

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

39th Legislative Day

4/3/2009

Speaker Lyons: "Good morning, Illinois. Members of the General Assembly, of the House of Representatives, please be at your desks. We shall be led in prayer today, April 3, 2009, by Pastor Shaun Lewis, who is the Illinois State Director of Capital Ministries, serving the political leaders, of all of Illinois. Members and our guests are asked to please refrain from starting their laptops and to turn off all cell phones, pagers, and our guests in the gallery are asked to please rise and join us in the invocation and the Pledge of Allegiance. Reverend Shaun Lewis."

Reverend Shaun Lewis: "Let us pray. David says in Psalm 36:9, 'For with You, is the fountain of life, in Your light do we see light'. And Father, as the House convenes today, may they understand that the rule of law comes from You alone. It is an absolute standard and to the degree that the laws passed in this chamber reflect Your truth, to that degree, will they be blessed. Lord, I pray for each Representative, those who know You personally, may they delight in their salvation this day, and those who do not, open their eyes to the beauties and even the excellencies of being in Your service. You are a sovereign God, and I pray that You give grace to these men and women as they're away from home. Give them grace as they would walk in Your light, both personally and professionally as they are here today. In Jesus' name we pray, Amen."

Speaker Lyons: "We'll be led in our pledge today by Representative Sandy Pihos."

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Pihos - 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: "Roll Call for Attendance. Leader Barbara Flynn Currie, Democrats."

Currie: "Thank you, Speaker. Please let the record reflect that Representative Careen Gordon... I'm sorry.. never mind. We have no excused absences to report this morning."

Speaker Lyons: "Thank you, Leader. Michael Bost, GOP."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present and ready to do the work of the people State of Illinois today."

Speaker Lyons: "Mr. Clerk, take the record. There are 117 Members present, we have a quorum and prepared to do the work of the people of the

Clerk Mahoney: "Referred to the House Committee on Rules is House Resolution 267, offered by Representative Walker."

Speaker Lyons: "Mr. Bost, for what purpose do you seek recognition, Sir?"

Bost: "A point of personal privilege."

Speaker Lyons: "Please proceed."

Bost: "Thank you, Mr. Speaker. Today, here in the gallery, is members of the Lick Creek Elementary School, fourth and fifth grade, and their instructor Kimberly Dillow. If everybody would give them a Springfield welcome, I'd appreciate that."

Speaker Lyons: "Welcome to the Capitol, enjoy your day. Representative Dan Brady, on page 26 of the Calendar, you

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have House Bill 37. Are you ready? We're ready. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 37, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from McLean, Representative Dan Brady."

Brady: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 37 is an initiative that would require that DNR and the Illinois Historic Preservation Agency, offered to lease to qualified interests of units of local government or public college or universities, the operation and maintenance if a closed state or historic site within terms that would be established by the Department of Natural Resources or the Illinois Historic Preservation. I'd be happy to answer any questions."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 37 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 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mark Walker, you have, on page 31 of the Calendar, House Bill 3970. Ready for the Bill? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3970, a Bill for an Act concerning State Government. Third Reading."

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Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Walker."

Walker: "Thank you, Mr. Speaker. This is a fairly straightforward Bill that requires the Department of Veterans' Affairs to fully staff the veterans' homes. We have five veterans' homes in this state. As Members are aware, some are understaffed. There's a waiting list for all of them, and there are empty beds in some of them. This is a directive to the Department of Veterans' Affairs to fully staff. Now, the... the question of funding, it... we're working with the Department of Veterans' Affairs in the current budget process to allocate funds, as they have committed, to fully staff and thereby operate at full capacity of these five veterans' homes. I ask for your 'aye' vote."

Speaker Lyons: "Is there any discussion? The Chair recognizes the Lady from Brown, Representative Jil Tracy."

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

Speaker Lyons: "Sponsor yields."

Tracy: "Yes. Representative Walker, what happens if the hiring is not able... able to be accomplished by the Veterans' Affairs Department?"

Walker: "Well, if the hiring cannot be accomplished, then obviously we cannot fill the homes. But..."

Tracy: "Right. That... that's what I'm wondering is if we must mandate them to fully staff, what if there is no available applicants for the particular positions?"

Walker: "They are working on a recruiting program that they believe will be successful."

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Tracy: "Right. And..."

Walker: "And they are funding that. And I believe it will be successful as well. I think it's a matter of focus."

Tracy: "And what have they... is the department in support of this?"

Walker: "Yes."

Tracy: "So what if they can't... because, you know, very much I have been trying to work that Quincy..."

Walker: "Right."

Tracy: "...become fully staffed. However, they don't have the applicants all the time. And so, I'm just wondering, will... they will be in violation of the law?"

Walker: "They will... they will not be following the mandate of this Bill, but... I... I'm working directly with them and..."

Tracy: "Okay. I just was thinking perhaps a Resolution along these lines would be more appropriate, because I don't know if we get into a situation where we're mandating that state agencies do something, that perhaps they cannot comply, and then we have been in violation of the law. It seems like we haven't gained much ground."

Walker: "Yeah. The... I understand. That's... that's a good argument. The issue I have is that it seems we've been working on this for years, and I would like something fairly firm. My goal is to get these... these homes staffed and to work with the Department of Veterans' Affairs to do that. It's not... you know, it's not to just pass a Bill that is for form only."

