bill 993. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 993, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative John D'Amico."

D'Amico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 993 is an initiative of Secretary Jesse White's Office and he wants to create a database containing emergency contact information for anybody holding an Illinois driver's license. I'll be free to answer any questions."

Speaker Lyons, J.: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 993 pass?' All those in

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

275th Legislative Day

5/29/2008

favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on Senate Bills-Third Reading on page 47, Representative Skip Saviano has Senate Bill 1869. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1869, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Skip Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1869 as amended, and I want to thank the Speaker's staff for that Amendment narrowing down the language so it just affects this one doctor from Italy. What happened is this doctor is a visiting doctor from Italy. He's a world-renown surgeon who practices periodically at the University of Illinois-Chicago. And he... every two (2) years he... after awhile you'd have to take the test here in Illinois to continue his services to our patients here in Illinois. This Bill simply allows him to keep practicing with renewing his visiting status every two (2) years without taking the test. There's no opposition to this. The department's in favor, the State Medical Society's in favor, and of course, the university's in favor. And I would ask for its approval. Thank you."

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "Is there any discussion? The Chair recognizes the Gentleman from McHenry, Representative Jack Franks."

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

Speaker Lyons, J.: "Sponsor yields."

Franks: "Representative, right now is there a requirement for continuing medical education for practicing physicians in the State of Illinois?"

Saviano: "Yes."

Franks: "And would this individual have to have the continuing medical education as well or would this individual be exempt?"

Saviano: "He would be exempt."

Franks: "Couldn't we... would it be better if he's going to be practicing here in Illinois for an extended period and you're trying to give him the same rights and privileges of the other physicians here in Illinois that he also have to do his continuing medical education like the other doctors?"

Saviano: "Well, the fact of the matter is he's the guy that teaches it."

Franks: "Oh, okay."

Saviano: "He's a professor. He teaches the surgical procedure. He's the best in the world."

Franks: "Okay. That's a very good answer. Perhaps he can get credit then for teaching like they do for the legal education. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Peoria, Representative David Leitch."

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

275th Legislative Day

5/29/2008

Leitch: "Thank you. To the Bill. I think this is an excellent Bill and if anything it needs to be considerably expanded because it is not unusual at all as Illinois seeks to become increasingly a more and more important medical community in the world to have great medical surgeons and others of eminence... professors of eminence come to Chicago. We should want them in Chicago and we wouldn't... should not be putting them through all this Mickey Mouse that they have to go through to practice in Chicago and share their talents with us. So, I just commend the Sponsor and would look forward to working with him to even more importantly expand this good Bill."

Speaker Lyons, J.: "Representative Saviano to close."

Saviano: "I would just ask for the approval of this very commonsense Bill which will help the constituents here in the State of Illinois. Thank you."

Speaker Lyons, J.: "The question is, 'Should Senate Bill 1869 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Jay Hoffman. Mr. Clerk, take the record. On this Bill, there's 113 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Paul Froehlich, on page 47 of the Calendar, you have Senate Bill 1881. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1881, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Paul Froehlich."

Froehlich: "Thank you, Mr. Speaker. Senate Bill 1881 came out of a proposal from a state's attorney from Madison County and so, Senator Haine picked up the proposal. Basically, it would amend the Criminal Code two (2) ways. It would expand offenses for which bail may be denied to include making or attempting to make a terrorist threat. The state's attorney said there's a little loophole here. And secondly, it would add making or attempting to commit... commit and make a terrorist threat to the list of offenses for which a hundred percent bail may be required. The state's attorneys support this. I'm not aware of any opposition. I'd be happy to answer questions."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons, J.: "Sponsor yields."

Black: "Representative, I don't... pretty sure I don't have a problem with the Bill. There's one thing I don't understand and it would be definitional in nature. What is the burden of proof on someone attempting to commit the offense of making a terrorist threat?"

Froehlich: "Representative, as I heard the story from Madison County, and that's where this came from, a car was confiscated and when police were inventorying it, they found a note and some materials suggesting that individual intended to, you know, make a terrorist threat. And... so

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

275th Legislative Day

5/29/2008

that... and then they realized they couldn't hold him and he was able to bond out. And they're trying to prevent somebody who might constitute a real threat to the public from getting out on, you know, 10 percent bail."

Black: "Were they able... the only thing that would concern me would be due process rights. The individual... I mean, how long does it take to have reasonable proof that the note was, in fact, either offered by or in the possession of someone who was attempting to make a terrorist threat? My fear is that the note may have been put there by a passenger in the car or someone he knew. He then... his car is impounded. They found the note and suddenly, he's not eligible for bail. Whereas... I'm worried about due process."

Froehlich: "You know and I think that's a legitimate concern. What we're going to require, though, the judge... the court has to determine that releasing the defendant on bail would pose a real and present threat to public safety."

Black: "All right. Now, that would come upon appearing before a judge. And then would there still be, and I'm not an attorney, wouldn't there still be a matter of judicial review in... what is it... 72 hours or something? If evidence comes up that maybe he was not aware of the note, he would then perhaps be eligible for bail, or... I just hate to think of someone sitting ninety (90) days in jail based on the assumption that a note found in his or her car was, in fact, written by the owner of said car."

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

275th Legislative Day

5/29/2008

Froehlich: "True. I believe... now, I'm not an attorney either, Representative, but I believe you can appeal a judge's decision on bail."

Black: "Okay. All right. And that person would have access to either a counsel or public defender before this takes place, right?"

Froehlich: "Yes, Sir."

Black: "Okay. All right, fine. Thank you."

Froehlich: "Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from DuPage, Representative Dennis Reboletti."

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

Speaker Lyons, J.: "Sponsor yields."

Reboletti: "Representative, I asked you this question in committee and I shared this concern with you before, but we have the issue and when you have a nonbailable offense, the speedy trial changes from a hundred and twenty (120) days while in custody to ninety (90) days while in custody. And while this obviously is a very grievous offense as a Class X, why are we allowing people who are charged with murder to have access to bail? And we're going to worry about this one in particular. Is there other issue... shouldn't we be looking at some of the more serious crimes?"

Froehlich: "Well, you know, I... I... maybe we should make some other changes, but in this case there's a couple of things. One, the judge may give bail, but just require a hundred percent of the amount of bail to be deposited rather than 10 percent. So, that would be another way to address that problem if they thought it was a problem. But in addition,

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

275th Legislative Day

5/29/2008

if somebody's threatening, you know, to bomb a building, for example, they're threatening, you know, potentially scores or hundreds of people. Where somebody else may have killed a loved one and is not... may not be threatening mass destruction."

Reboletti: "When Representative Black had mentioned about the review process, is it your general assumption and I know you're not an attorney, but if it's... after the probable cause is established there would, obviously, no bail. Is this Bill going to allow at some point in time that a motion could be filed the next day and the judge could reconsider or a week later, and then the judge could put the person onto bond or is this saying that this person's going to remain in custody until their trial?"

Froehlich: "Yeah. We're not changing any other rights that people have to due process and to appeal a judge's ruling. So, they'd still have whatever due process rights that already exist."

Reboletti: "I'm not sure... and I'm... as I'm talking to staff here. I'm not sure if the Bill addresses that because you're talking about the fact that you're not going to get bail and I can appreciate that... the gravity of the offense, but if you can file a motion a couple days later and the judge sets bond at a million dollars (\$1,000,000) or five million dollars (\$5,000,000) or whatever, then really... I don't know if this Bill really does very much. And I hear many times that we take away discretion from judges quite a bit, and this is one of those concerns that maybe I have, because I've asked judges for bail before and have been

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

275th Legislative Day

5/29/2008

disappointed and sometimes have been appreciative of the bond that was set, depending on the offense. But what... you were talking about a situation before in committee if you could remind me of that... what happened. How this brought... you brought this Bill forward."

Froehlich: "The... down in Madison County police had inventoried a car and they found a threat... a written threat in the car and they found other evidence that led them to believe this individual intended to perpetrate this threat of, you know, some serious destruction. And so they charged the individual; he was able to bond out on 10 percent bail. And so, that was the particular circumstance the state's attorneys are trying to address."

Reboletti: "And I appreciate that. I guess my concern still is... is that maybe we'd want to put in there an Amendment that would say that bond could not be issued for a week or two (2) weeks or a month where the judge would know when they could reconsider. Because I'm afraid that... okay, bond will be denied and a couple days later you're going to file motions to reduce bond or a motion to set bond and we're right back where we started."

Froehlich: "But this doesn't require a judge to deny bond. It... and it does expand the charges where you can require a hundred percent of bond to be put up. So, it's... it just adds to the list of offenses for which bail may be denied. It doesn't tie the judge's hands and force him to do it, the way I read it."

Reboletti: "Well, I guess that, just from a perspective for the judge, if we had that kind of language in there it might be

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

275th Legislative Day

5/29/2008

more clear after they have the Gerstein hearing and the probable cause hearing that they know that bond would be denied. They'd to say that that... tell the defendant that bond has been denied based on the statute, but they would be eligible to file a motion to reduce bond or set bond at some other time in the future. So, that's one of my general concerns, Representative."

Speaker Lyons, J.: "Representative Reboletti, your 5 minutes are up. Did you have a final question you wanted to finish or are you done? Thank you, Representative. The Chair recognizes the Gentleman from Cook, Representative Jim Durkin."

Durkin: "Will the Sponsor yield? Representative Froehlich, I know... just to follow up on Representative Reboletti, could you explain to me the type of hearing that will be conducted to allow the court to make the decision... determination that person presents a danger to the community? The reason I ask is that Gerstein hearings are basically proffers that the state's attorney will make to the court. It's hearsay on top of hearsay. But we're talking about a hearing, what exactly type of hearing are we envisioning?"

Froehlich: "You know, not being an attorney, it's difficult for me to answer that other than to say that we're requiring the court to determine that the release of the defendant would pose a real and present threat to physical safety of the community."

Durkin: "But there has to be a hearing conducted in which the court has to make a decision. Are you... are you..."

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

275th Legislative Day

5/29/2008

Froehlich: "Yes. That's right, there will be."

Durkin: "Well, let me ask this. Would the state be required to bring in a witness to testify and be made available for cross examination by defense counsel if they are going to testify that the facts are such which would warrant a nonbail for this offense?"

Froehlich: "Well, we're not changing the section of statute that says somebody currently charged with a capital offense that for which they can be sentenced to life. It says, 'Shall not beailable until a hearing is held, wherein such person has the burden of demonstrating that the proof of his guilt is not evident and the presumption is not great.' That existing section of the law, we don't change. It would now simply apply to people accused of making or threat... attempting to make a terrorist threat."

Durkin: "Well, you know, I've done a number of bond hearings over the years and I've never had a separate hearing where there has been a determination like this made. So even though the statute does give... we're just amending the statute which is to be consistent with other offenses, I personally would like to know exactly when... you made a reference that there are certain due process rights. What is the process that this person going to get at that bond hearing if they're going to be denied bail? Do they have the right to call witness? Should the prosecution be able to call witness? Can you bring someone in to rebut them? That's basically what I'd like to know."

Froehlich: "Well, I'm just reading from the existing statute that the defendant has a right to... and bail shall not be

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

275th Legislative Day

5/29/2008

denied until a hearing is held wherein the defendant has the burden of demonstrating the proof of his guilt is not evident and the presumption is not great. So, whatever currently exists would apply. You know, hey, if you don't understand the current statute..."

Durkin: "Well, I..."

Froehlich: "you know, I can understand."

Durkin: "...I stated I've never had one of these hearings before. I've had people denied bond, but without... we'd just do it through proffer. But if there is going to be a separate hearing that's laid out in your statute, I just would like to know whether or not you believe that the person who's charged with this offense should have the availability to either present a witness to rebut the allegations that have been made by the state and should the state be forced to bring in a live witness rather than just rely upon the proffer, which I said which is basically just regurgitating the... what's in the police report."

Froehlich: "Whatever the rights currently exist for those persons charged with other offenses that are nonbailable. I'm not changing whatever due process hearing rights people have. Currently, the offenses for which a sentence of life may be imposed or stalking or aggravated stalking, they can be denied bail. Unlawful use of weapons on school property, they can be denied bail. The same rights those categories of people have, this category would. We're just expanding, adding an offense or two (2) regarding terrorist threats."

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

275th Legislative Day

5/29/2008

Durkin: "I understand what you're saying and I... I guess it's fair to say that you're not sure whether or not either side has to provide live testimony whether the prosecution to establish, which is little or more... which would be more reliable than just police reports, or whether the defense has the ability to bring in testimony to rebut the allegations. Is that correct?"

Froehlich: "Yes."

Durkin: "Okay. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Ken Dunkin."

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

Speaker Lyons, J.: "Sponsor yields."

Dunkin: "This is a very interesting argument, especially for a nonlawyer. Does the Federal Constitution guarantee the right to bail, Representative?"

Froehlich: "Not... I don't think it's an absolute right. There is a right, but like all of our rights in the Constitution there are some regulations that are... the courts have found permissible."

Dunkin: "So, you're saying you're not sure or..."

Froehlich: "No, I mean, if it were unconstitutional then, it would currently be illegal to deny bail for people accused of murder, people accused of stalking, people accused of unlawful use of weapons. These are laws already on the books."

Dunkin: "For the 100 percent bail requirement?"

Froehlich: "Yes. Yes."

Dunkin: "Okay. Thank you."

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Bob Molaro."

Molaro: "Obviously, whenever you're denying bail where that's... you know, we should tread slowly. Now, in this state from my viewpoint... unfortunately, we've picked about four (4) or five (5) crimes that says the judge can't give bail even if he wanted to. There's a couple there we say he doesn't approve bail and I will admit this it does say, 'Where the court after a hearing determines the release of the defendant would pose a real and present threat to the physical safety of any person or persons that were threatened.' Now that... whether I like it or not, that seems to make sense to me. So someone for aggravated stalking, aggravated kidnapping, or attempted murder or in this case, attempted terrorist threats or terrorist threats. The judge is going to say, well, we're going to deny bail, but I still have to hold a hearing to make sure that when I'm denying bail... and remember this is a person who's just arrested. He's been convicted of nothing. So, he should go home. We're going to say we're going to deny bail and you're saying we're going to deny it, like, but yet, we're going to have to hold a hearing. Now that makes sense. And that's what you are saying, there will be a hearing."

Froehlich: "Yes. Yes."

Molaro: "And at that hearing the judge has to determine that if he were to let this guy go, there would be a real and imminent danger that he's going to go after the victim that he was just arrested for stalking or threatening."

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

275th Legislative Day

5/29/2008

Froehlich: "That's right. And that the proof has to evident and the presumption great that he is, in fact, guilty."

Molaro: "Well, you know, and that makes sense. I don't want to get personal, but naturally, if someone were to threaten one of us and then they get it and the judge says, yeah, we're going to hold a hearing and I think if I let this guy out, he's going to go on that threat and maybe, you know, go actually hurt you. Now, maybe some people would like to see him out, I wouldn't. I want to make sure he doesn't do that to you. But that was a joke, by the way. I don't know if you got it. But anyway, that... that certainly makes sense. As to the hearing, by the way... and I know the other Representative from Cook who just sat down, he said he's done bail hearings. I've done bail hearings, obviously, on the other side, trying to get people out on bail. And most hearings they don't even have a live person testify. Actually, all they do is have the state's attorney get up there and say whether he'd jumped bail or not and read off the police report how bad the crime that he allegedly committed. I'm assuming since it's pretty open and says a hearing, the judge could determine how many witnesses, how far a field he wants it to go, whether or not, you know, he's going to allow certain things. And the judge will make that determination. And just like in post bond hearings, it's probably not going to go too far. So, whether I like it or not, it sure seems like it's the public policy of Illinois to deny bail under certain circumstances. You're just adding one, but you are allowing a hearing to take place."

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

275th Legislative Day

5/29/2008

Froehlich: "Yeah."

Molaro: "So it seems that it's pretty well safeguarded. So I will vote 'yes' on your Bill and I think it's a good one."

Froehlich: "Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Lyons, J.: "Sponsor yields."

Davis, M.: "Thank you... How did this Bill get out of Rules over in the Senate?"

Froehlich: "Well, Senator Haine had it in the Senate and it not only got out, but as I recall, I think, this... it may have passed unanimously or nearly so."

Davis, M.: "Okay. I just find it kind of peculiar..."

Froehlich: "It was unanimous."

Davis, M.: "...that their Bills get out of Rules. Our Bills don't get out of Rules over there. Our Bills in the Senate do not get out of the Rules Committee. I just want to make that point. I'm really concerned, Representative, when we take away the rights of any group of people because I belong to a group who often has rights taken away unjustly and unfairly. One of the reasons for bail is to give the person an opportunity to help to defend him or herself. I'm accused of a crime; there is not absolute proof. I'm accorded bail to make sure I return to court, but as Representative Molaro stated, if I have not committed an act that presents an imminent danger to myself or another person then I'm granted bail. Now, we know that this administration in Washington has done a good job of

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

275th Legislative Day

5/29/2008

instilling great fear in all of us. Great fear, the terrorists are coming. They're coming back. And the reasons for the promotion of that great fear is to continue in some things in other countries that shouldn't be. I won't go into all that, but I do want to say if a person has a note in their car with a threat to someone, maybe someone else put it there. Maybe it's not even their writing."

Froehlich: "That's true."

Davis, M.: "Public defenders are overwrought with defending people and many times innocent people are incarcerated because they had poor defense. Now, what you want to do is stop the action of any terrorist. Is that correct?"

Froehlich: "That's right. But a judge has to find that the evidence of guilt is great. And there's a strong presumption the person actually did it and that person's release would create a threat to other people."

Davis, M.: "But that's subjective. That's very subjective what the judge finds as presumption of guilt. It's really subjective."

Froehlich: "Well, it's higher than most."

Davis, M.: "So for the... but for the court you should have almost concrete proof. And God forbid this person doesn't speak English. Suppose they speak another language?"

Froehlich: "This person will still have a trial. This person will still have the right to counsel."

Davis, M.: "I know."

Froehlich: "We're not diminishing that."

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

275th Legislative Day

5/29/2008

Davis, M.: "But... but I... I understand. But what opportunity have they had to work toward their defense? What opportunity have they had? You know, we've had cases... now, you know we've had cases, where the individual was suffering from mental illness, there was a mentally ill person. How would you deal with that?"

Froehlich: "Well, if that person has threatened others and then we probably don't want that person released in that condition anyway when they're still a danger. And the judge would have to determine that there's a, you know, high presumption that they are before he could either deny bail or require them to post a hundred percent of bail."

Davis, M.: "If I had... if I'm a kidnapper and I kidnap someone and I'm caught. Can I get bail?"

Froehlich: "Yes."

Davis, M.: "I can get bail when I'm a kidnapper?"

Froehlich: "Unless it's a class... if it's a Class X felony then the court does have discretion to require..."

Speaker Lyons, J.: "Representative Davis, your 5 minutes has... is used up. He'll answer the question and then we'll conclude this series of questions. Go ahead, Representative Froehlich, finish your answer."

Froehlich: "Yeah. The court does have the discretion to require a hundred percent of bail for a Class X felony for... under certain drug offenses. And remember, we're not talking about somebody threatening one person. A terrorist threat implies you're threatening the community. And that's one difference between that and kid... attempted kidnapping of one person."

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Winnebago, Representative Jim Sacia."

Sacia: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen, the previous speaker referred to the administration in Washington spreading great fear. Then she went on to comment about Representative Froehlich's Bill being highly subjective. I would submit to you that the Lady's comments were highly subjective. This is good legislation and deserves to be passed. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from Grundy, Representative Careen Gordon."

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

Speaker Lyons, J.: "Sponsor yields."

Gordon: "Thank you. Representative Froehlich, I'm looking at the actual language of the Bill and on, I guess, lines... what you added were lines 10 through 16. And it says, 'or making a terrorist threat in violation of the actual section of the code, where the court after a hearing determines that the release of the defendant would... after a hearing determines that the release of the defendant would pose a real and present threat to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat.' Do you know what the actual purpose of a bail hearing is? Just off the top of your head, do you know what the purpose of a bail hearing is?"

Froehlich: "I think you want to know whether the defendant will appear at the trial."

Gordon: "Exactly. Whether or not a defendant is going to appear at a trial. So whether or not they're going to

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

275th Legislative Day

5/29/2008

return to court is a determination that the judge takes into consideration when setting bail. Their criminal history, they take that into consideration. How far... if there's a family or some type of network that they have to... that is going to bring them to court, the age of the person, the type of, I guess, threat that brings them, you know, to this person, but what you're asking the judge to do at a bail hearing is to make a determination of whether or not a real and present threat to the physical safety of any person is there. Is that correct? That's correct, right?"

Froehlich: "Yes. And we already do that..."

Gordon: "Now, you're also aware... but wait a... but you're also aware at the bail hearing the defense... and I hate sounding like Representative Molaro when I ask you this. But you're also aware that at the bail hearing, the defense has absolutely no access to any discovery at all, whatsoever. They have no access to any criminal police reports. They have no access to any reports whatsoever that has brought this person before the court for whatever they're charged with. So that even if they do have an attorney there with them to defend them during this hearing that you're asking them to have that the... the defense attorney is not going to have any information whatsoever about the incident they're charged with, any of the details, or not. And you're asking that a mini trial be held at a bail hearing. You realize that?"

Froehlich: "We already do that for those other selected offenses where a judge may deny bail."

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

275th Legislative Day

5/29/2008

Gordon: "Well, denying bail is one thing under... for certain offenses, but you're not... you're putting this... what you're doing here, is asking that a minitrial be held because of a specific offense that they're charged with. That's the difference. You see that?"

Froehlich: "Yeah. But we already have this kind of hearing for the other crimes for which bail could be denied. So, we're not creating a brand new precedent here for that kind of hearing."

Gordon: "How many terr... how many people have been charged with making a terrorist threat in Illinois over the past six (6) months?"

Froehlich: "I do not know."

Gordon: "Does this language mirror any language that you're aware of in the Federal Patriot Act?"

Froehlich: "Not aware of it, no."

Gordon: "Well, actually it does. And at this point, putting someone through a bail hearing for a terrorist threat is somewhat... To the Bill, Mr. Speaker. Ladies and Gentlemen, I understand what the Gentleman's trying to do and we all understand the threat of terrorism in our world today. But I also know that at the state level is not the place to take care of it and this is somewhat disproportionate to the rest of our Criminal Code and the cases that we deal with on a daily basis. A Class X felony or a capital crime can be a case where bail is denied, but to have a minitrial when information is not there for everyone and to expand a part of the Criminal Code that is in and of itself flawed,

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

275th Legislative Day

5/29/2008

in my opinion, is something that we shouldn't be doing here at the state..."

Speaker Lyons, J.: "Representative, your 5 minutes are up. I'll just... Do you need another second or are you completed your..."

Gordon: "Seconds..."

Speaker Lyons, J.: "Another second or two, go ahead."

Gordon: "In and of itself flawed at the state level. I know that he's trying to do the best he can and has the best intentions, but I would ask for a 'no' vote on this legislation."

Speaker Lyons, J.: "Ladies and Gentlemen, this Bill was on Short Debate. We'll move it to Standard Debate. There's two (2) speakers left. Representative Tim Schmitz."

Schmitz: "Thank you, Speaker. I would like to yield my 5 minutes to Representative Monique Davis."

Speaker Lyons, J.: "Representative Davis."

Davis, M.: "Well first, I want to thank Representative for at least having the courtesy to know that I, too, deserve a right to bring my remarks to a close. And I urge a 'no' vote."

Speaker Lyons, J.: "Representative John Fritchey."

Fritchey: "I move the previous question."

Speaker Lyons, J.: "Representative Fri... There's no further speakers, John, so we'll just have Representative Froehlich close."

Froehlich: "You know, I appreciate the caution that my... many of my colleagues use when they approach this area of the law. I think it is appropriate to be cautious, to examine it

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

275th Legislative Day

5/29/2008

carefully. I think we're talking about making a terrorist threat here, which to me is potentially worse than the stalking provision that's already covered. The state's attorneys support this. I'd ask for an 'aye' vote."

Speaker Lyons, J.: "The question is, 'Should Senate Bill 1881 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 83 Members voting 'yes', 26 Members voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Careen Gordon, on page 47 of the Calendar, you have Senate Bill 1881. Read the Bill, Mr. Clerk. Forty-seven of the Calendar, it's 1887, Senate Bill 1887."

Clerk Mahoney: "Senate Bill 1887, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lyons, J.: "Lady from Grundy, Representative Careen Gordon."

Gordon: "Thank you, Mr. Speaker. Senate Bill 1887 is an initiative of the Illinois Coalition Against Sexual Assault. And it allows for the prosecution of sex crimes that are enumerated in our Criminal Code, should be commenced at any time where now they have certain statutes of limitations. In cases where the offender's DNA profile is obtained and entered into the DNA database within ten (10) years after the crime's commissioned and, not 'or' but 'and', the victim reported the crime within three (3) years after its commissioned. The Bill also expands the current

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

275th Legislative Day

5/29/2008

unlimited criminal statute of limitations for sex crimes by removing the following requirements: that the identity of the offender must be unknown after a diligent investigation by law enforcement and that the victim must report the crime within two (2) years after its commission. There were... with the expansion that we have in DNA and the new technology that we now have at our fingertips and the ability that we have to use it, we now have a tool for law enforcement to be able to catch some of these sex offenders and specifically some of the violent rapists that are out there. I would ask for your 'aye' vote and I'd be happy to answer any questions."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative John Fritchey."

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

Speaker Lyons, J.: "Sponsor yields."

Fritchey: "Representative, just so I can understand what we're doing. You essentially want to extend the statute of limitations to ten (10) years, or would the statute of limitations become unlimited as long as the DNA was entered into the database within ten (10) years?"

Gordon: "If the offender's DNA is obtained and entered into a database within ten (10) years after the crime's commission then it's unlimited."

Fritchey: "So, as long as the victim reported the crime within three (3) years and the database... or the DNA was put... was entered into a database within ten (10) years, charges could theoretically be brought thirty (30) years later?"

Gordon: "Correct."

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

275th Legislative Day

5/29/2008

Fritchey: "Do we have any precedent for doing that in any other case other than a murder case?"

Gordon: "I don't know... I don't know of any case law, but what I do know is that the technology now allows us to do that because of the laws that have changed that when we have convictions now, Representative, we get DNA from the convicted felons."

Fritchey: "I understand that, but do we... other than murder, do we have any other case... do we have any other offenses that have an unlimited statute of limitations?"

Gordon: "Murder, is one now."

Fritchey: "Other than murder."

Gordon: "It... well, it's not... I wouldn't necessarily, I mean..."

Fritchey: "Representative, I mean..."

Gordon: "There's still, there's still... the limitations on this because they're still have to... they're still reporting requirements on the crime."

Fritchey: "There's a reporting limitation... and I'm not arguing with you, I'm asking sincerely, are there any other cases other than murder, I'm not aware of any, that would have an unlimited statute of limitations?"

Gordon: "No. No."

Fritchey: "And this... and this is not..."

Gordon: "No, but I say that with an asterisk because of the reporting requirements that go along with this one."

Fritchey: "But there... but there are time limitations on the... we're taking the reporting limitation from two (2) years to three (3) years that's... I don't get it, but that's fine. And we... and we got..."

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

275th Legislative Day

5/29/2008

Gordon: "Well, I mean, actually there's several different..."

Fritchey: "Let... please, just let me... let me just... let me just finish. I don't have much of a voice left anyway right now."

Gordon: "Sorry."

Fritchey: "But we're taking the reporting time from two (2) years to three (3) years. You're giving a ten-year window in which the DNA has to be entered into the database. And I get that, but then you're going to say forty-some odd years later the case could be brought. Why not say... why not make it ten (10) years? Just say, okay, if the crime's reported within three (3) and the DNA's in the database within that ten-year window charges can be brought at that time."

Gordon: "Well, because of... we now have such an accurate level of being able to identify people by DNA and because of the level and the violence of this crime, Representative, we now have the ability to do this and we can take advantage of the science and technology that's out there."

Fritchey: "But that DNA evidence could be used in burglary cases. That DNA... evidence could be used in a host of criminal cases, so why not just say... I mean, I think the door that you're opening up here, the more I think about this, the door that you're opening up is basically no statute of limitations if somebody's in the DNA system."

Gordon: "Well... because you know as well as I do, Representative, that at one point rape was considered a capital crime and the U.S. Supreme Court struck that down. Currently, that is being reconsidered if it's rape of a

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

275th Legislative Day

5/29/2008

child. The case is out of Louisiana and it is before the Supreme Court. And it's because of the technology, the DNA, and because of the violence of rape as a crime. And it's something that as a public policy here in Illinois we're willing to explore. It's not something that I would ever stand here and say, that you know, retail theft or anything like that would do, but because of the violence of this crime and the ability that we have to do it, it's something that we have to look at as a matter of public policy. And there is still the reporting requirement that's on there. So there is still some level of limitation."

Fritchey: "To the Bill. I've carried a lot of legislation on behalf of the Coalition Against Sexual Assault. I've been proud to work with them on a number of issues. I understand what the Sponsor's doing. The issue here is not about being tough on rapists or going easy on rapists or sexual offenders. The issue here really is a civil liberties issue and we are creating an area here; we are going to take the statute of limitations off the books wholly. You know, in a perfect scenario, folks, I guess, you know, we would never want these crimes to occur and obviously, if they do, we want these people caught and convicted. But to take the concept of the statute of limitations, which is one of the bedrock principles of our criminal system, and to throw it out the window just seems to be unwarranted. I won't extend my comments beyond that. Thank you."

Speaker Lyons, J.: "Representative Gordon to close."

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

275th Legislative Day

5/29/2008

Gordon: "Thank you, Representative. And I haven't... we did find the information we were looking for. Just so that the Body does know, there are fifteen (15) states that currently have no criminal statute of limitations for all or some sex crimes, regardless of whether DNA is present and eleven (11) states have no criminal statute of limitations for sexual assault if DNA can be used to established the identity of the suspect or if statutes of limitations that do not begin until a suspect is establish by DNA evidence. This is not something that's new in Illinois. This is not groundbreaking legislation, but it is something that we should use as public policy as a safety matter. And it's something to be used on the worst of the worst cases and of... on one of the most violent crimes that is out there today. I would urge your 'aye' vote. Thank you very much."

Speaker Lyons, J.: "The question is, 'Should Senate Bill 1887 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 111 Members voting 'yes', 2 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 47 of the Calendar, Representative Saviano has House Bill... Senate Bill 1900. Read the Bill, Mr. Clerk."

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

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Skip Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1900, I guess we would say is a landmark piece of legislation. I want to thank the eighty-five (85) cosponsors I have in this chamber on this Bill. Senate Bill 1900 probably is a long time coming. What it does is it mandates insurance coverage for autistic individuals within our state by insurance companies. This Bill passed out of committee 9 to 0. I have to say that there was a lot of work put into this Bill. Working with the advocacy group made up of really unpaid lobbyists, moms, dads, people who felt that it was something they should fix in this state because of the knowledge that they had in raising autistic children and dealing with the variety of treatments that are needed to state that child off in the right direction. As we know in most disabilities, early intervention is the key to the journey through any child for their life to make sure they get that treatment early and we've seen... there's evidence that their progress is far, far better when they're able to get that treatment early, the proper treatment. The problem is most people in this state don't have the purse or wherewithal to pay for that treatment. And this Bill will allow those methods, those therapies, those treatments to take place in a more expedient manner, setting the path for that child through his or her life. And also, we know that when we do intervene early in a disabled person's life, that's a good investment because that person has a better chance at

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

275th Legislative Day

5/29/2008

becoming a productive member of our community, our society and be less dependent on government. And that's one of the reasons, one of the main reasons, why I'm proud to sponsor this Bill. There's a lot of heroes that put this Bill together. One of them we have in the gallery today, who's a dad of a young five-year-old child, Brianna, and I just want to recognize him, Pete DiCianni. Pete's a small businessman who obviously subscribes to health insurance for his small company, but he could not get coverage for this sort of disease. And he and other parents got together on their own personal... with their own effort, their own personal money, their own personal time to recruit myself and Senator DeLeo to move this legislation forward. Now, we know the downsides of mandates on business and insurance companies; they have the potential to drive up premiums. But I still believe going back to my first premise, if we make this investment early in a child's life, they will be less of a burden on business, on insurance companies, on government, in their future years. So, I would ask that everybody come together and vote for this Bill. This Bill passed out unanimously out of the Senate. Again, I want to thank all my cosponsors, all the people that worked very, very hard to bring this Bill to fruition. And I certainly would urge the Governor to sign this landmark piece of legislation. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from DuPage, Representative Patti Bellock."

Bellock: "Thank you very much, Mr. Speaker. To the Bill. I just wanted to thank Representative Saviano and Senator

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

275th Legislative Day

5/29/2008

DeLeo for their leadership in bringing this Bill forward. This Bill addresses the needs that we've been trying to raise the awareness of in Illinois for the last four (4) or five (5) years in bringing the issue that one (1) out of every hundred and fifty (150) children in America now suffer from some form of autism disorder. And yet, all of those children are not able to get insurance. This is a measure of parity as it was with the mental health Bill. We see as the father of the child who's up in the gallery said when he filed for his insurance, he was declined. And I said, why were you declined? And the reason was because it was a neurological disorder. So, if you have a child with diabetes or if you have a child with cancer or you have a child with a physical disease, you can get coverage. But if you have a child with autism or a neurological disorder, it's just a point-blank decline. So this is somewhere where we in Illinois can lead the charge, throughout the rest of America is looking to Illinois to be the leader to show that we do care about children with autism. Thank you."

Speaker Lyons, J.: "Representative John Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. It's so nice for us to have a Bill that we can really feel good about here and this really is one of those. If you people haven't had the opportunity to meet with parents of autistic kids who want nothing more than the opportunity to give their kids the best lives that they can, you really should take a chance. I was approached, initially, not just by Pete and his wife but also by some others in my district who came to

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

275th Legislative Day

5/29/2008

me just to talk about their children and their struggles and their fight and what they want for their kids, which is no different than what any of us want for our kids. And to listen to these women in tears talk about the things that can be done in other states that can't be done in Illinois but will be made possible by this Bill. It's really all I needed to hear and I think all any of us would need to hear to understand how important this is to do. The opportunities that we're giving not just to these families and these children, it's just a matter of doing something that's just being done because it's the right thing to do. Representative Saviano is correct and we need to be wary of mandates on insurance companies, et cetera, but to do something this fundamentally right and just and morally right is an opportunity that doesn't come along that often in this building. So I just really urge everybody to seize that opportunity now and give these families the opportunity, the chances that we'd want for ourselves. Thank you."

Speaker Lyons, J.: "Representative Renée Kosel."

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

Speaker Lyons, J.: "Sponsor yields."

Kosel: "To... I have a question... a couple of questions about the Bill. This particular Bill mandates the coverage for the State of Illinois... the policies that the State of Illinois covers. Is that correct?"

Saviano: "Correct."

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

275th Legislative Day

5/29/2008

Kosel: "Do you know what percentage of the insured people in the State of Illinois are covered by those kind of policies?"

Saviano: "No, we couldn't get that information, but additionally, I guess I left out, we cap the amount of coverage to thirty-six thousand dollars (\$36,000) a year. And that was the agreement made between the autistic group with the insurance companies and everybody else that was involved."

Kosel: "I really want to compliment you for your work on this. My heart goes out to the parents and the families that have dealt with this and are trying to find answers to questions and I really empathize with them. But I am very, very concerned that there's many families in the State of Illinois that will see the headlines when this passes and goes to the Governor's desk that think that they will have coverage under this Bill. The State of Illinois only really is able to impact policies that aren't governed by the Federal Government under the... under ERISA. Many of the policies including the ones that we, as state employees, have are governed under federal regulations. And it is believed that they are the majority of policies in the State of Illinois. Most school districts, most big corporations... most corporations who have employees over fifty (50) people are governed by federal regulations. And I just want people to be aware that this does not impact those policies; it only impacts the policies that we can control. I've gotten a lot of calls about it. I have tried to return as many as I possibly could to tell people

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

275th Legislative Day

5/29/2008

that who does your husband work for? Does he work for AT&T or does he work for a state or school district? And under those circumstances, these people will not be covered. I commend you for your work on the state level. I think that the people that are here listening and doing... working for this need to take this now to the federal level to make sure that the great majority of insurance policies in the State of Illinois are covered and that can only be done with federal legislation, not state legislation. So, again, thank you for your work."

Saviano: "Thank you."

Speaker Lyons, J.: "Representative Kevin Joyce."

Joyce: "Thank you. Thank you, Mr. Speaker. To the Bill. The previous speaker did touch on one thing that I wanted to mention about the federal legislation, but first of all I'd like to commend the Sponsor of the legislation. And I have dealt with a lot of the families just like he has and autism doesn't discriminate. It doesn't discriminate on wealth. It doesn't discriminate on region. It doesn't discriminate on race. And you never know when it's going to happen to you or someone close to you. And I can't imagine, I know Brian's in the crowd, I can't imagine... Brianna's upstairs, how difficult it must be for your families. But this is a start and as the previous speaker noted about the federal legislation that could be out there, we really do need to capture... we do need to capture all the policyholders in this state. We need to capture employees that work for the City of Chicago, police officers and firefighters and their families, people that

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

275th Legislative Day

5/29/2008

have residency requirements because of their jobs. We need to give them the same opportunity that Senate Bill 1900, but we need to go further. We need to continue with Representative Bellock's work with finding great places of physical therapy and education for these kids. This is not an issue that's going to go away and as more diagnoses are made and the spectrum gets wider and wider and wider for the families of autistic children, we need to be able to continue to respond and to stand up like Representative Saviano and Senator DeLeo have done against the big lobbyists that have sometimes a strong impact on this process and say, no, you can't win this time. It's time to fight for those kids and it's time to fight for those families. And I commend Representative Saviano and Senator DeLeo for the fight they that have fought well and have won today. Thank you."

Speaker Lyons, J.: "Representative Kathy Ryg."

Ryg: "Thank you, Mr. Speaker. To the Bill. As previous speakers have mentioned this is a very important issue that faces every one of us. There are growing numbers of children and families in each and every one of our districts that will be diagnosed along the autism spectrum disorder. We know that currently they are not getting the services they need and deserve. When this chamber established the Developmental Disabilities and Mental Illness Committee five (5) years ago, one of the first issues that was taken up was regarding services for our children was autism. And one of the first parents to submit testimony talked about her son who was diagnosed at

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

275th Legislative Day

5/29/2008

age two (2) and because they sacrificed all their personal resources to get him the treatment he needed, he was able to then be mainstreamed into a regular classroom. That is the right thing to do for that child and it is the right thing to do for that family and it is cost effective for our public systems that we support through taxpayer dollars. It's been stated that this legislation will not have the positive benefit we would like for all persons, all families, who pay their insurance premiums thinking when they have a need for coverage it will be there for them. But we have to send a message to the insurance industry that it's in their best interest to cover these services as soon as possible, because it will be to cost savings in the long run. Families deserve coverage when they pay, thinking it's there for them. It's wrong that they are left out of the system and whether we can legislate that or not, we can do what we can do. This Bill is a very important first step to sending that message. As more and more states pick this up, hopefully the federal level will pay attention and provide coverage so that ERISA-exempt policies have to provide coverage for autism disorders. And finally, I think it's really important to recognize what the families go through. Not only in meeting the challenges of their own children, but in becoming advocates. They have had to take time and energy and spend money to convince us to do the right thing. It would be unconscionable for any of us not to support those efforts. And I encourage everyone to do what the Senate did and send this Bill to the Governor unanimously. Again,

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

275th Legislative Day

5/29/2008

I appreciate all the efforts of so many people who have picked up this cause. We have a long way to go to make sure that we as a state provide the safety net so that we have programs and services available to the children who need them, based on their need through the continuum of their life care. So, again, please know that this is very significant legislation and very worthy of everyone's support. Thank you."

Speaker Lyons, J.: "Representative Lou Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of this Bill. This is one of the more critical bills affecting the lives of children. I've met with many of the families involved and they tell a painful story. It's a story that we could do something about today. It would be best if we could pass legislation to affect all insurance policies. Of course, we cannot do that today, but we have a responsibility to do what we can for who we can. When this syndrome is caught early in life, the children gain great benefits from it. And I find it interesting that certain other brain disorders or a brain issues are covered by insurance where the symptoms are exactly the same, but autism is not. It's time we bring insurance into the 21st century and deal with these issues in a cost effective-way. This legislation will do that and I urge your support."

Speaker Lyons, J.: "Representative Dennis Reboletti."

Reboletti: "To the Bill. The gentleman up in the galley is somebody I grew up with and went to grade school with and he is a testament to everyday citizens that are... that have a cause, that understand a problem, and that go forward to

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

275th Legislative Day

5/29/2008

their Legislators, to their community leaders to ask them to make a difference and provide that information to let us know what we need to be doing here in the General Assembly. And I'm very proud to call him a friend. He's done a great job with this Bill and I urge all of your support. Thank you."

Speaker Lyons, J.: "Skip Saviano to close."

Saviano: "Thank you, Mr. Speaker. And I just wanted to say that the work that the people did on this, like Pete and Laura and all those parents, working... they actually worked with insurance companies like WellPoint. And I think what happened... it's an evolution process. I think these insurance companies didn't realize the whole picture. So I'm hopeful that in the future with this new sensitivity that's been conveyed from those parents to these companies that well make even further gains. We already have national companies like Microsoft, the United Airlines who already cover autism in their policies. So... it... the whole issue is evolving and I think we, as Representative Lang said, we have to do what we can do here in this state and this Bill does just that. Thank you."

Speaker Lyons, J.: "The question is, 'Should Senate Bill 1900 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Hoffman, Howard, Patterson. Mr. Clerk, take the record. On this Bill, there are 113 Members voting 'yes' and 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. The

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

275th Legislative Day

5/29/2008

Chair recognizes Representative Julie Hamos. For what purpose do you seek recognition?"

Hamos: "Thank you, Mr. Chair. On Senate Bill 1881 my switch was inadvertently voted as a 'no' and I wish to be recorded as an 'aye' vote. Senate Bill 1881. Thank you."

Speaker Lyons, J.: "The Journal will so reflect, Representative. The Chair recognizes the Gentleman from Cook, Representative Art Turner. For what purpose do you seek recognition, Representative?"

Turner: "Thank you, Mr. Speaker. I.. if the Membership would indulge with me, I'd like at this time for us to welcome the Majority Whip from the Maryland House of Delegate, a longtime friend and member of the NBCSL Executive Committee, Mr. Talmadge Branch. Representative Talmadge Branch from Maryland.. the House of Maryland, Deputy Whip.. Deputy Majority Whip."

Speaker Lyons, J.: "Welcome to Springfield, Sir. Glad to have you here. Enjoy Springfield. Representative Dan Reitz, on page 47 of the Calendar, you have Senate Bill 1927. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1927, a Bill for an Act concerning agriculture. Third Reading of this Senate Bill."

Speaker Lyons, J.: "Representative Dan Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 1927 is similar to a House Bill I had earlier this year and all it does is it increase the sell date on package for cool weather grass seed from twelve (12) to fifteen (15) months. And if you have questions on this one, it's going to be a long day."

Speaker Lyons, J.: "Representative John Fritchey."

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

275th Legislative Day

5/29/2008

Fritchey: "Now, you may find this hard to believe, this issue doesn't come up too often by me. Why do we actually need a law to say what the sell date is on grass? I'm completely serious. I didn't know this was the type of thing we legislated."

Reitz: "Yes, it is. The expiration date on the grass seed is currently twelve (12) months and there's really no reason with the technology we have today and the seed they have to expand this. And it just allows them to keep seed on the shelf longer and not have it expire. And I think they can still sell it anyway."

Fritchey: "Well, Dan, here... I don't doubt for a second that you know more about seeds than I do. But I'm just... why do we actually have to have a law to do this? I mean is this common practice in agricultural products? I'm totally serious."

Reitz: "Apparently, it is. This was brought to me by the Grass Seed Association. It's people that represent them and they have a problem with it and see a need to change this. But like everything else, we like to keep our fingers in everything, I guess."

Fritchey: "I guess I learn something new every day. All right, thank you."

Speaker Lyons, J.: "Representative Dave Winters."

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

Speaker Lyons, J.: "Sponsor yields."

Winters: "Representative, I have a very serious question to ask of you. Why did you not include warm season grasses in this?"

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

275th Legislative Day

5/29/2008

Reitz: "You know a lot more about seeds than I do, so you could probably answer that question. I would say because we only have a short warm season. We have a longer cool season. How's that sound?"

Winters: "Well, I mean, do you know the difference between a warm season grass and a cold season grass?"

Reitz: "Yes, I do. The warm season is planted in the warm season; the cool season is planted in the cool season."

Winters: "Well, you're correct other than they're not planted at that time, but that's when they're actively growing. I would ask that in further negotiations with the Seed Trade Association, if they are looking next year, that they also consider removing some of the noxious weeds such as giant foxtail from the seed law. In prairie restoration, particularly on the warm season grasses, those are in fact relatively valuable and they are not what I would consider a noxious weed. I'd hope that we could've gotten updated in this Bill, but also consider the warm season grasses for that extended testing period. Thank you."

Reitz: "And point-well taken. I mean, we definitely need to do that and I will be happy.. I will suggest to them that I work with you as me as a cosponsor and you as a Sponsor next year of that legislation."

Speaker Lyons, J.: "Representative Bill Black."

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

Speaker Lyons, J.: "Sponsor yields."

Black: "Representative, I hate to get up here and talk about grass at such a critical point in the Session, but what's

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

275th Legislative Day

5/29/2008

the difference between cool grass and hot grass... warm grass?"

Reitz: "It's the type of shirt you're wearing when you plant it, I think. If you have on a flowered shirt, it's cool grass. I think... in my understanding, it's similar to what Representative Winters said, it's about the germination period, when you're able to plant them. And this will just allow them to legally keep this on the shelf and not have the expiration date and allow them to sell that product at a later date and still... and there's no technical reason... no reason that they... the grass won't grow three (3) months later than it's listed on the package."

Black: "So, you're really not pulling my weed here. There is a difference between cool grass and regular grass?"

Reitz: "Yes."

Black: "And..."

Reitz: "And actually, the... I think the... it's my understanding as I learn more about grass seed than I ever wanted to know, is that the other grass seed is the stuff that... the grass that is not designated as a cool weather grass is allowed to go for a longer period of time on the shelf."

Black: "Does an average homeowner like me know the difference? I mean, I just go to the store and I buy grass seed. Does this mean they're going to have to sell the various kind of grass seeds in little different compartments or something?"

Reitz: "I think they already do."

Black: "They do?"

Reitz: "I think this just allows..."

Reitz: "Yeah, there's..."

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

275th Legislative Day

5/29/2008

Black: "What happens..."

Reitz: "You can get all the kinds you want..."

Black: "Okay."

Reitz: "...all different kinds of grass."

Black: "What happens to the cool grass seed after the fifteen (15) months on the expiration date that you're going to put on it? Can you still sell it or do you have to..."

Reitz: "I will get back with you on that. I just know that..."

Black: "You don't grind it up and sell it to Phillip Morris or anything, do you?"

Reitz: "Excuse me. I was interrupted by..."

Black: "You don't grind it up and sell it to Phillip Morris or something like that, do you?"

Reitz: "I don't think they do. No."

Black: "All right."

Reitz: "But I will find that out."

Black: "Okay. So..."

Reitz: "We're going to find that out for you, though and I... and I'll..."

Black: "And I appreciate it because until I find out I don't know if I can go to sleep tonight as to what happens to this cool grass after the expiration date."

Reitz: "I'll get back to you well before bedtime."

Black: "All right. Last, but by no means least, is industrial hemp considered a cool grass? I guess it depends on where you live, right?"

Reitz: "Former Representative Lawfer would have... he would have designated it as a very cool grass."

Black: "Yeah."

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

275th Legislative Day

5/29/2008

Reitz: "But actually he wouldn't have. He said there was a difference between an industrial hemp and cool grass."

Black: "Absolutely. Absolu... South Dakota..."

Reitz: "So this would not be in this Bill."

Black: "South Dakota is now made that into a major cash crop, but that's not your intent here."

Reitz: "No, definitely not."

Black: "Now, does cool grass grow really high? I mean, does it..."

Reitz: "If you don't cut it, I'm sure it would. Yes."

Black: "Now, I wish you'd come up with a grass seed that would only need cutting once a year, particularly on a spring like this."

Reitz: "It's called Astroturf."

Black: "Does that have to be labeled Astroturf?"

Reitz: "No, they'll... they'll label it for you as they lay it if you would like to get your yard done in that. I'm sure they would."

Black: "Okay. Well, I'm glad to know that we're solving this problem. And when I saw your name on it, I knew that we would solve this problem because any time I've had a question about grass in this General Assembly, I've always known who to turn to. So, I just really appreciate your efforts on this."

Reitz: "Thank you very much. And that's why we're doing it at such late date."

Black: "In case anybody is..."

Reitz: "It took... serious negotiations throughout the year to get this to this point."

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

275th Legislative Day

5/29/2008

Black: "I understand that. In case anybody's listening in the Illinois State Police headquarters, the Representative's name is spelled R-E-I-T-Z and he may be carrying packages of cool grass in the trunk of his car if you'd like to search it."

Speaker Lyons, J.: "Representative Bob Molaro."

Molaro: "Just quickly. The Representative from Vermilion County saying pulling his weed; I don't know what that meant. But my cousin, Vinnie, and my cousin, Carmine, from the old neighborhood have a professional weed pulling service if he wants the number, I'll certainly give it to him if he needs it later."

Speaker Lyons, J.: "Representative Dan Reitz to close."

Reitz: "Thank you very much. I really enjoyed the discussion and look forward to it on my next Bill. Thank you. Appreciate an 'aye' vote."

Speaker Lyons, J.: "The question is, 'Should Senate Bill 1927 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Scully. Representative Harris. Scully, George. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. this Bill, having received the Constitutional Majority, is hereby declared passed. Clerk, on page 55 of the Calendar, on the Order of Second Readings is Senate Bill 1115. What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "Senate Bill 1115, a Bill for an Act concerning appropriations. The Bill's been read a second time,

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

275th Legislative Day

5/29/2008

previously. No Committee Amendments. No Floor Amendments.
No Motions are filed."

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

Clerk Bolin: "Senate Bill 1115, a Bill for an Act concerning
appropriations. Third Reading of this Senate Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from
Montgomery, Representative Gary Hannig."

Hannig: "Yes. Thank you, Mr. Speaker, Members of the House.
On Friday, the Senate sent us six (6) budget Bills, which
represents an entire spending package. And what I'm
presenting here today in Senate Bill 1115 is a... is one of
those Bills that deals with the smaller, less controversial
agencies. This would provide for appropriations to the
Civil Service Commission, the Commerce Commission, the
Court of Claims, the awards at the Court of Claims, the
Executive Ethics Commission, the Executive Inspector
General, the Governor's Office of Management and Budget,
the Procurement Policy Board, the Illinois Power Authority,
and the Illinois Department of Transportation. So again,
these are agencies that for the most part, I think that the
operations of State Government are driven by the head
counts which we know and the amounts of pay scales that we
know. There's relatively small amounts of GRF associated
with these agencies, many of them have sources in other
funds, but in any case they are an important part of the
budget. I'd be happy to answer any questions and I'd ask
for your 'yes' vote."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from
Kane, Representative Tim Schmitz."

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

275th Legislative Day

5/29/2008

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

Speaker Lyons, J.: "Sponsor yields."

Schmitz: "Representative Hannig, as we have worked through the budget issues last week with the House versions and as you said in your introduction, this is the Senate version. We had multiple levels or tiers that we dealt with last Wednesday. Is this a... would you call this a tier one like with the baseline zero growth or is there an increase in this over last our year's dollars that were appropriated?"

Hannig: "Well, it's probably... it's probably fair to say that it's in between. It's probably closer to a baseline in many cases, but it's certainly less than the growth budget, but in some cases... in most cases it's a bit higher than the budget that we would term as level."

Schmitz: "And this covers the agencies you said and I see IDOT on here. Is... our analysis shows a reduction in IDOT's budget over fiscal year '08 compared with '09. Can you explain the reduction with the IDOT if we're dealing with zero growth?"

Hannig: "Yes, we used to do paratransit through the Department of Transportation. Part of what we did in January when we did the RTA/CTA Bill was we moved the expenditures to those agencies and so they no longer need to appear in the Department of Transportation's budget."

Schmitz: "So, with the increase in that... the sales tax, those dollars are now removed out of IDOT's operating budget and it... the new sales tax dollars are floated in there?"

Hannig: "Well... yeah, we made all the changes in January where money went to the programs to run the transit systems and

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

275th Legislative Day

5/29/2008

some of the obligations of the state like paratransit went with it. So..."

Schmitz: "Okay. With the baseline operations that you just chatted about, does this have... is this the union employees covered in this or is this the union and management employees?"

Hannig: "This would include both the people who draw a paycheck that are in the union, the people who draw a paycheck that are in management; this would be all personnel. Now, the Senate made the same assumptions that we typically do in this chamber when there's a negotiation pending. We say let the parties conclude their negotiation, AFSCME and others and the Governor's Office and then come to us with that contract and we'll work with them to find funding. But we simply don't know what the union and the Governor may settle on at this point."

Schmitz: "Do you have a figure as to... with these agencies where the dollar amounts are? Are they more than what the House passed over there or less? And I think you said they were slightly more. But do you have that dollar amount?"

Hannig: "Well, Representative, we passed twenty-eight (28) budget Bills and they passed six (6). So, they don't really... they really don't line up in a way that's easy for me to compare House Bill to Senate Bill."

Schmitz: "So, we don't have the comparison agency by agency?"

Hannig: "I don't have it in front of me. These are appropriations for FY09."

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

275th Legislative Day

5/29/2008

Schmitz: "Okay. Thank you, Leader Hannig. Speaker, I have no further questions, but should this vote... this Bill do get sixty (60), we would request a verification."

Speaker Lyons, J.: "Your request for verification is noted. The Chair recognizes the Lady from Cook, Representative Mulligan."

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

Speaker Lyons, J.: "Sponsor yields."

Mulligan: "Representative, this is one of six (6) Bills you said that the Senate has sent over?"

Hannig: "That's correct."

Mulligan: "Have you gone through the other five (5) and decided that you're going to pass all of those?"

Hannig: "We've reviewed all the other Bills, that's correct, but we have not made a determination to pass the other five (5). We will..."

Mulligan: "So..."

Hannig: "we will pass an additional... we will debate an additional Bill today, I believe."

Mulligan: "What's the bottom line dollarwise on this Bill?"

Hannig: "I'm sorry, could you repeat the question? I didn't hear your question, Representative."

Mulligan: "What's the bottom line moneywise? How much..."

Hannig: "The agencies... you want me to give it to you agency by agency? The Civil Service Commission has a GRF total of four hundred and forty-eight thousand (448,000). The Commerce Commission..."

Mulligan: "It looks like the total amount that we have is 2.7 million (2,700,000). Is that correct?"

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

275th Legislative Day

5/29/2008

Hannig: "I have them by agency, Representative. So..."

Mulligan: "All right. I'm just trying to... What I'm trying to get at, Representative, is there's... as you said before, you sent over twenty-eight (28) what would be considered the Lowder/Madigan-type budget that went over to the Senate. And there were a variety of Bills, it was kind of a mix and match, choose what you want. And so, then the Senate sent back six (6) Bills and if I'm not mistaken, it wasn't a mix or match, choose from what was sent over by the House Democrats. Am I correct?"

Hannig: "Right. The Senate took a more traditional approach of putting the expenditures of a entire agency in a budget. And then they put like kind of agencies together in these budgets."

Mulligan: "All right. So, the interesting part of this is they have some different proposals, some different 'bimp' ideas, and what's happening here is you're sending out one Bill, there was another five (5). They don't correspond with the Bills we sent over there. So, aside from the fact that maybe everything is in this is all right, we don't have a big picture of what the money's going to total up to or how we do this. So, basically, what I would do is I would urge a 'no' vote because we don't have a big picture. We haven't seen this until just a little while ago. And quite frankly, I don't know how you can do a piecemeal with the amount of money that the state has to work with this year, which is less than we normally have. So, quite frankly, to the Bill. I urge a 'no' vote until we see the whole picture of where we're going. Thank you."

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

275th Legislative Day

5/29/2008

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Mary Flowers."

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

Speaker Lyons, J.: "Sponsor yields."

Flowers: "Representative, I'm sorry, what is the purpose of this again?"

Hannig: "Representative, the Senate on Friday passed six (6) budget Bills, which encompassed the entire amount of state spending that is necessary to run the government in FY09. This is one of those six (6) Bills and it contains the following agencies: Civil Service Commission, Commerce Commission, the Court of Claims operations, as well as the awards, the Executive Ethics Commission, the Executive Inspector General, Management and Budget, the Procurement Policy Board, the Illinois Power Authority, and the Illinois Department of Transportation."

Flowers: "So, it's very important that this Bill pass in order for us to keep the people's House open and the state agencies in operation."

Hannig: "I would agree, Representative. You know, for..."

Flowers: "So, what would be the objection? What do you think the concerns are?"

Hannig: "Well, Representative, we've tried to find ways to present these Bills. In the past, we've presented these Bills... the entire budget in one Bill and we've been criticized for that. We presented it in twenty-eight (28) Bills earlier this month and we were criticized for that. And the Senate took a middle approach and they presented them in six (6) Bills and the criticism is that that

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

275th Legislative Day

5/29/2008

doesn't seem to be so good either. So, I think, you know, we always have criticisms of the budgets every year and there's always someone who says that we spend too much here we didn't spend enough there. It's the nature of trying to craft a budget that a majority of Members can support and that appropriates in the neighborhood of fifty-some billion dollars in total to keep State Government running."

Flowers: "Representative, was this an open process?"

Hannig: "I didn't hear your question, Representative."

Flowers: "I said, was this an open process? Was... there's Bills out there, did people get an opportunity to come and testify and give their comments?"

Hannig: "Right. So, Representative, we started the process early in the year. We had our regional budget hearings where we asked people, citizens to come, not necessarily just to Springfield but to come to a regional meeting where they could express their views about State Government, their priorities about state spending. We had the appropriation hearings here in the House and over in the Senate and we brought in the directors of each agency. They testified in terms of what's in their budget. They answered questions as to what is not in their budget or what else they would... think should be in their budget. We had a round of hearings with advocates who were given an opportunity to come in and criticize the Governor's introduced budget if they wished or to suggest how they could make the budget better or even to say they supported the budget. So, we've tried to reach out in any number of ways to give people and citizens and Legislators who were

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

275th Legislative Day

5/29/2008

interested in the process an opportunity to be included. The Senate did send us these Bills. We've taken a look at them; they're not very much different from the Governor's introduced levels. They're not very much different from the budgets that we passed earlier in the month here in this House. And so, in an effort to try to move the forward process... move the process forward and show to the Senate that we are serious about passing budget Bills and concluding the process, I'm offering this budget Bill here to you today."

Flowers: "Well, Representative, I want to thank you because I know that we've had budget meetings across the state. There was one right next to my district and I participated in it. And I'm proud of the fact that some of my constituents had the opportunity to come and testify in regards to the needs that we have in our community. And I think oftentimes there was criticism in regards to the process not being open and there was just the four (4) leaders and the Governor down there and behind closed doors. And because this was an open process and people did have the opportunity to give their opinions and voice their concerns, I commend you and the Speaker and other Members of the House on all the hard work and the long hours that you have placed into this process. Thank you very much."

Speaker Lyons, J.: "The Chair recognizes Representative John Bradley."

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

Speaker Lyons, J.: "Sponsor yields."

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

275th Legislative Day

5/29/2008

Bradley, J.: "Representative Hannig, what is a lapsed appropriation claim?"

Hannig: "A lapsed appropriation? Well, Representative, the budgets, as you certainly know, give the authority to the agencies to spend money, but it doesn't compel the agencies to spend money; it simply provides a maximum amount of money that they can spend. In some cases... in many cases, agencies go through the entire fiscal year and work hard not to spend all the money that we have given to them. So when the end of the year comes, they actually have money left in their budget that they have not expended and at the end of the fiscal year that money lapses."

Bradley, J.: "Don't we compel them to spend the money in some way?"

Hannig: "We authorize them to spend the money. And in some cases we have formulas that in some ways drive money out the door, so in those cases the money is spent based on a formula. But in most cases, those agencies, especially that fall under the Governor's Office, they are not compelled to spend the money. And in fact, you'll recall we had some differences with the Executive Branch when we... we've had some differences with the Executive Branch when they tried to impound monies for the extension services and the 4-H and when they were talking about holding the last two (2) state aid payments and not releasing money for the gifted and things along those lines. And while we could not compel the Governor to release those money, we could let our views be known and as an important part of the entire process, we in the Legislative Branch, I think,

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

275th Legislative Day

5/29/2008

we're able to compel the Governor to eventually release those funds. And so, we can't force him to do that, Representative; he can impound the money, but we also have a role in the process. And the Governor, I think, is sensitive to our position here in the Legislature."

Bradley, J.: "It... would a synonym for those be reappropriations?"

Hannig: "I'm sorry, could you repeat that?"

Bradley, J.: "Would a synonym for those be reappropriations?"

Hannig: "So, a reappropriation, Representative, deals with a situation where a... let's say, it's a capital expenditure and it's made in a fiscal year. Let's say, it's made in last fiscal year. And the process begins, but the fiscal year comes to an end and we know that the project will not be completed, maybe it's a multi-year project like a bridge or major road, so, what we do is we reappropriate that money into the next fiscal year so that the project can continue. So it's a process where the staff on both sides of the aisle work very hard with the agencies and interested people to keep track of these items and make sure that they're included in the next fiscal year."

Bradley, J.: "I noticed there's a lot of Court of Claims claims in this budget. Are those mostly personal injury claims or are those claims on debts or are those claims on contractual disputes, and why do we have so many claims against us? We don't have any kind of insurance that would come in and take care of that?"

Hannig: "Well, in the Court of Claims, someone comes to the State of Illinois and says that they have a legitimate

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

275th Legislative Day

5/29/2008

claim against the state, but for whatever reason they're turned down. Perhaps they present that claim in the wrong fiscal year. Maybe the state agency doesn't believe that it's a valid claim. And so, where do these people go if they're turned down and they think they have a fair claim? Well, I guess we could turn them all into the.. to the Circuit Court, but we've found that it's better to have a special court here in the State of Illinois called a Court of Claims. So, people present their claims, they have a hearing, and if they win then we appropriate their claim in the next fiscal year. So, in the Court of Claims budget that we're looking at as part of this, there is an operational budget, that is the amounts of money we spend to pay people to run the agency and then there's an awards part. And these are people who have won awards from the Court of Claims, from anywhere around the State of Illinois.."

Speaker Lyons, J.: "Representative, your 5 minutes are up. The Chair recognizes the Gentleman from Bureau, Representative Frank Mautino."

Mautino: "Thank you, Speaker. And just a few questions. I'm.. most of my questions were asked by the esteemed chairman of the Revenue Committee. Under the IDOT.. if you can go to the IDOT budget. Is there anything in this budget about mass transit, or will that come later as far as the downstate mass transit dollars on operationals?"

Hannig: "Yes, we spoke to this last evening, I believe, you and I and some others, that the FY09 budget for the downstate

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

275th Legislative Day

5/29/2008

mass transit districts is fully funded and it's in this Bill."

Mautino: "And it's in this Bill?"

Hannig: "The '09 money. Now, the '08 monies which we still are working with will be in a supplemental, which will come on a different Bill."

Mautino: "Thank you. That was a great... of great concern to Members from downstate, both sides of the aisle and that reflects... that'll reflect the 65 percent of operational costs going forward. So, I do appreciate that. Otherwise, we have the normal contingent and operational expenses for the smaller agencies outside of IDOT plus IDOT?"

Hannig: "The smaller agencies... and for those of us downstate for the Department of Transportation, so they can keep their trucks on the road and continue with the maintenance programs."

Mautino: "Oh, just looking here, who's Machine Maintenance, Inc."

Hannig: "What?"

Mautino: "Looking on down through some of the... some of the items under grant lines... page 18."

Hannig: "Go ahead, Representative."

Mautino: "Is there a limit on what can be recovered at the Court of Claims?"

Hannig: "I'm not aware that there's a limit. I could be mistaken, but I do know that the agency does not always grant your wishes. Some people go to the Court of Claims and lose. It's..."

Mautino: "Okay."

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

275th Legislative Day

5/29/2008

Hannig: "You know, it's just a place... it's the place where people go when they feel that they have legitimate claims against the state. We set up similar kind of things with the Industrial Commission for Workers' Comp and the Department of Employment Security for the all the unemployment questions and items, as well. So.."

Mautino: "Well, thank you. I appreciate your work and I respect that this is the first step in sending this on to the Governor and a sign of good faith that the parties are negotiating. So hopefully, we can get a budget put forward and good luck to you and Mr. Trotter."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. I move the previous question."

Speaker Lyons, J.: "The Gentleman makes a Motion to move the previous question. No objection? I think you're it, Mr. Black, so we will call the Bill. The Chair... Representative Hannig to close."

Hannig: "Well, thank you, Mr. Speaker and Members of the House. These are some small agencies in a budget that the Senate sent over. And they have... they're an opportunity for us to begin the process of sending budget Bills to the Governor for his consideration and to begin ending this budget process in this Legislative Session. So, I would ask for your 'yes' vote."

Speaker Lyons, J.: "Well, Ladies and Gentlemen, there's been a request for verification. We ask all Members to please vote their own switch. And the question is, 'Should Senate

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

275th Legislative Day

5/29/2008

Bill 1115 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Joyce, Nekritz, Ryg. Representative Joyce. Representative Nekritz. Mr. Clerk, take the record. Mr. Clerk."

Clerk Bolin: "A poll of those voting in the affirmative: Acevedo; Arroyo; Beiser; Berrios; Boland; John Bradley; Rich Bradley; Brosnahan; Burke; Collins; Colvin; Crespo; Currie; D'Amico; Monique Davis; Dugan; Dunkin; Feigenholtz; Flider; Flowers; Ford; Fritchey; Froehlich; Golar; Gordon; Graham; Granberg; Hamos; Hannig; Harris; Hernandez; Hoffman; Holbrook; Howard..."

Speaker Lyons, J.: "Mr. Clerk. Representative Currie. Barbara Flynn Currie asks to be leaved for verification. Representative Schmitz. Barbara Flynn Currie asks leave. Mr. Clerk."

Clerk Bolin: "Howard; Jakobsson; Jefferies; Jefferson; Joyce; Lang; Lyons; Mautino; May; McGuire; Mendoza; Miller; Molaro; Patterson; Phelps; Reitz; Riley; Rita; Ryg; Scully; Smith; Soto; Turner; Verschoore; Washington; Yarbrough; Younge, and Mr. Speaker."

Speaker Lyons, J.: "Representative Schmitz, Representative Acevedo asks to be recognized... Okay. Staff, please go to the back of the chamber. There's been the request for a verification. Representative Tim Schmitz."

Schmitz: "Thank you, Speaker."

Speaker Lyons, J.: "Mr. Clerk, take the record. On this Bill, there are 61 Members voting 'yes', 53 Members voting 'no'.

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

275th Legislative Day

5/29/2008

This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 56 of the Calendar, under Senate Bills-Second Reading, is Senate Bill 1129. What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "Senate Bill 1129, a Bill for an Act concerning appropriations. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions are filed."

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

Clerk Bolin: "Senate Bill 1129, a Bill for an Act concerning appropriations. Third Reading of this Senate Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Montgomery, Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker, and Members of the House. This is a second Senate Bill that came over that was actually passed by the Senate on Friday. This makes appropriations to the Capital Development Board, the Drycleaners Environmental Response Trust Fund Council, the East St. Louis Financial Advisory Authority, the Illinois Workers' Compensation Commission, the State Universities Civil Service System, the Illinois Labor Relations Board, the Southwestern Illinois Development Authority, and the Upper Illinois River Valley Development Authority. So, again, these are... and I'm advised that the Education Labor Relations Board... yes, is in here as well. And so again, these are Bills that came over from the Senate. They're very small in total dollars. They are, in my view, no controversies associated with these Bills, and would seem to me that it's appropriate for us to simply send them on

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

275th Legislative Day

5/29/2008

to the Governor and focus the remaining time that we have on those more controversial items in the state budget that we may wish to consider and debate at greater length. But certainly, at this time, I would ask for your 'yes' vote and be happy to answer any questions."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Kane, Representative Tim Schmitz."

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

Speaker Lyons, J.: "The Sponsor yields."

Schmitz: "Representative Hannig, we're on Bill number 2 and when the House was doing this exercise last Wednesday, I believe we had about twenty-eight (28). How many more are we going to have today, 'cause I'm trying to get a total view of the overall budget package that we're going to see since it's been piecemealed together this year. So, this is the second..."

Hannig: "Representative, we have some... some additional budget implementation language we'd like to consider today, but this will be the end of the budget Bills for today."

Schmitz: "So, we would not see any of the... the substantive agencies other than IDOT we had in the last budget, so that we do a couple 'bimp' Bills, there's no other Senate budget Bills that will be before us today?"

Hannig: "Not at this time. I mean, I guess, perhaps when I say today it could be very late today, but I wouldn't anticipate that. I would say that it's more likely that we would take up the rest of the budget perhaps tomorrow."

Schmitz: "Are we looking at... as in the tier level, that we talked about a minute ago, is this a similar to the House

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

275th Legislative Day

5/29/2008

version that passed out of here last week? Is it closer to no growth or is it slightly over? And if so, do we have a dollar amount?"

Hannig: "Yeah. Again, it's... it's very close to a... to a slow growth kind of budget. Many of these, like the Capital Development Board, have... have no GRF. Drycleaners Environmental Response Trust Fund has no GRF. East St. Louis has two hundred and forty thousand (240,000). State Universities has a hundred and twenty seven... excuse me, one million two hundred and thirty-seven thousand two hundred and twenty (1,237,220). None in the Workers' Compensation Commission because it's all non-GRF. So, these are relatively small agencies with relatively small amounts of personnel and small amounts of GRF."

Schmitz: "Representative, I'm making an assumption that since we saw the last Bill and this Bill that these... these were agreed to by your team of negotiators and the Senate team of negotiators?"

Hannig: "I've been working with representatives from the Senate and it's our... and they obviously sent these Bills to us, and after we examined them and they explained to us what were in the Bill, it was my judgment that because they're small Bills with relatively little money, that we probably ought to just send them on and concentrate on the bigger Bills that remain."

Schmitz: "Okay. Thank you, Leader Hannig. Thank you, Speaker."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

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

275th Legislative Day

5/29/2008

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

Speaker Lyons, J.: "Sponsor yields."

Eddy: "Representative Hannig, to be a little more specific regarding the... the details involved in, say, the Education Labor Relations Board or the Illinois Labor Relations Board portion, I believe the Education Labor Relations Board portion of the no growth House budget had, for example in it, an additional attorney. Does... does the Senate version of the slow, no growth budget duplicate to that detail the... the budget that the House... House version that passed for these same agencies?"

Hannig: "It actually does not include that, Representative. It's a smaller appropriation."

Eddy: "Okay. So, the... this version of the budget is not an exact duplicate down to the detail of the slow growth budget by agency that the House passed last week?"

Hannig: "Right. I tried to make clear that it was close, but certainly, in some cases the House budgets will be above some of these. And in this case, the Senate budget is actually below the House."

Eddy: "So, since there's... there's... did you say six (6) Senate versions?"

Hannig: "Six (6) Bills came over."

Eddy: "Okay."

Hannig: "Spending Bills."

Eddy: "And there were how many House?"

Hannig: "I believe it was twenty-eight (28)."

Eddy: "Then even lining up the... the versions is going to be difficult. Does this in any way line up exactly with... I'm

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

275th Legislative Day

5/29/2008

not talking about detail, I'm just talking about the departments that are within this Senate version, do they line up with any of the House budget versions that were passed over?"

Hannig: "Well, they don't. And the reason is because, remember the first two (2) budgets that we debated in the House version were for the front-line personnel. That was the first Bill. The second Bill had to do with the more management type of personnel. And in a third, series of budgets dealt with... with the grants. And so, the Senate took the more traditional view of simply putting the entire agency together in one budget and then joining several like budgets in one (1) Bill."

Eddy: "So, if... if the six (6) Senate versions are sort of the... the twenty-eight (28) House versions, does the sum total of the six (6) Senate versions exceed the sum total of the twenty-eight (28) House versions?"

Hannig: "So, we don't... remember, of the twenty-eight (28) Bills, you just can't add them all up because in many cases we had a high and a low range. So..."

Eddy: "Okay. Let me rephrase that then. You're right. What... let's take the matching, the corresponding description of those types of budgets. The corresponding slow, no growth House versions, because I understand these are the Senate slow growth or no growth versions, do those... do those add up that way or are there mixes and matches of slow with fast and..."

Hannig: "The Senate had their own... we had a flat budget and a growth budget. The Senate has their proposal which is

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

275th Legislative Day

5/29/2008

different from our approach. I mean, that's the beauty of a bicameral Legislature. We took one approach and they took a bit different approach. At the end of the day, it's important that we put a budget on the Governor's desk that he can work with."

Eddy: "And Representative, that... that kind of gets me to my next comment or question. It's difficult... it's difficult to vote with the splintered type budget approach because there's no way to know if the sum total of the various options is going to reflect what could be a balanced approach to a budget, or when we're all finished, what part of which Bill may have contributed to a grossly out of balance budget depending, you know, on any revenue projections. It's just really hard to know what the package is. Is there any chance that we would be supplied with what would amount to a total package of what these numbers are going to be for all agencies?"

Speaker Lyons, J.: "Representative Eddy, your 5 minutes are up. And now, I think Gary Hannig can probably answer your last question there. So, Representative Hannig."

Hannig: "All I would simply say is that this is... that if we did it in one Bill, which I'm sure would be criticized as well, there would be a way to add it up. We tried to take some of the responses that we hear in criticisms on this floor from time to time to heart, and we simply tried to take the approach that we used when I first came down here that I talked to the Speaker about and said, why don't we do multiple Bills? Maybe one for each agency? The Senate chose to take that same approach, only they moved their

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

275th Legislative Day

5/29/2008

agencies together. We did it under Governor Thompson, we did it under Governor Edgar, it always seemed to work. So, certainly, this is a tried and true method of passing a budget, it's just simply different from what we've done in the last five (5) or ten (10) years."

Speaker Lyons, J.: "Representative, we'll let you ask the one final question and one more moment."

Eddy: "I appreciate the indulgence. Representative, what happens to these Bills, the combination of Bills, if they're successful here, where does... they have to go back to the Senate?"

Hannig: "These Bills will go to the Governor."