Tracy: "Okay. Well, no... I... You know, if it will accomplish the purpose, I'm very much in support of it. So, I would

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support this Bill. I just... you know, I just want it to have a meaningful purpose, and that we're able to accomplish it, because I think it is very important for our veterans. So, you know, I... just, I thank you for answering my questions."

Walker: "Right. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Durkin: "Representative, this is a... kind of following the same line of questioning as Representative Tracy, is this Bill subject to appropriation?"

Walker: "It is subject to appropriation."

Durkin: "So, I guess the... I'm kind of confused if we're mandating and making it a shell, but it's subject to appropriations, which there is no guarantee that the money would be there to fill this program. Then what are we accomplishing?"

Walker: "What we're accomplishing is moving the process along."

Durkin: "Been here for a short time, that's a good response."

Walker: "Right. The... I've worked with them. I've reviewed their... at least their piece of the purposed budget. They appear to have sufficient funding, at least in that proposal. We're working on reallocating the funds between the homes. So, I'm just trying to move the process forward and keep..."

Durkin: "Oh, I understand. We've got..."

Walker: "...it on top of the desk."

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Durkin: "...\$11 billions that we're trying to figure out..."

Walker: "Right."

Durkin: "...how to, you know, fill in, and we're mandating a... this program, but my concern is that if you do pass this Bill it becomes law and there is not an appropriation which is going to meet the needs, you're setting... you're creating a... the cause of action against the, you know, the department and the State of Illinois for not fulfilling its obligation. So, I think you need to be mindful of it. Obviously, it's going to pass out of here. Try to change the language around and do something not to lessen the mandate, because it does create a situation where you could put come exposure on the State of Illinois."

Walker: "Thank you."

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

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

Speaker Lyons: "Sponsor yields."

Mulligan: "Representative, does your staff know or do you happen to know what happened to... in past years, there was an incentive, a bonus for nurses to work in the veterans' homes? I'm trying to think if that was ever funded. It was sponsored a couple of times. I know at one time Representative Coulson had it, and then I think someone else took it. The goal was to make it a little easier for them to hire nurses which might fit into what you're trying to do here. Perhaps your staff knows what happened to that in the budget?"

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Walker: "Well, I do know a proposal that I worked on as a citizen that passed that allowed the Department of Veterans' Affairs to offer bonuses in the form of paying off student loans for nurses. I don't know whether that was funded."

Mulligan: "Really. What Legislator carried that for you?"

Walker: "That was... did you? I was working with Senator Kotowski at the time. "

Mulligan: "And did he happen to carry that? I don't think..."

Walker: "Yeah."

Mulligan: "...that happened. I mean, I would be curious to know. It might have been part of an omnibus Bill that between him and perhaps Representative Chapa LaVia, we had a bunch of Bills that went back and forth. I had several, but I'm just curious as to what happened to it, because part of the problem was not being able to hire nurses, and the reason we decided that the bonus was a good idea was that that would give them an incentive. Would you want to do this if it hampers the opening of a facility in the Chicagoland area which we've been looking at, because there's been a need for quite some time to have a facility a little closer to people in our area?"

Walker: "I would support a veterans' home in the Chicago area with the proviso, of course, if we can afford it."

Mulligan: "So, is your legislation subject to appropriation and then subject to what the budget would ultimately come up with at the end of the Session?"

Walker: "Yes, it is."

Mulligan: "All right. Thank you."

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Speaker Lyons: "Representative Bill Black."

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

Speaker Lyons: "Sponsor yields."

Black: "Representative, let me follow up on something that Representative Durkin was pointing out, because I think there's a potential problem in your Bill. The Bill is subject to appropriation, but the substantive language says the Department of Veterans' Affairs 'shall' do the staffing. Now, I would interpret that to mean that the substantive language would take effect with or without the appropriation. The first part of the Bill says, you 'shall' have this staffing. The second part of the Bill says, subject to appropriation. My fear is, in the overall scheme of government sometimes, somebody will focus on you 'shall' have this staffing ratio. The veterans' homes administrators would say, but we don't have the money. Well, that's not our problem. The money was the second part of the Bill, the staffing ratio was the first part of the Bill, and that is law. So, you must have the staffing ratio, and we may not get the money. So, that's my only concern."

Walker: "Well, the... the intent of the Bill is to send a strong message, and we agree with the Department of Veterans' Affairs, this is a very important goal and they've stated they agree with that. It is subject to appropriation."

Black: "All right. Well, let's... for purposes of legislative intent on the record, you and I, I think then, could agree for legislative intent it's not your intent to tell the

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department you have to hire these people. If you get the money, fine; if you don't get the money, well, that's too bad. In other words, you do not have to hire these people if the state does not give you the money to pay their salaries."

Walker: "That's correct."

Black: "Okay. Fine. Thank you."

Speaker Lyons: "Representative Walker to close."

Walker: "This has been an issue for veterans' groups and for veterans for some years. I just want to move this process along and I believe, in working with the Department of Veterans' Affairs, we may be able to... to make this occur this time. So, I would encourage a 'yes' vote."

Speaker Lyons: "The question is, 'Should House Bill 3970 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's 117 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative JoAnn Osmond, you stand for a personal privilege, Representative?"

Osmond: "Yes, I do, Sir."

Speaker Lyons: "Please proceed."