Eddy: "Okay. So, important note. This is action on these Bills that will send them to the Governor in a combined total, whatever that total is, and we don't know what that is until we vote on all of them?"

Hannig: "That's... We vote on them one at a time just like we do all the other Bills, Representative."

Eddy: "All right. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from McHenry, Representative Jack Franks."

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

Speaker Lyons, J.: "Sponsor yields."

Franks: "Thank you. Representative, this Bill here has seven (7) different state agencies that you're asking us to vote on, and it's my understanding, when we spoke to the last Representative, that this is actually smaller numbers than what was introduced and passed in the House for our maintenance budget, correct?"

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

275th Legislative Day

5/29/2008

Hannig: "I... I don't know that is true for very one of these agencies in here, Representative, but when the question was asked about the specific positions that the Education Labor Relations Board, my response was that that particular agency was at a smaller level than the one that we passed earlier in the month. In other words, for the Education Labor Relations Board..."

Franks: "Yeah."

Hannig: "the Senate would appropriate less than we would."

Franks: "Can you tell us on the other ones, as well?"

Hannig: "So, on... on CDB, it's basically at the Governor's introduced level."

Franks: "And is that what we passed in the House?"

Hannig: "And there's no GR... there's no GRF in the budget, it's all other funds."

Franks: "Right. Correct. Is that the same, amount, though that we passed in the House?"

Hannig: "Yeah. If you put... if you took that part of our budget that dealt with front line and that part of our budget that dealt with the... the merit/comp kind of people, if you put that together and just carved out the portion for capital development, it would be the same."

Franks: "That's what I was trying to figure out. And on the next ones, the Drycleaner Environmental Response Trust Fund Council?"

Hannig: "The same."

Franks: "The same. And the... we already talked about the Educational Labor Relations Board. I want to talk to you about the next one, the East St. Louis Financial Advisory

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

275th Legislative Day

5/29/2008

Authority. I see they're in here and it's not a lot of money, but it's still significant. It's two hundred and forty thousand dollars (\$240,000). What do they do?"

Hannig: "Well, Representative, the... the City of East St. Louis fell on some hard times. I can remember when I was a young man I went down there and, I think, John Kennedy came down there and it was an all-American city. Well, today if you went down there you'd find a community that's facing a lot of economic difficulty. And so part of what this commission is supposed to do and has done for a number of years, this authority, is to provide some financial assistance to the community in an effort to try to keep their budget and their... their community on a sound and balanced footing economically."

Franks: "I'm... I understand that and I'm dating myself, but now I've been here, this is my tenth budget. And I remember I asked these questions ten (10) years ago on the East St. Louis Financial Advisory Authority and at that time I was told that they were put in place for, as you stated, but there was supposed to have been a sunset clause if East St. Louis was able to have a balanced budget for ten (10) years in a row. Now, I believe that's occurred, that they've had a balanced budget for ten (10) years in a row, and I'm wondering why we're still funding an authority when the... when their stated goals have already been accomplished?"

Hannig: "Representative, I'm advised that... I'm advised that they didn't... that they didn't meet that criteria. That they didn't make the cut the last year to..."

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

275th Legislative Day

5/29/2008

Franks: "Well, they don't have any incentive to. The thing is, because if they do, then they go away."

Hannig: "Well, Representative, this is not like we just write them a check for some money and say go and spend it. This is where you bring financial people down here and they start telling the folks who are elected that, well, you know, you ought to not spend money on this and you ought to not spend money on this, and you shouldn't do this. They actually provide some... some knowledge and I think in some cases some sunshine to the process in a way that probably this... probably this board down there that exists would like to do away with these people. They kind of are an oversight."

Franks: "I think we could do better if we got them a city manager. I just wanted to find out on these numbers if they're at the same or below what the House did, because I'm having difficulty figuring it out the way that these Senate Bills have come over. So, I appreciate your answers."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Rosemary Mulligan."

Mulligan: "Thank you, Mr. Speaker. Before I proceed, I want... if this... receives enough votes to pass, I'd like verification."

Speaker Lyons, J.: "Your request for a verification is so noted, Representative."

Mulligan: "Will the Sponsor yield?"

Speaker Lyons, J.: "The Sponsor yields."

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

275th Legislative Day

5/29/2008

Mulligan: "Representative, you stated earlier that both of these budgets, the last one are and this one would be on the way to the Governor if they passed, correct?"

Hannig: "Yes. They're Senate Bills that are not amended."

Mulligan: "All right. Since I have 4 minutes and 30 seconds counting down, I'm going to talk to the Bill in the process. Quite frankly, I find this very disheartening and I want to be on record because the press keeps generally talking about how we in Springfield are not doing the job. House Republicans are here standing ready to do the job. We have not been asked to do the job. It's apparent from the last Bill and the verification that the House Democrats weren't even told that a budget Bill was going to be called or what was in the Bill. I think that's very disrespectful to all the Members, but mostly it's disrespectful to the people of Illinois. We've cut up these budget Bills so it's a totally dysfunctional way of doing a budget. We have no idea once these two (2) Bills go to the Governor, and we want to change anything, what's going to happen next. What a dysfunctional way of governing the State of Illinois. What a dysfunctional way of doing the budget. This is not what we came here to do. House Republicans have been ready from day one to sit here and negotiate. We have not been able to do that. The providers out there have no idea. Each individual budget that's passed either cuts them or raises them. They don't know what's going to happen. They have no idea what their contracts are going to be. Then we talk about it being a six-month budget; we'll come back after the election and take care of it."

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

275th Legislative Day

5/29/2008

When have we in this House passed a reasonable supplemental that adjusts anything or fixes any problem? Since the three (3) Democrat Leaders barely can speak and everybody wants to go home, we've decided to do this piecemeal. So, all of you who vote for this are voting for the most dysfunctional way of doing government that we have done in a long time. This is the most bogus budget boondoggle that we've had in all the sixteen (16) years that I've been here. What an absolute mess. You cannot figure out what the pieces are because the pieces aren't even in place yet; they're all separate. Who knows what's going to happen. Are we passing these two (2) Bills as a bone to the Senate to say yes, we're willing to negotiate with you, because we all want to be out of here and don't give anything to the Republicans, and certainly don't help the providers and the people of the State of Illinois to have a functional budget and a working amount of money when you get the total amount together. I would urge a 'no' vote from all the Members on our side and I would urge the Democrats, who have certainly been left out of the process, which obviously was a lot of you, considering how many people had to walk up here before who didn't even know you were going to have a budget Bill called and certainly couldn't figure out what the whole pieces of the puzzle are, they should vote 'no' also because I think at some point you put brakes on this and you ask for adequate information about what is happening, and what we're doing to the people of Illinois, and what's going to happen in the coming year with a budget that will not work. The revenues won't cover it, the providers are

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

275th Legislative Day

5/29/2008

upset. You have not handled this in any kind of an adult manner at all. I'm totally shocked at the process. In all the years I have been here, I have never seen such a horrible way of putting together a budget. You're saying this happened in years gone past. It didn't happen unless everybody knew what the different pieces were. You do it piecemeal if you know what the outcome is and how all the puzzle pieces fit together. No one can tell us that. You've sent over umpteen budgets to the other side. Pick and choose the menu of who you want to stick it to this time. You know, quite frankly, I can't understand how anybody could sit here and agree. In our caucus we would not put up with that. We would tell our Leader what we think and how we're doing it. And we ask for it to serve the people that we represent, add up to a reasonable amount of money, don't raise taxes unless you can justify it, and to do the things we need to do to govern the state in a reasonable way. This is totally unreasonable, totally dysfunctional; we're tired of it. I would think you would be too. If they don't give you the figures, don't vote for it."

Speaker Lyons, J.: "Representative Kevin McCarthy."

McCarthy: "I thank you, Mr. Speaker."

Speaker Lyons, J.: "Your light was on, Representative."

McCarthy: "My light is on. Thank you, Mr. Speaker. Does the Sponsor yield?"

Speaker Lyons, J.: "Sponsor yields."

McCarthy: "Representative, just very quickly, compared to the low-level budgets that were passed for this agency... for

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

275th Legislative Day

5/29/2008

these agencies that are included in this budget here, could you tell me approximately is it the same, is it 10 percent more, is it 20 percent..."

Hannig: "They're... they're nearly identical in most cases. In the case where the question was asked earlier, the budget from the Senate is lower. But the operations of State Government, the head counts, the... the contracts that are in place for our... our employees and our management people, the money to keep the doors open,"

McCarthy: "You're guessing..."

Hannig: "Those things are all basically identical. I mean, we know what those amounts are."

McCarthy: "Okay. Your guess would be that these would be very close then to the low-level budgets that we passed, not the high-level budgets."

Hannig: "Yeah. And that's why we feel comfortable with just sending these Bills on to the Governor. It seems to me that what the Senate sent us in these two (2) packages are relatively small agencies with relatively small amounts of spending, with not a lot of controversies, you know, flying around these budgets. To me, we could move them off the table and try to narrow the focus to those agencies where there is some... there is some room to debate where the numbers ought to be. But on these..."

McCarthy: "Okay. And finally... finally..."

Hannig: "...these are going to be the same."

McCarthy: "So, would it be your estimate right now that you think existing revenues with no enhancements would be able to keep this budget balanced?"

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

275th Legislative Day

5/29/2008

Hannig: "These are at the Governor... these are essentially at the Governor's introduced levels. So, it's, you know, there's not any reason... they're not being inflated anywhere. So..."

McCarthy: "Okay. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Lou Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen, I rise in support of the Gentleman's Bill. And in so doing, I have a few comments I'd like to make about what I'm hearing from the other side of the aisle. We've heard for the... on this Bill and on the previous Bill what can really only be described as whining, and I, for one, am a little tired of it. I think people can say that there might be some changes that some of us would like to make in the appropriations process, okay. There might be some changes we'd like to make on how we do budgeting around here, okay. Although this has been the most open process in history since I've been here and you can make that claim all you want, but the fact is, this is the process we have and this is the Bill that's before you. And I find it curious that, by my count, there are two hundred and eighty-one (281) appropriations Bills on Second Reading, and not a single Republican Amendment has been filed to any one of those appropriation Bills. And I think one has to ask the question, what's all the whining about? If you have a proposal, propose it. Is someone from the Clerk's Office down there? Are you open? Raise your hand, someone from the Clerk's Office. Oh, you don't want to help me.

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

275th Legislative Day

5/29/2008

They're down there. Go to LRB, they do the drafting. You don't even have to do it. Republicans, you don't even have to do it, find them some nice staff person, go on down to LRB, and have them draft your proposals, your proposals. Go on down there, bring them up, file them with the Clerk, and then you can whine about the fact that they don't get out of Rules, but do your thing. Come on up here and do your thing. Two hundred and eighty-one (281) appropriations Bills on Second Reading on the Calendar, and all we get is complaints. We get complaints about the process, we get complaints that your particular thing wasn't done. We get no proposal for new revenue, we get no proposal from you to balance a budget, and we get no proposal from you to make changes in any one of the appropriations Bills that are on the Calendar. Now I don't know about anyone else, but I think that's particularly outrageous. I think everybody here knows that we're trying to get a budget done by the end of the month. Maybe you folks aren't. You know, you've all got your websites, so you'll... if you can stop us from doing a budget you'll go tell everybody how Democrats can't accomplish anything. If that's your goal, go do it. Do your thing, but perhaps your thing ought to be being involved in the budget process. Perhaps your thing ought to be not coming to the House Floor with complaint after complaint after complaint and have not a single shred of your own idea to make the budget of the State of Illinois what you want it to be. Representative Mulligan, you want to say that on the record? What you just mouthed to me? Representative

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

275th Legislative Day

5/29/2008

Mulligan? I didn't think so. Maybe the press would like to have watched you mouth that to me. But I'm here to tell you that we would like to do the people's business. If you want to do it, there's a well down there, there's an LRB downstairs, get your documents, get your drafts, get your appropriations Bills, go file them, and Godspeed."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Lake, Representative Mark Beaubien."

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

Speaker Lyons, J.: "The Sponsor yields."

Beaubien: "Is this Bill presumed that the pensions will be funded at the Governor's introduced level?"

Hannig: "Yes. That's correct, Representative."

Beaubien: "And the Governor's introduced level assumed there would be a pension bond deal. Is that correct?"

Hannig: "The Governor's... that's correct. The Governor's introduced level of pension funding included an assumption that there would be a pension obligation bond, but I can tell you that if that does not become the law of the land, then the continuing educa... the continuing appropriation language that exists in current statutes will ensure that all payments are made at the certified amounts."

Beaubien: "So, could it be said that if you're voting for this... this particular Bill, you're voting for the pension bond Bill?"

Hannig: "No, Representative. It just means that you're voting for a Bill with these amounts of money, knowing full well that at the end of the day that all pension obligations will be met."

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

275th Legislative Day

5/29/2008

Beaubien: "Why don't we just fund them fully, then?"

Hannig: "Well, Representative, the Senate sent us over these Bills which I think we would say for the most part are in order. They're the kind of things when you and I are in a budget negotiation, we take these little agencies and we set them aside and we simply say that, you know, we reviewed them, the committees have reviewed them, there's not anything there that's controversial, we can move on. And that's what we're just simply trying to do today is move on with these little agencies, send them over to the Governor for his consideration, and let's focus some time on the bigger agencies."

Beaubien: "To your knowledge, does the Senate Bills as they've sent them over here assume a five hundred million dollar (\$500,000,000) pension... or sweeps of funds?"

Hannig: "Representative, I'm not really certain what they assumed in their revenue picture. All I can say is that we have spending Bills in front of us and that's what I'm presenting."

Beaubien: "So, we're voting for a spending Bill without revenues basically. We don't know what the revenues are going to be or if they'll ever go in effect. We may not get a funds sweep, we may not get a pension bond deal."

Hannig: "Well, Representative, we... we know that the process between... in the Legislative branches between the House and the Senate, we know that the process is also between the legislative branch and the Executive branch. The Governor will have an opportunity to make adjustments to these budgets if he feels that it's appropriate to do so. If we

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

275th Legislative Day

5/29/2008

fail to give him the revenue sources that satisfy his needs, then he'll simply reduce some of this spending. If he's comfortable with the revenues that are available at the end of the day, then he need not veto anything. So, he'll have some choices as well. We're going to make some choices, the Senate's going to make some choices, and the Governor's going to make some choices."

Beaubien: "Thank you very much."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons, J.: "Sponsor yields."

Black: "Representative, while I was in the executive washroom throwing up, I... I heard you say something about this budget would take care of all of the labor contracts, et cetera, et cetera. Now how does that... how does that work since we don't have an agreement with AFSCME or the teamsters?"

Hannig: "No. I didn't..."

Black: "Did I misunderstand you?"

Hannig: " Yes, Representative, if you did I apologize. What I said is that this funds the existing... the existing workforce at the contract that we now have in place. What we've typically done in the past when these negotiations are going on as they are often are when we're negotiating a budget, is to say to the Governor and to AFSCME, you know, negotiate. We're not a part of that negotiation. Maybe... maybe we should be, but we're not. And in the end, they'll come to a conclusion and they'll bring us a document and

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

275th Legislative Day

5/29/2008

say, you know, we need some additional dollars for personal services in these additional agencies and we'll have to look at passing a supplemental."

Black: "Okay. Thank you very much, Representative. One last question, if I could. What about long, overdue salary increases for merit compensation employees? We have management people in the Department of Transportation, and I think until recently in the Department of State Police, who are making far less money than the union employees they are charged with supervising."

Hannig: "Representative..."

Black: "Have we done anything about the merit comp people, some of whom haven't had a raise in four (4) years?"

Hannig: "Representative, that's an executive branch decision."

Black: "Oh."

Hannig: "We could put additional money into the budget for that, but we can't compel the Governor to spend it. So..."

Black: "Yeah. Well, but we can be assured that he will be fair."

Hannig: "Representative..."

Black: "I don't want you to answer. I don't want to put you in a..."

Hannig: "Thank you"

Black: "I don't want to put you in a bad spot." Mr. Speaker and Ladies and Gentlemen of the House, in response to my good friend from Skokie, Sir, have you no sense of decency? Have you no shame to sit there and tell me that we can file and should file Amendments to appropriations Bills so that we could craft a portion of the budget? Now you no better

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

275th Legislative Day

5/29/2008

than I, not one of those amendments would be released from Rules. Not one (1). So, why should I waste LRB's time, effort, and energy in ink and paper? You control this entire process and you exclude us time after time after time. I have an appropriation Bill on page 43 of the Calendar, House Bill 4209, Black, Washington, Sacia, Watson, Dunkin, two (2) Democrats. The Bill won't even get called. So, why should I file an Amendment? You're disingenuous and you know better. Here we are at the last moment putting together a sham budget. Your people don't even know how much money we've appropriated. God forbid you would know how much money we have to spend. Who are you kidding? You can't run your personal finances this way, and yet you want to run the State of Illinois in this way. Do you not hear what Comptroller Hynes has told you? We're 1.9 billion dollars (\$1,900,000,000) out of balance. We are not paying our Medicaid bills. We're the biggest deadbeat state in the country. So, don't sit here and pontificate about your fair budget, you know better. This is not a fair budget. You know it. Most of you on that side have no idea how much money you've already approved. And you have even less of an idea than I do on how much money we have to spend. Stop the charade. I'll work with you; anybody on this side of the aisle will work with you, day or night, but don't tell us to file Amendments when they would never get out of the Rules Committee. Have we... some of us have appropriation Bills and you won't even allow those to be called, let alone an Amendment. This is not the way to do the people's business, you know it. All

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

275th Legislative Day

5/29/2008

you want is to get out of here before midnight Saturday. Regardless of what it takes, regardless of the sham budget you'll pass. And you know, you have to know, that it won't make it through the fiscal year. You know that, I know that, and not one of you can tell me what the Governor's going to do with it. The Governor can't tell me what he's going to do with it. His... There's no room in his heart for governing because it's so full of love. Did he spend time in San Francisco in the 1960s? Come to think of it, I thought I saw him at a Grateful Dead concert in 1966. The bottom line is, do what you want to do. I know the rule of sixty (60). You're in the Majority; you're going to do it your way. You don't pay any attention to us, but some of the voters do. And when this budget collapses, as it will, don't look toward me. This is a very, very poor way to try and get the biggest deadbeat state in the country out of debt. Pay our bills on time, take care of our most vulnerable citizens, support education. God forbid we'd pay our Medicaid bills. No, we'd rather create a Trojan horse and tell all of those who don't want to ride that it's your fault. You should have requisitioned a saddle from the Legislative Reference Bureau. Mr. Speaker, I've heard enough. Republicans request an immediate caucus."

Speaker Lyons, J.: "Ladies and Gentlemen, the Republicans have asked for an immediate caucus. Any idea on the timeline Rep... Leader? The Republicans will caucus. The House will stand at ease to the call of the Chair. Republicans will go to Room 118. Democrats, have lunch. We will reconvene at the call of the Chair, so stay tuned."

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

275th Legislative Day

5/29/2008

Clerk Mahoney: "The House of Representatives will reconvene in 3 minutes. The House will convene in 3 minutes."

Speaker Turner: "The House will return to Session. Mr. Clerk... Mr. Clerk, would you take Senate Bill 1129 out of the record?. Mr. Clerk, Rules Report, please."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on May 29, 2008, reported the same back with the following recommendation/s: 'approved for floor consideration, referred to the Order of Second Reading is House Bill 2093. Amendment #2 has been approved for consideration to House Bill 2760, Amendment #4 to House Bill 3424, Amendment #2 to House Bill 3741, Amendment #2 to House Bill 3742, Amendment #2 to House Bill 4354, Amendment #3 to House Bill 4903, Amendment #5 to House Bill 4927, Amendments 3 and 4 to Senate Bill 1929, Amendment #4 to Senate Bill 2033, Amendments 1 and 2 to Senate Bill 2313, Amendment #2 to Senate Bill 2492. On the Order of Concurrence, a Motion to Concur is 'recommends be adopted' in Senate Amendment #1 on House Bill 4221."

Speaker Turner: "Mr. Clerk, on page 47 of the Calendar we have Senate Bill 1930, Representative Nekritz. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1930, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

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

Nekritz: "Thank you, Mr. Speaker. This piece of legislation corrects an unintended consequence of the graduated

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

275th Legislative Day

5/29/2008

driver's license Bill that we passed last year. The new graduated driver's license law prohibits drivers under the age of eighteen (18) from being on the road after 11 p.m. on weekends, unless they're participating in a school-sponsored or work-related activity. Senate Bill 1930 adds a very... another very narrow exception to the curfew for students that are participating in a peer dispatch service operating under adult supervision that offers alternative transportation home for teenagers who are looking for a safe ride home. In my area this transportation, this ride home is offered through a program sanctioned by the Boy Scouts and it's been offered nationally by the Boys Scouts for over twenty-seven (27) years. I'll be happy answer any questions."

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

Mathias: "Thank you, Mr. Speaker. To the Bill. I believe for over twenty-seven (27) years the Boy Scouts of America through their venturing division have been sponsoring an organization called Safe Rides. This program has proven to be extremely effective helping teenagers get safely home on weekend nights. Safe Rides is a student run, Boy Scouts-sponsored organization that provides a free, confidential, safe, no-questions-asked ride home. Whether it's a young woman getting out of a threatening situation or a student leaving a party, Safe Rides gets them home. Recent revisions to the Illinois Graduated Driver's License Law prohibit drivers under the age of eighteen (18) from participating in programs just like this, effectively

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

275th Legislative Day

5/29/2008

shutting down the Safe Rides Program. Senate Bill 1930 would allow seventeen-year-old high school juniors and seniors to participate in Safe Rides-type programs under trained, adult leader supervision. The unfortunate reality is despite our best efforts many teens find ways to drink alcohol. Coupled with the real world fact that automobile accidents may be the number one killer of teens, the conclusion must be that we do all we can to protect these young lives. A vote against Senate Bill 1930 will do nothing to alter or affect the number of teenagers who drink or abuse drugs. It may, however, alter the number of teenagers who try and drive home after a party. During the last school year, there was a program at New Trier High School which provided safe rides to over twelve hundred (1,200) students. I can't tell you how many lives these rides may have saved, but I can tell you that to date we have no... they have not lost one (1) life in an automobile... in an alcohol-related automobile accident where Safe Rides participated. So, it does work and I ask for your 'aye' vote and I strongly support Senate Bill 1930. Thank you."

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

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

Speaker Turner: "She indicates she will."

Flowers: "Representative, you and I spoke about Senate Bill 1930 and I'm sorry, I did not get a full understanding as to the reason why this Bill was not a statewide Bill, number one, and number two, I still don't quite understand

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

275th Legislative Day

5/29/2008

what it is that we are trying to do here. Now don't misunderstand me, I know that we're talking about teenagers calling other teenagers to get them out of a bad situation. And obviously, the curfew law does not apply to the children in this community and it appears to me that the drinking laws does not apply to the children in this communities because the previous speaker just spoke and said how so many children have been able to call for their friends to come and pick them up and how they got home safely. So, can you tell me what is it that this Bill is doing that's only applicable to a certain area that the... that it's not good enough for the entire state, considering all the legislation and all the changes that we've just done to save so many children's lives across the state? We've changed the... the drivers... the driving age, we've extended the lessons and how many hours they have to be behind the car (sic-wheel), and who can be with them, and at what age who can be in the car. There can't be more than three (3) drivers of a certain age. So, what are we doing here? Please explain it to me because it would be very difficult for me to go back to my district and explain to them the reason why there's a curfew that's put into place on the south side of the City of Chicago, but there's not a curfew in your area. Where is that it's okay for some children to drink and drive in your area and there's a telephone number that they can call that the police will not pull those children over, but if they did the same thing in my area, the police would be called?"

Nekritz: "Representative, can I... can I answer your question?"

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

275th Legislative Day

5/29/2008

Flowers: "Oh, sure."

Nekritz: "Because I think there... I think there's some confusion."

Flowers: "I just wanted to make sure I got my questions out so you can answer them."

Nekritz: "No... no. So, let me review. It's okay. I understand. I... I think I understand..."

Flowers: "Thank you."

Nekritz: "...and if not you'll... you'll ask again." So, the... the curfew law does apply statewide, currently. This program is not operating currently in my... in my area because of the existing curfew law. So, it does apply statewide; it's applying in my area. The drinking laws apply..."

Flowers: "I'm sorry, the program is statewide?"

Nekritz: "No. No, no, no. You said that the curfew does not apply in my area, the curfew does. The drinking laws apply and if children are caught with alcohol they're... you know, then they suffer the consequences of that. This Bill applies statewide. It says if there's any program that's being offered that is similar to this Boy Scouts sanctioned program anywhere in the state, that the students that are participating in that program are exempt from the curfew. So, it does apply statewide."

Flowers: "So, if there's not a Boy Scout program in my area..."

Nekritz: "Then... then volunteers in your area could get together to start one, because it's a completely volunteer-driven program."

Flowers: "And so the teenagers... if one of the teenagers in your... in this particular program is out after 11:30 on a

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

275th Legislative Day

5/29/2008

Saturday night and he or she calls another teenager that's seventeen (17) years old to come and get them, or sixteen (16) years old, it's okay for them to be out?"

Nekritz: "Well, it's... it's not okay... it would be... they don't just call one of their friends. They have to call a sanctioned, adult-supervised hotline that then dispatches a... a trained student driver to go pick up that..."

Flowers: "I thought these were teenagers that would be answering the phone, according to what I was told earlier."

Nekritz: "Well, I'm not sure... I believe the teenagers do answer the phone, but there are adult... there is adult supervision at that... at that central location. In my area it's operated out of a church."

Flowers: "So, someone will... these teenagers will be up every day, all night, around the clock anticipating a call from another teenager..."

Speaker Turner: "Representative Flowers, you'll bring your remarks to a close. Your time is up."

Flowers: "Anticipating a call from another teenager who may find themselves in a precarious situation, instead of calling the police if they're in a precarious situation, they're going to call another teenager, and this teenager is going to risk their lives by coming out to save this other teenager as opposed to calling a responsible adult."

Nekritz: "Well, they are dispatched, again, from an adult-supervised location and, you know, the... I think the unfortunate reality, Representative, is that those... that some teenagers may not be comfortable calling the police..."

Flowers: "I agree."

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

275th Legislative Day

5/29/2008

Nekritz: "...to get home, and so they're going to just jump behind the wheel and drive regardless."

Flowers: "Well, you know what, Representative, I would hate for any teenager to put themselves in jeopardy for whatever reason, but I think this Bill has some concerns and if it's not statewide and there's not adult supervision, the adults is being called to come and pick up the child as opposed to putting other teenagers in harm's way. Because that teenager does not know what type of situation the other teenager may be in, and they may need someone with some type of health experience to intervene or an adult to help them out of that situation. Thank you very much."

Nekritz: "Thank you."

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

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, does current law allow... let's... let's say, that my nephew is seventeen (17) years old and plays on the varsity basketball team at Danville High School, and they have a Friday night basketball game in Bloomington. He goes to the game, obviously on the team bus. The game starts at 8:00. They have an after game meal; they get back to Danville High School on the team bus at 11:45 p.m. Does current law allow him to get into his or in some cases her car and drive home? It's technically after the curfew."

Nekritz: "Yes. Representative, it's my understanding that, that... that the law does allow that."

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

275th Legislative Day

5/29/2008

Black: "All right. Because it would be considered a school event? He'd be coming home from a school event."

Nekritz: "Yes. Yeah. I believe there's an exception for going to or returning home from an official school, religious, or other recreational activity."

Black: "Okay. Fine. That was my concern. I didn't want to get into a situation as Representative Flowers was talking about where parents would obviously ask me, well, why... why can this program operate and my son may not be able to drive home after coming home from an athletic trip? Thank you very much."

Nekritz: "I believe that they can."

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

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

Speaker Turner: "Indicates she will."

Lang: "Thank you. Representative, I think you have a good Bill here, but I want to just get some facts out on the record. So, this was a program that was ongoing until January of this year, is that correct?"

Nekritz: "That's correct. For fifteen (15) years."

Lang: "And..."

Nekritz: "Actually, for twenty-seven (27) years."

Lang: "Are there... are there records kept as to how many teens would have been able to use this service?"

Nekritz: "There are... in the particular program in... in... that's offered... and you know, this is, again, the Safe Rides Program is a national program offered through the Boy

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

275th Legislative Day

5/29/2008

Scouts. And the one that I'm familiar with is the one in my area, and yes, they do keep records."

Lang: "And so, is it fair to say there've been a number over those fifteen (15) or more years, there've been quite of few people who have used the service?"

Nekritz: "That's correct. And the local police.. chiefs of police are enthusiastic supporters of the program."

Lang: "And as far as you know, there'd been no incidents of concern with that service, is that also correct?"

Nekritz: "Not that I'm aware of."

Lang: "All right. Thank you."

Nekritz: "Thank you."

Lang: "Mr. Speaker, Ladies and Gentlemen, to the Bill. This is a very good piece of legislation. It's modeled after something the Boy Scouts did in Connecticut. Other states have done this; other areas have done this. And I think it would be a good idea for many regions of the state to do this. Here's a program that actually saves the lives of teenagers, saved the lives of others who might be on the road. It's a sanctioned program. It's a supervised program. It's a program where teens have learned to call this number; you can get home safely for whatever reason. I can't imagine that this would be something the General Assembly would turn against; in fact, I think it's something we should support and we should encourage other local communities in the State of Illinois to do this to save the lives of teens and to give them options for getting home that are safe for those teenagers. Thank you

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

275th Legislative Day

5/29/2008

for bringing this Bill, Representative, and I would urge passage."

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

Ryg: "Thank you, Mr. Speaker. To the Bill. While the concept of giving kids safe rides so that they get home after they've been drinking without being involved in a crash, has some merit, the concerns are that this sends a very mixed message to kids that it really is okay to drink. It's just not okay to drink and drive. So, there's some new science that I think it's important to be taken into consideration and according to the acting Surgeon General, young people between the ages of twelve (12) and twenty (20) are more likely to use alcohol than use tobacco or illicit drugs. Research shows that many adolescents start to drink at very young ages. In 2003, the average age of first use was about fourteen (14) compared to about seventeen and a half in 1965. We also know through longitudinal epidemiologic studies that people who reported starting to drink before the age of fifteen (15) were four (4) times more likely to meet the criteria for alcohol dependence at some point in their lives. So, while we are trying to provide safe measures for teen drivers, this program in effect sends the message, again, that it's okay to drink, just not drive. We recently passed legislation that reinforced for parents that they face criminal penalties if they host parties even when they take the keys and don't allow the kids to drive. So, while there's no one who has an interest in seeing kids die in unnecessary

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

275th Legislative Day

5/29/2008

car crashes, it feels like this program just doesn't go far enough because no questions asked, no adult involvement after the fact, the kids are given an opportunity to party and make the phone call and get a ride home. There's no follow-up in terms of whether they're repeat users, that this is a regular occurrence. And I believe that there are some benefits that could come from a program like this, it just needs to involve more messages of prevention and educate the kids and the families and the communities why this is not a good idea. We have some very strong local community coalitions that have come together around underage drinking prevention, not looking the other way and getting kids home safe. And so, for that reason I think this is a little misdirected and would appreciate if..."

Turner: "Bring your remarks to a close."

Ryg: "Thanks. We'd just like to the Boy Scouts to continue this program, but add more elements of follow-up and prevention. Thank you."

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

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

Speaker Turner: "Indicates she will."

Reboletti: "Representative, I share some of the same concerns as the previous speaker. What... you said that the chiefs of police were supportive, I didn't see that in our analysis. Did they file a slip in... as a proponent to this Bill?"

Nekritz: "I'm sorry. Did who?"

Reboletti: "The Chiefs of Police Association. You said that the... the chiefs were..."

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

275th Legislative Day

5/29/2008

Nekritz: "No. They... they did not file either in support of nor opposition to in committee."

Reboletti: "Also, I... one of my concerns is that if an individual that is participating in this program was to be pulled over, what could a police officer on the street use to verify that the person is part of this program? I guess one of my concerns is that any seventeen-year-old could say, oh yeah, I'm part of this program. I'm trying to help somebody out. How can we... how do we go about verifying that?"

Nekritz: "Representative, that's an excellent question. The teenagers that are participating in the program go through a multi-hour training program so that they learn how to deal with certain situations and can be, again, trained on things that they might face while they're out there. And in addition, they wear a badge so that they're easily identified by the police. And actually, I did talk with one of the chiefs of police, there have been a couple of students who have been pulled over when they were driving and mostly for equipment violations. But... you know, so the police are very familiar with what the children... what the students are supposed to have when they're driving."

Reboletti: "And also... and I appreciate that they have this badge, but maybe they should have something as along the lines of a letter with them that they are participating and this a schedule that they're on-call to maybe help some verification of this program."

Nekritz: "And I certainly appreciate that, Representative. The legislation has nothing to do with the Safe Rides Program,

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

275th Legislative Day

5/29/2008

it only creates, again, a very minimal exemption to the curfew. And again, the chiefs of police in the area that have this program are enthusiastic supporters. They did come down and testify before the Senate committee. We had very short notice and I was... they were unable to change their schedules to be here for the House hearing."

Reboletti: "Thank you, Representative."

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

Mendoza: "To the Bill."

Turner: "...Bill. Go ahead."

Mendoza: "Ladies and Gentlemen, I sit on the Drivers Ed and Safety Committee as some of you do and I certainly rise in support of this legislation today. I think that while the statistics of teen drinkers are staggering and there's something that should worry and urge us all to action in terms of trying to find ways to curb that, it's nonetheless a stark reality that we're faced with and we have to deal with every day. Having an exception to the curfew law, whether we have one or not, is not going to stop, unfortunately, tomorrow or the night after that or this next weekend or a year from now, teen drinking. But allowing an exception in this particular instance to benefit those teenagers who have proven to be very responsible. They're so responsible and they care so much about their fellow teens that they're willing to sacrifice their weekends. They're willing to be on-call when necessary during the week to make sure that that teenager that they might be friends with, you know, every... any given

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

275th Legislative Day

5/29/2008

day of the week at school or they may might even know, can somehow make it home safe. All of us should remember what it was like to be teenagers in school. And I think what this Bill does, it's not so much focused on, you know, trying to punish kids for drinking. It's trying to focus on making sure that lives are not lost. That's the only thing that this Bill will do is will allow us to continue to have a program in place that gives responsible teens the ability to continue to do the responsible thing. And that's to provide a service to their community, to their fellow classmates that recognizes the reality that we live in. That these kids, unfortunately whether we'd like them to or not, some of them end up breaking those rules. And I don't know that a just punishment or a just... I guess, conclusion to that would be to just turn a blind eye to that and let them get in a car accident once they decide to do the wrong thing and get in and drive home. They're not going to start notifying their parents to come pick them up because we don't allow this program to be in place. Their only other option is going to be to risk it and get behind the wheel and hopefully, maybe, if they're lucky enough, make it home safe. I think we have an opportunity here to continue to employ a program that is proven, that has done a good job so far. They have not had one single accident to date that I have heard of and all the contrary, they've been able to get hundreds if not thousands of kids home safely back to their parents. You know, I think this is an issue of parental responsibility as well. We should all know where our kids are at night. We should know if our

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

275th Legislative Day

5/29/2008

child is out after 2 a.m. in the morning or after 11 p.m. And if we don't, well, then maybe that's a fault on our part. But I don't think that we should hold a good program that is encompassed and made up of good kids who do want to be responsible. And after they're done dropping off these kids, oftentimes reflect as to why they are thrilled to be making the right decision of not drinking and driving. So, I stand in strong support and would urge you to take the right vote here, and vote 'aye'."

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

Bost: "I move the previous question."

Speaker Turner: "The Gentleman moves the previous question. All those in favor should say 'aye'; all those opposed say 'no'. The opinion... and the previous question is put. Representative Ryg to close. Nekritz to close. I'm sorry."

Nekritz: "Okay, she wasn't in support of the Bill, so I had... yeah, got to get the right one here. Ladies and Gentlemen, I do think that what this legislation does is correct an unintended consequence of the Graduated Driver's License Bill. Secretary of State White is in support of this. And I can tell you just a quick story about when there was that tragic accident out in Oswego where five (5) young teens were killed. It's my understanding that one of the teens that was in that car had been trying..."

Speaker Turner: "Let the Lady complete her... Go ahead."

Nekritz: "Had been trying for four (4) hours to get a ride home and when she finally conceded and got in the car with a

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

275th Legislative Day

5/29/2008

drunk driver she was unfortunately killed in 20 minutes. So, I think this is a way of preventing that kind of incident from happening and I know that there were other communities that were wanting to get this program going when we passed the Bill and prevented it. So, I'd urge your 'aye' vote. Thank you."

Speaker Turner: "So, the question is, 'Shall the House pass Senate Bill 1930?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 93 voting 'aye', 19 voting 'no', 2 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 47 of the Calendar, we have Senate Bill 1939, Representative Smith. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1939, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker. Ladies and Gentlemen. This legislation would change the... what is in the law currently for school business officials who receive that endorsement on their administrative certificate from the State Board of Education. This would simply allow for two (2) years of university-approved practical experience to be included or to be considered as the two (2) years of administrative experience that is required currently for that endorsement. This is at the request of the School Business Officials

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

275th Legislative Day

5/29/2008

Association. I know of no opposition. And I'd ask for an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 1939?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. We have Senate Bill 1945, Representative Reitz. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1945, a Bill for an Act concerning warehouses. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Randolph, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 1945 expands the definition of 'electronically' in the Grain Code. This will allow people's initiative of the department in a number of ag organizations. It will provide that electronic receipts are valid and forcible... as enforceable as paper receipts. And will also provide reference to the code written that printed receipts will be... will include electronic receipts, as well. And I'd be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 1945?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question,

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

275th Legislative Day

5/29/2008

there are 114 voting 'aye', 0 'nays', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 48 of the Calendar, Representative McGuire, we have Senate Bill 1975. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1975, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

McGuire: "...Speaker. Senate Bill... excuse me... Senate Bill 1975... 1975 passed Judiciary Committee last week with a vote of 12-1-0. And the Bill amends the Criminal Code of 1961 and it provides that the offense of bringing contraband into a penal institution by an employee includes knowingly and without authority bringing or attempting to bring or causing or permitting another person to bring any illicit form of contraband into the penal institution rather than just alcoholic liquor or controlled substance, methamphetamine, or a hypodermic syringe. I would try to answer any questions and I would appreciate your 'aye' vote. Thank you."

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

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

McGuire: "Of course."

Speaker Turner: "Indicates he will."

Lindner: "Can you tell me has this... are you addressing a problem in specific prisons or why are you bringing this legislation?"

McGuire: "I'm sorry, I couldn't hear the question. Could you..."

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

275th Legislative Day

5/29/2008

Lindner: "I said, are you addressing a problem that has been happening, in our prison system or why did you bring this legislation?"

McGuire: "I don't know that there's a specific prison that has the problem. I would tell you that the Senate Sponsor of the Bill is A.J. Wilhelmi, who is the Senator in the area of Stateville Prison in Joliet. I don't know that there's been any particular problems. I haven't heard of them, but maybe the Senator has some other knowledge that prompted this Bill."

Lindner: "All right. Has the Department of Corrections weighed in on this Bill at all?"

McGuire: "They're in favor. As far as I know, they are in favor of the Bill. I would think they would be."

Lindner: "Okay. I guess our analysis reflects that there were no proponents or opponents. Do you know if there are any opponents to the Bill?"

McGuire: "No. There are no opponents to my knowledge."

Lindner: "Okay. And you say, any listed form of contraband. Where is contraband listed in the Criminal Code?"

McGuire: "I'm sorry, I can't hear you too good."

Lindner: "I said, you talk about any listed form of contraband. Where is contraband listed in the Criminal Code?"

McGuire: "Well, as I mentioned, I think that some of the contraband was mentioned as other than just alcoholic liquor or controlled substance, methamphetamine or hypodermic needle."

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

275th Legislative Day

5/29/2008

Lindner: "But it... I guess, I haven't read your whole Bill. Is it list... are all the forms of contraband listed in your Bill or they are in another section in the Criminal Code?"

McGuire: "I don't know that all forms of contra... or all types of contraband are listed. There may be some that the Sponsor... the Senator who drafted the Bill might say, oh, I forgot about that. But I think it would list..."

Lindner: "Okay. I'm sorry, I see... I see the Bill now. They are listed in the Bill. Okay. Thank you very much."

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

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

Speaker Turner: "Indicates he will."

Black: "Representative McGuire..."

McGuire: "Yes, Sir."

Black: "...in the Bill where... I don't find the language that says that you can have certain items of contraband on prison property as long as it's locked up in your car or pickup truck. Here it is. Okay. It's on page 8."

McGuire: "Yeah, I did see that myself..."

Black: "All right."

McGuire: "...when I was reading the Bill."

Black: "I have a correctional center in my district and I'm under the impression, perhaps I have forgotten, that if you in fact have a loaded firearm, even though it might be locked in accordance with all the applicable Illinois law in your private vehicle, but it is parked on Department of Correction's property that that is a potential dismissible offense. Now, do you have... does this change that? I'm not

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

275th Legislative Day

5/29/2008

sure. It seems to me that your law may be in conflict with what I understand to be Department of Correction policy."

McGuire: "Yeah, Mr. Black, that may well be and I would add that alcoholic liquor and weapons and firearms and firearms ammunition, I think it also somewhere in there explains or mentions cell phones. I think if someone..."

Black: "Well, I understand that..."

McGuire: "...left something like this unintentionally in their vehicle while they are at the prison or the facility as their work station or came as a visitor, I would think that that would not be... I'm not sure of what the Senator's intent would be, but I would think that that would not be construed as a violation."

Black: "That's what I'm having difficulty understanding. If you'll look on page 7, line 25, continuing on to page 8. It says all of the things listed in subsection, et cetera, paragraph, et cetera, 'such items shall not be considered to be in a penal institution when they are secured in an employee's locked private motor vehicle.' Our staff is on the line with the Department of Corrections. I'm under the impression that that would violate existing policy at most if not all correctional institutions when they are told, you do not, you may not, you shall not bring any contraband on to our property even if it's locked in your motor vehicle. And it seems that the law might supersede, well, obviously, a law would supersede departmental policy. I just wonder if that's something we ought to check on before we send this on to the Governor, because since the department didn't sign in and AFSCME didn't sign in, I just

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

275th Legislative Day

5/29/2008

wonder if anybody's really looked at this and said, oh oh, that violates our policy. I can't imagine that any warden or any director of the Department of Corrections would want any employee of that institution to bring a loaded firearm on to department property, even though it may be properly stored and locked in their private motor vehicle. He's on the phone right now, if you'll just hold on."

McGuire: "I think what... what the intent of this Bill is that we're not trying to tell people that that is an offense. And one of the things that I was going to mention to you, this Bill was up in the Judiciary II last week and I'm not sure because it was quite a crowded schedule there. I would have to think that somebody from the Department of Corrections either was there or should've been there to bring up maybe some of the questions that you're asking."

Black: "And this is one of the things that concerns me, Representative, and I know... I was in the Gaming Committee two (2) or three (3) weeks ago and the chair... the chairman of that committee was extremely agitated, and I don't blame him, for... the department... on a Bill that was up, the department evidently had no position. And the chairman said, you know, why don't you have a position? What is your position? Why are you here? And I don't think he ever got an answer. That's one of the things that's so frustrating about the process this year. We often are told departments are in opposition, but they don't tell us why or they have no position. And they don't tell us why and so we can fly blind if we're not careful."

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

275th Legislative Day

5/29/2008

McGuire: "I don't recall that conversation or question being in the committee, but I don't doubt that if you say so, it must've happened.

Black: "Okay."

McGuire: "Because it was a very... very busy day in that committee and I don't recall that question coming up."

Black: "Okay."

McGuire: "Or if Corrections was even there."

Black: "Representative, and I'm not trying to kill the Bill. I probably will vote for it, someone from the Department of Corrections is on his way over here. Said he'll be here in less than five (5) minutes, would like to take a look at it, and give us an answer whether the law might be in conflict with the policy. If you could take it out of the record for 5 minutes, I think we could get that answered."

McGuire: "Yeah, Mr. Black, I think, to make things easier, we should take this Bill out of the record temporarily if you have people from Corrections that are on their way over here."

Black: "They're on their way."

McGuire: "I certainly would agree to that."

Black: "Very much appreciate it, Sir. Thank you very much."

McGuire: "Thank you."

Speaker Turner: "That Bill will take... take the Bill out of the record, Mr. Clerk, at the Sponsor's request. On page 48 of the Calendar, we have Senate Bill 1979, Representative Ford. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1979, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

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

275th Legislative Day

5/29/2008

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

Ford: "Thank you, Mr. Speaker. Senate Bill 1979 is a Bill to help create Illinois homeowners assistance for foreclosures. It provides grants for individuals in need of assistance. Right now, there's the Housing Action of Illinois supports this and IDA also supports it. It passed out of the Senate and I ask for a favorable vote. Take any questions."

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

Eddy: "Sponsor yield?"

Speaker Turner: "Indicates he will."

Eddy: "Representative, this is subject to appropriation?"

Ford: "Yes."

Eddy: "Can you tell us what the ask in appropriation is for this program?"

Ford: "It's approximately three million (3,000,000)."

Eddy: "Can you tell me whether or not in the budgets that we've contemplated either last week or this week that we're looking at whether or not the three million dollar (\$3,000,000) appropriation is included?"

Ford: "No."

Eddy: "No, you can't tell me or no, it isn't?"

Ford: "It's not included at this time."

Eddy: "It is not included at this time. Okay. Thank you."

Ford: "Thanks."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 1979?' All those in favor should vote 'aye'; all those opposed vote 'no'. The

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

275th Legislative Day

5/29/2008

voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 101 voting 'aye', 12 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. We have Senate Bill 1982, Representative Black. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1982, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill was sponsored by my Senator in the House, Senator Michael Frerichs. It simply provides the Cooperative Work Study Program, which exists in several high schools in the State of Illinois, can be used in the field of health, nursing, and other academic priority areas as determined annually by the Illinois State Board of Education. Currently, the Cooperative Work Study Program grants can only be expended in the areas of math, science, engineering, and education. It does have the rule-making prohibition added to the Bill. It passed the Senate unanimously. I'll be glad to answer any questions you have."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 1982?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question,

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

275th Legislative Day

5/29/2008

there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. We have Senate Bill 1984, Representative Verschoore. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1984, a Bill for an Act concerning agriculture. Third Reading of this Senate Bill."

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

Verschoore: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. What this Bill does is it's a soy bean check-off and what it does is right now it's a federal program that the government checks... or does checks off on crops. And it is used for various types of advertisement and different things like that. And what this Bill does is if for some reason the Federal Government would quit collecting this tax, the state would step in and continue to take the tax... or the check-off. I'd be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1984 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, we have Senate Bill 2012, Representative Soto. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2012, a Bill for an Act concerning public health. Third Reading of this Senate Bill."

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

275th Legislative Day

5/29/2008

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

Soto: "Yes. Thank you, Mr. Speaker and Members of the House. Senate Bill 2012 amends the Department of Public Health Powers and Duties (sic-law), creates the Chronic eighteen (18) member Disease Prevention and Health Promotion Task Force to recommend the structure of chronic disease prevention and health promotion system in Illinois, as well as changes to integrate and coordinate efforts in the state and insure constituency and consistency of purpose in the delivery of care. And I'm open for questions. And I urge an 'aye' vote. Thank you."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2012?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 48 of the Calendar, we have Senate Bill 2017, Representative Mautino. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2017, a Bill for an Act concerning environmental safety. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 2017 is an initiative of the Illinois IEPA and it deals with the National Pollution Discharge Elimination System permit fees. Those are NPDES. This

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

275th Legislative Day

5/29/2008

will make a one-time application fee of seven hundred and fifty dollars (\$750). The current structure is that five hundred dollars (\$500) is paid per year on them. Since these are in many cases multi-year permits, it will be a one time only. They won't have to buy additional annual permits when they're doing a... for construction of storm-water discharges. And I know of no opposition. The construction trades, as well as the municipalities, everyone is in agreement with the EPA on this. And I ask for an 'aye' vote."

Speaker Turner: "The Gentleman from Jasper, Representative Reis, for what..."

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

Speaker Turner: "Indicates he will."

Reis: "Representative Mautino, what is the status of the NPDES fees that were enacted several years ago? Are those going into the GRF fund or are those held in escrow? What's the status of those?"

Mautino: "That would be a question more for the EPA. This deals with the structure of the fees. So, I don't know what the past history is. This is simply a change that on multi-year projects instead of five hundred dollars (\$500) a year, it would be seven fifty (750) as a one-time fee."

Reis: "And I understand that, but if those are going into escrow and they're tied up in court and I ask... I get asked by my mayors, where is that money going? And why don't we just do away with the NPDES fees?"

Mautino: "That may be a good question for the EPA. I appreciate that."

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

275th Legislative Day

5/29/2008

Reis: "You'll run that Bill next year."

Mautino: "Well, I'll tell ya what, I have a lot of requests for that as well, but as long as we have to collect them, this actually makes things easier for the multi-year projects. And in fact for most of them is a reductions, it's a one-time fee as opposed to an annual fee that has to be renewed."

Reis: "All right. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 2017?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative McGuire on Senate Bill 1975. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1975, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Will, Representative McGuire."

McGuire: "Thank you, again, Mr. Speaker. 1975 we took out of the record for a few minutes to get some clarification. And Representative Black, I think, has the answer to your question."

Speaker Turner: "The Gentleman from..."

McGuire: "I'd appreciate the Body's vote."

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

275th Legislative Day

5/29/2008

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

Black: "Thank you very much, Mr. Speaker. And I thank Representative McGuire. We did... we were able to talk to the Department of Corrections. There is no conflict between policy and this law. No opponents that we can discover. It's a good Bill. I intend to vote 'aye'. And I thank the Gentleman again for his courtesy."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 1975?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'nays', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 48 of the Calendar, Representative Mathias, we have Senate Bill 2023. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2023, a Bill for an Act to revise a law by containing multiple enactments and making technical corrections."

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

Mathias: "Thank you, Mr. Speaker. This is the Legislative Reference Bureau's general revisory Bill. What it does, it combines multiple enactments to the same section and makes technical corrections to statutes. It takes care of the housekeeping for the General Assembly and makes no... no substantive changes. And I ask for your 'aye' vote."

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

275th Legislative Day

5/29/2008

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2023 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Representative Sommer. The Clerk shall take the roll. On this question, there are 92 voting 'aye', 21 voting 'nay', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bellock, we have Senate Bill 2044. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2044, a Bill for an Act concerning civil law. Third Reading of this Bill."

Speaker Turner: "The Lady from DuPage, Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker and Members. This is a Bill that amends the Marriage and Dissolution Act. And it is a cleanup Bill that provides that in proceedings for the educational expenses of a child that unless the court shall find that the child's safety would be jeopardized, each parent is entitled to know the educational institution that their child attends. I know of no opposition and that it's supported by the Illinois State Bar Association."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2044?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Bost. The Clerk will take the record. On this question, there are 112 voting 'aye', 1 'nay', 0 'presents'. And this Bill, having received the

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

275th Legislative Day

5/29/2008

Constitutional Majority, is hereby declared passed. On page 48 of the Calendar, Representative Ryg, we have Senate Bill 2051. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2051. a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Lake, Representative Ryg."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2051 amends the Criminal Code of 1961 to expand the definition of 'peace officer' to include United States Department of Defense peace officers meeting the minimum training standards of the Illinois Law Enforcement Training Standards Board for peace officers of units of local government. This authorizes the City of North Chicago to enter an agreement with Great Lakes Navel Station to oversee the officers so that there's continuity of police enforcement. There's no opposition and I'm happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2051?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Howard on Senate Bill 2053. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2053, a Bill for an Act concerning courts. Third Reading of this Bill."

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

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

275th Legislative Day

5/29/2008

Howard: "Yes. Thank you, Mr. Speaker. Senate Bill 2053 is an initiative of the State Police resulting from a cooperative effort with the Illinois Association of Court Clerks. It amends the Criminal Identification Act by providing that a circuit clerk may charge a fee equivalent to the cost associated with the sealing or expungement of records by the clerk. Currently, each county charges a fee set by the individual county for the cost of sealing or expunging records. The fee charge by the circuit clerk under this Bill would not be in addition to the current county fee, but instead a ten dollar (\$10) diversion from the usual county fee. And I'll stop at this point and I will answer questions."

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

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

Speaker Turner: "Indicates she will."

Lindner: "Representative, I want to make clear to the Body, you are not making a new law. Is that correct?"

Howard: "That is correct. It amends an Act that is already on the books."

Lindner: "And what are you doing with your Amendment?"

Howard: "Well, we're trying to make certain that there is money available for both the State Police and the Circuit Court Clerks."

Lindner: "But this was... this is..."

Howard: "But no new fees, it's the same money that's already being collected. Some of it is just being diverted into

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

275th Legislative Day

5/29/2008

other funds. And there, as I understand, are no objections."

Linder: "All right."

Howard: "Everybody's agreed with this."

Lindner: "And this is not making expungement or sealing of records any easier. Is that correct? This is just..."

Howard: "No, this is just..."

Lindner: "...some technical clarifications."

Howard: "...to help those entities that are already involved in the process be able to get paid for what they do. Right now, the clerks get no money at all. And so, we're just saying that part of the fee that's already collected would go to the clerk."

Lindner: "All right. And this was an initiative of the State Appellate Def..."

Howard: "Of the Illinois State Police."

Lindner: "All right. Thank you."

Howard: "Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 2053?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative McCarthy on Senate Bill 2070. Read the Bill, Mr. Clerk."

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

275th Legislative Day

5/29/2008

Clerk Bolin: "Senate Bill 2070. a Bill for an Act concerning local government. Third Reading of this Senate Bill."

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

McCarthy: "Well, Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 2070 amends the Fire Department Promotion Act. It's an agreed Bill between the Associated Fire Fighters of Illinois and the fire districts. It also has the approval of the State Fire Marshal for the duties ascribed to him by this legislation. It passed the Senate 54-0 and I would appreciate your favorable consideration."

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

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

Speaker Turner: "He indicates he will."

Black: "Representative, according to our analysis it is not an agreed Bill. There is opposition from the police and fire commissioners. Is that your understanding?"

McCarthy: "That is... I don't have that understanding. You could be correct; I can't say your incorrect, but I was told during the committee hearing by the one person that testified that it was... that they were agreed. I did contact the State Fire Marshal because they were not at the committee and they said they have no problem with the duties as ascribed to them in the Bill."

Black: "Okay. So, if... as far as you know it's an agreed Bill, although, it may turn out not to be an agreed Bill."

McCarthy: "I agree with that."

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

275th Legislative Day

5/29/2008

Black: "Okay. Fine. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 2070?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Leitch, we have Senate Bill 2071. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2071, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Mr. Speaker. In our community we have about a hundred and thirty million dollar (\$130,000,000) school project under way and over seventy million (70,000,000) of that's been committed in some property taxes. The purpose of this Bill would be that in the event we get a capital Bill and we are able to have some school construction bond in it, that we would be able to use some of our PBC money to make that match. I would ask for your support."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2071?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Representative Black. The Clerk shall take the

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

275th Legislative Day

5/29/2008

record. On this question, there are 75 voting 'aye', 38 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Leitch, we have Senate Bill 2077. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2077, a Bill for an Act concerning local government. Third Reading of this Bill."

Speaker Turner: "The Gentleman from Peoria, Representatives Leitch."

Leitch: "Thank you very much, Mr. Speaker. This Bill pertains to another request by Peoria County. Peoria County is facing a series of capital improvements a Bel-Wood Nursing Home replacement and a number of others together with a significant museum project in the community. They would like the flexibility instead of using property taxes to be able to have a front-door referendum and avail themselves, if successful, with public a services tax. I would ask for your support."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2077?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Reitz. The Clerk shall take the record. On this question, there are 68 voting 'aye', 45 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lang on Senate Bill 2080. Read the Bill, Mr. Clerk."

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

275th Legislative Day

5/29/2008

Clerk Mahoney: "Senate Bill 2080, a Bill for an Act concerning the Uniform Commercial Code. Third Reading of this Bill."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a rewrite of parts of the Uniform Commercial Code. It's become a model Act across the country. I know of no opposition."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2080?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 voting 'aye', 0 'noes', 1 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Beiser on Senate Bill 2162. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2162, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Madison, Representative Beiser."

Beiser: "Thank you Mr. Speaker and Members of the House. Senate Bill 2162 allows for a special annexation agreement for the City of Alton at the request of a property owner that desires their city services. There was some concerns raised in committee and we've worked it out that... I would like to read for legislative intent this into the record that take... should take care of those concerns. It is not the intent of Senate Bill 2162 to authorize in any manner the annexation of additional territory to a municipality

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

275th Legislative Day

5/29/2008

which is not contiguous, in fact, to... to a municipality simply by reason of such territory being contiguous to property, which is a subject of an annexation agreement under Sections 11-15.1-1 and 11-15.1-2.1 of the Illinois Municipal Code. Nor is it in the intent of the Bill that any properties subject to an annexation agreement under Sections 11-15.1-1 and 11-15.1-2.1 will be the subject to ad valorem real estate taxes of a municipality prior to the actual legal annexation of subject property to a municipality in fact. Again, this was requested by the property owner. This concern addresses the issues raised by the fire protection district and I think that that takes care of the concerns. I'd ask for an 'aye' vote and be happy to answer any questions should there be any."

Speaker Turner: "The Gentleman from Jasper, Representative Reis."

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

Speaker Turner: "Indicates he will."

Reis: "Representative, just one question. With your legislative intent, does that remove the opposition from the township officials?"

Beiser: "That I'm not certain of, Representative Reis. They did not... I have not talked to them. They have not talked to me about their concerns. When I saw this, I was a little bit surprised by it, but I do not..."

Reis: "Does your analysis show..."

Beiser: "...I could not answer..."

Reis: "Does your analysis show that they're still in opposition?"

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

275th Legislative Day

5/29/2008

Beiser: "Yes, that does."

Reis: "Did they come and..."

Beiser: "But again, I have not talked to them. So, I'm not aware if this does... does take away their opposition or if... if it remains in fact."

Reis: "What was their opposition?"

Beiser: "Again David, I don't... they did not speak to me about it, so I do not know what their opposition was."

Reis: "Okay. I just thought you said that they didn't speak to you on whether or not your legislative intent removed the opposition."

Beiser: "No. This... this legislative..."

Reis: "My question was, what was their original opposition."

Beiser: "Yeah. This... this... I'm sorry to... if I was miscommunicated. This legislative intent was at the request of the fire protection district along with sever... Fosterburg agreed to this legislative intent through their corporate counsel and through the fire protection district lobbyist."

Reis: "Okay. I mean, this is the first time we've seen this. So, I was just curious on that."

Beiser: "Yes."

Reis: "Thank you."

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

Fortner: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Fortner: "Thank you. Representative, one of the questions that came up in committee on this and perhaps it would help the

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

275th Legislative Day

5/29/2008

Body to try and explain some of the background on this, 'cause this... was the question of why... why the city was not able to do the typical petition where you have some properties that may not be immediately contiguous but could petition for annexation including those properties in between. So, you wouldn't have to do a jump across area that would then create a discontinuous piece for the annexation. And I wonder if you could just explain why that process didn't work. 'Cause I know that was a question that was raised and..."

Beiser: "Certainly."

Fortner: "...maybe that would help the Body."

Beiser: "In the small piece of property or piece of land that would be between where the city ends now and where this would be this ad... agreement would take effect, I think there are four (4) homes. It's not their desire to become... to come into the city, nor is it the desire of the city to annex them and part of the legislative intent was to deal with that also. 'Cause the fire protection district also expressed those concerns for those residents, but it's... it's not intended to..."

Fortner: "Sure, I understand, but I think one of the concerns is that this might set a precedent for other communities to say, well, you know, I really don't want to annex proper... these immediately adjacent properties, but here's this other area a block away and they'd like to annex in."

Beiser: "Okay."

Fortner: "And the state, generally, we don't permit people to do discontinuous... disconnected annexations."

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

275th Legislative Day

5/29/2008

Beiser: "You know, and that's part of what the legislative intent was intended to do, was to say that it is just for this parcel of property as outlined in this. Now I... that's what the... we meant to do right off the get-go, but there were some concerns raised that much like we could leap frog for lack of a better term and the legislative intent as described says that that is not the intent of this, but I don't know if I'm answering your question to your..."

Fortner: "Sure. Well, I think it does certainly help that you've explained it. I'm still uncomfortable because I think a municipality certainly has the ability to negotiate with those intervening property owners and come to an agreement perhaps that would make it to their benefit to be annexed in, to facilitate the annexation of the area past that. I know certainly I've been involved with such processes before usually there's always something one can do..."

Beiser: "Right."

Fortner: "...to satisfy those intervening property owners."

Beiser: "Yeah. And in this case, the... the owner of the property requesting this, because it's services that only the city could provide. They did take it upon themselves to suggest that... to these homeowners, they may want to consider it. They said they did not want to and the city respects that the land... the property owners that would like to have the city services respect that and that's why we... we want it to be as specific as possible with the intent of this legislation that would not include those."

Fortner: "Thank you."

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

275th Legislative Day

5/29/2008

Beiser: "You're welcome."

Speaker Turner: "Seeing no further questions, the question is 'Shall the House pass Senate Bill 2162?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 51 voting 'aye', 62 voting 'no'. The Gentleman requests, Postponed Consideration. Leave is granted. We have Senate Bill 2182, Representative Mathias. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2182, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

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

Mathias: "Thank you, Mr. Speaker. Senate Bill 2182 is a school safety Bill that, basically, it requires a driver of a school bus to open the service door and driver's window before crossing a railroad track. As you know, we've had some tragedies with school busses and other vehicles and I believe this would be a safety measure. It's supported by the Illinois Railroad Association as well as the Illinois High School District Organization. And I ask for your 'aye' vote."

Speaker Turner: "Seeing no further questions... I'm sorry. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

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

275th Legislative Day

5/29/2008

Black: "Well, Representative, I thought that this was already in law. I've never seen a school bus operator who fails to do this."

Mathias: "It is. Right now I did check the law. The che... the law right now only requires you to stop. It does not require you to open a door or window or anything else. It just requires you to stop."

Black: "Okay."

Mathias: "I checked that out in committee."

Black: "All right."

Mathias: "That was a question in committee."

Black: "So... but if you have it... well, it might be policy, but you say it isn't in statute. Okay."

Mathias: "It maybe this policy of an individual school districts..."

Black: "Okay."

Mathias: "...or companies."

Black: "Thank you very much."

Mathias: "Yes."

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

Cultra: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Cultra: "In committee, actually it was after committee, there was talk about taking out the portion about having to unroll the window... the driver window, is that still a consideration?"

Mathias: "Well I... I asked the Senate Sponsor and he, you know, since it was his Bill he asked me to run it as it is. He

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

275th Legislative Day

5/29/2008

felt that it was... that also was a safety issue, especially if you have a school bus sometimes with noisy children the driver can't necessarily always hear what's going on outside."

Cultra: "So, in addition to opening the door, which is pretty common practice now, you want the driver to unroll the window and then roll it back up."

Mathias: "Which ever way the window opens."

Cultra: "Yeah. Well, in a lot of older school busses, especially in the wintertime it's pretty hard to operate the driver's window. It seems like to me that's a pretty large burden to add to the driver."

Mathias: "I just look at it as a safety issue and that it could be necessary and if it prevents an accident then unfortunately, there may be a burden."

Cultra: "Well, is there any proof of not unrolling the window has caused an accident in the past?"

Mathias: "I don't have any... at this point other than know that there have been accidents and of course, I don't know what the cause of it is in each... in each individual case."

Cultra: "All right. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 2182?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Kosel? Clerk shall take the record. On this question, there are 108 voting 'aye', 1 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed.

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

275th Legislative Day

5/29/2008

Representative Reitz on House Bill 2187. Read the Bill, Mr. Clerk. Sorry, Senate Bill 2187. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2187, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Randolph, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 2187 is an initiative of the Department of Professional Reg... Department of Insurance, excuse me, in trying to deal with a concern that has come up with vehicle... vehicle protection products for warranties and things of that nature. This will allow people to be deemed as being a... in a bankruptcy proceeding if they... if they get to that, it will allow them to recoup their money and that's about it."

Speaker Turner: "Seeing no... seeing no further questions the question is, 'Shall the House pass Senate Bill 2187?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Clerk shall take the record. On this question, there are 110 voting 'aye', 0 'noes', 0 'presents.' And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 49 of the Calendar, we have Senate Bill 2190. Representative Mathias. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2190, a Bill for an Act concerning elections. Third Reading of this Senate Bill."

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

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

275th Legislative Day

5/29/2008

Mathias: "Thank you, Mr. Speaker. Right now, when... as you know, when we do our political committees if we spend or receive three thousand dollars (\$3,000) or more we have to open up a... we have to report to the State Election Board. This is an initiative of the State Board of Elections and it basically provides that when referendum supporters or opponents of a referendum, raise or spend more than three thousand dollars (\$3,000), you also have to register as a local or state political committee with the State Board of Elections and I ask for your 'aye' vote."

Speaker Turner: "Seeing no questions, the question is 'Shall the House pass Senate Bill 2190?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bost, on Senate Bill 2191. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2191, a Bill for an Act concerning elections. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2191 is an initiative of the State Board of Elections. Basically, it clears up some language. Makes sure that it is in the aggregate, what the amount of money that you can exceed is five hundred dollars (\$500), currently. The threshold is it doesn't necessarily use the aggregate and

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

275th Legislative Day

5/29/2008

that was the only change in it. It's... it's strictly technical."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2191?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? McGuire? The Clerk shall take the record. On this question, there are 110 voting 'aye', 0 'nays', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Reboletti, on Senate Bill 2198. Out of the record. Representative Feigenholtz... Out of the record. Representative Feigenholtz on Senate Bill 2199. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2199, a Bill for an Act concerning aging. Third Reading of this Senate Bill."

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

Feigenholtz: "Thank you, Mr. Speaker. This is a planning committee Bill for older adult services. I'd be glad to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2199?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk... The Clerk shall take the record. On this question, there are 110 voting 'aye', 0 'nays', 0 'presents'. And this Bill, having received the Constitutional Majority is hereby declared passed. On page

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

275th Legislative Day

5/29/2008

47 of the Calendar, we have Senate Bill 1920.
Representative Ryg. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1920, a Bill for an Act concerning
local government. Third Reading of this Bill."

Speaker Turner: "The Lady from Lake, Representative Ryg."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. Senate Bill 1920 addresses outstanding issues for
mass transit on a statewide basis. It increases the
transparency by requiring the Collar County Boards to
annually report expenditures and obligations received from
the counties' portion of RTA sales tax and it requires
public hearings prior to fare increases. It responds to
paratransit needs by providing free rides for persons with
disabilities who qualify for the Circuit Breaker Program.
It adds the commissioner from the Mayor's Office with
persons with disabilities to the Pace board. It maintains
the farebox recovery ratio for paratransit at 10 percent
and exempts the total cost of required free services from
farebox recovery for downstate transit systems. Corrects a
drafting error in the state match formula and addresses a
problem with the CTA retiree health care eligibility window
which was an unintended consequence of the delay in passing
the Mass Transit Funding and Reform Bill. Happy to answer
any questions."

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

Black: "Mr. Speaker, inquiry of the Chair."

Speaker Turner: "State your inquiry."

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

275th Legislative Day

5/29/2008

Black: "I know that we want to move along as expeditiously as possible, but it's so loud in here. I didn't hear one word she said. For all I know, she could have been talking about taxing the air we breath or bringing the RTA to Danville, oh hallelujah, what a happy day. I have no idea what she said. I can't hear a word she said. It reminds me of the good old days with Representative Zeke Giorgi. I mean, is her microphone not working or was she deliberately not letting us know what she might be up to?"

Speaker Turner: "I'm sure she's not being deliber..."

Black: "Oh, I would... I would be disappointed if she was."

Speaker Turner: "It's getting a little late in the day, so we will try to see if we can raise her volume."

Black: "I..."

Speaker Turner: "In fact, if she would..."

Black: "I would be grateful if we could speak up and I would be forever grateful to you if you could... and I know it's tough at this time of the day, but this place is a little more disorderly than usual."

Speaker Turner: "It's dinner time."

Black: "Ahh, I rest my case."

Speaker Turner: "Representa... Representative Ryg, would you care to speak a little louder and try it one more time. I think Representative Black has the right volume for this place and if you could just lift it up just a little."

Ryg: "I... I'm happy to repeat my comments and I do apologize for the cold that perhaps is affecting my ability to project. I will try again."

Speaker Turner: "Pull that microphone just a little closer."

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

275th Legislative Day

5/29/2008

Ryg: "Senate Bill 1920."

Speaker Turner: "There you go."

Ryg: "Thank you. Thank you."

Speaker Turner: "It gets in the way of that beautiful face, but keep it close."

Ryg: "Thank you."

Speaker Turner: "Try it again."

Ryg: "Senate Bill 1920 addresses outstanding issues for mass transit on a statewide basis. It increases the transparency by requiring the Collar County Boards to annually report expenditures and obligations received from the counties' portion of the RTA sales tax and requires public hearings prior to the service boards imposing fare increases. This Bill also responds to paratransit needs by providing free rides for persons with disabilities who qualify for the Circuit Breaker Program which applies an income criteria. The Bill adds the commissioner from the mayor's office of persons with disabilities to the Pace Board, maintains the farebox recovery ratio for paratransit at 10 percent, exempts the total cost of required free services from farebox recovery for downstate transit systems. The Bill corrects a drafting error in the state match formula and addresses a problem with the CTA retiree health care eligibility window which was an unintended consequence of the delay in passing the Mass Transit Funding and Reform Bill. I'm happy to answer any questions."

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

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

275th Legislative Day

5/29/2008

Black: "Thank you very much, Mr. Speaker. I appreciate that. It was much easier to understand. Will the Sponsor yield very quickly?"

Speaker Turner: "Indicates she will."

Black: "Representative, that wa... I... and I appreciate it. I really do. I could hear you and you gave some of the technical language, but let me just ask you a few questions. In all this technical language and cleanup are you giving the RTA any extraordinary authority such as the ability to raise fares, the ability to cancel routes, the ability to add routes, anything of that nature?"

Ryg: "No. In fact, if the RTA... well, the RTA doesn't set fares, but if it's service board had an interest in raising fares, then we would, in fact, require them to hold public hearings."

Black: "Then who would... who would be the enabling agency that would approve or reject such a fare increase?"

Ryg: "The service boards make that recommendation to the RTA."

Black: "All right. And they... you're not changing anything in that."

Ryg: "There's no change in how the..."

Black: "All right. So, you're not saying that the CTA would suddenly have to have that authority... all the operating procedures and safeguards remain in place and this is technical in nature... technical clean up."

Ryg: "Well, this is a compilation of issues that were not resolved by the original legislation or came up afterwards. And so, while the fares... the service boards would vote on their fares and then run that by the RTA, we... we did

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

275th Legislative Day

5/29/2008

require that there be public hearings. As you may recall, Metra raised the fares without public hearings just prior to the passage of the Bill."

Black: "All right. So, it... just to make sure that we don't and sometimes when we are here awhile and it's late we voted... we end up voting for things we wish we hadn't. So, there... there is no redistribution of capital funding or dollars as to where it goes: CTA, Metra, RTA. So basically, all of the technical language does what?"

Ryg: "There is a list of about ten (10) items that were compiled from the aftermath of the Mass Transit Funding and Reform Bill. The formulas for fares, the formulas for distribution to the service board, the formulas for the collar counties sales tax all stay the same."

Black: "Okay."

Ryg: "We're just requiring..."

Black: "All right."

Ryg: "...more accountability, transparency. As you'll recall, this chamber passed a Bill to the Senate that would have allowed for seniors and persons with disabilities to qualify for free rides under Circuit Breaker. Seniors are getting free rides statewide. We've addressed that for the downstate transit systems in terms of farebox recovery and we're now going to expand the service to disabled persons, but it... they have to qualify by an income criteria..."

Black: "Okay."

Ryg: "...through Circuit Breaker."

Black: "And this doesn't change any of the farebox recovery formula..."

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

275th Legislative Day

5/29/2008

Ryg: "It does... it does. It reinstates the..."

Black: "Oh."

Ryg: "...10 percent farebox recovery ratio which... for the RTA region. It also provides that the downstate transit systems farebox recovery ratio is adjusted to reflect that they're now required to offer free rides to seniors."

Black: "I know it's been awhile, but I... I thought when we discussed this, the farebox recovery was to be 50 percent."

Ryg: "This is for paratransit only."

Black: "Oh, paratranist. Okay. So basically, you're just dotting the i's and crossing the t's of an Act that we've already passed."

Ryg: "The farebox recovery issues be... became complicated after we started to offer free rides to seniors. And so that had an impact on the ratio and we had to adjust the opportunity for the service boards to me... meet that farebox recovery..."

Black: "Okay. All right."

Ryg: "...the 12 percent that was in the Bill when we adjusted paratransit statewide is no longer able..."

Black: "Okay."

Ryg: "...to be met without huge fare increase on those disabled riders."

Black: "The free rides for seniors, as I recall, was added by Governor Blagojevich, correctly? That wasn't in the legislation originally. Didn't he make that a condition of signing the Bill?"

Ryg: "Yes."

Black: "And then we approved that?"

Ryg: "Yes."

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

275th Legislative Day

5/29/2008

Black: "Okay. Do you know whether or not there's a... a decal or a sticker that goes on the farebox that says seniors free rides courtesy of Governor Blagojevich."

Ryg: "I believe there were plenty of opportunities for people to understand that when the Governor made that announcement."

Black: "Okay. Maybe we could just put his picture on the farebox or something. Okay. I... I just... I like to share credit where credit is due. So, thank you very much for your answers. Thank you."

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

Eddy: "Sponsor yield?"

Speaker Turner: "Indicates she will."

Eddy: "Representative, does this include a provision for reporting language for collar counties who impose the additional sales tax for transit?"

Ryg: "It requires that they do an annual reporting of the receipts from the quarter percent that's collected in the collar counties and their expenditures and obligations of how they're using those funds."

Eddy: "So, this... this kind of adds some accountability to that portion of the original transit Bill that allowed for them to impose that by requiring them to show exactly how."

Ryg: "Right. If you'll recall, that money was authorized for the purposes of transit, transportation, and public safety. So, this requirement will provide transparency so the taxpayers can see how much money is being collected through that sales tax and how it's being spent."

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

275th Legislative Day

5/29/2008

Eddy: "Is the RTA... have they weighed in on this? Are they a proponent or an opponent of this?"

Ryg: "They're a proponent."

Eddy: "They are a proponent."

Ryg: "Yes."