Osmond: "Thank you. I'd like to ask the General Assembly to give a warm welcome to a superintendant from my district, in District 34, Scott Thompson. He's up here in the gallery. Could we please give him a warm welcome."

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Speaker Lyons: "Welcome to the Capitol, Sir. Enjoy your day. Representative Roger Eddy, on page 16 of the Calendar, there is House Bill 2619. Mr. Clerk, what's the status of that Bill?"

Clerk Mahoney: "House Bill 2619, has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Eddy, has been approved for consideration."

Speaker Lyons: "Representative Eddy on the Amendment."

Eddy: "Thank you. Thank you, Mr. Speaker. This Amendment simply adds a school district to the underlying Bill that had a mine subsidence this last weekend and needs to be able to extend their bond authority in order to take care of some housing needs for the children who now are facing a difficult situation. So, I'd appreciate passage of the Amendment and the Bill on Third Reading. I'll answer any questions."

Speaker Lyons: "Is there any discussion on the Amendment? Seeing none, the question is, 'Should Amendment #2 be adopted to House Bill 2619?' All those in favor signify by voting 'yes'; those opposed vote '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 or Motions."

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

Clerk Mahoney: "House Bill 2619, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Crawford, Representative Roger Eddy."

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Eddy: "Thank you, Mr. Speaker. What this Bill does basically, is it allows a couple of school districts in the state, one that had a flood and one that had a mine subsidence, to go beyond the bond limit in order to issue the types of financial bonds necessary to house children. I've spoke with many of you regarding the urgency of this situation. Senator DeMuzio has a school district as well as my district in the underlying Bill that would greatly benefit from your help on this. And I'd be happy to answer any questions and appreciate your 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Lee, Representative Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen, to the Bill. In these times, usually when we have Bills like this, we're all pretty skeptical, but this is truly needed. These districts are trying to help themselves, and I think it helps... it's important for us to help them get back on track. I certainly urge an 'aye' vote. Thank you."

Speaker Lyons: "Seeing no further discussion, the question is, 'Should House Bill 2619 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 95 Members voting 'yes', 22 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Brandon Phelps, on page 10 of the Calendar, is House Bill 1597. What's the status of that Bill, Mr. Clerk?"

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Clerk Mahoney: "House Bill 1597 has been read a second time, previously. Floor Amendment #1, offered by Representative Phelps, has been approved for consideration."

Speaker Lyons: "The Gentleman from White, Representative Brandon Phelps on the Amendment."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment 1 is just.. it replaces the Bill and some cleanup language. It's for the coroners, raising some of their fees. They have not been raised in 20 years. And I ask for it to be adopted, please."

Speaker Lyons: "Is there any discussion on the Amendment? Representative Black. Seeing no further discussion on the Amendment, the question is, 'Should Amendment #... Floor Amendment' be adopted to House Bill 1597?' 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 adopted. Anything further, Mr. Phelp... Mr... Mr. Clerk?"

Clerk Mahoney: "Nothing further."

Speaker Lyons: "Third Reading, and read the Bill."

Clerk Mahoney: "House Bill 1597, a Bill for an Act concerning local government. Third Reading."

Speaker Lyons: "The Chair recognizes the Gentleman from White, Representative Phelps."

Phelps: "Thank you, Mr. Speaker. This is an initiative from the coroners and medical examiners. They're just trying to raise some of their fees that usually only attorneys and insurance companies pay. They haven't been raised in 20 years. And I just ask for its passage."

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Speaker Lyons: "The Chair recognizes the Gentleman from McLean, Representative Brady."

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

Speaker Lyons: "Sponsor yields."

Brady: "Representative, you and I have discussed this issue a little bit as it pertains to the coroners and the Coroners Association. I was wondering, since I just met with a number of coroners at the new training for coroners down in your neck of the woods, actually in southern Illinois last week, and there was some discussion regarding it, would you... would you consider possibly amending this over in the Senate if it would pass this chamber today?"

Phelps: "Absolutely. And like I said to you the other night, and I really appreciate your help, Representative Brady."

Brady: "And that Amendment then would say that it would be up to the county board, they would have the discretion, but the county board would be the one raising the fees and not the individual coroner of each county. Is that..."

Phelps: "Right."

Brady: "...our understanding?"

Phelps: "Absolutely. And I know we've talked to Mr. Duffy about this, and I'd be glad to work with you on any of that."

Brady: "Okay. Thank you very much. To the Bill, Mr. Speaker. Ladies and Gentlemen, what Representative Phelps agreed to is simply in regards to this matter of raising the fees, and the fees have not been raised in quite some time. However, the money will be going to the County General Fund. So, if the money's going to go to the County General Fund and not to the line items and operations of the

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coroner's budget within the county, I would suggest that the county board would have the option then and the sole decision to raise or not to raise some of these fees. So, I simply stand in support with that commitment of the Amendment to be added in the Senate to the Gentleman's Bill. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Bond, Representative Ron Stephens."

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

Speaker Lyons: "He yields, Sir."

Stephens: "Representative, what is not happening because these fees are at the level that they are currently?"

Phelps: "I just don't think they've done it. I know some of the other states around, you know, Michigan, Wisconsin have done it, and I just don't think they've done it in a long time and they're trying to do what us and the other clerks have done, like the county clerks, circuit clerks, some of that."