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

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 1920?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. There are 96 voting 'aye', 15 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

Stephens: "An inquiry of the Chair."

Speaker Turner: "State your inquiry."

Stephens: "Could you... could you get a hold of the fire marshal for us?"

Speaker Turner: "Fire marshal?"

Stephens: "Yes. If maybe the Clerk or the Chief of Staff on your side of the aisle would want to investigate Representative Rose's desk."

Speaker Turner: "Rose's desk?"

Stephens: "Yes. Representative Chapin Rose."

Speaker Turner: "And there's a fire?"

Stephens: "A fire hazard."

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

275th Legislative Day

5/29/2008

Speaker Turner: "Fire hazard. Okay. On page 56 of the Calendar, we have Senate Bill 1129, Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1129, a Bill for an Act concerning appropriations has been read a second time, previously. Thir... Senate Bill 1129 is on the Order of Senate Bills-Third Reading."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. This was the Bill that was debated substantially earlier in the day before the Republicans went to caucus. It deals with about ten (10) small agencies and less than ten million dollars (\$10,000,000) in GRF. So, I'd be happy to answer any questions. I'd ask for your 'yes' vote."

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

Eddy: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Eddy: "Thank you. Representative, just to refresh everyone's memory, this... this piece of legislation appropriation contains certain portions of the total spending section of the budget."

Hannig: "It... it includes complete budgets for the Capital Development Board operations, the Drycleaning (sic-Drycleaner) Environmental Response Trust Fund Council, the Education Labor Relation Board, the East St. Louis Financial Advisory Authority, the Workers' Compensation Commission, the State University Civil Service System, the

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

275th Legislative Day

5/29/2008

Labor Relations Board, the Southwestern Illinois Development Authority, and the Upper Illinois River Valley Development Authority."

Eddy: "Okay. So, we're going to see a series and we've already seen one this is two (2) of six (6) separate spending measures that..."

Hannig: "Four (4)."

Eddy: "...that... Okay, four (4) that will total some amount."

Hannig: "That will comprise as the... the spending plan."

Eddy: "And that's the spending plan. Can you tell me if the total amount of those spending plans, by department in aggregate total, represent an increase and what that dollar amount increase is over last year's total?"

Hannig: "Repre... Over last year's, I don't have that information at this time, Representative. These are basically at the Governor's introduced."

Eddy: "This particular Bill."

Hannig: "Yes."

Eddy: "My question has to do with the total amount that we're going to see over the four (4) Bills and whether or not that is a increase and what that total increase in spending is over FY08 levels in FY09."

Hannig: "Representative, there's... I don't have that figure today."

Eddy: "Well, let me... let me ask you this. Is there an anticipated increase in revenue next year?"

Hannig: "I believe there is rev..."

Eddy: "In FY09."

Hannig: "There is revenue growth."

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

275th Legislative Day

5/29/2008

Eddy: "Okay."

Hannig: "I think that we would all agree to that."

Eddy: "Can you specifically... specifically tell us what the increases in revenue that you're projecting to support the appropriations in these budgets we're going to see?"

Hannig: "Representative, this is just a spending plan that spends ten million dollars (\$10,000,000) and I think we can easily find a way to support it."

Eddy: "So, are you intimating that there's going to be a total increase in spending of how much?"

Hannig: "I'm... I'm simply making the point that we have a ten million dollar (\$10,000,000) appropriation in front of us and I would simply suggest that we would probably raise enough money to fund this budget next year."

Eddy: "This... this ten million dollars (\$10,000,000)."

Hannig: "This particular budget, ten million (10,000,000)."

Eddy: "My question is whether or not in the aggregate, when we're done spending money, when we're done with all the appropriation Bills that... that are going to come, is there revenue that will take care of the expenses? You know, normally, when you do a budget there's some idea of how much money you have in revenue before you spend it. We, kind of, I think, establishing how much we're going to spend without knowing whether or not there's revenue. My question has to do with revenue. Do you anticipate additional revenue in FY09?"

Hannig: "I think everyone would agree that there'll be additional revenue, Representative."

Eddy: "Okay. Can we pinpoint..."

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

275th Legislative Day

5/29/2008

Hannig: "The economy typically grows."

Eddy: "Can we pinpoint exactly where that additional revenue is going to come from and in what amounts?"

Hannig: "Representative, this is a spending Bill. I'll be happy to comm... I'll be happy to answer any questions about it."

Eddy: "Well, I... I appreciate that answer, but at some point or another, whether we're at the supermarket or we take our kids to Toys R Us you get to the checkout counter and they're going to add up the total and you're either going to have the money to pay the total or you're not. It's not a matter of whether you can pay for one cart if you're running four (4) carts up to the check outcounter, you got to pay for all four (4) of them. And my question has to do with whether or not the aggregate total of the spending is supported by revenue an... and what those revenue sources are. It's not a picture for what... This is a total. We don't spend money this way, we spend all of it."

Hannig: "So, Representative, the other two (2) Bills are not even filed yet. So, you know, maybe your side would like to present some Amendments and change those spending levels. Maybe my side would like to present some Amendments and change those levels. I can't, you know, I can't say..."

Speaker Turner: "Bring your remarks to a close, Representative Eddy."

Eddy: "Thank you, Mr. Speaker. I'm sure there'll be some other questions, but I would ask that if this receives a favorable vote that we have a verification of Roll Call."

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

275th Legislative Day

5/29/2008

Speaker Turner: "Your request will be honored. The Gentleman from Winnebago, Representative Winters, for what reason do you rise?"

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

Speaker Turner: "Indicates he will."

Winters: "Representative, we're... we're trying to dig through the dollar figures here. And the analysis that I have in front of me on the computer, tell me if my reading is correct of this that it looks like in last year's budget these eight (8) agencies spent or, excuse me, were appropriated in rough figures 50.5 million (50,500,000) and under this Bill they will be appropriated 54.8 (54,800,000) or 54.9 (54,900,000) is that in round numbers correct?"

Hannig: "I... I didn't und... I didn't hear your question. I'm sorry."

Winters: "I'm looking at the difference in appropriation between last year for these eight (8) agencies and this year. It looks, to my analysis, that we went from 50.5 (50,500,000) to 54.9 (54,900,000) in rounded terms. Is that a fair summary of the Bill?"

Hannig: "In millions?"

Winters: "Yes."

Hannig: "So, I show 1.4 million (1,400,000) in GRF for education. East St. Louis is a quarter of a million (250,000), 1.2 million (1,200,000) in the state universities..."

Winters: "I'm... I'm not looking just at GRF, I was looking at the total."

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

275th Legislative Day

5/29/2008

Hannig: "Oh, you want to look at the... the other lines as well?"

Yeah, so we have other funds as well, Representative, so..."

Winters: "Right. And this... this Bill is dealing with all the funds or only the GRF portion?"

Hannig: "It is. It's dealing with all funds."

Winters: "Okay."

Hannig: "That's correct."

Winters: "The point I'm trying to make here and Ladies and Gentlemen of the House, we are increasing for these state agencies and this is just simply a part of the budget, but one of four (4) Bills. Our spending on this is up 4.3 million (4,300,000) on a base of fifty million (50,000,000) in rough numbers that's over an 8 percent almost 9 percent increase in spending. I don't believe that in a... in a downturn of the economy, when state revenues are going to take a hit, we're not looking at a lot of new revenue for the next year, iIt is irresponsible of this House to pass a Bill with almost a 9 percent increase in spending when we simply will not have money to get through the budget or through the year. What are we going to do this fall, this winter when our revenues are not coming in, when the cash that is due to the workers of Illinois, to the agencies that are doing the work of State Government? We simply do not have the money in the Treasury to pay our bills on time or even close to on time. We'll be expending the payment cycle. We will be stiffing people from the salaries that they have earned. The agencies in our communities are going to be coming to us and saying what do we do? Do we sell our assets? Do we... We've already borrowed to our

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

275th Legislative Day

5/29/2008

limit because of the last three year's budget where the state hasn't paid us on time. We are digging the hole deeper and deeper and deeper with every Bill like this that we pass. We have to have the fortitude to say no. If we don't have the revenue and we're not willing to increase our revenue, then we have to stop the spending. The first step is to stop doing more of what you're doing that has gotten you into hole that we have today. I urge 'no' votes on this Bill and on every other appropriation Bill that even approximates a 9 percent increase, which is what this Bill does. Thank you."

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

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, would you refresh my memory on the Drycleaners Fund?"

Hannig: "Yes, Representative. That's a fund that has... it's paid... it's paid by fees from drycleaners. So it's typ... it's available then to clean up spills or problems that would be found around the state and it's..."

Mulligan: "That's subject to being swept?"

Hannig: "This isn't... this does not... this Bill does not authorize any sweeps. No."

Mulligan: "Once again, when we discussed this earlier this is a piecemeal way of doing the budget. At some point there's got to be a keeper of the pieces. So, who do you think's going to be the keeper of the pieces, particularly after you've sent... this'll be the second Bill you've sent to the Governor and if things change in the process over the next

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

275th Legislative Day

5/29/2008

couple days of either what you decide there is in revenue or the fact that the Senate is estimating that they're going to have a little more money because of bonding which may or may not happen, it probably won't happen here. So, that would change everything, but you've already sent pieces without having the whole. So, how do you retract that or change it if it happens that you can't put the whole together with the way these pieces have been crafted?"

Hannig: "Well, Representative, in many ways it's not that different from what we do with substantive Bills, but... a House Bill goes to the Senate and an identical Senate Bill goes to the House and maybe they both go to the Governor's desk and he has to decide which ones he is going to sign or maybe he's going to veto them both. So, we are not the only piece of the puzzle. We are one part of the equation of putting together a budget but we work with the Senate and the Governor. So, we'll continue to do that. In the end, the Governor will have to take his turn at bat and decide if he wants to sign the budget in it's entirety or reduce some spending."

Mulligan: "But at some time you usually come up... you have some plan in mind and this seems to be rather random this year with a lot of different ideas with pick and choose, do what you want..."

Hannig: "Right."

Mulligan: "...and, you know, maybe it'll end up that way and maybe it won't and what you're really doing is you're making, I think, the people of the state, particularly

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

275th Legislative Day

5/29/2008

those that provide services, rather worried about what's going to actually happen and when it all collapses afterwards."

Hannig: "I think we're just trying to respond to the... trying to respond to what we've heard on this floor, the criticism of having one budget, one Bill, take it or leave it, now we have some options, a series of Bills. The Senate took a different view. We're going to give them a chance to be heard here in the House and... and that's the way the process typically works. It's a give and a take."

Mulligan: "Just depends who's giving and who's taking I guess is how you have to look at it. And if you're giving and you're not being able to receive, then you've got a real problem here. I do think this is a rather unusual way with many Bills. Have you in any of your negotiations heard of any of the Bills that were passed to the Senate from the House will be voted on at all over there?"

Hannig: "We've taken a view that we would try to negotiate and come to some understanding with our colleagues in the Senate Democratic Caucus and put these Bills on the Senate Bills. The first step was simply to pass these two (2) small items on to the Governor and then try to resolve the bigger agencies on two (2) additional Senate Bills."

Mulligan: "Representative Hannig, with all due respect, over the years I've usually respected the way you've handled things and the way we've handled budget discussions, as have I done the same with Representative Feigenholtz and people on your side of the aisle that we've tried to work to help the people of the State of Illinois. I find this

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

275th Legislative Day

5/29/2008

less than a good year or a good way of doing the people's business. I think these pieces being so disjointed do not require a 'yes' vote, I think they require a 'no' vote until we see the whole picture. So, I would urge the General Assembly to vote 'no' until we're presented with the whole picture so we can make a decision if this is an adequate way to fund state services and to do a budget. This does not qualify as a real way of doing a budget process for the State of Illinois."

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

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

Speaker Turner: "Indicates he will."

Leitch: "Representative Hannig, are these not at the Governor's introduced level as..."

Hannig: "I... I think that's generally true, Representative."

Leitch: "And those levels do not include sufficient funds to cover the pension obligation?"

Hannig: "The... the items..."

Leitch: "Or to say it another way, they assume the pension bond."

Hannig: "No. They assume that... that the continuing appropriation language that's in place now will not be repealed and will... will be the way that they will make sure that the entire pension payment is made."

Leitch: "But as I recall, the Governor's introduced budget proposes to deal with these shortfalls in that introduced budget as it relates to all these agencies fund with his solution which was a sixteen billion dollar

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

275th Legislative Day

5/29/2008

(\$16,000,000,000) borrowing in the pens... for a Pension Bond Fund."

Hannig: "Yeah."

Leitch: "Is that not correct?"

Hannig: "You're correct at this..."

Leitch: "Right. And so I think it is important for the Members to know that the Senate has just approved and is sending to the House that provision for the Pension Bond Fund borrowing. So, I guess one could be curious... is there some agreement that the Members are not aware of to support that provision when it gets over here?"

Hannig: "Well, Representative, I... I think the way that you need to look at this is that the Governor has made a proposal and he has said that we should do this with pension obligation bonds. That's passed the Senate. It's pending here in the House. It may happen, but then again it may not and you say, well, then what if it doesn't. If it doesn't then the continuing appropriation language kicks in and the pension systems are held harmless and everyone gets their pay. So, I don't think there's any real risk here. It's just a question of how do we want to make the payment. Do we want to appropriate it, or do we want to allow the continuing appropriation language to kick in."

Leitch: "Is it not correct that without the Pension Bond Fund, while the funds would be paid in the continuing appropriation, it would nevertheless lead to some significant... significant shortfalls throughout the rest of the budget?"

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

275th Legislative Day

5/29/2008

Hannig: "No. The purpose of the continuing appropriation is to make sure that the certified amount is paid and so, the certified amount will be paid whether we appropriate or not."

Leitch: "I... I agree with that. I think... and I respect that. I agree with you. My only concern is where's the money come from for all the rest of this budget after the continuing appropriations made for pensions funds and there's no Pension Bond Fund to accommodate those shortfalls?"

Hannig: "Well, Representative, we don't know if a pension obligation bond will pass this House or not. A few weeks ago we were hearing complaints about, well, when the Governor doesn't make the last two (2) state payments. Well, now he decided that he would. So, we don't know that it'll pass or it won't pass, but I think the important point is that the pensions will be paid in full and at the end of the day the Governor has to manage the budget. So, if some item that he proposed as a revenue stream fails, then he has to ensure that there's enough money to pay the budget that we pass and he may have to reduce some items. It certainly could be possible that he has to use his Veto pen. No one is denying that but..."

Leitch: "Well, I have great respect for you and the work that you've done. I just think it's very important for every Member in the House to know that these appropriations do not fund the pension levels and that the Senate has just approved and is sending to us that pen... that pension bond proposal. So, if you wish to support the measure, that's fine. I am... remain very concerned about this process and

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

275th Legislative Day

5/29/2008

what we were doing and would encourage you to think very, very strongly about it before supporting it. Thank you for your indulgence."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill before us. I... I, too, commend Representative Hannig for the work that he puts in. He spends an ungodly number of hours doing this and that's why earlier in the afternoon the aggravated verbal assault on Representative Mulligan was... was so out of line. She spends a untold hours on... on appropriation matters. She's one of the top three (3) or four (4) people in this chamber who's concerned about human services appropriations and services and I think it's unfortunate what happened earlier. But... but what I don't understand and why I can't vote for the Bill, and I have great respect for Representative Hannig, but I've been listening for some time now to the language. We assume that we will have additional revenue. We probably will have additional revenue. Do you do your own budgets at home that way? Do you say I'm going to assume we'll have enough money to buy a new car? We'll probably have enough money to take a vacation. The way we're doing this just doesn't make any sense. We are passing spending Bills. Here's what we're going to spend before we've even taken a look, as near as I can tell, at any revenue Bill. How can you say we're going to spend this much money and pass these Bills along to the Governor and then... then we'll come back and I assume take a

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

275th Legislative Day

5/29/2008

look at what revenue we have. I... I certainly can't run my household budget like that. I don't know of anybody who can. You... you don't sit down at the dining room table and say, well, you know what, I think this year we want to try and spend seventy-five thousand dollars (\$75,000) and so we make plans to spend seventy-five thousand dollars (\$75,000). And next weekend we'll sit at the dining room table and find out, which we're only going to make fifty thousand dollars (\$50,000). So, your household budget is out of balance. This state budget more... I don't think probably and I'm not going to assume from the figures I've been trying to keep, it is not in balance. It will not be in balance, and I for the life of me, don't understand why we have to sit here and try to say, well, this is what we're going to spend and we assume we'll have the revenue and we'll probably have the revenue. I think we're doing this backwards. I think we really should try to figure out what realistic revenue we have, from what resources they're going to come from, and then figure out our priorities on what the spending should be. And when... when and if we can get the reversal of how we're doing it, I think we'll be able to do a much... no, not think, I know... I know we'll be able to do better work and create a better budget particularly in times of... of serious economic uncertainty. I don't... I haven't seen any figures on what it's going to cost the State of Illinois next year to keep motor fuel in the Department of Transportation trucks and motor fuel in the division or the Department of State Police vehicles. It... I'll tell you one thing it's going to be a lot higher

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

275th Legislative Day

5/29/2008

than it was this year, but how can we say, well, we're going to spend more money in those items when we don't really know and haven't spent a great deal of time publicly discussing how much revenue we'll have. I... I just... just seems like it's backwards to me, but I do appreciate your work Representative Hannig. I appreciate Representative Mulligan's work on the budget and I would hope that we not have to throw stones at each other as the night go on."

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

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

Speaker Turner: "To the Bill."

Reis: "It is unbelievable and when we tell the folks back home how we do a budget, and I understand we're in the Minority and I understand the... the other side of the aisle this year trying to open up the process, but we're not talking about that on this side and I don't want that to get out and by calling us whiners I think that's what the... is being interpreted. What we're frustrated with is we're doing this process backwards. We're talking about spending before we talk about revenue and it hasn't been just a few weeks ago that the Governor was holding hostage forty million dollars (\$40,000,000) for downstate programs. Why? Because last year's budget was out of balance. Doesn't matter if you use Sen... Senator Emil Jones's figures of four hundred million (400,000,000), the Governor's figure of seven hundred and fifty million (750,000,000), we are behind in the current fiscal year. We're talking about building a budget off of that for next year. We're at

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

275th Legislative Day

5/29/2008

least five hundred million dollars (\$500,000,000) out of balance right now before we ever start next year's budget. What else do we have for next year? We got eight hundred and thirty million dollars (\$830,000,000) in new spending on pensions, six hundred million dollars (\$600,000,000) in new Medicaid expenditures next year, one hundred million (100,000,000) in AFSCME contracts, and believe it or not this Body has already approved five hundred million dollars (\$500,000,000) in new approps, plus five hundred million (500,000,000) we're short for last year. Where on earth is all that going to come from? and that's with nothing new, no expenditure [sic] of any agency. What has been given to us in terms of revenue growth for next year. COGFA, four hundred and forty-eight million (448,000,000). Okay. We've heard from the other side that they're going to sell the tenth casino license, again. Might not happen. Some other are taxes. Going to hire additional auditors. We're going to do some shell games with some hospital assessments. There is no new growth for next year. This is absolutely ridiculous that we're doing this backwards and we're not whining about the process, about talking about individual Bills. We appreciate that, but we've got to start with the baseline of income and then work backwards and see if there's enough money to spend this. And I don't know how many times we've heard and I know that the Representative carrying this Bill is just the messenger, this is just one of the plans... this is just one of the plans... this is just one of the plans. Well, we're adding those plans up and at the end of the day there's not

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

275th Legislative Day

5/29/2008

going to be enough revenue. And our frustration is... is let's do this right, we want to get out of here Saturday night, too. But this isn't going to work. The Governor is quoted this afternoon, bless his heart, of saying, 'I'm confident that the General Assembly will send me a budget that's balanced.' That's what we're sworn in to do. Folks, this ain't going to happen..."

Speaker Turner: "Bring your remarks to a close."

Reis: "It's out of balance. You know it is. Go ahead and do this. We can tell the folks back home all summer, but you know, you need to be a little bit truthful here that this is nothing more than games. High stakes, sixty billion dollar (\$60,000,000,000) budget game. This is not right. This is shameful."

Speaker Turner: "I'd like to remind the Body that there has been a request for verification. So, all Members should punch their own buttons and be at their seats and prepared to address that verification. So, the question is, 'Shall House Bill... Senate Bill 1129 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. All Members should punch their own switch. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 61 voting 'aye', 49 voting 'no', 0 'presents. And Representative Eddy."

Eddy: "Representative, could you roll the affirmative votes? Have the Clerk..."

Speaker Turner: "Mr. Clerk, read the affirmatives."

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

275th Legislative Day

5/29/2008

Clerk Mahoney: "Voting in the affirmative are Representatives: Acevedo; Arroyo; Beiser; Berrios; Boland; John Bradley; Rich Bradley; Burke; Chapa LaVia; Collins; Colvin; Crespo; Currie; D'Amico; Monique Davis; Dugan; Feigenholtz; Flider; Flowers; Ford; Fritchey; Froehlich; Golar; Gordon; Graham; Granberg; Hannig; Harris; Hernandez; Hoffman; Holbrook; Howard; Jakobsson; Jefferies; Jefferson; Joyce; Lang; Joe Lyons; Mautino; May; McCarthy; McGuire; Mendoza; Miller; Molaro; Nekritz; Patterson; Phelps; Reitz; Riley; Rita; Ryg; Scully; Smith; Soto; Turner; Verschoore; Washington; Yarbrough; Younge, and Mr. Speaker."

Speaker Turner: "Representative Eddy."

Eddy: "Representative Mautino."

Speaker Turner: "Representative Mautino. The Gentleman is in the rear of the chamber."

Eddy: "I'm sorry, I was looking in his chair as had you instructed."

Speaker Turner: "The Members would be in their chairs this will make this a lot easier."

Eddy: "Representative Dunkin."

Speaker Turner: "Standing in front of his chair."

Eddy: "Oh, I'm sorry. Representative Verschoore."

Speaker Turner: "Representative Verschoore is in his seat."

Eddy: "Thank you, Mr. Speaker. That's all."

Speaker Turner: "So, on this question, there's 61 voting 'aye', 49 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared pass. Mr. Clerk, Rules Report."

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

275th Legislative Day

5/29/2008

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on May 29, 2008, reported the same back with the following recommendation/s: 'approved for floor consideration,' referred to the Order of Resolutions, 'recommends be adopted' is House Joint Resolution 137, offered by Representative Fritchey."

Speaker Turner: "Representative Currie for a Motion."

Currie: "Thank you, Speaker. I move to suspend the posting requirement so that Senate Bill 2743 could be heard in the Juvenile Justice Reform Committee, House Resolution 1307 in State Government Administration, and House Joint Resolution 10 in the Executive Committee."

Speaker Turner: "Representative Currie moves for the suspension notice on those previously mentioned Bills. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the suspension is granted. On page 6 of the Calendar, we have House Bill... Senate... no, House Bill 3741. Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3741, a Bill for an Act in relation to budget implementation has been read a second time, previously. Floor Amendments 1 and 2, offered by Representative Hannig, have both been approved for consideration."

Speaker Turner: "Representative Hannig on Amendment #1."

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

275th Legislative Day

5/29/2008

Hannig: "Yes, Mr. Speaker and Members of the House. This is the budget implementation language and I'd ask to adopt the Amendment and then I'll be happy to explain it."

Speaker Turner: "Representative Hannig moves for the adoption of Amendment #1 to Senate... to House Bill 3741. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments Mr. Clerk?"

Clerk Mahoney: "Floor Amendment #2 has been approved for consideration."

Speaker Turner: "Representative Hannig moves for the adoption of Floor Amendment #2 to House Bill 3741. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments, Mr. Clerk?"

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

Speaker Turner: "Representative Hannig, the Gentleman from Montgomery."

Hannig: "Yes. I filed a Motion in writing, Mr. Speaker, to reconsider the vote by which Amendment #1 was adopted."

Speaker Turner: "Motion was to table..."

Hannig: "But at this time, let's just take the Bill out of the record."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig."

Hannig: "If I might, Mr. Speaker and Members of the House, I'm advised that the correct Motion is to table Amendment #1."

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

275th Legislative Day

5/29/2008

Speaker Turner: "Representative Hannig asks to table Amendment #1 and on that, the Gentleman from... Representative Kendall... I mean, the Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, just a point of maybe clarification so we know where we're going here the next few minutes or hours. How many budget implementation Bills do you intend to call this afternoon?"

Speaker Turner: "Two (2) is what I've been informed, Representative."

Cross: "Okay. This one and what other number?"

Speaker Turner: "Probably 3742."

Cross: "Do you plan on going back to back on those?"

Speaker Turner: "Why not?"

Cross: "I... Just asking."

Speaker Turner: "That's the plan."

Cross: "Okay. Thank you."

Speaker Turner: "So, Representative Hannig moves to table Amendment #1 to House Bill 3741. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is tabled. Mr. Clerk, further Amendments?"

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

Speaker Turner: "Third Reading. Mr. Clerk, read House Bill 3741."

Clerk Mahoney: "House Bill 3741, a Bill for an Act in relation to budget implementation. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig."

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

275th Legislative Day

5/29/2008

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This budget implementation Bill would correspond to the growth budgets that the House of Representatives passed earlier in the month. It does a number of items and let me try to move through them as quickly as I can. It does the transitional assistance for schools, it increases the foundation level by three hundred (300), it deals with the poverty grant hold harmless, it creates the civic education advancement program, the special education personnel reimbursements, in the area of human services it codifies the AIDS drug assistance program, ADAP, it freezes the nursing home rates, it... staff pay increases at the ICFDD facilities, some provider rate increases. It deals with the multiple sclerosis home services, the Human Services Priority Capitol Fund, some additional items that we would also have to duplicate in this budget implementation Bill dealing with the Secretary of State, dealing with DHS, doing a transfer to the Abraham Lincoln Presidential Library, Violence Prevention Fund would get a transfer, the Income Tax Refund Fund would be reset. These are... these are the items along with a few others that are in the budget implementation Bill. Again, this would correspond to the budget implementation budget that we passed earlier in this month at the growth level with the House Bills that passed the House. So, I'd be happy to answer any questions and I'd ask for your 'yes' vote."

Speaker Turner: "Then Gentleman from Kane, Representative Schmitz, for what reason do you rise?"

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

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

275th Legislative Day

5/29/2008

Speaker Turner: "Indicates he will."

Schmitz: "Thank you. Leader Hannig, I... I think I heard in the intro, we had a little noise going on, which... as... as we're preparing this 'bimp' Bill and they said the corresponding one after that. Which budget is this relating to? Is this relating to the... the tier one, the tier two (2) or the..."

Hannig: "This would be..."

Schmitz: "...option three (3)."

Hannig: "This would be for the budget that we passed that was the higher of the two (2). So, in other words, it had some growth."

Schmitz: "So, this was the... the third one that was 3.1 billion dollars (\$3,100,000,000) out of whack."

Hannig: "This is the budget that would have the higher grants than the... than the first budget."

Schmitz: "Okay. The first one was a no growth, then the second one had some moderate growth, then the three one had substantial growth."

Hannig: "No. There was the... only two, Representative. There was a no growth grant line budget and then there was a budget that had grant lines that had some growth and this would correspond to the latter."

Schmitz: "Okay. Thank you. Now that... I guess my confusion, I don't mean to be facetious about this, but the... the confusion is we just ran two Senate budgets over here a little bit ago, but we sent over twenty-eight (28) budgets over to the Senate and then this 'bimp' Bill is relating to the twenty-eight (28) budgets or there so that we sent over to the Senate, what's the status of the

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

275th Legislative Day

5/29/2008

version that you sent over last week... I'm sorry, on Wednesday, that you sent over to the Senate. What's the status of those that... if these 'bimps' correspond with them?"

Hannig: "I think they're under consideration by the Senate and we would, in order to make that proposal complete, we need to send them budget implementation language."

Schmitz: "So, based on that assumption, are we to see Senate 'bimp' Bills shortly that will correspond to the Senate... the last two (2) Senate budget Bills that we just..."

Hannig: "We will probably have to do a set of... of budget implementation Bills that would correspond to any changes that we might come to that are different than the budgets we sent over there."

Schmitz: "Okay. So, this... this will... this 'bimp' and the next 'bimp' together they will be the total budget package of the Democrat House version."

Hannig: "For the House Bills. That's correct."

Schmitz: "Okay. Which... I think was about 3.1 billion (3,100,000,000) in additional spending."

Hannig: "I... I don't have a total, Representative. It was a series of Bills that you might recall that... that had some options that were available to the Senate."

Schmitz: "Okay. Thank you, Leader Hannig. Thank you, Speaker."

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

Eddy: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, Representative Schmitz asked a question

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

275th Legislative Day

5/29/2008

that I think we deserve a straight answer to. And it has to do with the total amount of additional spending, FY09 over FY08, that would result from this implementation Bill."

Hannig: "This is a budget implementation Bill. It doesn't spend money."

Eddy: "Along with the appropriation Bill, this would allow for the spending of that money. He mentioned 3.1 billion dollars (\$3,100,000,000). Would.. would you dispute that the appropriations and the implementation Bill combined.. would you dispute the fact that total spending could be 3.1 billion dollars (\$3,100,000,000) out of balance?"

Hannig: "Representative, we sent twenty-eight (28) Bills to the Senate for their consideration. We don't know what actions they might take. The actions we took here in the House, was simply final action in the House. They could reduce those budgets. They could increase them. They could send them on to the Governor. So.."

Eddy: "The question was, this implementation Bill along with the appropriation Bills that passed could result in additional spending over FY08 for FY09 in an amount that could be three billion dollars (\$3,000,000,000), two billion dollars (\$2,000,000,000), one and a half billion dollars (\$1,500,000,000). What.. what could the whole become under this combination?"

Hannig: "Well, Representative, in a system where we pass Bills to the Senate and they pass Bills to the Governor and the Governor made changes that he felt were appropriate, we

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

275th Legislative Day

5/29/2008

would simply have a balanced budget that the Governor would manage and I think that's the goal at the end of the day."

Eddy: "So, the goal at the end of the day is to allow for the possibility of spending beyond last year by an X dollar amount as much as three billion dollars (\$3,000,000,000). Where and when is the revenue to pay for the spending spree going to come to the floor? Is... is this predicated on the fact that there'll be a tenth river boat license? Any... any of the spending that could result, is it predicated on the fact that there'll be fund sweeps? Is it predicated on the fact that... that there will be a pension bonding deal? Where does the money come from when it comes time to pay for the appropriation and the implementation?"

Hannig: "So, the Governor made some suggestions on what he would say were ways we could find additional money. We may or may not implement those before we leave, but we wanted to pass a spending Bill and we did pass a spending Bill over to the Senate. Now, this is the budget implementation part of that to make it work. Now, it's... it's a work in progress. It's not the final pro... you know, final program. The... the Senate has some options over there; they have twenty-eight (28) Bills. Some of them address the same agency in different ways, so."

Eddy: "Whatever combination of options that the Senate chooses or the Governor decides to allow, whether he amendatorally vetoes line items or he changes amounts, the bottom line is you have to pay for it at some time or another and if the combinations that are chose end up costing two to three billion additional dollars (\$2,000,000,000 to

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

275th Legislative Day

5/29/2008

\$3,000,000,000), my question is where does the revenue come from to go with the spending? It's easy to spend money. How you going to pay for it or what options are going to be available for revenue or if there are no revenue options available are you just counting on the fact that someone else is going to be responsible enough to eliminate some of the spending or choose amounts that aren't over the FY08 level as they relate to FY09 revenue? I mean what..."

Hannig: "Well, Representative, the option would be is if the Governor believes that the budget we ultimately send him is out of balance, he has the ability, and I would say the obligation, to reduce those items in the budget and then we would have an opportunity during the Veto Session to say whether we agreed with him or not. So..."

Eddy: "Ahh."

Hannig: "...that's the process."

Eddy: "So... so, this... the potential for this is we can spend it now... we can commit to the spending now and then after the election is over with in the Veto Session when everybody's safe, we can come back and figure out how we're going to pay for it but let's spend it now so we can look good, so we can go out and talk about all the programs that we support, never mind the fact that we're irresponsible and didn't vote for a way to pay for 'em until after the election. And then all of a sudden there's a November surprise. We're..."

Hannig: "No, Representative."

Eddy: "...cooking up a November surprise..."

Hannig: "This... this is just the spending plan."

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

275th Legislative Day

5/29/2008

Eddy: "Where's the money coming from, Representative?"

Speaker Turner: "Bring your remarks to a close, Representative Eddy. The Lady from Cook, Representative Bassi, for what reason do you rise?"

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

Speaker Turner: "Indicates he will."

Bassi: "Representative, could you tell me what the increase is in the foundation level in this Bill?"

Hannig: "It's three... three hundred dollars (\$300), Representative."

Bassi: "Up to three hundred dollars (\$300). Do we know what that's going to cost?"

Hannig: "It's... it's a companion to the Bill that we passed in the appropriations."

Bassi: "The one that we passed from the House or the one that we passed..."

Hannig: "The one that we passed in the House."

Bassi: "The House Bill anot..."

Hannig: "It's in the Senate."

Bassi: "That's in the Senate. Do you remember... I don't remember what that amount was. Can you help me with that?"

Hannig: "I don't remember, Representative."

Bassi: "Okay. But that... but as I recall, that was in the midlevel that we were talking about. That's the midlevel. Wasn't it?"

Hannig: "No, Representative. There's only..."

Bassi: "From the..."

Hannig: "...there's only two (2) levels. There's the no growth and then there's a budget with growth."

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

275th Legislative Day

5/29/2008

Bassi: "Last year was four hundred dollars (\$400), this year it's three hundred dollars (\$300). I... for some reason I'm thinking this was the... that we've also passed one that was six hundred dollars (\$600) in growth. So, this would mean that this piece of this 'bimp' Bill is the midlevel of the House one that we passed but what about... what about the increase in special ed isn't there an increase in special ed for personnel?"

Hannig: "Yes. This makes the next... the next step up that we had begun last year in '08. So..."

Bassi: "Which was from what to what?"

Hannig: "Yeah. So, we increased a special education personnel reimbursement rate from nine thousand dollars (\$9,000) per certified staff to ten (10) and from..."

Bassi: "And what about noncertified?"

Hannig: "And from thirty-five hundred (3500) to four thousand (4,000)."

Bassi: "Have we actually agreed on a number for education as yet this year or are we working on the Governor's introduced budget still?"

Hannig: "The Governor proposed three hundred million (300,000,000) and I think our number was somewhere around five fifty (550)."

Bassi: "So, do we know where that money's going to come from since..."

Hannig: "It comes... you know the Comptroller collect the money, Representative, and the Treasurer collects the money when we pay."

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

275th Legislative Day

5/29/2008

Bassi: "Yeah, but if we don't have enough... my concern is that... is that, you know, a number of the places have not gotten the money this year that was promised and I'm worried that if we promise this to school districts this year and then we fall short that they're going to have based their budgets on what we passed as opposed to what we're actually going to be able to deliver and that's a real concern, not just for me but for my constituents back home."

Hannig: "Representative, this is what we believe would be available if the Governor would sign the high... the higher of the two (2) House budgets, the growth budget. Now, if the Governor believes that that's not an appropriate amount, he has an ability to change that."

Bassi: "Okay. Well, what about that... what about the... the hold harmless, the poverty hold harmless? Is it... what's happening with that this year?"

Hannig: "We've done that..."

Bassi: "In this Bill, I mean."

Hannig: "In this Bill, yes."

Bassi: "So, we're holding everybody harmless at last year's level."

Hannig: "We seem to be doing that. We seem to have done that for dozens of years now and so it's become almost a normal part of the budget making process."

Bassi: "Well, I just... I sure hope we actually will have the money to deliver this. Thank you, Representative."

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

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

275th Legislative Day

5/29/2008

Bost: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, and I don't know... I don't think it's in this one it's probably in the next one, that's why I'm going to go ahead and ask now. Is this... is Corrections in this? This... the Corrections implementation..."

Hannig: "This is a budget implementation so it does not address any Correction issues."

Bost: "It still has to be... It doesn't adrect... direct how the money's being spent, though in Corrections or anything like that. Will the next Bill do that?"

Hannig: "No."

Bost: "Okay."

Hannig: "That was in the spending Bill we passed earlier in the month."

Bost: "That was... that was in the spending Bill and not the budget implementation Bill."

Hannig: "That's correct."

Bost: "Okay. Because a concern I have is, as we move forward with this whole process and I hope you'll forgive me I'd like to just talk on the whole process that we've been doing here. I... I get many complaints and concerns as we don't have enough employees in Corrections and the double and triple shifts that they're pulling. A matter of fact we have nurses at one particular facility in my district that are having to pull... there are six (6) nurses that have to figure out how to cover seventy-two (72) overtime shifts in every month and we just continue to go down that path. Now, when we... when we took care of that, did we put money in for that?"

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

275th Legislative Day

5/29/2008

Hannig: "We put the money in that at the amounts that AFSCME felt was appropriate."

Bost: "Okay."

Hannig: "Yes."

Bost: "That AFSCME felt was appropriate. However, as with conversations gone on, we've said we're not sure which one's going to be used and if we're actually, you know, that there's all these questions of... of is there going to actually be a bonding Bill that will cover one side as far as the pensions are concerned or... Are... are we not just kind of feeding all these people lines that we're really not sure if we're going to be able to fund any of this stuff?"

Hannig: "Well, Representative, we're using a process to try to pass a budget. This is how we've done it for many, many years and it seemed to have always worked for Governor Thompson and Governor Edgar and why can't it work today?"