Stephens: "Well, I don't mean to be disrespectful, but it just seems to me that in these economic times, we should be looking for ways to put money in people's pockets not in government's pockets. And I understand that the rationale that well, they haven't been raised in a long time, but that's true for a lot of people's wages. It's certainly not true for people's property taxes, and I would just suspect that although these fees are paid for by attorneys and others, that eventually that winds up being passed on

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to some family that's already got enough to deal with. So, I rise in opposition."

Phelps: "Representative Stephens, and also to clarify on that, 95 percent of these fees are paid by insurance companies, investigators, and law firms. So that's..."

Stephens: "Oh, okay. But... but I understand that. But of course, each of those entities that you just pointed out, they don't just take that out of their dividend checks at the end of the year. Those are paid for by their customers. So, I would say that you're raising attorney fees, you're raising insurance costs, and I know it doesn't seem like much, but in these times, I would just rise on behalf of the families that will eventually have to pay for these fees."

Speaker Lyons: "Representative Phelps to close."

Phelps: "Just ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 1597 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 71 Members voting 'yes', 45 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative David Leitch, on page 30 of the Calendar, you have House Bill 3841. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3841, a Bill for and Act concerning appropriations. Third Reading."

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Speaker Lyons: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This measure is one of extreme importance in that it would finally help take Illinois into the 21st Century as it relates to the care of people with developmental disabilities. This Bill would implement... begin the implement over a seven-year plan. The blueprint which has been long coming and long in its preparation, but offers a comprehensive means by which we can finally begin to address the long waiting lines and the... all the important changes, modernization of the system in Illinois to take care of developmentally disabled youngsters and adults. So, I would ask for your support."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 3841 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 Biggins, Golar. Kay Hatcher. Mr. Clerk, take the record. On this Bill, there are 104 Members voting 'yes', 12 Members voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Fred Crespo, on page 30 of the Calendar, you have House Bill 3844. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3844, a Bill for an Act concerning State Government. Third Reading."

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

Crespo: "Thank you, Speaker, Members of the House. House Bill 3844 amends the Department of Human Services Act. Specifically amends the purpose, duties and powers of the Inspector General for the Department of Human Services. It adds definitions to the statutes. The proposed changes will also enhance protections for individuals with disabilities. Will also have a positive impact on the operations of the office of the Inspector General. Happy to answer any questions."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 3844 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? Jerry Mitchell. Jerry Mitchell. Mr. Clerk, take the record. On this Bill, there are 117 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Jefferson, on page 27 of the Calendar, you have House Bill 537. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 537, a Bill for an Act concerning financial regulation. Third Reading."

Speaker Lyons: "The Chair recognizes the Gentleman from Winnebago, Representative Chuck Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the General Assembly. This Bill simply amends the Act of '97."

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Eliminates the penalties on any mortgage loans from this point on. And I would ask for an 'aye' vote."

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

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, this basically amends the Residential Mortgage License Act, and it deletes mortgage prepayment penalties under these Acts. Is that the basic intent here?"

Jefferson: "That's... yes. That's the basic intent."

Eddy: "And... the mortgage brokers are concerned about this for several reasons. If a mortgage broker is offering a five percent mortgage rate with no prepayment penalties, and they might be able to offer a four and a half mortgage rate if the borrower agrees to the prepayment penalty, then this Act would kind of inhibit their ability to do that type of negotiation. And I'm not sure that's your intention, but that seems to be their concern."

Jefferson: "Well, Representative, as you noticed, as of the way the market is today, I think we need to give people an opportunity to relieve themselves of some of the penalties that they've charged with today, and I think this is just a move in the right direction to say, we're going to try and alleviate some of the problems that you have and if you borrowed money, you won't be penalized if you pay it back early. As we look at the banking industry from top to bottom, we know that we're in total disarray at this point. So, this is something we're doing for the little people,

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better put, probably the people on main street instead of maybe the people on Wall Street."

Eddy: "Well, I get your point and I understand there are a lot of problems in the mortgage industry today. They need to be addressed. I think we could both say that people cause their own problems sometimes, but there are also problems with the system. But if prepayment penalties are stricken from the Act, then aren't mortgage brokers likely to raise mortgage rates and then... the exact... I mean, we're actually hurting the very people that you're attempting to help here, and that's the concern. And I think that, you know, sometimes we have an unintended consequence, and this would be a very serious one."

Jefferson: "Well, I understand your concern, but all this is doing is giving them a choice. There would be a explanation to them if in fact they decided not to pay the prepayment penalties, and there might have been a high interest rate charged at that point. Which is their choice at that point in time."

Eddy: "Well, Representative, that's a concern. I know you stated that they would be given the choice, but the basic problem here is, that you're taking that choice away and you're leaving the mortgage broker with no option but to cover their risk and raise the rate. I don't think you want to do that. I think what you're trying to do is, is apply a regulation here that's... that has an unintended consequence. And Mr. Speaker, quickly, to the Bill. The Gentleman brings a piece of legislation that I... is clearly an attempt to address a very serious issue right now. The

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problem is, in his effort to attempt to help those individuals, he's actually putting them in a more difficult situation because the way that the legislation is written there is no choice. And when that occurs, the mortgage brokers are going to have to raise the rates to cover their risk, and actually we're harming consumers. This is not well thought out at this point, and I would urge the Body to vote 'no'. We have some work to do in this area, but this is not the Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Lake, Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. I... quite frankly, the previous speaker just mentioned all the points that I was going to say. This Bill will absolutely hurt the little guy because they will raise the rates, and it'll be harder to get the loan because of the costs associated with the higher rates. So, in the long run, this does more damage to the person than otherwise would have been done. And it's counterproductive from what the intent of the Sponsor, which I understand what the Sponsor's trying to do and it's a noble effort, but the unintended consequences here, is completely a hundred percent opposite of what he's trying to do. And I would urge a 'no' vote."