Bost: "Well, I... I'm just thinking that this has not been the process for the last fifteen (15) years."

Hannig: "Now, that would be the process where we would have the one Bill..."

Bost: "Correct."

Hannig: "...and one item..."

Bost: "Correct."

Hannig: "...and there was much complaint about that."

Bost: "And we were... we were working to come together with an agreement but..."

Hannig: "Sometimes we did and sometimes we didn't."

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

275th Legislative Day

5/29/2008

Bost: "But, it was a process where everybody was involved and we could actually, hopefully have a wise prediction of where our revenues were going to come from. We just kind of went out and... and made a statement with the way this budget process has been is that everybody should be happy because we basically pleased everyone or..."

Hannig: "I don't that's..."

Bost: "...a majority of everyone. And..."

Hannig: "Representative, even if the higher growth budget, people were in my office complaining that it wasn't enough."

Bost: "Well, I can... I can remember back when we actually were operating in the black and we were spending in all areas many times a lot of people say it's never enough and we all face that. The problem is, is we're offering them something that may not be there because we can't show the revenue streams or the actual revenue streams to cover what it is that we keep passing out of this House."

Hannig: "Representative, we put together a budget that's based on what the appropriation chairman and committee Members have indicated that they thought it was appropriate and at the levels that they thought was appropriate. Now, I think that's the way that the committees are supposed to function. Now, your Members were on the committees as well and they had an opportunity to speak as well. You had an opportunity to propose Amendments, as well. So, you know, that's the process, Representative."

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

275th Legislative Day

5/29/2008

Bost: "Here... here's the problem I have right now I guess with the process. Are you familiar with the new movie that's come out... there's two (2) movies that have come out..."

Hannig: "I don't see movies, Representative."

Bost: "...they're by C. S. Lewis... C. S. Lewis has these movies and actually the land in which these people visit is a land of make-believe called Narnia. And here's... here's what I feel like. Mr. Speaker, to the Bill. Here's what I feel like. We in this House, or at least that side of the aisle, continues to live in the land of Narnia, a land of make-believe. Handing out and saying oh, we're going to do all these great things, but when questions are actually asked how are we going to pay for these great things, who is actually going to be covered, they can't answer. And I think that maybe that would go to another issue or another movie, I'm sorry, where the answer was, 'you can't handle the truth.' The truth is that you don't have enough money to cover and do all the things you want and you won't stand up and tell the truth. You won't do the things necessary. You should be embarrassed and ashamed because you're going to fall short again and then every time you turn around you've got more people in the State of Illinois calling my office and calling your office, our constituents, saying my God man, is my pension going to go away? And we're going to be able to cover that. How in the world can I stand going on another shift? I'm pulling four (4) and five (5)..."

Speaker Turner: "Bring your remarks to a close, Representative."

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

275th Legislative Day

5/29/2008

Bost: "Thank you, Mr. Speaker, I will. Ladies and Gentlemen, this is a farce. If you want to live in the land of Narnia go ahead, but don't try to convince the people that they live there, too, when they can't make it and pay the bills and you can't pay the hospitals and you can't pay the doctors and you can't pay all of your bills. It's a farce."

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

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

Speaker Turner: "Indicates he will."

Winters: "Representative, on our analysis it looks like we are extending for another year the transfer of Road Fund moneys to the State Police of about a hundred and six million (106,000,000), Road Fund moneys to the Secretary of State for a hundred and thirty million (130,000,000), from the motor fuel tax fund the vehicle inspections of about thirty million (30,000,000). We're... we're starting to talk close to a quarter of a billion dollars (\$250,000,000) there..."

Hannig: "Right. So..."

Winters: "...transferred out from the motor fuel tax and the Road Funds and we're extending that for another year."

Hannig: "Yeah. That's exactly what we did last year when... you probably voted for it."

Winters: "I doubt that I did, but this year's budget..."

Hannig: "I thought you were with us on last year's budget."

Winters: "I don't remember. At this point, we're dealing with this year's budget and I'm not going to be with you on this one. But my point is, two hundred and fifty million

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

275th Legislative Day

5/29/2008

dollars (\$250,000,000). Now, we know that the price of gasoline this summer has increased the amount of gas sales tax that is going into the General Revenue Fund by at least a hundred million dollars (\$100,000,000). I think that's a completely undisputed figure that we are getting a lot of additional revenue into the General Revenue Fund. Why can we not, since the Speaker of this House will not call a capital Bill, is not working to get any kind of return on our Federal motor fuel tax dollars, why can't we at least spend the motor fuel tax that Illinois residents are paying to the State Treasury to be used on the roads? We're getting additional revenue General Revenue Fund dollars from the sales tax portion, so let's reduce the amount that's being transferred out of the Road Fund. Is there any reason why that cannot be done and put the money into the road maintenance that we so desperately need?"

Hannig: "Well, it... it would increase the deficit that somebody on your side of the aisle says exists by an equal amount if you take the money out of GRF and so..."

Winters: "But I thought... You're just assuming that there's going to be all this revenue coming out. Now, why would you pass a budget we think is three billion dollars (\$3,000,000,000) in arrears?"

Hannig: "So, Representative, if you... if you're saying that there's a lot of extra revenue maybe we should increase spending by two hundred million dollars (\$200,000,000), as well. That would be another option and why don't you offer an Amendment? We might support you."

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

275th Legislative Day

5/29/2008

Winters: "I... I would doubt that it would get out of the Rules Committee. The point that I'm making is the motor fuel tax is being transferred under this Bill. We are continuing..."

Hannig: "It's..."

Winters: "...the annual transfer out of motor fuel tax where it's available for highway maintenance and we're putting it into the General Revenue of the state."

Hannig: "It's... no..."

Winters: "That I think is..."

Hannig: "We're allowing the State Police and the Secretary of State to use a certain amount of motor fuel money for the operations that they run."

Winters: "And that money is not available for highway maintenance."

Hannig: "But it..."

Winters: "I understand..."

Hannig: "...and we..."

Winters: "...there is somewhat of a Nexis with the State Police and the Secretary of the State. Those two (2) agencies can be funded with... with General Revenue Fund dollars. I'm suggesting that the proper approach, given the fact that we have more gas sales tax going into the General Revenue Fund, than we should try at the least, since we are not going to get a capital Bill according to the will of the Speaker of this chamber. He's trying everything possible to not give us the chance to vote on a capital Bill. This is a way to get highway maintenance that doesn't rely on a capital Bill and we could then pull down at least a portion of the federal taxes that we're going to be forfeiting.

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

275th Legislative Day

5/29/2008

This is a way to do it and I would urge that we defeat this Bill, change it to where we are pulling down additional motor fuel tax, and accessing some of the federal dollars we are going to forfeit. I urge a 'no' vote."

Speaker Lyons: "Representative Joe Lyons in the Chair. The Chair recognizes the Lady from Cook, Representative Rosemary Mulligan."

Mulligan: "Thank you, Mr... Thank you, Mr. Speaker. To the Bill and to the process. I don't really care to ask Representative Hannig any more questions. I think a lot of questions have been asked and answered and in some instances I regret the fact that we have to make people tell us these tales and they are tales. This Bill is a figment of imagination. What it is, quite frankly, is a Bill guaranteed to send out campaign mail. It probably has no hope of ever being called in the Senate and it's probably three billion dollars (\$3,000,000,000) out of whack. What it does is it justifies a Christmas-tree budget, which when you ask the providers how they feel and you ask them where their money is and they say in the Christmas-tree Bill, they really are saying it with a disheartened heart. They know, really, that this is not going to happen, so what you do is you put everything in this Bill that a lot of us have wanted and so what happens? It's a mail piece. Some of us lose. You get a bigger Democratic Majority. You know what happens then you get a bigger Majority, they need you less, even though they need us because they'll have enough to get by without you getting anything that you want on that side 'cause they'll

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

275th Legislative Day

5/29/2008

be a different Majority. So, good for you. You got this great Bill out there that says you're going to give everybody the sun, the moon, and the stars. Well, it isn't going to happen, because there isn't the money and although these all are good things that we've all hoped for, we know there's not the money. So, you put this Bill out there and you know the Senate will never call it and then you sit there and then you send your staff out to make sure nobody leaves and that you're all here to vote on it. On something that's wha... what we call again, the bogus budget 'bimp' Bill that adds on to this. So, this is really pretty sad. So, you put out this wonderful wish list that a lot of us have wanted and then you sit there so that we'll all vote against it and you'll go home and tell the people, then who know a lot of us have supported them and would like to see this, that we did not support them. Maybe a few of them will believe you, but probably they won't. In the meantime, what you've done is you characterized yourselves as not being particularly upright and certainly not doing anything that would come to conclusion of a good budget for this year. I think what's really sad is the people who have arg... been arguing with the Governor are saying, we'll let the Governor give us the authority and what you're doing is you're giving up the Legislative branch authority, if you're actually sending these things out to him. Because what happens is we'll have a disaster and then you say, well after the election and after we send out our mail pieces and after we win and lose we'll come back and fix this up. It's not going to be

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

275th Legislative Day

5/29/2008

too fixable. The fix will have to be an income... income tax increase or some rather large revenue source in order to do that and that's been the goal for awhile. But to put out such false hope in this Bill is really sad and to play this political game with the people of Illinois is even sadder and to play it on yourselves is the saddest thing of all. Because quite frankly, I would bet of a 128 pages in this Bill, which we've only seen recently, most of you do not even know what's in there or that the fact of the matter is what's cited in here as to go to providers will never be forthcoming and will really be sad. So, I guess when you vote on it you can all feel good and you can be in the Majority one more time and maybe in the bigger Majority and this Bill is really a poor way of doing business in Illinois. But you're in the Majority and you can put it out there and you can tell people that they're going to get it and if you think they believe you, that's another pipe-dream you've got coming."

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

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

Speaker Turner: "Indicates he will."

Black: "Thank you. But first of all, may I make... may I make an inquiry of the Chair?"

Speaker Turner: "State your inquiry."

Black: "Yes. I... I just left the chamber awhile ago I wanted to go back into my office and see if there might be a day old fish sandwich or something that I could eat and the

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

275th Legislative Day

5/29/2008

Democrat staff wouldn't let me leave. Said, no, you can't leave. Would you make sure that my name is off that list. Surely, I can go to my office and see if there's an old sandwich back there or something. They said, oh, you can't leave, you're supposed to be in there. So, would you take care of that for me?"

Speaker Turner: "We will take..."

Black: "All right. I would be very grateful. Will the Sponsor yield? Thank you very much, Mr. Speaker."

Speaker Turner: "Indicates he will."

Black: "Gary... excuse me, Representative Hannig, I'm... I'm trying to figure out this process. Now, you and I've been here a long time and we've been here so long that I remember when we use to do this on a blackboard, you know, we didn't have computers and all that stuff, but would... would it be fair for me to call this kind of a budget buffet? You know, you've got the salad bar, you have the low-calorie lunch, and then you have a choice in; a full meal and dessert and then the Senate's going to pick and choose what they want from the cafeteria line. Is that... is that an accurate portrayal?"

Hannig: "Well, actually, this is just a budget implementation."

Black: "Oh, I know that, but I mean the whole process. The whole process is kind of like a budget buffet, you know..."

Hannig: "Well Representative, this... this is..."

Black: "...here's budget light, here's budget medium, here's budget heavy."

Hannig: "This is a little bit along the lines of what we do every day in this chamber. We pass a Bill to do this and

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

275th Legislative Day

5/29/2008

then we pass a Bill to do that and somebody says didn't those... those aren't exactly... they don't exactly fit together, but we'll give the Senate some choices and we do that on substantive Bills and we can do... we've done that in the past with appropriation Bills. There's a... there's a... any number of ways that you can get to a final budget. You can agree..."

Black: "You know..."

Hannig: "...with it..."

Black: "No, I understand."

Hannig: "...on the front end and pass one Bill and say it's agreed or you can work through the process more..."

Black: "All right."

Hannig: "...more along these lines."

Black: "I... I kind of like budget buffet and lots of choices and I get very nervous when I'm being critical and the Speaker is standing within arm's reach of my desk. You know, I don't know what's going to happen here."

Hannig: "He's trying to get the spelling of your name and take it off that list."

Black: "I hope he doesn't do that. I... I hope he doesn't do that. Mr. Speaker, I've seen that stare for years. Can you feel the love?"

Speaker Turner: "He's got that fit."

Black: "Mr... Mr. Speaker, I'm hoping he's offering to buy my dinner, but I'm not sure. Mr. Speaker, to the Bill, if I could. You know, earlier, a friend of mine said well, offer your Amendments and try to do your thing. I might point out I've tried to do that. For three (3) years I've

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

275th Legislative Day

5/29/2008

introduced Bills that would eventually transfer the sales tax on motor fuel to the Road Fund and I know you... you help solve one issue and you create a problem in the other. I understand that. I... I have... I've introduced a Bill that tak... would take fifteen million dollars (\$15,000,000) out of Sales Tax Fund on motor fuel and put it in the LIHEAP program. I've... I've introduced a Bill that says, we, by a date certain by a percentage, we can not divert any more money from the Road Fund. And I could go on and on and on on things I've tried to do that would change how we budget and how the money could be used in the budget process. None of these Bills were ever given a hearing. You know, after three (3) years, LRB didn't want to draft the Bill anymore about trying to change how we use sales tax on motor fuel and... and trying to take fifteen million dollars (\$15,000,000), you realize in the month of May the sales tax on motor fuel probably will bring in forty million dollars (\$40,000,000) and all I wanted to do was move fifteen million dollars (\$15,000,000) into the LIHEAP fund because I have almost a hundred people in my district whose power has been shut off. And so, when one of your Members berates us for not having ideas and not filing Amendments, I would again say to that individual we've tried and the Bills are never called. And Ladies and Gentlemen, the real Speaker is looking at his watch. I understand what that means, my time is up and I thank the Speaker for giving me two and a half minutes."

Speaker Turner: "Seeing no further questions, Representative Hannig to close."

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

275th Legislative Day

5/29/2008

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a budget implementation Bill. Most of these items are in the budget implementations, year-in and year-out. Almost all of us have voted for some of these items in this budget implementation over the years, so it's not a new idea. It's something that we need to do to make budgets work and I'd simply ask for a 'yes' vote."

Speaker Turner: "The question is, 'Shall the House pass House Bill 3741?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 62 voting 'aye', 46 voting 'no', 1 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 60 of the Calendar, we have House Bill 3742. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3742, a Bill for an Act in relation to budget implementation. The Bill's been read a second time, previously. Floor Amendments 1 and 2 have been approved for consideration. Floor Amendment #1 is offered by Representative Hannig."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig moves..."

Hannig: "Withdraw #1."

Speaker Turner: "...withdraw Amendment #1. Further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Hannig."

Speaker Turner: "Representative Hannig on Amendment #2. Representative Hannig moves for the adoption of Amendment

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

275th Legislative Day

5/29/2008

#2 to House Bill 3742. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 is adopted. Further Amendments?"

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

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

Clerk Bolin: "House Bill 3742, a Bill for an Act in relation to budget implementation. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig on 3742."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is the budget implementation Bill that would fit with any of the... either of the two (2) Bills that we sent over to the Senate or any combinations thereof. Most of these items, again, are items that we've done in the past. The transfers to the Professional Service Fund, the transfers to the Workers' Compensation Revolving Fund, the 2 percent transferability among lines, the Alternative Retirement Program that the Governor's offered for a number of years, the Department of Aging and transfer between Community Care Program appropriation lines, and the Public Health Administration of emergency medical services. So, those six (6) items, I don't believe that any of them are brand new. One of them codifies existing practice, but for the most part these are things that we've done for a number of years. I'd be happy to answer any questions and ask for a 'yes' vote."

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

275th Legislative Day

5/29/2008

Speaker Turner: "Seeing no questions, the question is 'Shall the House pass... Sorry. The Lady from Cook, Representative Mulligan."

Mulligan: "I tried my best not to... Thank you, Mr. Speaker. I really tried not to say anything, because what's the point at this. But quite frankly, I just want to be on record that this allows fund transfers, those wonderful things that we all love that the Governor does. So good luck."

Speaker Turner: "Seeing no further questions, the question is 'Shall the House pass House Bill 3742?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there's 62 voting 'aye', 47 voting 'no', 0 'presents. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 58 of the Calendar, we have Senate Bill 2292, Mr. Joyce. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2292, a Bill for an Act concerning local government. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

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

Clerk Bolin: "Senate Bill 2292, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

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

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2292 is a Metropolitan Water

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

275th Legislative Day

5/29/2008

Reclamation District Bill which includes four (4) different provisions. The first of which deals with charges against employees and that must be filed within thirty (30) days after they are suspended. The board must conduct an investigation and hold a hearing within a hundred and twenty (120) days of that suspension and the employee must consent to any continuances of the matter, along with giving the employee a right for a rehearing or an appeal of any decision to the Circuit Court. Another section was adopted... was actually passed in a previous Bill by Representative Riley dealing with the annexing of property in the Village of Matteson and the Village of Olympia Fields which lies in the Metropolitan Water Reclamation District's cooperate boundaries. Another... another provision allows that the pension board be changed to seven (7) Members instead of currently which is five (5). Three (3) would be appointed by the MWRD and four (4) would be elected by the employees. And the final provision in the Bill amends the MWRD's enabling statute by changing ref... references to certain titles and departments and these do not, in fact... do not effect pay grades or anything else, it's just antiquated language and they would be brought into updated titles that are similar to current municipal governments. I'd be happy to answer any questions."

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

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

Speaker Turner: "Indicates he will."

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

275th Legislative Day

5/29/2008

Schmitz: "Representative Joyce, I'm just browsing through the legislation here and I guess my first question is thank you, it's not a budget Bill. These Bills that it molded into one, the Senate Bill that we passed those House Bills already over. Did they not make it out of the Senate or these are all... everything's combined into one Senate Bill that I'm looking at now?"

Joyce: "That's correct and I think it was from a timing... timing standpoint as far as getting the Bills over to the Senate and passed out on time."

Schmitz: "The next question I had regarded the size of the MWRD board of trustees, that the pension board it went from five (5) to seven (7) members. You said it changed somewhat of how they are elected. A few are appointed or a few are elected by the employees, if I heard that right."

Joyce: "Correct. Correct. So, now a majority of the board members would be elected by the employees."

Schmitz: "And it'll increase their terms by an additional year. That's across the board. All seven (7) would now have three-year terms."

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

Schmitz: "Staggered?"

Joyce: "I believe... I believe they are staggered."

Schmitz: "Okay. And Representative, I appreciate your indulgence. My last question is that the board trustees, is this a paid position? Are there any benefits to it: health care, pensions?"

Joyce: "I think that it's unpaid. It's unpaid."

Schmitz: "It's unpaid."

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

275th Legislative Day

5/29/2008

Joyce: "Unpaid."

Schmitz: "Okay. Thank you, Representative. Thank you, Speaker."

Speaker Turner: "Seeing no ques... no further questions, the question is, 'Shall the House pass Senate Bill 2292?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 68 voting 'aye', 40 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 53 of the Calendar, Representative Arroyo, we have Senate Bill 2596. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2596, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

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

Arroyo: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2596, this Bill seeks some middle ground between vehicular homicide and a simple traffic ticket for the drivers of a vehicle causing serious physical injury or death to a vulnerable user. The Amendment this Bill adds a new definition to the existing offense 'reckless homicide; increases the penalty from a Class III to a Class II felony'; reckless conduct increases the penalty from a Class A misdemeanor to a Class IV felony, for endangering or injuring... injuring. The Amendment permits a fine of up to ten thousand dollars (\$10,000). Many people lawfully

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

275th Legislative Day

5/29/2008

use the public way without use of a car. These users are more vulnerable because they don't have the prop... the protective shield of a car around them. Vulnerable users... vulnerable users include but are not limited to pedestrians, people riding horses or farm tractors, motorcycles or... motorcycles or bicycles. They have to be used public way in a lawful way. This Bill is based on a... on an exiting law in the State of Oregon and it also brought to my office by the Chicago Bicycle Federation. I ask for a favorable vote."

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

Rose: "Thank you. Representative... First of all, Mr. Speaker, will the Gentleman yield for a question? Thank you."

Speaker Turner: "Yeah."

Rose: "Representative, the question is this, what... what criminal statutes are you amending? What offenses?"

Arroyo: "I can't hear you."

Rose: "What criminal offenses are you amending? Reckless conduct, reckless homicide, what... what exactly are you amending?"

Arroyo: "Reckless homicide and reckless conduct."

Rose: "Only reckless homicide, because our analysis says it also amends..."

Arroyo: "Both."

Rose: "...reckless conduct."

Arroyo: "It's both."

Rose: "It's both. And then you're basically enhancing the penalty in both cases?"

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

275th Legislative Day

5/29/2008

Arroyo: "Yes."

Rose: "Now, why are you doing that?"

Arroyo: "Excuse me?"

Rose: "Why?"

Arroyo: "I had the Bicycle Federation come to me with this Bill because I had three (3) people in my district that was killed last year and a couple months ago in the Logan Square area."

Rose: "Were they killed by people being reckless?"

Arroyo: "Yes."

Rose: "Define 'reckless.'"

Arroyo: "well, they were either on the cell phone, I don't remember what exactly the cause was, but they weren't..."

Rose: "Wait a minute, that's distracted, that's not 'reckless.'"

Arroyo: "We're not changing the definition of reckless."

Rose: "Well, that's my point, Representative. If they... Were they convicted of reckless homicide and/or reckless conduct?"

Arroyo: "No. This is just reckless driving."

Rose: "Right. So, the three (3) incidents... I guess what I'm saying the drivers in the three (3) incidents, were they convicted of these... one or both of these crimes?"

Arroyo: "Well, I'm not sure if they were convicted. I didn't pay attention to it, but the Bicycle Federation brought it to my district because the people that got killed in my district. I don't know if they were convicted. I don't know how far the case went in court, but we're trying to

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

275th Legislative Day

5/29/2008

protect the people that are using motorcycles, bicycles, wheelchairs, you know, they don't..."

Rose: "The reason I ask is, we had a situation out of Urbana, Illinois with a unfortunate situation where a young lady was downloading ring tones on her cell phone and was so far in off into the right hand... she wasn't even on the road anymore, she was on the side of the road. She hit a bike... bicyclist on the driver's side that's how far off course she was and that was not charged as a reckless driving even though the individual unfortunately was killed. That was... I think, they're charged with improper lane usage. Out of that came a Distracted Driving Task Force. I believe that was Representative Jakobsson. I think Representative Black and... at some point in time, I was on one of those Bills. And there's a number of that task force who was met and chaired by the Secretary of State and they made a number of recommendations. Is this one of those recommendations?"

Arroyo: "Well, that's mainly up to the judge to determine the recommendation."

Rose: "No. Representative, I'm talking about the Distracted Driving Task Force that met this year and there was State's Attorneys Associations individuals on it, the Secretary of State was part of that task force and they made a number of recommendations for changes to address the behavior that you just mentioned, which is people driving on... driving using cell phones then injuring or killing someone. And I guess I don't... I don't get the... I don't get the nexus here between the conduct you just mentioned and you're trying to

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

275th Legislative Day

5/29/2008

regulate which is distracted driving and reckless driving, which is what your Bill does."

Arroyo: "I'm not sure, Representative Rose."

Rose: "Well, Representative, I'm going to ask the obligatory question. Why don't we pull this out of the record and see what's going on with the Distracted Driving Task Force? Representative Jakobsson... I see Representative Fritchey giving me the wave. Hello, Representative. Perhaps you'll have something to add to this debate. I look forward to hearing it. Thank you."

Speaker Lyons: "Representative Joe Lyons back in the Chair. The Chair recognizes the Gentleman from DuPage, Representative Reboletti."

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

Speaker Lyons: "The Sponsor yields."

Reboletti: "Representative, I have the same request also of the Bill but I also ask you as you look to increase this from a misdemeanor to a felony and from a Class III to a Class II, you're not making it any mandatory prison or mandatory incarceration, are you?"

Arroyo: "No."

Reboletti: "Then how is this going to deter what happened in your community and I can appreciate that, but sometimes you want to deter the behavior, sometimes you have to have the people face with a mandatory prison otherwise the same probation can be given out, the same terms of probation. It's not going to change anything. Same fines, same levels of probation. The only thing is if there's a petition to revoke there might be a longer prison sentence on the

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

275th Legislative Day

5/29/2008

enhancement. So, I'm not sure how's this going to accomplish what you're trying to do?"

Arroyo: "Representative, what we're trying to do is highlight to the driver so they can pay attention to... when there on the road for the vulnerable users. Somebody that doesn't have a cage, a tractor or somebody on the road that doesn't have air bags and stuff like that, so they don't get hit. That's what we're trying to do; that's why we're trying to put a fine on it."

Reboletti: "Well, I can appreciate it, because... and I'm not saying I don't support it, but I just have some other concerns that maybe if you pull it out of the record we could talk to you about, but I watch the same TV stations that you do and I know that people are getting killed in your neighborhoods and people drive off, and I can appreciate that. But I still have some concerns, so I hope you'd entertain that notion. Thank you."

Arroyo: "Thank you."

Speaker Lyons: "Chair recognizes the Gentleman from Cook, Representative John Fritchey."

Fritchey: "Thank you... thank you, Speaker. To the Bill and let me see if I could potentially add a little bit of light on this thing. Nothing in this legislation's redefining the underlying Act. We're raising penalties based on the classification of the victim, the same way that we've done with aggravated battery or other offenses. So, nothing's being done with the creating a new category of conduct. What we're doing is defining a heightened penalty based on the category of victim. So, when you now have what's going

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

275th Legislative Day

5/29/2008

to be classified as a vulnerable user there will be a stiffer penalty. I... I... Hopefully, that will clear it up somewhat. If it doesn't... if you have a question about what defines 'reckless conduct,' let's go into the underlying Criminal Code and deal with that. If you want to deal with mandatory sentencing on these issues a whole 'nother issue. But what this Bill does essentially is very simple. It simply says in those situations where reckless conduct was involved and you had a vulnerable user, there will be a stiffer penalty. We've had instances in Champaign, with Ur... Urbana, we've had multiple instances up in Chicago with cyclists and other individuals that have been hit, injured, killed, by reckless drivers. And what we're trying to do is have a heightened penalty and recognize that drivers do need to be more aware of these vulnerable users, whether it is a highway worker by the side of the road, whether it is a pedestrian, whether it is a farmer, whether it is somebody on a bicycle or a skateboard or a motorcycle. And in those situations, there will be a stiffer penalty for that conduct in this case. I hope that that's helped clarified. It may not have, but it's the best I can do for right now."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Jim Durkin."

Durkin: "Will the Sponsor yield? Representative..."

Speaker Lyons: "Sponsor yields."

Durkin: "...could you indicate where in this Bill or in the Illinois Statutes a definition of 'vulnerable user' exists."

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

275th Legislative Day

5/29/2008

Arroyo: "It's in the Bill right now."

Durkin: "Can you explain to me exactly what is... I'm reading this and I... just articulate to me what a vulnerable user is."

Arroyo: "You're asking where is it or what is it?"

Durkin: "Could you explain to me what... what is your... what do you believe a vulnerable user is on the roadways?"

Arroyo: "Any... anybody who's lawfully on the roadway... on the public way who doesn't have a protective shield. It could be riding... it could be a pedestrian any kind of persons walking across the street, somebody with a wheelchair."

Durkin: "Is this something which was... came out of case law or is this something that just was created by some advocacy group?"

Arroyo: "It's Section (a-20) purple... vulnerable users in the public ways. That's what it means."

Durkin: "All right. Let me ask you this. Is there an affirmative defense to this crime for a vulnerable user who acts... is it an affirmative defense for the person who's charged if that vulnerable user acts carelessly or recklessly or negligently while they are in effect still lawfully present on the roadway or the... or on the shoulder?"

Arroyo: "That... that mostly would be up to a judge or a prosecutor."

Durkin: "I don't believe so. I think that... that's something that someone's going to look at and I'd like to know whether it is your intent that it is to be an affirmative defense if that vulnerable user is acting... even though

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

275th Legislative Day

5/29/2008

they're lawfully on the road, they do... people do act recklessly sometimes in their conduct, to whether or not that is going to be allowed as an affirmative defense for that person who's been charged with this crime."

Arroyo: "My intent is to protect the pedestrian or somebody that's in the roadway crossing the street."

Durkin: "Should that driver still be held accountable or inculpable for this crime even if that user who is technically lawfully on the street, but is... has acted in a reckless or a careless manner, should they still be charged or would they be... should they be held accountable and convicted of the crime?"

Arroyo: "No. No. That's not the intent."

Durkin: "Then this is just... All right. I understand that's the intent. It would be nice if it was somehow written into this law... in this stat... in this Bill that it is an affirmative defense for the individual who... for the vulnerable user if they're... if they've acted reckless or careless. Is that something that you could entertain right now, 'cause I mean we're... we're going down, you know, a very, you know, awkward road so to speak?"

Arroyo: "Could you repeat that again, please?"

Durkin: "What I'm saying is pull it out of record and put an affirmative defense in the Bill."

Arroyo: "No."

Durkin: "Write it in the Bill."

Arroyo: "No, thank you. I don't... not right now, I don't have time."

Durkin: "I don't know. You've got plenty of time."

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

275th Legislative Day

5/29/2008

Arroyo: "I want to call..."

Durkin: "We're not leaving. We're not going anywhere."

Arroyo: "I want to call the Bill like it's..."

Durkin: "Well, here's the thing. You know, I'm on the CLEAR Commission. I was a prosecutor. We reinvent the wheel daily here and I'm... the situation you're trying to correct is something which is already existing in the law and, you know, if this is what some people have to go home and do their victory laps, so be it. But, you know, we continue down this process, as I said earlier, we are just, you know, we have laws which... which will punish those individuals who are... you're trying to punish under this Bill. So, I have reservations about what you're trying to do."

Arroyo: "Thank you."

Speaker Lyons: "Representative Arroyo to close."

Arroyo: "Thank you and I ask for a favorable vote."

Speaker Lyons: "The question is, 'Should Senate Bill 2596 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Dan Reitz, Kosel? Mr. Clerk, take the record. On this Bill, there are 87 Members voting 'yes', 22 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 44 of the Calendar, Representative Art Turner has House Bill 5032. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5032, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Art Turner."

Turner: "Thank you, Mr. Chairman and Ladies and Gentlemen of the House. House Bill 5032 creates the Illinois Torture Inquiry and Relief Commission Act. This is an Act... this is a commission that would be regulated by the administrative office of the Illinois courts. And the rationale for this commission is to look into the police allegations or the torture allegations that have been leveled against Chicago police officers under the supervision of Commander Jon Burge. This commission will be made up of eight (8) voting members, a Circuit Court judge, former prosecuting attorney, a law school professor, a criminal defense lawyer, three (3) nonattorneys, non-Judicial branch, and a former public defender. The rationale for this is that and some of you may have read the paper or saw the paper this week where there was another person released from the Department of Corrections because of the DNA investigations and he was proven innocent of a rape that he was accused of. There are twenty-seven (27) men still incarcerated as a res... who are alleging or were involved with this case with this police commander as mentioned earlier and we think that this Torture Relief Commission should investigate and at least look at the facts as they have been presented and if in fact they... and then make a report back to the General Assembly at the conclusion of this commission's duties. And I move for the adoption. I know that there'd had been the question in committee. Representative Reboletti and I spoke about this Bill and he

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

275th Legislative Day

5/29/2008

mentioned the fact that we mentioned a officer's name that he thought that there may be a question of constitutionality. I'm not an attorney. I can't debate that side of this issue, but I do believe that if twenty-seven (27) people are in jail that should not be there, I think that it at least warrants some investigation or at least those guys are entitled to have someone look at their particular case and see if in fact there's some truth to their allegations. As you know, there have been a number of people that have been released as a result of this investigation that has some of were released under the former Governor Ryan. But I'm moving for the adoption of this commission; I think that its time has come and ask the House to consider it."

Speaker Lyons: "The Gentleman from DuPage, Representative.. Representative Jim Meyer."

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

Speaker Lyons: "Sponsor yields."

Meyer: "Representative, I'm going through the detail of the Bill and I'm looking at the appointment of the members of the commission. I have a question on that. It appears, at least to my way of looking at this, that the President of the Senate and the Speaker of the House are entitled to appoint two (2) Members each while the Minority Leader of the Senate and the Minority Leader of the House only receive one (1) appointment. Why is there that distinction?"

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

275th Legislative Day

5/29/2008

Turner: "Representative, I'm working with a group back in Chicago and they, I think, used the example and I didn't really look at that part of this make-up of the commission but the... traditionally when we do commissions and different appointments, we tend to have the Majority Party has the greater number of Members on any commission and so, although we don't... we're not using this in any way to assume that one Party will be more sympathetic than the other. I think that in them... in the putting together of this commission it was just that traditionally the Majority Party tends to have more Members than others. But if you look at the eight (8) voting Members of the commission, I think that that's a... these are the guys who are going to make the determination if there's any action that should be taken, you will find that it appears to be no political bias from a standpoint of Party representation at all with that... with the eight (8) voting Members."

Meyer: "Well, I... I guess your recollection of how commissions are normally formed in terms of the makeup of the membership and the terms of the Minority and the Majority Parties, I... I thought otherwise. From my experience, I recall that most of the time they're given the opportunity to be equal in terms of the Speaker and the Minority Leader or the President of the Senate and the Minority Leader. And I guess I... I'm... I just don't have the same recollection you do on that. I might also point out that you are giving the Minority Leader of the House and the Senate the same number of Members as you give to defense attorneys, prosecutors, law professors, judges, public defenders, all

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

275th Legislative Day

5/29/2008

of us only get one. I... I'm not sure how we should react to that, the Minority Leader of the House and Senate being lumped in with all those attorneys."

Turner: "Representative, let me start by saying that the intent, you know, we... we're looking at this commission. We tried to set it up as an independent commission and so we wanted it to be reflective of both law enforcement, lawyers, let's just say a for... a judge who has not been on the bench. People who are specialists in this field. Your point may be a valid point in terms of the numbers, but I think this issue is... is much more important than the debate about whether it's one or two (2) Members. I think that the eight (8) voting Members and the makeup and who they are is probably the most important piece and that commission... they will, as I say, will be guided under the Illinois administrative courts."

Meyer: "Well, I guess I would have to stand in high suspicion of any Bill that it would equate my Leader and the leader of... the Minority Leader of the Senate with any one single group of other attorneys in this state, which is what you've done here... lumped them all together it looks like and only given them one vote. But be that as it may..."

Turner: "They're not voting members."

Meyer: "...of a..."

Turner: "Representative, the members of..."

Meyer: "...you want to equate leader of the... or the Senate President... or the Minority Leader who is a pharmacist with an attorney, well that's fine."

Turner: "No. That's not... that's not true Representative."

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

275th Legislative Day

5/29/2008

Meyer: "Oh."

Turner: "That these Members that are appointed by the General Assembly and our Leaders, these are not even voting members. And so..."

Meyer: "All right. Well..."

Turner: "...their voice will be just pretty much there to offer some guidance and listen, but they're not voting members. So in terms of the bias I don't really see a bias from that standpoint."

Meyer: "Well, okay. Well, we'll let it go at that. I've expressed my views on..."

Turner: "I think, again and I appreciate your recommendation and probably if I had sat down and looked at this a little more I would have made it balance, because it is not my intent to politicize this..."

Speaker Lyons: "Representative Meyer, your 5 minutes have expired. And Representative Turner, if you could just wrap it up in the next minute, we'd appreciate it."

Turner: "Twen... the twenty-seven (27) members that are... twenty-seven (27) people that are still incarcerated at this point that are alleging that they're... that they are innocent. And I think that the... to at least allow a fair hearing for those twenty-seven (27) people is... is pretty important and I don't think we should politicize these individuals having their freedom or being given the rights that they should be given with how many and whether it's the President of the Senate or, you know, the Minority Leader. And I'm not questioning the background of, you know, of our leaders, you know, we're not all lawyers and we do have a variety, I

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

275th Legislative Day

5/29/2008

should say, a variety of professions here in this Assembly and I think that, you know, the fact that people will be there will make a difference."

Meyer: "Just in closing, my remarks. I certainly am going to support you on this. I just wanted to point out that I felt there was an inequality of Members being appointed and I'm... I'm certain that in the future that those that bring these types of commissions or put them together will take that into account. Thank you."

Speaker Lyons: "The Gentleman from Jasper, Representative David Reis."

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

Speaker Lyons: "Sponsor yields."

Reis: "Representative, it was brought up in committee, as well. Is there a sunset for this commission?"

Turner: "Yeah. This commission is only created for the purpose of looking only at the cases that involve this one police officer in Chicago. So, at the end of their work that would be the end of the commission."

Reis: "So, it could drag on for quite awhile. In one of the suggestions that was brought up in committee was to form a task force with a specific duty in mind for reviewing all these cases not just in the awful, terrible case of Mr. Burge, but have it more broad, very specific, have a specific time frame where... as to where it has a sunset where they could review these cases and make recommendations. And our concern with this and I appreciate where you're going with this and..."

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

275th Legislative Day

5/29/2008

Turner: "Representative, your point is well-taken and it's probably something that we should create for the other cases. This... these twenty-seven (27) individuals and it's the headlines that have come up over the years regarding this case and the people that have been released because they were tortured that I think that this... the uniqueness of this commission is just for this purpose and when... So, you asked the question about sunseting. I'm saying that this thing sunsets when they're through looking at this ca... these cases and this case only."

Reis: "And, you know, Representative, that these can drag on forever. I mean we're talking about not just one person but twenty-seven (27) different cases and giving this commission kind of cart blanche authority to go in and reexamine all these verdicts, I mean, that yields a lot of power to this commission and that's our concern with this. I know this is just a House Bill that may get changed over in the Senate, but that's our concern with this that it's too far-reaching, it goes on for too long. We'd like to have it be more focused on the broad issue of torture and then sunset... or make the recommendations and then sunset. So, thank you, Representative, for being forthright with this. You've been very good at answering our questions, but we're still concerned that this is unconstitutional and goes on for too long. Thank you."

Speaker Lyons: "The Gentleman from DuPage, Representative Dennis Reboletti."

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

Speaker Lyons: "Sponsor yields."

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

275th Legislative Day

5/29/2008

Reboletti: "Representative, I know you and I had some conversations regarding this Bill. One of the concerns I had was this... that this may be violative of the Constitution because of the bill of attainder clause saying that it's really aimed at one particular individual, that being John Burge. And I had those concerns. We've talked about that and I think that may be a particular issue. One of the other things that gives me some pause here is I'm assuming those twenty-seven (27) individuals as I've said in committee by no stretch of the imagination should anybody be in prison or incarcerated who has not... who should be there with the appropriate evidence should not be locked up, but are we not circumventing the Appellate Court and circumventing the Supreme Court by if five (5) members of this commission say that there was torture, it now goes to the chief judge to make a determination and then the chief judge can change the sentence."

Speaker Lyons: "Ladies and Gentlemen, if we could lower the noise level on the floor it would be a little easier for the discussion to continue. Continue Representative."

Turner: "Representative, could you just repeat the..."

Reboletti: "I'll... I will. It says that when this commission is appointed that if five (5) members of the commission believe that there has been... the torture allegation is substantiated the next step is it... for it to... this commission will then send this, I guess, a letter or some type of recommendation to the chief judge of Cook County who, I guess, by himself or herself can then make a determination if the sentence should be... the judgment of

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

275th Legislative Day

5/29/2008

the sentence should be reversed or changed and I was wondering if that really also isn't a constitutional issue. I was wonder what your perspective is on that because there are other ways to continue to have these allegations brought forth in court by writs of mandamus by the Appellate Court, Supreme Court and I'm... I'm wondering if that is a other... another constitutional issue."

Turner: "Representative, on page... should be page 9 line... or page 12, line 1, it says that the commission shall request a chief judge at a Circuit Court of Cook County for assignment to a trial judge for consideration."

Reboletti: "So, it would go back to the trial judge. And what... what authority would the trial judge have based on the commis... the commission's recommendation? I'm assuming at some point, Representative, and I haven't had a chance to see what status... the statuses of each one of those individual's appeals. I'm assuming they have filed some appeals at other levels and probably have been denied, but what would they... the trier of fact, that new... that circuit judge, what authority would they have at that point based on the recommendation?"

Turner: "Well, it... basically, if the court finds in favor of the petitioner it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementing the orders as to rearrange... reassignment, retrial, custody, bail, or discharge as may be necessary and proper."

Reboletti: "And I... and I guess and I'm not disagreeing with the fact that if these allegations are borne out that that

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

275th Legislative Day

5/29/2008

should happen. But I'm wondering what has already happened, because I'm assuming they've filed... that they've filed appeals and they filed writs of mandamus to go... and writs of habeas corpus to come back to, the court to say, look, my conviction is based on these a... these... this torture and that my admission really wasn't... it was a coerced admission. And I'm assuming that those appeals have failed in the past and I'm not sure how this... this is kind of circumventing that system."

Turner: "Give me just one second to think about... You're asking some very good questions, Representative. Representative, I don't have the... I can't give you an answer to that question. I think it's a very good question, I just can't answer that at this point. I can continue to discuss it, talk with Senator Raoul who is waiting to pick this up in the Senate and try to... to try to address that concern. I think the other people that were freed were commuted by the Governor."

Speaker Lyons: "Representative, your time is up. We'll give you another minute to finish your question."

Reboletti: "Thank you, Speaker for the extra minute. And that... that's one of my concerns, Representative, is I want to get to the bottom of the same situation that you wan... you also want to get there. I'm just concerned that if we're... we're not following the appropriate constitutional procedures and I'm not sure if those administrative remedies and judicial remedies have already been exhausted and now we've added a new remedy and we're not following the... the Constitution. So, I appreciate your... your answers."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "The Chair recognizes the Gentleman from Winnebago, Representative Jim Sacia."

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

Speaker Lyons: "Sponsor yields."

Sacia: "Representative... Leader Turner, this Bill was presented in committee by Representative Connie Howard and at the time I... you were the only name on the... on the Bill and I asked to be added as a chief cosponsor. I... I want you to know, Representative, and I'd like this Body to know that first of all, what you're doing here is you're creating a commission. The most... the second most important thing you're doing is you are investigating the most despicable man that ever carried a badge and I think that what is so important to your legislation is the man that you are creating your commission for has brought unbelievable great discredit on the profession of law enforcement, deserves to be looked into, and the commission is a positive thing. I think it's a Bill that should go out of here with a 118 'green' votes and get to the bottom of what this man has done, not only to the victims that these crimes have been perpetrated against, but certainly to the profession of law enforcement. I stand in strong support of your legislation. And I urge an 'aye' vote."

Speaker Lyons: "Representative Turner to close."

Turner: "Thank you. Thank you, Representative Sacia, and I do appreciate your remarks and for Reb... Representative Reboletti in regards to your question. Basically, the commission makes recommendations, so after they've done the investigation they make the recommendations to the chief

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

275th Legislative Day

5/29/2008

judge it would then be up to the chief judge to determine how they want to proceed with this. I... I just believe in my heart that the twenty-seven (27) guys that are currently incarcerated deserve one last look at their cases and I move for the adoption of this Bill... House Bill 5032."

Speaker Lyons: "The Motion is, 'Should House Bill 5032 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Granberg. Mr. Clerk, take the record. On this Bill, there are 110 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority is hereby declared passed. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on May 29, 2008, reported the same back with the following recommendation/s: 'direct floor consideration' for House Bill 2388, which is referred to Second Reading; and 'direct floor consideration' for House Amendment #1 to House Joint Resolution 137. First Reading of Senate Bills. Senate Bill 751, offered by Representative Mendoza, a Bill for an Act concerning government. Senate Bill 788, offered by Representative Hannig, a Bill for an Act concerning finance. Senate Bill 836, offered by Representative Beiser, a Bill for an Act concerning local government. Senate Bill 290... Senate Bill 2090, offered by Representative Beaubien, a Bill for an Act

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

275th Legislative Day

5/29/2008

concerning public employee benefits. First Reading of these Senate Bills."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker Lyons: "State your inquiry."

Black: "I know... I couldn't help but notice the sun has been in your eyes for about the last 10 minutes and also in your assistant's eyes. Could you turn to the chief architect and designer of this beautifully renovated chamber and ask Mr. Mapes how he intends to remedy this very difficult situation? I couldn't see the whites of your eyes. You couldn't see the board. We... we can't have this. You need a patio umbrella or what can we do?"

Speaker Lyons: "Representative Black, yesterday you were concerned about my voice and I thanked you for that. Today you're concerned about me catching a few rays while I'm on the dais."

Black: "Well..."

Speaker Lyons: "Thank you for your concern, Representative, but..."

Black: "Representative, I want to take care of you and all of that sun light, you know, it... it could be damaging. Besides that, when you turned your head down it almost blinded me. So..."

Speaker Lyons: "Thank you for that observation, Representative Black. I'll get even when I'm in my chair someday. Mr.

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

275th Legislative Day

5/29/2008

Clerk, Representative Washington has House Bill 2088.
What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 2088, a Bill for an Act concerning
State Government. The Bill's been read a second time,
previously. No Committee Amendments. Floor Amendments 1,
3, and 4 have been approved for consideration. Floor
Amendment #1 is offered by Representative Washington."

Speaker Lyons: "Chair recognizes Representative Washington on
Amen... Floor Amendment 1."

Washington: "Thank you, Mr. Speaker and forgive me for sitting.
But House Bill 2088 is an initiative to assist the City of
Waukegan to clean up its harbor. And as you know Waukegan
has the last harbor in the State of Illinois that has not
been developed, but we want to look at the plans to develop
it and in its cleanup effort we want to maintain dredging
to at least twenty-three (23) feet in terms of depth. And
this would allow the harbor to continue an existing
commercial port. And I ask for a favorable vote for my
district in Waukegan for this particular legislation."

Speaker Lyons: "Is there any discussion on Floor Amendment 1?
Seeing none, all those in favor of its adoption signify by
saying 'aye'; those apposed... opposed say 'no'. In the
opinion of the Chair, the 'ayes' have it. And Floor
Amendment #1 is adopted. Mr. Clerk."

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

Speaker Lyons: "Representative Washington on Floor Amendment
3."

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

275th Legislative Day

5/29/2008

Washington: "Thank you, Mr. Chairman. Floor Amendment 3 requires that in order to spend state funds that the Waukegan harbor, as I mentioned earlier... I'm sorry. I'm sorry. Excuse me, Mr. Chair... Speaker. House Amendment #4... I wish to withdraw #3, Mr. Speaker."

Speaker Lyons: "The Gentleman makes a Motion to with..."

Washington: "And we need #4... House Amendment #4."

Speaker Lyons: "Mr. Clerk, we're on Amendment #3. Correct? And you wish to withdraw Amendment #3, Representative Washington?"

Washington: "That's correct."

Speaker Lyons: "The Gentleman makes a Motion to withdraw Amendment #3. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is withdrawn. Mr. Clerk."

Clerk Bolin: "Floor Amendment #4, offered by Representative Washington, has been approved for consideration."

Speaker Lyons: "On Floor Amendment #4, Representative Washington."

Washington: "Thank you, Mr. Speaker. House Amendment #4 is a gut and replace Amendment that requires all agencies other than the Illinois EPA... in order to dredge or clean up the harbor, keep the harbor available for commercial purposes. This would allow the IEPA to clean up with harbor without having to make sure its use was commercial. The Amendment includes nonrulemaking language."

Speaker Lyons: "Is there any discussion on... on Floor Amendment #4? Seeing none, all those in favor of its adoption"

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

275th Legislative Day

5/29/2008

signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment 4 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Bolin: "House Bill 2088, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Lake, Representative Eddie Washington."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, as I said, this particular legislation deal with my area, Waukegan, and the last harbor to be developed in the State of Illinois. We wish to... This initiative is to assist Waukegan in doing so and also implements a dredging up to at least twenty-three (23) feet minimum that would allow the harbor to contin... continue to be an existing commercial port. And I ask for a favorable vote."

Speaker Lyons: "Is there any discussion? The Chair recognizes the Lady from Lake, Representative Kathy Ryg."

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

Speaker Lyons: "Sponsor yields."

Ryg: "Is the City of Waukegan a proponent of this legislation?"

Washington: "I'm sorry?"

Ryg: "Is the City of Waukegan a proponent of this legislation?"

Washington: "I don't know. I don't see it on... listed on here.

I know that the county of Lake is a... is an advocate for this legislation. The entire county board voted to support this particular piece of legislation."

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

275th Legislative Day

5/29/2008

Ryg: "And are there federal dollars that will be available to assist in the clean up of the harbor?"

Washington: "That's my understanding, Representative."

Ryg: "Thank you."

Washington: "Thank you."

Speaker Lyons: "Seeing no further discussion, the question is, 'Should House Bill 2088 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 108 Members voting 'yes', 0 voting 'no', 2 Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, under House Bills-Third Reading, on page 5... 15 of the Calendar, Representative Arroyo has House Bill 4861. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4861, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Luis Arroyo."

Arroyo: "Thank you Mr. Speaker, Members of the House. House Bill 4861 permits the Secretary of State to provide information to the medical examiner and the coroners as to whether individual is on an organ or tissue donor registry. Currently, the medical examiner and the coroner cannot ask for in... for this information nor can the Secretary of State give information or to... to the Secretary of State. I... I urge an 'aye' vote."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "The Chair recognizes the Gentleman from McLean, Representative Dan Brady."

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

Speaker Lyons: "To the Bill."

Brady: "Ladies and Gentlemen of the House, I just simply stand of the Gentleman's legislation. It's a good piece of legislation and deals with an oversight when the initial Act was enacted with the Secretary of State's Office. And ask for an 'aye' vote as well. Thank you."

Speaker Lyons: "Seeing no further discussion, the question is, 'Should House Bill 4861 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 109 Members voting 'yes', 1 Member voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Clerk, on page 5 of the Calendar, under House Bills-Third Reading, Representative Acevedo has House Bill 2759. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2759..."

Speaker Lyons: "Mr. Clerk, take that Bill out of the record. Mr. Clerk, on page 44 of the Calendar, under House Bills-Third Reading, Representative Naomi Jakobsson has House Bill 4903. Read the Bill, Mr. Clerk. Mr. Clerk, take that Bill out of the record on the request of the Sponsor. Mr. Clerk, on Senate Bill-Third Readings on page 48 of the Calendar, Representative Art Turner has Senate Bill 2015. Read the Bill, Mr. Clerk."

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

275th Legislative Day

5/29/2008

Clerk Bolin: "Senate Bill 2015, a Bill for an Act concerning economic development. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Art Turner."

Turner: "Thank you, Mr. Speaker. Senate Bill 2015 is identical to House Bill 4793 that passed out of the House and is currently stuck in Senate Rules. What this does is it creates a new market development program and this is a program that would allow qualified equity investments and give certain tax credits against the income franchise and insurance premium taxes that are made in certain parts of the state, those areas that have high unemployment. It is a Bill that we have capped the tax credits at ten million dollars (\$10,000,000). The credits are so set up that if... once the investment has been made in that corporation it has to be in business for over three (3) years before any credits are granted. It is similar to a program... it's a... very similar to the federal program that's currently in existence and we thought we ought to do same thing here in the state. The State of Missouri just recently passed this program. We see that it has a lot of opportunities in terms of creating economic development in parts of the state that are in dire need. And I move for the adoption of Senate Bill 2015."

Speaker Lyons: "The Chair recognizes the Gentleman from Jasper, Representative David Reis."

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

Speaker Lyons: "Sponsor yields."

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

275th Legislative Day

5/29/2008

Reis: "Representative, this is a great piece of legislation and I look forward to supporting it and even look more forward... toward... forward towards it becoming law, but didn't one of your Amendments add the rulemaking language to it?"

Turner: "Representative, we wrote the rules in this legislation. So, the rulemaking language is not attached. The language that you speak of, that we put on other Bills is not there. So, this Bill, the rules are actually in the Bill as it is written."

Reis: "Okay. Just a second, 'cause our analysis says that you've added... It was taken off. So, you've actually written the rules into the Bill."

Turner: "That's correct, Representative."

Reis: "That's great. Thank you very much, Representative."

Speaker Lyons: "No further discussion. The question is, 'Should Senate Bill 2015 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pritchard, Representative Carolyn Krause. Mr. Clerk, take the record. On this Bill, 110 Members are voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Stephens on a Motion."

Stephens: "Thank you, Mr. Speaker. I move to waive the posting requirements on Senate Bill 848 and Senate Bill 836."

Speaker Lyons: "You've heard the Gentleman's Motion. Is there any objections? Seeing none, all those in favor of the Motion signify by saying 'yes'; those opposed say 'no'. In

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

275th Legislative Day

5/29/2008

the opinion of the Chair, the 'ayes' have it. And the Motion carries. Mr. Clerk, on page 14 of the Calendar, Representative Dan Burke has House Bill 4707 on the Order of Second Reading. What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 4707, a Bill for an Act concerning education. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. And no Motions are filed."

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

Clerk Bolin: "House Bill 4707, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Dan Burke."

Burke: "Thank you, Mr. Speaker. Do I have an Amendment on this? I didn't ha... that was already taken care of previously, Mr. Clerk."

Clerk Bolin: "Amendment #1 was adopted in committee."

Burke: "Thanks. Ladies and Gentlemen... Mr. Speaker, Ladies and Gentlemen of the House, House Bill 4707 would amend the School Code by providing that grantees under the Preschool for All program must enter into a mem... a memorandum of understanding with the appropriate local Head Start Agency. This memorandum must be entered into no later than three (3) months after the award of the grantee's grant under the program, except that in the case of the 2008 and 2009 program year the memorandum must be entered into no later than the deadline set by the State Board of Education for applications to participate in the program in fiscal year

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

275th Legislative Day

5/29/2008

2010 and must address the collaboration between the grantee's program and local Head Start Agency on certain issues. Be happy to answer any questions."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 4707 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, 110 Members voted 'yes', 0 voted 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 5 of the Calendar, there's House Bill 2760. What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 2760, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. Floor Amendments 1 and 2 have been approved for consideration. Floor Amendment #1 is offered by Representative Molaro."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Bob Molaro."

Molaro: "Thank you, Mr. Speaker. Floor Amendment... oh, Floor Amendment 1 is the... Floor Amendment 1?"

Speaker Lyons: "Floor Amendment 1."

Molaro: "Yeah. That's the one we're doing. That's the one that makes the most sense to me. And Floor Amendment #1 we've had this Bill before. This has to do with reporting a missing or stolen handgun if you know it's missing or stolen."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "Is there any discussion on the Amendment? The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy. No one seeking recognition. The question is, 'Should Floor Amendment #1 be adopted?' All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Mr. Clerk."

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

Speaker Lyons: "Representative Molaro on Floor Amendment #2."

Molaro: "Oh. Floor Amendment #2, all this does is that... instead of having to report it to the State Police you could report it to your local law enforcement."

Speaker Lyons: "Any discussion on the Amendment? Seeing none, the question is, 'Should Amendment 2 pass?' All those in favor sig... signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading and read the Bill, Mr. Clerk. Okay. Move that Bill to Third Reading. Mr. Clerk, on the Order of Second Reading of House Bills on page 14 of the Calendar, Representative LaShawn Ford has House Bill 4612. What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 4612, a Bill for an Act concerning state employment. The Bill's been read a second time, previously. Committee Amendment 1 and Floor Amendments 3, 4, and 5 have been adopted, but notes have been requested on the Bill have not been filed."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "Leave that Bill on the Order of Second Reading. Representative Ford. There are notes on that Bill, Representative..."

Ford: "I... I want to..."

Speaker Lyons: "...so we're leaving it on Second Order... Second Reading."

Ford: "Mr. Speaker, I move that the notes on HB4612 be found inapplicable. The balanced budget note on House Amendment 4 and 5."

Speaker Lyons: "Representative Ford has made a Motion to have these notes declared inapplicable. Is there any discussion on the Motion? Seeing none, all those in favor of his Motion signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the notes are held inapplicable. Representative Ford."

Ford: "Speaker. I'd like this Bill to be moved to Third Reading."

Speaker Lyons: "Mr. Clerk, are there any Amendments on the Bill pending?"

Clerk Bolin: "No further Amendments have been approved for consideration."

Speaker Lyons: "Move that Bill to Third Reading. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4612, a Bill for an Act concerning state employment. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative LaShawn Ford."

Ford: "Thank you, Mr. Speaker. I move for the favorable vote of House Bill 4612. I know of no opposition and I look

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

275th Legislative Day

5/29/2008

forward to a favorable vote from the Members of this House."

Speaker Lyons: "The Chair recognizes the Gentleman from Bond, Representative Ron Stephens."

Stephens: "Well, first of all, Mr. Speaker, and you know I have all the respect in the world for you, but I thought you where a little quick on the trigger on the Motion to... to dismiss the... the notes that were requested because they were indeed applicable and... but here we are. So, to the Bill. The... this Bill provides for... excuse me. Provides for employment benefits for... for convicted individuals that I consider is inappropriate. We... and as far as I know, the... the VFW, the AMVETS, and the American Legion still oppose this Bill. I don't... I don't have any information otherwise and so if the Gentleman would yield and respond to that question. Do you have some documentation that the VFW and the AMVETS and the American Legion have removed their opposition to this Bill?"

Ford: "As Amendment 5, they're now are proponents of it... this legislation. I've worked with them."

Stephens: "Floor Amendment 5 increased the... increased the veterans' preference points by two (2). So, your... or you're suggesting that the VFW, AMVETS, and the American Legion removed their opposition because now they still have an advantage or are they on the same lev... on the same playing field... same level as these others?"

Ford: "Every... everyone's... everyone's in support of the legislation, Representative."

Stephens: "I'm sorry, could you repeat your answer?"

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

275th Legislative Day

5/29/2008

Ford: "Everyone is in support of the legislation."

Stephens: "No. No. No. That's just not true."

Ford: "Okay."

Stephens: "That's just not true. The veterans... No. No. The groups were in favor of the Amendment. They do not support the legislation. What this... what... what your legislation does and of all days, Representative, today."

Ford: "Representative, please don't scream at me."

Stephens: "What you're doing... what you're doing with this... this is about an... an attempt to take these criminals and... and say that, well, we're going to give them the same benefits as veterans. We're lumping them together. You're linking veterans and people who have committed crimes as if that's the right thing to do. I'm offended by it. I'm offended, especially today. Those young men and women whose photos we saw today deserve more. If you want to pass the legislation with just about hiring others who have... who have committed crimes and paid their dues, then do that, but why link the two (2), Representative."

Ford: "That's a good question and the reason why the legislation is linked is because I think it's more fair to make sure that we protect all the people that may need those preferences. Those that may need the jobs. Recently, the Army, the Air Force, the Navy, and the Marines all have now provided waivers for individuals to enter the service with criminal backgrounds. So, I respect you and I think that you should respect my efforts to try to provide jobs for people in the State of Illinois. We..."

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

275th Legislative Day

5/29/2008

Stephens: "I'll tell you... I'll tell you who I want to work. I want everyone of those veterans to come back and have a job and any felon or con... person convicted at all that gets a waiver to get into the military, I want them to get a job. But what I don't want to do is to... to somehow equate the veterans' and say, well, they're the same as these former criminals. That's exactly what you're are doing here today and I'm telling you it's morally wrong."

Ford: "I'm sorry if you feel that that's what I'm doing but, Sir, I think I'm providing equal opportunities for everyone..."

Stephens: "Oh my..."

Ford: "...and that's all I'm trying to do. If you disagree with it I expect you to vote 'no'."

Stephens: "All right, Representative. If that's... if that's what you want..."

Ford: "If you disagree, all right."

Stephens: "...then that's what I'll do. But I'm telling... I'm asking my colleagues, look if... if you want to help former felons I... I..."

Ford: "It's not about felons. It's about making sure that we take care of the people of the State of Illinois. We need to make sure that the people that fight for this country come back with opportunities. We..."

Stephens: "There you go again."

Ford: "Okay."

Stephens: "So give it to the veterans and drop the felons off."

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

275th Legislative Day

5/29/2008

Ford: "We need to... we need to make sure... we need to also make sure that we recognize that our criminal justice system worked..."

Stephens: "Mr. Speaker, to..."

Speaker Lyons: "Representative Stephens, your 5 minutes is up. We'll give you one more minute to please finish the discussion."

Stephens: "Thank... thank you, Mr. Speaker."

Speaker Lyons: "We have numerous speakers that do want to speak, so one more minute."

Stephens: "To... to the Bill and I appreciate that and Representative Ford you're just wrong on this one. And... and I would suggest that for those of you and I... I may want to help you. If you want to bring the issue before us about convicted felons and... that have paid their dues and give them some advantage in the workplace, then let's do that. But don't link them to the veterans, the very men and women that you honored this morning deserve better and I ask you, I urge you, I beg you to not insult those men and women and their memories, especially today."

Speaker Lyons: "The Chair recognizes the Gentleman from Winnebago, Representative Jim Sacia."

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

Speaker Lyons: "Sponsor yields."

Sacia: "Representative, I... I keep reading over this and am I to understand if a... your wish is that if a person is convicted of a felony, as long as it's a nonviolent felony but it could be a mail fraud, it could be a scam, it could be embezzlement, it could be very, very significant felonious

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

275th Legislative Day

5/29/2008

crimes, but if it's not violent that a state agency cannot ask if that person has ever been convicted of a nonviolent felony? Am I understanding that correctly?"

Ford: "No, Sir."

Sacia: "Okay. Please... please help me."

Ford: "The... the legislation does not eliminate the employer's opportunity to ask the question. They can ask in an interview."

Sacia: "Then... then what does the legislation do that I'm not understanding? I'm... I'm groping here."

Ford: "It just removes it off the application."

Sacia: "But you can't... but it's not required on the application. Is that correct?"

Ford: "It cannot be on the application."

Sacia: "So, if I as an employer... a state employer, am astute enough to say have you ever been convicted of a nonviolent felony, if I ask that then... then your legislation would say that you still would have to answer? Is that correct?"

Ford: "Well, you ask a good question, but I want you to know because you asked some questions about certain jobs. The legislation is designed so that certain jobs still have the right to ask and certain people... certain jobs are exempt from... from the application... asking a question in the application. So, that's why there's no opposition to this. I've worked very hard with lots of people to make sure that there's no opposition. If you read the analysis, there... there's no opposition to this. CMS was in opposition. We worked with them. The State Police was in opposition. We

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

275th Legislative Day

5/29/2008

worked with them. And now, there's no opposition. It's agreed and I would like favorable vote."

Sacia: "Representative, I... as... as the previous speaker Representative Stephens alluded to, you know, going forward on a... on a like Bill... My concern here is that this is the start of a slippery slope. We're doing it for state applicants now. How soon will it be before employers throughout the State of Illinois are somehow obligated to fall in line with similar applications? In other words, where the business that I own, that in four... that... that employees fourteen (14) people, will I reach a point where perhaps in my application for a young person applying to work for us where we cannot ask if that person has ever or let me rephrase that, not ask but my application form will have to have... not have that written in it that has this person ever been convicted of a felony, whether or not it was a nonviolent felony. Again, I know your legislation now is directed at state employment, but do you see this in any way as a potential slippery slope?"

Ford: "I don't."

Sacia: "Thank you, Representative. Again, I know and I respect and I believe what you're trying to do is ensure that more people have employment opportunities. I personally have a strong struggle with anyone that's been convicted of a felony to not have to explain that, whether it's a nonviolent felony or a violent felony, just the idea of having it not be on an application form troubles me significantly. And I guess, again, recognizing your motivation to be able to get people employed is a laudable,

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

275th Legislative Day

5/29/2008

actually it's applaudable, but I really think that it should stay..."

Speaker Lyons: "Representative Sacia, your 5 minutes of... are up. If you can conclude your remarks, we'd appreciate it."

Sacia: "I would urge a 'no' vote on this and... and it should be rewritten. Again, I truly agree with the previous speaker and I think there is a way to arrive at this. I really have a struggle with state employers having a form that does not ask if you have ever been convicted of a felony, be it violent or nonviolent. Thank you, Mr. Speaker."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Lou Lang."

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

Speaker Lyons: "Sponsor yields."

Lang: "Representative, I plan to vote for your Bill, but I do have a question or two (2) and it actually doesn't even involve you. So, I see that the... the core of this Bill we already passed in the House and Senate and was vetoed by the Governor. Is that correct?"

Ford: "That's correct."

Lang: "That would be this Governor. The Governor we have today?"

Ford: "Yes."

Lang: "Rod Blagojevich?"

Ford: "Yes."

Lang: "Right. And so, my analysis indicates... my analysis indicates that neither CMS nor the Illinois State Police actually had a position on the Bill. Is that correct?"

Ford: "Correct."

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

275th Legislative Day

5/29/2008

Lang: "Do you know how to put those two (2) pieces together for me? So, the Governor vetoed the thing before, but his agencies have no opinion on it."

Ford: "Well, last... last Session they had an opinion and they were in opposition. This Session or this whatever... this year they're agreeing."

Lang: "So, they're for the Bill? 'Cause my analysis says they're neutral. They're for the Bill?"

Ford: "Right. Yes. They're neutral... they're neutral."

Lang: "So, they're neutral."

Ford: "Right."

Lang: "So, they... so, let me get this straight. It's virtually the same Bill, they were against it last year, the Governor vetoed the Bill, now they have no opinion whatsoever."

Ford: "Correct."

Lang: "Is that correct?"

Ford: "Correct."

Lang: "These are two (2) state agencies under the Governor."

Ford: "Right."

Lang: "Our Governor."

Ford: "Yes."

Lang: "Rod Blagojevich."

Ford: "Right."

Lang: "No opinion at all."

Ford: "No opinion."

Lang: "Just checking, thanks."

Speaker Lyons: "The Chair recognizes the Gentleman from DeKalb, Representative Pritchard."

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

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

275th Legislative Day

5/29/2008

Speaker Lyons: "Sponsor yields."

Pritchard: "Representative Ford, you change in your legislation the definition of 'violent crime' to a 'crime of violence' or... or a criminal... yes, a crime of violence. What is your rationale behind this change in definition?"

Ford: "It was the suggestion of the... the recommendation of the State Police."

Pritchard: "Is it... could... could you list some of the offenses that would be included in this crime of violence?"

Ford: "Crime of violence, it would be murder, voluntary manslaughter, criminal sexual assault."

Pritchard: "So, what about some of the crimes that juveniles might have... have committed? And... and might have gone through juvenile court, but wouldn't necessarily be a part of the record?"

Ford: "Juven... juvenile records..."

Pritchard: "Yes."

Ford: "I'm advised that they're sealed."

Pritchard: "I mean, would domestic battery be included?"

Ford: "That's... that's a violent... domestic violence is a violent offense."

Pritchard: "So, in other words, someone that is accused of domestic battery would not be... have to report that on... on the form as you're defining it."

Ford: "That's a violent offense so, they would have to ask. They could ask."

Pritchard: "Well, our... our analysis says that that would be something that would slip through the cracks, as would the fact that multiple DUI offenses would not have to be

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

275th Legislative Day

5/29/2008

reported. So, the concern that some of us have is that there are some very serious issues that would slip through, under the definition of 'crime of violence' and that it would cause us concern. I certainly support what the Representative is trying to do in this Bill and that is to get people employed so that they can get on with their life and get a new page of being able to work and stay away from crime as a source of revenue. I just have trouble with the way this legislation still is worded and would like to work with the Sponsor in working for some better language and would ask the Body to be very cautious in this vote."

Speaker Lyons: "We've had Representative Ford present the Bill, Representative Lang spoke in favor of it. We've had three (3) people in response. Representative Fritchey."

Fritchey: "Move the pre... I move the previous question."

Speaker Lyons: "The Gentleman moves to put the previous question. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Representative Ford to close."

Ford: "Thank you. Thank you, Mr. Speaker and Members of the House. You know, I... I feel insulted that someone would think that I would use veterans to get this Bill passed when it was passed last year with no problem. So, we had enough votes to pass it in the House and the Senate, so now I bring it back to offer more opportunities for more people when it was already passed. So, for you to say that I did it just to get it passed in the House is false. I think that it would be great for us to really test the... the system that we spend lots of money on... the criminal justice

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

275th Legislative Day

5/29/2008

system, when we incarcerate people and we bring them back to society to see if the system that we spend so much money on every day, works. But if we never give people a job opportunity, we'll never know if the criminal justice system that we spend millions of dollars on will ever work. And I think that we really should consider preferences for people that are dying for this country and I think that it would be great in honor of today that you give this a favorable vote. Thank you."

Speaker Lyons: "The question is, 'Should House Bill 4612 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Hoffman, Lindner. Mr. Clerk, take the record. On this Bill, there are 45 Members voting 'yea', 63 Members voting 'no', 1 Member voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared defeated. Mr. Clerk, on page 4 of the Calendar, Representative Paul Froehlich under House Bills-Second Reading has 20... House Bill 2167. What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 2167, a Bill for an Act concerning safety. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Froehlich, has been approved for consideration."

Speaker Lyons: "Representative Froehlich on the Amendment."

Froehlich: "Thank you, Mr. Speaker. This... the original version of the Bill had opposition. This Amendment, to the best of my knowledge, should remove the opposition from both the

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

275th Legislative Day

5/29/2008

EPA and some of the municipalities that have water... their own water companies. What we're going to do here is create a task force on this question of pharmaceuticals in the drinking water and other emerging contaminants in the drinking water and the task force will be reporting back to... to the Legislature."

Speaker Lyons: "Any discussion on the Amendment? The Chair recog... recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. You said I'd pay for that last remark, but I do... it's nice that the sun is finally off of you. I hope you didn't get a sunburn. Will the Sponsor yield?"

Speaker Lyons: "No offense taken, Representative Black."

Black: "Thank you. Representative, from committee meeting, I don't think this is the Amendment that you want to call, is it? Wasn't there supposed to be another Amendment?"

Froehlich: "Yes. There's a Second Amendment filed and..."

Black: "Well, wouldn't you want to table this Amendment?"

Speaker Lyons: "Mr. Clerk, temporarily..."

Froehlich: "Okay. So, take it out of the record."

Speaker Lyons: "...let's take this Bill out of the record."

Black: "I'm here to help you, Representative, you know that."

Speaker Lyons: "Mr. Clerk, on page 16 of the Calendar, Representative Chapa LaVia has House Bill 4927. What's the status of that Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4927, a Bill for an Act concerning courts. The Bill's been read a second time, previously. Amendments 1, 2, and 3 have been adopted. Floor Amendments

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

275th Legislative Day

5/29/2008

4 and 5 have been approved for consideration and Floor Amendment #4 is offered by Representative Chapa LaVia."

Speaker Lyons: "Representative Chapa LaVia on Amendment 4."

Chapa LaVia: "Thank you, Speaker, Members of the House. Amendment #4 is a technical Amendment suggested by Representative Rose, that clarifies language. I know of no opposition to this Amendment."

Speaker Lyons: "Is there any discussion on the Amendment? On Amendment #4. Seeing none, all those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #4 is adopted. Mr. Clerk."

Clerk Bolin: "Floor Amendment #5, offered by Representative Chapa LaVia."

Speaker Lyons: "Representative Chapa LaVia on Amendment 5."

Chapa LaVia: "Thank you, Speaker. Amendment #5 was suggested by Representative Fritchey to protect innocent spouses in meth homes. This takes out language that gives prosecutors legal authority to charge someone for allowing meth manufacturing. So, now the Bill focuses only on the meth manufacturing and not the innocent spouse. I know of no opposition to this Amendment."

Speaker Lyons: "There any discussion? Seeing none, all those in favor of adoption of Floor Amendment #5 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Mr. Clerk."

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

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

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

275th Legislative Day

5/29/2008

Clerk Bolin: "House Bill 4927, a Bill for an Act concerning courts. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Lady from Kane, Representative Chapa LaVia."

Chapa LaVia: "Thank you, Members of the committee. Now, under this Bill, the person has to be convicted of meth manufacturing while the child is present to have the child taken away. We've discussed this Bill two (2) days prior and we have a lo... we had a lot of lively debate on the issue. And what the Bill does now is exactly what I discussed in Amendment #4. It... it... clarifies it in Amendment #4 but #5 it just deals with meth manufacturing and the ability for the courts, if found convicted, they spec... the parent found convicted, is the only way that the ter... the rights are terminated as far as parental rights. So, we've... we've put the scope down and the Bill seems to be fine with the Republican side and I know of no opposition at this time."

Speaker Lyons: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Debbie Graham."

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

Speaker Lyons: "Sponsor yields."

Graham: "Representative, can you tell me again what your legislation does?"

Chapa LaVia: "Hold on a second please, Representative. Any time a parent is found convicted of aggravated methamphetamine manufacturing that the courts can start the process of if... if the parent is convicted, they have to be

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

275th Legislative Day

5/29/2008

convicted, of terminating parental rights of the convicted parent."

Graham: "Okay. So, the fact that you have not removed.. So, you're still terminating parental rights. You're not simply removing the child from a home.."

Chapa LaVia: "No."

Graham: "...and placing them with a relative. You're simply severing the rights of the parent based on this bad act that they've done."

Chapa LaVia: "Just... yeah, just... just the rights of the convicted parent and that just starts the proceeding and I understand your objection to it, still, Representative."

Graham: "Yeah, Representative, I am certainly.. I understand your intent with this legislation and I am definitely saying that parents who are producing methamphetamines should not be in custody of their children, but to terminate their parental rights. Does your legislation speak of how long? Is this permanent termination of the rights? Are the kids permanently removed? How long does this... is... is a person in jail or do they come out of jail and get the right to fight to get their parental rights back or is it just gone?"

Chapa LaVia: "First of all, it's two (2) steps, like I said earlier. They have to be convicted of... of methan... of manufacturing methamphetamine and also, the second is that they have to show or aggravated. They have to show child abuse. So, there's kind of two (2) steps to it and it's a pretty lengthy process."

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

275th Legislative Day

5/29/2008

Graham: "Well, I would think that if you produce methamphetamine in your home that that would be a little bit of a child abuse. The question is if the parental rights is taken from the parent, is it... the rights gone forever or does the person get a chance to say I have improved my life, I'm a better person and I want my child back? Does it present that opportunity for that parent to get the child back or is his rights just gone? 'Cause people do change."

Chapa LaVia: "Can you give us one second? We're reviewing the full..."

Graham: "Yeah."

Chapa LaVia: "...depth of the Bill. Right. Right. It's already in criminal law, once you terminate the parental rights, you terminate the parental rights."

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

Speaker Lyons: "...Bill."