Speaker Lyons: "The Gentleman from Macon, Representative Flider."

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

Speaker Lyons: "Sponsor yields."

Flider: "Representative Jefferson, so, as I understand this legislation, it's simply making progress from the

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standpoint of those folks who have taken out a mortgage, just as somebody might take out a car loan, and what were saying here is that if you pay off that mortgage early, some how or refinance it with another loan with a lower interest rate, that you're not going to get penalized. I mean, is that what this legislation does?"

Jefferson: "That's absolutely correct."

Flider: "I mean, that just seems to be in the direction that we as a society have been heading. I mean, it almost seems atrocious that you'd have to pay anything if you pay a loan off early. Now I understand some of these... some of these may be in the provisions of contracts that people have signed, but let's face it, you know, if we're going to be defending companies like Country Wide for the kinds of practices that they've done when, you know, they've unscrupulously encouraged people to sign up for these mortgages that they can't afford. You know, I'm not about to, on the House floor, defend companies like Country Wide who have forced so many people into default on their home loans. I just think that this is something that is long overdue, and you know, I commend you for this legislation. This is something that is very important for people who are trying to work their way out of these mortgages that they find themselves in, subprime loans, et cetera. But in addition to that, some of these people are getting a double whammy because they're also the ones who are helping to... with their taxpayer funds, the taxes they pay, to bail out companies like Country Wide and some of these other corporate entities that are in a difficult situation. So,

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you know, if we don't pass this legislation, you know, shame on us. Thank you."

Jefferson: "Thank you."

Speaker Lyons: "Representative Shane Cultra."

Cultra: "To the Bill. The previous speaker was correct in all that he said, but the problem that I really see with this Bill is it applies only to state licensed mortgage brokers. So, the federal licensed ones don't have to apply to this; therefore, they're going to be able to offer a lower rate loan because they can still charge a prepayment penalty and it puts our state licensed at a disadvantage. So, I think that needs to be addressed."

Speaker Lyons: "Representative Beaubien."

Beaubien: "Yes, will the Sponsor yield, please?"

Speaker Lyons: "Sponsor yields."

Beaubien: "I'd just like to kind of reiterate what has been said before. This Bill will hurt the very people you're trying to help. I've been in banking virtually for 30 years. I understand how it works. You put lower interest at the beginning and you know that within 8 to 10 they'll sell and you pick up your full rate at the end when they sell the place. It will hurt the people you're trying to help. Secondly, if this is limited to state banks, you're hurting the state banks of Illinois versus international banks, out-of-state banks, national banks. It's also not that hard to change from a state bank to a national bank. So, you'll see more and more state banks going to national banks, which again, hurts the Illinois economy. With all

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due respect, I suggest to you this is not a very good idea.
Thank you."

Speaker Lyons: "Representative Rose."

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

Speaker Lyons: "Sponsor yields."

Rose: "Representative, you know how these loans normally work. Let me give you an example. The bank says, our normal rate on a 30-year mortgage is five percent. But if you agree not to prepay for 3 years, we'll give you four and a half. What's wrong with me taking advantage of a half of percent decrease in my rate for 30 years by agreeing, knowingly agreeing, that in return for that half of a percent rate drop, I can't prepay for 3 years. That's how this works in virtually... Representative, I close home loans all the time... close homes, okay. Most of those homes we close as a lawyer, are financed, so I look at the entire sheet, I look at the entire deal, I know what kind of interest rate my client's getting, I know what the deal is. And we go through it, and I review the entire mortgage applic... the entire mortgage document, as well as the note, and the note is where all these terms are. We go through it. Representative, here's what you're going to do. You are going to virtually guarantee that every loan offered in the State of Illinois will be at the higher rate. I'll tell you, I did this. The current loan I'm in right now, I get a better rate over the life of the loan because for 2 years I've agreed not to prepay. It was a great deal for me. It was a great deal. I'm saving about three-quarters of a point in interest over 30 years by simply agreeing for 2

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years not to prepay. Why would you force me and millions of Illinoisans to pay higher interest with this Bill?"

Jefferson: "That's not what the Bill does."

Rose: "That's what it does. You're banning prepayment penalties. If you ban prepayment, then what the banks are going to offer is the higher rate for all customers. It's... I mean, this happens all the time. I can't tell you the number of loans I've closed for my clients as an attorney, where they're getting a better rate because for a period of 1 to 3 years, they've agreed not to prepay. But their savings stays for 30 years or 20 or 25, whatever the life of the loan is. And it's all spelled out in the note. It says it right here. Prepayment penalty, X, what is it? No prepayment penalty, check the box. It's all right there in the note. There is no sleight of hand, there is no deceit, it's all put there in black and white for anybody signing the note. And these... Chuck, I know what you're trying to do. Everybody knows what the problem is. I'm telling you, you're making the problem worse because you're going to charge millions of people interest that they shouldn't otherwise have to pay. I'm asking you to please take this out of the record because you're going to hurt people; you're going to hurt citizens of Illinois. And if you won't do that, I respectfully request a verification of the Roll Call, Mr. Speaker."