Graham: "I would... I would ask that my colleagues... I know that we want to be tough on people who produce methamphetamines we want to protect the children in this state, but to simply terminate the rights of a parent who has made some bad decisions and not give them the opportunity to come back and fight for their children, 'cause we all know that people do change. That is something really bad. I'm not saying that these people shouldn't go through some sort of turmoil to deal with their families, but I ask this Body to stand with me and vote 'no' on this legislation. This is too strong of a movement to terminate the parental rights of someone who has made a bad decision. I would simply say

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

275th Legislative Day

5/29/2008

I will stand with the Representative and say I can support you if you're saying, yes, let's remove the children from the home. Yes, let's do some other measures to make sure that the environment is safe, but to say permanently terminate the rights of a person who has made a bad decision I find that a difficult piece of legislation for me to support. I urge a 'no' vote on this legislation"

Speaker Lyons: "The Chair recognizes the Gentleman from Winnebago, Representative Jim Sacia."

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

Speaker Lyons: "Sponsor yields."

Sacia: "Ladies and Gentlemen, I think probably the most important part of this Bill is the innocent parent here and I believe that was Representative Fritchey's addition to the Bill and I think it's very, very important to point out that if there is an innocent parent in the household that person is exonerated and... and that's very important. In deference to the previous speaker, methamphetamine is a extremely vicious and mean narcotic and I don't think there's anyone in this Body that would disagree with that. Certainly, there is a process for someone to get their children back if they are removed, but I applaud the Sponsor in bringing this Bill forward. This is good legislation. It's tough on crime and again, I think very importantly, it does have an exoneration for the innocent parent. I urge a 'yes' vote and I think the Sponsor has good legislation. Thank you."

Speaker Lyons: "Representative John Fritchey."

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

275th Legislative Day

5/29/2008

Fritchey: "Inquiry of the Chair, first. Am I the last speaker?"

Speaker Lyons: "State your inquiry, Representative."

Fritchey: "Am... am I the last speaker? Last individual seeking re..."

Speaker Lyons: "No, you're not. We have four (4) other people seeking recognition."

Fritchey: "I move the previous question."

Speaker Lyons: "The Gentleman makes a Motion to move the previous question. All those in favor signify by saying 'yes'; those opposed say 'no'. Representative Fritchey."

Fritchey: "Have you ruled on my Motion?"

Speaker Lyons: "No, I haven't. I thought you were seeking recognition again."

Fritchey: "I'll wait for your ruling on the Motion before I decide to speak."

Speaker Lyons: "Representative, we have three (3) people waiting to speak. So, I will recognize the three (3) people whose lights are on. Black, Dunkin, and Rose and that'll be it. Representative Black."

Black: "Thank you very much, Mr. Speaker. Did that mean the Chair was in doubt on the voice vote? As to whether the 'ayes' or the 'nays' or... Will you make your ruling later? All right, you're very kind. Thank you. You're very kind."

Speaker Lyons: "I... I just... there were three (3) lights left, Representative Black so..."

Black: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

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

275th Legislative Day

5/29/2008

Black: "Representative, the methamphetamine crisis hit downstate before it moved anywhere else and it has been a tremendous scourge in my area. It has ruined lives. Let me ask you. The innocent parent in a house that is cooking methamphetamine. How in the world do you define 'innocent parent' in that kind of a case?"

Chapa LaVia: "It's unconvicted, innocent parent. I mean, there could be two (2) spouses and it was discussed... I don't know... were you here..."

Black: "Now, wait a minute. Two spouses?"

Chapa LaVia: "I could be a wife who's..."

Black: "Then they did... you'd have to charge one of them with bigamy."

Chapa LaVia: "Right. Were..."

Black: "One spouse is enough."

Chapa LaVia: "Right."

Black: "Two spouses..."

Chapa LaVia: "Right."

Black: "...is one too many."

Chapa LaVia: "Well, I mean, let's take it a little bit out of context, what about the battered spouse, you know..."

Black: "All right."

Chapa LaVia: "...one's beating one, the other one's innocent."

Black: "Okay."

Chapa LaVia: "And you're... are you... are you asking that there is no innocent spouse in the situation?"

Black: "Yeah, I mean, I'm just trying... I'm trying to get my mind around the innocent spouse in a house where you're

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

275th Legislative Day

5/29/2008

cooking methamphetamine. I mean th... this thing, if you've..."

Chapa LaVia: "Right."

Black: "...ever seen what's left over, this is a hazardous material waste site."

Chapa LaVia: "Right. In the initial piece of legislation and we dealt with it with Representative Fritchey is that within the original legislation it allowed that the convicted parents both of them would be... have their parental rights immediately terminated. However, we changed legislation out of opposition of Representative Fritchey to accommodate the... the innocent spouse. And who knows, maybe the innocent spouse is actually the one reporting it, so..."

Black: "So, Representative, if I understand this correctly, to be able to be classified as the innocent party in a house where methamphetamine was being cooked, that would have to be adjudicated by a judge, correct?"

Chapa LaVia: "Correct. It would all go before a judge in it's..."

Black: "All right. So your defense may be, I was threatened with great bodily harm..."

Chapa LaVia: "Right."

Black: "...my children were threatened."

Chapa LaVia: "Correct. Abuse."

Black: "But..."

Chapa LaVia: "Child abuse."

Black: "Okay."

Chapa LaVia: "Spouse..."

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

275th Legislative Day

5/29/2008

Black: "All right."

Speaker Lyons: "Representative Black, your time has expired, if you'd finish your last question and..."

Black: "I... I think you've answered my question. Thank you very much."

Speaker Lyons: "Two (2) final speakers. Representative Dunkin."

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

Speaker Lyons: "Sponsor yields."

Dunkin: "Representative, I'm just curious, is there a precedent for other legislation... with other legislation or the statutes that removes children as it relates to similar crime or terminate parents rights of their kids?"

Chapa LaVia: "Only in cases of neglect where foster care has taken over and the parents are still not in compliance. I have... I have family that have... in Chicago that were foster parents and the family relinquished parental rights because there was drug use, things like that. But it was a mutual... a mutual decision."

Dunkin: "So, this law would force the removal of children..."

Chapa LaVia: "Well, not the instant removal. It has to be conviction and there has to be proven child neglect. So, there's different steps that have to happen. It's not immediate termination of parental rights and it's... it's adjudicated by the judge. They'd have to make a decision on what, you know, what the next step is for the best interests of the child and the family."

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

275th Legislative Day

5/29/2008

Dunkin: "So... so, if I'm a murderer would I be eligible to have my children removed from me? I mean, is that an automatic, as well?"

Chapa LaVia: "Well, not... not necessarily, but in that case that parent is putting that child in a situation where that child could be murdered because of the dangerous environment of producing methamphetamine and we... and, you know..."

Dunkin: "Sure. I guess I'm asking if... is there a statute today that says if a person is on trial for murder or even rape or a drug dealer in general or a Mafioso, connected person who's also I guess on trial in this... or in a similar situation. Where's the precedent for this?"

Chapa LaVia: "Right. Right. I... I'm not a... an attorney, but in this case and the genesis of the Bill and everything we've learned about methamphetamine in this state, it's about the welfare of the child. It's not about the crime and... the criminal. It's about the child. The crime is the child will die, the child will be contaminated by that environment of the methamphetamine and possibly could be killed by the production of methamphetamine in an explosion."

Dunkin: "Sure. Well, you know..."

Chapa LaVia: "And explosions are known to happen through this state, but down south. So we don't see it as much up in Chicago yet..."

Dunkin: "Point taken."

Chapa LaVia: "...but we will see it."

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

275th Legislative Day

5/29/2008

Dunkin: "Point taken. So... but if I'm an alcoholic and I'm cooking on the stove at 12:00 midnight I also can subject people that live in the household to a similar level of jeopardy. Correct? I mean, I guess what I'm trying to understand is..."

Chapa LaVia: "Not to... not to this degree."

Dunkin: "what I'm trying understand is... Again, I see your intent, but I wanted us to look at fair... a fair level of how we apply certain standards based on certain phenoms. I mean, you have drug dealers, you have people who have mental illness, you have sexual predators. You have a number of people who are caught up in a situation personally where they can themselves jeopardize an entire household. And I think we need to be careful or very conscious of how we... how we set laws here in the State of Illinois and unduly put families at real risk, you know, it could be, you know, just one parent doing it for example and then the other parent can... you know, we take the child, so. I say we just need to be conscious. I'm trying to find... figure out where you're getting at and what's the ultimate goal in terms of setting a precedent across the board for other levels of crimes that exist and that put not only just that household but that entire apartment building, for example."

Chapa LaVia: "I understand your... your concern."

Dunkin: "So, is... so, if that's not the case, should... is this the appropriate legislation for us to vote on?"

Chapa LaVia: "I... I feel it is in this case, Ken. It's child... it's the worst kind of child neglect or abuse you can have

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

275th Legislative Day

5/29/2008

if convicted. These children have neurological brain damage from being around the chemicals."

Dunkin: "Okay. I'm not arguing the merits of methamphetamines..."

Chapa LaVia: "So, I think this would have to be..."

Dunkin: "...I'm saying the precedent that we have..."

Chapa LaVia: "...one of the worst things that we could have."

Dunkin: "that we possibly can set."

Chapa LaVia: "And I tried to cater the Bill. I tried to tone it down. I spoke like I said with Representative Fritchey and we..."

Dunkin: "What are some..."

Chapa LaVia: "...have a language..."

Dunkin: "what are some of the alternatives, Representative? Other than snatching the children if one parent makes a..."

Chapa LaVia: "Well, the process, I mean, it wouldn't be..."

Dunkin: "...mistake you take all the children out of the house."

Chapa LaVia: "...automatically. Like I said, it has to be a conviction of methamphetamines manufacturing and proof the child was abused."

Dunkin: "So, the children..."

Chapa LaVia: "So, it wouldn't..."

Dunkin: "...the children will be..."

Chapa LaVia: "...it wouldn't be automatically."

Dunkin: "...will be removed if one parent..."

Chapa LaVia: "And DCFS would review things. If one parent is found guilty and the other one's not convicted, the parent is still with the child that wasn't convicted."

Dunkin: "Those kids would go with that child."

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

275th Legislative Day

5/29/2008

Chapa LaVia: "Yes."

Dunkin: "Okay."

Chapa LaVia: "Those kids would go with that parent. So that's what we cleaned up with Representative Fritchey's language."

Dunkin: "Where did this come from and who originated it?"

Chapa LaVia: "The... the Representative... the genesis of it was Senator Holmes, in her area which is out where..."

Speaker Lyons: "Representative Durkin... Dunkin your 5 minutes has expired. So, please wrap up this last question and we'll go on to the last speaker..."

Dunkin: "I'll close."

Speaker Lyons: "...which will be Chapin Rose."

Dunkin: "Okay. Thank you. To the Bill. Ladies and Gentlemen, I think... I certainly understand and see the intent of the legislation. I think that it may be going too far with no prior precedent for removing kids. I think it really destroys the fabric of families, even at community and the psychological impact on kids already who are in an environment where the parent is caught up on drugs; it's a very sad scenario. I'm... I just don't think this is the appropriate legislation at this time. I think maybe we need to look at something a little bit more comprehensive. I would urge a 'no' vote. Thank you."

Speaker Lyons: "The Gentleman from Champaign will be the last speaker and then Chapa LaVia to close. Representative Chapin Rose."

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

275th Legislative Day

5/29/2008

Rose: "Just want to say thank you for incorporating my changes and that's how the process should work. Look forward to voting for it."

Speaker Lyons: "Representative Chapa LaVia to close."

Chapa LaVia: "Thank you, Representative Chapin and Representative Fritchey for the help on making this Bill a little bit better Bill. I do understand the concern of my colleagues on this side with great respect. Methamphetamine is one of the most amazing drugs this world's ever seen and the addiction it causes and the decimation it causes with families throughout this state. Fortunately or unfortunately, we haven't seen as much up in Chicago as we do down south and how it destroys families, brothers, sisters, mothers, and children in this state. So, thank you for your support and I would request an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 4927 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 90 Members voting 'yes', 20 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 61 of the Calendar, under Senate-Bills Second Reading, is Senate Bill 2860. What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "Senate Bill 2860, a Bill for an Act concerning health. This Bill has been read a second time, previously."

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

275th Legislative Day

5/29/2008

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

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

Clerk Bolin: "Senate Bill 2860, a Bill for an Act concerning health. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Lady from Champaign, Representative Naomi Jakobsson."

Jakobsson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2860 does two (2) things. One, it would ban the sale of cosmetics, fragrances, and toiletries that contain mercury. And the other is... and this is the legislative intent. It is the intent of this Bill to require warning statements be applied to three (3) categories of children's products if they contain lead over forty (40) parts per million: (1), children's jewelry marketed to children under age twelve (12); (2), toys for children under age twelve (12) that contain surface paint. It doesn't apply to internal components of toys. And (3), articles used for the care, used for the feeding, or sleep aids for children under six (6) and examples of these would include: pacifiers, teething rings, vinyl bibs, children's plastic dishes. The Bill is not intended to apply to internal components of child care articles... electric components of child care articles for example, electric breast pump motor. We have worked diligently to address the concerns raised by all parties. The Bill has an effective date of January 1, 2010 and we'll continue to work with the industry on those issues."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "Is there any discussion? The Chair recognizes the Gentleman from Winnebago, Representative Dave Winters."

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

Speaker Lyons: "Sponsor yields."

Winters: "Representative, you have changed this Bill to make it somewhat more palatable, particularly in the removal of the products that where the lead is contained internally and not accessible to children. One of the questions I have is why, in fact, if lead is this dangerous, are we not trying to eliminate it by lowering the amount of lead that is allowed from six hundred (600) parts per million to somewhat less? You... you're not changing the allowable lead. You're simply warning people there might be lead here. It's a bogeyman. Make sure you don't buy this product. Why didn't you try to ratchet down what's actually allowable?"

Jakobsson: "You know, the toy industry opposed the Bill. They've done their best to try to confuse the issue, distract the Members. They don't want parents to have the information about what's in the products that they sell. We want to be make... we want to make sure that parents know what's in the products that they sell. We think..."

Winters: "Where did... where did the standard of forty (40) parts per million come from? We know that lead can be a problem. We also know that lead in... in the children's blood, monitored over the last forty (40) years, has been reduced by over 90 percent. We took lead out of automobile fuel in the 1970s and children today have a much, much lower lead residue in their bloodstream than they did in the 1970s."

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

275th Legislative Day

5/29/2008

So, are we trying to overkill by... we know that lead is a problem but, in fact, what is the level at which it's a problem?"

Jakobsson: "We do know that there's been a lower incidence of lead in children because of that taken out of gasoline. That's certainly true. We want to continue that way, you know, and the forty (40) came from... according to the American Academy of Pedia... Pediatrics there is no safe level of lead exposure. Childhood exposure to lead disrupts the development of their brain, it disrupts the nervous system..."

Winters: "Do we know that, in fact..."

Jakobsson: "...even low levels."

Winters: "do we know that, in fact, what blood level of lead causes problems? Because when you say there's no level of lead that's safe, I think that is patently false. There is lead in the world. If it's that dangerous, none of us would be here. There is lead in the background of soils, of the atmosphere, of water. It all contains lead. So, where do you draw the lower level? What is safe? What is not safe?"

Jakobsson: "We need to draw the..."

Winters: "You know, cyanide for instance is a highly dangerous chemical and yet two hundred (200) parts per million for cyanide is what is... what is considered dangerous. Now you're ratcheting lead down to one-fifth of that. I don't think that... and we had no testimony other than the fact that the Amer... the American Academy of Pediatricians said we didn't have any scientific evidence presented saying

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

275th Legislative Day

5/29/2008

that forty (40) is a level that they're comfortable with. This is an overreach. If you want to ratchet it down from six hundred (600) to something less and then make it illegal to have those products out there that's one thing, but to just say we're going to warn you... we're going to allow these products to be on the market and then warn you that they might be dangerous, to me is the wrong message to send to the... to the parents. You're saying this products legal. We're not going to require the manufacturer's to remove the lead, but you'll be ostracized by your neighbors if you, in fact, buy these products for your kids. It's a backdoor way to clamp down on lead; it's not the proper way, which is to say above a certain level lead should not be in products and let's ratchet it down. We also had testimony that this Bill was coming from the State of Connecticut. They looked at Illinois's initial lead model of labeling for adult products and then supposedly added in the fact that we would not allow it for children's in the State of Connecticut and yet when we read the Bill, I have it in front of me, it is unclear whether in fact Connecticut did anything or whether they specifically exempted children's products. Provision of this section shall not apply to children's proje... products. The section that they added effective this fall is subject to that exemption. Ladies and Gentlemen of the House, this Bill, I think, is an overreach. If we're trying to remove lead, then let's do that. Let's not just put a bogeyman out there and scare parents into thinking they shouldn't buy these... these children's products. I ur... urge a 'no' vo..."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Lou Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in support of this Bill. It may be one of the more important Bills we've had this Session and frankly, I can't see how anybody can be legitimately opposed to this Bill. A Bill or two (2) ago we passed a Bill taking children away from parents who deal in the manufacture of certain drugs because it's so dangerous for the children and yet some of you who voted for that are fully willing in this Bill to allow parents to buy toys covered with lead paint that will damage children's brain cells into their life. I can't imagine how anybody could not vote for this Bill. The people, that have studied this, the scientists and the American Academy of Pediatrics, say that there is no amount of lead paint that's acceptable. No amount of lead paint. Last... last year over seventeen thousand... seventeen million (17,000,000) toys were recalled because of lead paint. This is a reasonable piece of legislation and let me tell you who also thinks it's reasonable. The toy manufacturers themselves think it's reasonable, because ten (10) years ago in August of 1998 the toy manufacturers themselves said our members have always been vigilant in ensuring that children are not exposed to hazardous levels of paint from their products. We are now going beyond what the law requires in eliminating lead from our products altogether. Well here we are ten (10) years later and the toy manufacturers have not done what they promised to do in a big press conference. They said lead paint is bad for

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

275th Legislative Day

5/29/2008

children and here we are ten (10) years later and they're still pedaling toys that have lead paint. The Chicago Tribune, who many of you think is your Bible, says we should pass this Bill. If you need no other reason those of you who are very conservative and don't want to do anything that would restrict business. Many of you are also against crime and the statistics would show that as lead paint decreases so does crime, because the damage from the paint to young peoples' brains and their brain cells affects them into their future. And I'm no scientist, but I think we should listen to those who are. And to argue that a notice of lead paint on a toy would scare a parent, well, you betcha. It ought to scare a parent. It ought to tell a parent maybe I should not buy this toy or at least I should have the knowledge of what's in that toy. If there was a direct poison in that toy we wouldn't sell it to a child. Why would we sell a toy covered in lead paint, paint that we have banned in this country thirty (30) years ago... thirty (30) years ago. And yet, some people on this floor will today vote against this Bill for reasons unknown to me. Two (2) Bills ago you cared about children enough to take them away from abusive parents, and today you may vote to allow those same parents to give their children toys that will poison their brains. I don't know what you're thinking. You figure it out."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Rep... Rep... the Gentleman from Vermilion, Representative Bill Black."

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

275th Legislative Day

5/29/2008

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

Speaker Lyons: "Sponsor yields."

Black: "Representative Jakobsson, Committee Amendment #1 has been adopted and becomes the Bill, correct?"

Jakobsson: "Yes."

Black: "Ladies and Gentlemen of the House, Committee Amendment #1 becomes the Bill. It removes the opposition by the Illinois Retail Merchants Association. It removes opposition from the Illinois Manufacturers Association and it puts the liability where it should be. That's on the manufacturer of the toy. Now, I don't want to... I don't want to harm any toy manufacturer, but you know what, hey Matel, if you'd make some toys in the United States maybe you wouldn't have so much problem with lead."

Jakobsson: "Representative Black..."

Black: "Maybe it's... maybe it's time we learn about the heparin scar... scare. At some point, I don't want my entire life dependent upon what the nation of China sends me. And I'll yield to the Lady from Champaign."

Jakobsson: "I just want to say that it was Amendment #2, not Amendment #1, but it did all of those things that you said."

Black: "I'll revise and extend my remarks, it's committee Amendment #2. I knew it was in there somewhere. Seriously, Ladies and Gentlemen of the House, I know what a previous speaker said. I bought a stepladder, I don't know, a month ago, I didn't want to, my wife said to clean the gutters and I didn't know how to get out of it. But I

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

275th Legislative Day

5/29/2008

noticed there were... there must of been a half a dozen warning labels on that stepladder and at some point we may become immune to all of those labels. Particularly, the one that says do not stand on the top step. Well, hell, I was already on the top step. Anyway, I digress. There... wait a minute. I've just heard a voice from the past saying there is no Amendment #2. Representative, what are doing to me here?"

Jakobsson: "Just a moment, please. I hope I didn't give you some bad information."

Black: "Well, maybe Representative Winters is right. Maybe I eat to much lead toys. I don't know. What's going on here? What Amendment am I looking at?"

Jakobsson: "You're right. You're right. I was... I was confused about a different Bill, I think."

Black: "I'll revise and extend my remarks again. It's committee Amendment #1. I was right to begin with. Seriously folks, there are some... there are some people who do not subscribe to papers and do not watch the news and do not ever get a consumer product safety recall and if a label on a little toy might call their attention to the fact that this toy contains lead and your child should not put it in their mouth or eat it or use it as a lollypop, what harm is there? Why not give constructive notice to parents and grandparents like me. I don't want my grandchildren assuming that a toy is safe. If a warning label is all... is all that's required to try and give constructive notice that this toy should not be put in your mouth, should not certainly be eaten, and you would think

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

275th Legislative Day

5/29/2008

people would have enough common sense, but unfortunately some don't. The Sponsor has made this Bill palatable. A warning label is not going to raise the cost by an appreciable amount and yes, I know you can say we're becoming immune to warning labels, but we're talking about children and we're holding the manufacturer liable, not the retailer who sells it. The label could be put to good use. It could be constructive notice. I commend the Sponsor. She has worked out most of the... if not all of the objections, although she was a little confused on what Amendment and so was I, but it's committee Amendment #1. It's reasonable, it's affordable, it's doable, and it puts the liability and the onus on where it should be and that is the manufacturer of the toy. Spell out your specifications to your Chinese manufacturers and if they can't figure it out, then put a warning label on it. Vote 'aye'."

Speaker Lyons: "The Chair recognizes the Gentleman from White, Representative Brandon Phelps."

Phelps: "I move the previous question."

Speaker Lyons: "The Gentleman moves the previous question. All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Jakobsson to close."

Jakobsson: "Thank you, Mr. Speaker. First of all, I want to thank everyone who has worked with the Attorney General for their efforts on this Bill. We want to make sure that we protect our children. Please vote 'yes'."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "Question is, 'Should Senate Bill 2860 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 105 Members voting 'yes', 1 Member voting 'no', 2 voters... Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Clerk, on page 54 of the Calendar, Representative Mike Smith has Senate Bill 2864. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2864, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes Representative Mike Smith."

Smith: "Thank you, Mr. Speaker. This is a very easy education Bill. It actually combined a couple of other Bills. It would prevent the use of eleven-to fifteen-passenger vans by local school districts. This has been the policy of the state and this would eliminate all those who were previously grandfathered. In addition, it establishes a... or asks for two (2) of our statewide education councils to research, discuss, and make recommendations on those individ... those children who are considered to be twice gifted. That would be gifted disabled students. And then finally... finally, it changes the requirements for bidding in transportation of students with... with special needs. The school district can look at quality of service in a difference to the cost. I know of no opposition. I'd be happy to answer any questions."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "Is there any discussion on Senate Bill 2864? Seeing none, the question is, 'Should Senate Bill 2864 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 100 Members voting 'yes', 9 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Tim Schmitz, for what purpose do you seek recognition, Representative?"

Schmitz: "Thank you, Speaker. Inquiry of the Chair."

Speaker Lyons: "State your inquiry."

Schmitz: "Speaker, without trying to sound whiny, I was kind of curious that we've gone quite a long time with a tremendous amount of Bills and I just happened to notice and none of them have been Republican Bills. I wonder if we're going to have a couple called tonight before we adjourn for the evening?"

Speaker Lyons: "Representative Schmitz, I think we're just about finished for the night. So, tomorrow we will... we'll be continuing on the Calendar and I'm sure there'll be numerous Republican-sponsored Bills that we will be calling."

Schmitz: "They will be called tomorrow?"

Speaker Lyons: "But I think we're very close now to possibly adjourning."

Schmitz: "Great."

Speaker Lyons: "Close."

Schmitz: "Great. Thank you, Speaker."

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

275th Legislative Day

5/29/2008

Speaker Lyons: "You're welcome, Representative Schmitz. Mr. Clerk, Supplemental Calendar #1, we have House Joint Resolution 137. On House Joint Resolution 137, Mr. Fritchey, you have an Amendment. John Fritchey."

Fritchey: "I move to adopt the Amendment. It's a technical change."

Speaker Lyons: "The Gentleman moves... Gentleman moves the adoption of the Amendment. Is there any discussion? Representative Black, do you have a question on the Amendment, on the Joint Resolution?"

Black: "Inq... inquiry of the Chair at the appropriate time."

Speaker Lyons: "State your inquiry, Representative."

Black: "Yes. It has long been a tradition in the House when we go past 8:30 P.M. and we've been on the order of special Democrat call for the last two (2) hours. In the past the Speaker has always purchased dinner. Will that be the case this evening?"

Speaker Lyons: "Representative, you're close, Representative Black, but no cigars."

Black: "Pizza or chicken. I mean, we used to vote on that, believe it or not we actually used to vote on that. I saw the Speaker shaking his head, I mean... I guess that means he's not buying dinner."

Speaker Lyons: "That's a real good guess, Mr. Black."

Black: "Ah, you... When did you turn into a fiscal conservative?"

Speaker Lyons: "Representative Fritchey has a Motion for the adoption of House Joint Resolution 137. All tho... For the Amendment. Representative Fritchey moves for the Amendment

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

275th Legislative Day

5/29/2008

on House Joint Resolution 137. All those in favor of the Amendment signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Now, Representative Fritchey on the Resolution... House Joint Resolution 137."

Fritchey: "I request an 'aye' vote."

Speaker Lyons: "Any discussion on House Joint Resolution 137? All those in favor of its adoption signify by saying 'yes'; those opposed... We need a recorded vote on that. The parliamentarian is advising me we need a recorded vote. For those in favor of the adoption of House Joint Resolution 117 vote 'yes'; those opposed vote 'no'. House Joint Resolution 137, those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Resolution, there's 109 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. And House Joint Resolution 137 is adopted. Mr. Clerk... Mr. Clerk, what's the status of House Joint Resolution 137? I'm sorry. Mr. Clerk, what's the status of Senate Bill 2603?"

Clerk Mahoney: "Senate Bill 2603 is on the Order of Senate Bills-Third Reading."

Speaker Lyons: "Move that Bill back to the Order of Second Readings. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 1325, offered by Representative Stephens. House Resolution 1347, offered by Representative Watson. House Resolution 1348, offered by Representative Watson. House

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

275th Legislative Day

5/29/2008

Resolution 1349, offered by Representative Osmond. House Resolution 1350, offered by Representative Winters. House Resolution 1351, offered by Representative Burke. House Resolution 1352, offered by Representative Wait. And House Resolution 1355, offered by Representative Hernandez."

Speaker Lyons: "Representative Currie moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, Ladies and Gentlemen, we have an orange piece of paper in front of you that we want to read through the committee announce... committee schedule, Mr. Clerk."

Clerk Mahoney: "Immediately following Session the Revenue Committee will meet in Room 118. Human Services will meet in Room 114. Tomorrow, Friday, May 30, at 8:30 a.m., Revenue will meet in Room 115. The Gaming Committee will meet in Room 114 and Transportation & Motor Vehicles will meet in Room 118. Those committees all at 8:30. At 9 a.m., the Executive Committee will meet in Room 122B, Environment & Energy will meet in Room C-1, Juvenile Justice Reform will meet in Room D-1. Those committees all meet at 9 a.m. At 9:30 State Government Administration will meet in Room 114, Judiciary-Criminal Law will meet in Room D-1, and Personnel & Pensions will meet in Room 115. All meet at 9:30."

Speaker Lyons: "The Chair recognizes the Gentleman from Jasper, Representative David Reis. For what purpose do you seek recognition, Representative?"

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

275th Legislative Day

5/29/2008

Reis: "Hopefully, a happy inquiry from the Chair."

Speaker Lyons: "State your inquiry."

Reis: "Made a prediction to my wife that we might be coming home on Friday and I see on the Calendar that there's no Saturday agenda. Should we check out tomorrow?"

Speaker Lyons: "Representative, we will be here Saturday. Nice try."

Reis: "Thank you, Mr. Speaker."

Speaker Lyons: "Representative Karen May for an announcement."

May: "Thank you. Appropriately, in the eleventh hour of the General Assembly we have movie night, The 11th Hour. Actor Leonardo DiCaprio's documentary The 11th Hour paints a portrait of a planet at risk while offering some exciting and radical solutions. While it was supposed to be at 5:00, we're in Room 115, right upon adjournment. We'll get some refreshments in. Thank you."

Speaker Lyons: "And now Ladies and Gentlemen, nothing further to come before the House, allowing perfunctory time for the Clerk, Representative Barbara Flynn Currie moves that we stand adjourned to the hour of 10 a.m., tomorrow, Friday, May 30. We're adjourned 'til Friday, May 30, tomorrow, at the hour of 10 a.m. All those in favor of the adjournment signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Have an enjoyable evening, Ladies and Gentlemen."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and referral to the House Rules Committee is House Resolution 1353, offered by Representative Soto. House Resolution 1354, offered by Representative Rose.

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

275th Legislative Day

5/29/2008

House Joint Resolution 136, offered by Representative Jerry Mitchell. Senate Joint Resolution 82, offered by Representative Hannig. And Senate Joint Resolution 101, offered by Representative Holbrook. Introduction and reading of House Bills-First Reading. House Bill 6654, a Bill for an Act concerning criminal law, offered by Representative Dunn. First Reading of this House Bill. House Bills-Second Reading. House Bill 311, a Bill for an Act concerning health. Second Reading. House Bill 392, a Bill for an Act concerning health. Second Reading. House Bill 684, a Bill for an Act concerning pricing. Second Reading of this House Bill. House Bill 1867, a Bill for an Act concerning local government. Second Reading of this House Bill. House Bill 2074, a Bill for an Act concerning regulation. Second Reading of this House Bill. House Bill 2075, a Bill for an Act concerning regulation. Second Reading. House Bill 2089, a Bill for an Act concerning State Government. Second Reading of this House Bill. House Bill 2104, a Bill for an Act concerning wildlife. Second Reading of this House Bill. House Bill 2142, a Bill for an Act concerning transportation. Second Reading of this House Bill. House Bill 2286, a Bill for an Act concerning regulation. Second Reading of this House Bill. House Bill 2424, a Bill for an Act concerning State Government. Second Reading of this House Bill. House Bill 2426, a Bill for an Act concerning State Government. Second Reading. House Bill 2437, a Bill for an Act concerning State Government. Second Reading. House Bill 2438, a Bill for an Act concerning State Government.

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

275th Legislative Day

5/29/2008

Second Reading. House Bill 2650, a Bill for an Act concerning gaming. Second Reading. House Bill 2673, a Bill for an Act concerning elections. Second Reading. House Bill 2750, a Bill for an Act concerning criminal law. Second Reading. House Bill 2860, a Bill for an Act concerning criminal law. Second Reading. House Bill 2957, a Bill for an Act concerning revenue. Second Reading. House Bill 2971, a Bill for an Act concerning regulation. Second Reading. House Bill 3139, a Bill for an Act concerning education. Second Reading. House Bill 3200, a Bill for an Act concerning liquor. Second Reading. House Bill 3262, a Bill for an Act concerning safety. Second Reading. House Bill 4164, a Bill for an Act concerning local government. Second Reading. House Bill 4310, a Bill for an Act concerning health. Second Reading. House Bill 4354, a Bill for an Act concerning transportation. Second Reading. House Bill 4375, a Bill for an Act concerning education. Second Reading. House Bill 4465, a Bill for an Act concerning State Government. Second Reading. House Bill 4469, a Bill for an Act concerning public employee benefits. Second Reading. House Bill 4507, a Bill for an Act concerning regulation. Second Reading. House Bill 4543, a Bill for an Act concerning court. Second Reading. House Bill 4585, a Bill for an Act concerning State Government. Second Reading. House Bill 4616, a Bill for an Act concerning property. Second Reading. House Bill 4620, a Bill for an Act concerning regulation. Second Reading. House Bill 4625, a Bill for an Act concerning higher education. Second Reading. House Bill 4629, a Bill

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

275th Legislative Day

5/29/2008

for an Act concerning domestic violence. Second Reading. House Bill 4635, a Bill for an Act concerning regulation. Second Reading. House Bill 4649, a Bill for an Act concerning vehicles. Second Reading. House Bill 4651, a Bill for an Act concerning criminal law which may be referred to as the Billy Grant Law. Second Reading. House Bill 4738, a Bill for an Act concerning criminal law. Second Reading. House Bill 4743, a Bill for an Act concerning regulation. Second Reading. House Bill 4746, a Bill for an Act concerning health. Second Reading. House Bill 4755, a Bill for an Act concerning criminal law. Second Reading. House Bill 4790, a Bill for an Act concerning education. Second Reading. House Bill 4824, a Bill for an Act concerning regulation. Second Reading. House Bill 4841, a Bill for an Act concerning criminal law. Second Reading. House Bill 4874, a Bill for an Act concerning sex offenders. Second Reading. House Bill 4875, a Bill for an Act concerning criminal law. Second Reading. House Bill 4888, a Bill for an Act concerning transportation. Second Reading. House Bill 4941, a Bill for an Act concerning regulation. Second Reading. House Bill 5019, a Bill for an Act concerning insurance. Second Reading. House Bill 5075, a Bill for an Act concerning appropriations. Second Reading. House Bill 5124, a Bill for an Act concerning regulation. Second Reading. House Bill 5128, a Bill for an Act concerning transportation. Second Reading. House Bill 5135, a Bill for an Act concerning liquor. Second Reading. House Bill 5156, a Bill for an Act concerning public employee benefits.

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

275th Legislative Day

5/29/2008

Second Reading. House Bill 5170, a Bill for an Act concerning... in relation to civil law. Second Reading. House Bill 5186, a Bill for an Act concerning local government. Second Reading. House Bill 5197, a Bill for an Act concerning public employee benefits. Second Reading. House Bill 5239, a Bill for an Act concerning criminal law. Second Reading. House Bill 5286, a Bill for an Act concerning insurance. Second Reading. House Bill 5378, a Bill for an Act concerning regulation. Second Reading. House Bill 5489, a Bill for an Act concerning regulation. Second Reading. House Bill 5496, a Bill for an Act concerning courts. House Bill 5497, a Bill for an Act concerning regulation. House Bill 5519, a Bill for an Act concerning civil law. House Bill 5525, a Bill for an Act concerning criminal law. House Bill 5584, a Bill for an Act concerning civil law. Second Reading. House Bill 5592, a Bill for an Act concerning criminal law. Second Reading. House Bill 5613, a Bill for an Act concerning public aid. Second Reading. House Bill 5664, a Bill for an Act concerning regulation. Second Reading. House Bill 5669, a Bill for an Act concerning education. Second Reading. House Bill 5672, a Bill for an Act concerning crim... civil law. Second Reading. House Bill 5690, a Bill for an Act concerning transportation. Second Reading. House Bill 5692, a Bill for an Act concerning public employee benefits. Second Reading. House Bill 5728, a Bill for an Act concerning housing. Second Reading. House Bill 5730, a Bill for an Act concerning local government. Second Reading. House Bill 5750, a Bill for an Act

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

275th Legislative Day

5/29/2008

concerning regulation. Second Reading. House Bill 5755, a Bill for an Act concerning State Government. Second Reading. House Bill 5756, a Bill for an Act concerning criminal law. Second Reading. House Bill 5765, a Bill for an Act concerning regulation. Second Reading. House Bill 5771, a Bill for an Act concerning civil law. Second Reading. House Bill 5784, a Bill for an Act concerning transportation. Second Reading. House Bill 5861, a Bill for an Act concerning appropriations. Second Reading. House Bill 5914, a Bill for an Act concerning education. Second Reading. House Bill 5960, a Bill for an Act concerning education. House Bill 5980, a Bill for an Act in relation to health. Second Reading. House Bill 6313, a Bill for an Act concerning appropriations. Second Reading. House Bill..."

Clerk Bolin: "Senate Bill 1929, a Bill for an Act concerning regulation. Second Reading of this Senate Bill. Senate Bill 2254, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. Senate Bill 2349, a Bill for an Act concerning criminal law which may be referred to as the Child Protection Act of 2008. Second Reading of this Senate Bill. Senate Bill 2401, a Bill for an Act concerning children. Second Reading of this Senate Bill. Senate Bill 2877, a Bill for an Act concerning State Government. Second Reading of this Senate Bill."

Clerk Mahoney: "House Bills-Second Reading. House Bill 2093, a Bill for an Act concerning State Government. Second Reading of this House Bill. House Bill 2388, a Bill for an Act concerning finance. Second Reading of this House Bill.

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

275th Legislative Day

5/29/2008

Senate Bills-Second Readings. Senate Bill 2301, a Bill for an Act concerning revenue. Second Reading of this House Bill (sic-Senate Bill). Committee Reports. Representative Jakobsson, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on May 29, 2008, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #1 to Senate Bill 2857. Representative John Bradley, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on May 29, 2008, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 2301. There being no further business, the House Perfunctory Session will stand adjourned."