Speaker Lyons: "Representative... Representative Jefferson."

Jefferson: "Yes. Representative, I took this out of the record last week when you were on vacation to give the Members a chance to study this situation. Since then, it's come back

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in. Representative Franks had some problem with it; he's okay with it now. So, I will not take it out of the record respectfully. Thank you."

Speaker Lyons: "The Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I'm going to mention a Representative's name, and if he wants to refute or rebut my remarks, that's fine. I don't mean this personally, but the problem with this Bill is exactly what Representative Flider got up and said. And Representative Flider is absolutely 100 percent wrong. This Bill doesn't impact Country Wide Financial. It doesn't impact Bank of America. It doesn't impact Citi Group. It doesn't impact AIG. It doesn't impact any of the federally chartered institutions that we've read about and heard so much about. They can still, under this Bill, all of the bad actors can still charge a prepayment penalty. This Bill doesn't change that. All this Bill does is to tell the Illinois Mortgage Bankers Association, those companies headquartered, domiciled and doing business only in Illinois, that they can't charge a prepayment interest penalty. So, you're taking a group that didn't get bailout money, that doesn't have quirks, penalizing them and making them do the same thing that the bad people did. The big companies: Country Wide. Representative Flider, you misspoke. I don't think you intended to, but you simply misspoke, and further confused the issue. Representative, your Bill as drafted, impacts people like me, what Chapin Rose tried to indicate.

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When I take out a mortgage, if the Illinois mortgage banker that I'm dealing with would give me a half percent discount if I agree not to prepay the loan for a specified period, that half percent interest can save me a lot of money. When my wife and I were buying our house, we didn't have the cash flow to prepay the loan. So it was a good deal for us. We checked the box. It was voluntary. We didn't prepay. We got a half percent interest break. You're not taking that option away from me. I don't think that's what you mean to do. I think you meant to go after the big multinational, federally chartered banks that have been so egregious in their conduct, but you don't do that in this Bill. You leave them alone. You still will allow Country Wide, AIG, Citi Group; they can still charge the penalty. You're just telling the Illinois mortgage bankers that they can't. Now you put them on the same plane as all of the bad people. I don't think that's what you want to do. I would urge you to just make a simple Amendment and either make it uniform across the board so you get the bad guys as well as perhaps the Illinois mortgage bankers, but your Bill doesn't do that. It really will have the opposite affect of what you're trying to do and what you think you're doing. This is not good policy as it's written. Your idea may be a good idea, but whoever drafted your Bill did not put your idea into the Bill language."

Speaker Lyons: "Representative Flider, for what purpose do you rise, Sir?"

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Flider: "Mr. Speaker, I heard my name in debate. Couple of times. Like to address this issue if I could. Maybe have another question to the Sponsor."

Speaker Lyons: "Proceed."

Flider: "Yes. There... obviously we're starting to, you know, look at federal versus state situation. We obviously are State Legislators. We're not members of Congress. We are not federal regulators. And I think some of the actions that have been taken at the federal level, certainly the microscope that's been placed on... and the regulators honing in on some of these lenders, like Country Wide and others, has actually stopped many of these practices from already occurring. But what we have in Illinois is, the situation has not been stopped, and matter of fact, you know, the question here before us is, is this good public policy? For example, you know, you can't do this in other situations where you... you pay... well, I suppose there's Pay Day Lenders who, you know, we can't seem to get our arms around. We seem to let them get away with all kinds of travesties. But... you know, the fact of the matter is, you know, when it comes to somebody taking out a mortgage, you know, going to a bank to take out a loan... and I want to make it perfectly clear, we all ought to recognize this. When you... our community banks and our local lenders, these are the folks who are really people who have ensured that somebody comes in to borrow some money, they have the down payment, and they're going to be able to make that payment, and they've done the due diligence to make sure that that person should get that loan. They are not the problem."

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So, let's not make somebody... cast somebody as a villain who's not a villain, but what we are talking about here is, just a simple change in the law that's going to have a great impact in a competitive environment, in a competitive market. And if you don't like the mortgage that one company is choosing, go to another bank. Go somewhere else where they're going to charge you a competitive interest rate. Okay. Don't be flimflammed into some language that says, that, oh, you're going to have to pay a huge penalty if you pay your mortgage off. Let's just right now say that's bad policy. That's just a bad policy. Let's let consumers shop for the lowest rate. Let's have a level playing field. Let's not let them be duped into paying a lower interest rate and then having a prepayment penalty, if they can get their house in order, if they can get a better rate. It's just good policy. It's just... it's good politics, folks. Thank you."

Speaker Lyons: "Representative Lang."

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

Speaker Lyons: "Sponsor yields."

Lang: "Thank you. Representative, throughout the course of this debate, it seems like the debate has wandered all over the lot, and we may have lost sight of what your Bill does. Can you just give us a succinct statement or two as to what this Bill does so we can get back on target?"

Jefferson: "All this Bill does basically is give the borrower a chance... a choice. Whether or not the banker offers him a higher interest rate, a lower interest rate, depending on whether or not they pay their loan off early. I think

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because of the situation we're in now with the country being the way it is, we need to have choices. You know, we are Legislators; we are supposed to be representing the people in our district. Most of those are the little people, so I think this is a good Bill. Simply, I don't think the Attorney General would be supportive of this Bill if it wasn't a good Bill. She says that this helps to actually curtail predatory lending. She's onboard with this. The Attorney General is mostly always on point, so how would you take a position like that if in fact you didn't think this was a good Bill? This is a Bill that regulates the State of Illinois. We cannot regulate Federal Government. We cannot do that, but we can start here in the state looking out for the people that we represent. So, that's why this Bill is here, and that's why I'm bringing it in this form."

Lang: "And so would it be fair to say that this Bill only regulates state banks?"

Jefferson: "Yes."

Lang: "Does it regulate state savings and loans?"

Jefferson: "We're checking that."

Lang: "Well, while you're looking for the answer to that question, let me... does it affect credit unions?"

Jefferson: "No."

Lang: "It does not affect credit unions?"

Jefferson: "I don't believe so. The answer is he believes that it affects both."

Lang: "I didn't hear you."

Jefferson: "It affects both."

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Lang: "It affects both?"

Jefferson: "Yes."

Lang: "Savings and loans? And credit unions."

Jefferson: "Yes."

Lang: "Chartered in Illinois, I presume."

Jefferson: "Yes."

Lang: "All right. And so... is there a situation where it would be advantageous to the consumer to agree to a prepayment penalty?"

Jefferson: "I think there would be."

Lang: "All right. So perhaps you can explain then if there are situations where a prepayment of penalty is advantageous to the consumer, why you want to completely do away with them?"

Jefferson: "Because it's their choice. It's their option. And I think all this Bill is saying the banks and the lending institutions have to give them an option."

Lang: "All right, Representative. Thank you for your answers to my questions. I appreciate it very much."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative McCarthy."

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

Speaker Lyons: "The Gentleman moves the previous question. All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the question is so moved. The question is, 'Should House... Representative Jefferson to close.'"

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Jefferson: "Thank you. Mr. Speaker, this is an excellent Bill. This is an excellent Bill, and like I said before, the Attorney General is onboard with this. She says it curtails predatory lending. We service the people in our district to a majority of the time, the little people that oftentimes run into situations where we need to make sure that we're doing everything we can to help them in whatever way we can. This Bill gives them a chance to eliminate some of those penalties that they often face when they're taking out mortgages. Why should you be penalized at all when you take out a loan, if in fact, you can pay it off earlier with a better mortgage... a better interest rate from another bank or through a credit card or whatever the case might be. You know, we're saying to them, you don't have a choice. We're not going to give you a choice. We're going to continue to do you the same way we've been doing you for the past however many years. That's why we're in this mess as we are today, with people losing their homes at a rapid pace. People out here that can't afford to go and buy another home because they have so much debt with the people that charged them the penalties that made this happen. So, this is a great Bill. I think it's for the little people. We have to do everything we can to support the people that we represent in our respective districts. If you vote against this, then it's going to be up to you go back to your respective districts and tell the people that you represent, why you voted against something that would give them another option to maybe save a few dollars. You vote against this, that's your prerogative to go back and have

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to explain to those people in your district that you voted against it because you were for the banker. You were for the community bankers. You support them versus supporting them in your district. If you vote against this, then you're saying that you agree with what the banks are doing to the people that you represent. So, I don't understand what portion of this you don't understand. This is a good Bill; it's supporting the little people, and if you're against this, then obviously you aren't for the little people. So, I would say to you, vote your conscience but be prepared to go back to your districts and explain to the people in your districts, the ones that you're supposed to be representing, why you voted against this Bill. This Bill gives the people options in the district. I would ask for an 'aye' vote."

Speaker Lyons: "Ladies and Gentlemen, there's been a request for verification from Representative Chapin Rose, I believe, asked for verification. Members, please vote your own switch. The question is, 'Should House Bill 537 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? Gordon, May and Ryg. Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 65 Members voting 'yes', 49 Members voting 'no', 1 Member voting 'present'. Mr. Rose, do you wish to proceed with your verification?"

Rose: "Yes, thank you. Could we ask everybody to sit down, please? Mr... Is Representative..."

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Speaker Lyons: "Members, please be seated. Staff, please go to the back of the chamber, please get off the floor momentarily for the verification."

Rose: "Representative Howard."

Speaker Lyons: "Mr. Rose, we got to read the list of those voting in the affirmative. So, Mr. Clerk, read the list of those voting 'yes'."

Clerk Mahoney: "The following Members voted in the affirmative: Acevedo; Arroyo; Beiser; Berrios; Boland; John Bradley; Brosnahan; Burke; Burns; Chapa LaVia; Collins; Colvin; Coulson; Crespo; Currie; D'Amico; Davis, M.; Davis, W.; DeLuca; Dugan; Dunkin; Farnham; Feigenholtz; Flider; Flowers; Ford; Franks; Fritchey; Froehlich; Golar; Gordon, J.; Graham; Hamos; Hannig, B.; Harris; Hernandez; Hoffman; Holbrook; Howard; Jackson; Jakobsson; Jefferson; Joyce; Lang; Joe Lyons; McAsey; McGuire; Mell; Mendoza; Miller; Nekritz; Osterman; Phelps; Reitz; Riley; Rita; Smith; Soto; Turner; Verschoore; Walker; Washington; Yarbrough; Zalewski, and Mr. Speaker."

Speaker Lyons: "Representative Chapin Rose."

Rose: "Representative Washington."

Speaker Lyons: "Is Representative Eddie Washington on the floor? Mr. Clerk, remove Representative Washington."

Rose: "Representative Howard."

Speaker Lyons: "Representative Connie Howard on the floor? Mr. Clerk, remove Representative Howard."

Rose: "Representative Franks."

Speaker Lyons: "Representative Chapin Rose, Representative Davis wishes to leave."

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Rose: "Well, I'm sorry. We can spend some more time doing this Roll Call, Representative Davis."

Speaker Lyons: "Representative Davis, you... Representative Davis is here. Mr. Clerk, put Representative Washington and Representative Howard back on the Roll Call. They are in the chamber."

Rose: "Representative Acevedo."

Speaker Lyons: "Representative Acevedo's in his seat, Sir."

Rose: "Representative Hernandez."

Speaker Lyons: "Representative Hernandez is right next to Representative Acevedo."

Rose: "Froehlich."

Speaker Lyons: "Right next to Representative Hernandez."

Rose: "Soto."

Speaker Lyons: "You're 4... you're 0 for 4, Representative."

Rose: "Representative Lyons."

Speaker Lyons: "The first... the first row is here."

Rose: "Representative Lyons."

Speaker Lyons: "He's... he's MIA for sure."

Rose: "Arroyo."

Speaker Lyons: "Representative Arroyo's in the rear of the chamber, Sir. Further, Mr. Rose?"

Rose: "Representative D'Amico."

Speaker Lyons: "Representative D'Amico's in his desk."

Rose: "Representative Berrios."

Speaker Lyons: "Representative, she is at her desk."

Rose: "Representative Mendoza."

Speaker Lyons: "At her desk, Sir."

Rose: "Representative Burke."

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Speaker Lyons: "I don't know. You see Representative Burke? I see Representative Burke, Sir."

Rose: "Representative Joyce."

Speaker Lyons: "He's at his desk."

Rose: "Representative Miller."

Speaker Lyons: "At his desk."

Rose: "Representative Fritchey."

Speaker Lyons: "Representative Rose, all these people are in their chairs."

Rose: "You know what these dilatory... whoever just announced, dilatory was that. Was sitting there and announcing names... Representative May. Representative Burke. That's dilatory, Ladies and Gentlemen. I respectfully withdraw my request."

Speaker Lyons: "Thank you, Representative Rose."

Rose: "Congratulations, Representative Jefferson."

Speaker Lyons: "Mr. Clerk, take the record. On this Motion, there are 65 Members voting 'yes', 49 Members voting 'no', 1 Member voting 'present'. House Bill 537, having received the Constitutional Majority, is hereby declared passed. Representative John Bradley, for what purpose do you seek recognition, Sir?"

Bradley, J.: "If I could have the Members attention on a serious note. Over in the east balcony, we have two members of the Illinois National Guard, Specialist Allan and Specialist Travelstead, who are on their way to Afghanistan. Let's have a round of applause."

Speaker Lyons: "God bless you, gentlemen. Be safe. The Chair recognizes the Lady from Cook, Representative Rosemary Mulligan. For what purpose do you seek recognition?"

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Mulligan: "Thank you, Mr. Speaker. If you're going to recognize someone that closes off debate and then you allow your Member who obviously doesn't understand his Bill, to stand up and make a statement that is meant only to use in mail pieces, because we don't want to screw up the banking laws of Illinois, I think there's a little problem with that. Is that the way we're going to conduct the Body today? Obviously, some of the things on the record should be on the record, so when the Governor's people examine a Bill that may pass over there, they realize what they're doing. If you understand banking laws, then perhaps you don't do exactly what they did. There's a lot of things with pay day loans that we did so people could still get loans and things could happen in a correct manner, but what you're doing here, is you're ruining the few community banks that are left. And to cut people off in a discussion that's a very important discussion for Illinois, just mirrors what they've done at the Federal Government and why our country is so screwed up with the banking laws."

Speaker Lyons: "The Chair recognizes the Lady from Lake, Representative JoAnn Osmond."

Osmond: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Lyons: "Please proceed, Representative."

Osmond: "On another note today, I would like to ask you all to join me in this celebration of the 39th birthday of Renèe Kosel."

Speaker Lyons: "Happy birthday, Renèe. Many more. Representative Bill Black, what purpose do you seek recognition, Sir?"

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Black: "Thank you very much, Mr. Speaker. Yesterday on House Bill 2... I'll wait."

Speaker Lyons: "Quiet, Representative, please."

Black: "Yesterday in the House, we debated House Bill 2445. House Bill 2445. I asked the Sponsor of that legislation if it was a card check Bill, and the Sponsor said yes it was. I later found out it was not. So based on that erroneous information, I voted 'no' on House Bill 2445. I would like the Journal and the record to reflect, had I been given the accurate information, I would have voted 'yes' on House Bill 2445."

Speaker Lyons: "Mr. Black, the Journal will reflect your wishes. Representative Sid Mathias, on page 28 of the Calendar, you have House Bill 670. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 670, a Bill for an Act concerning local government. Third Reading."

Speaker Lyons: "The Gentleman from Lake, Representative Sid Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 670 is an initiative of the Illinois Association of Fire Protection Districts, and is also supported by the Illinois Firefighters Association. What it does is it increases the maximum pay, and that's the maximum for trustees in a fire protection district which employs more than 30 full-time firefighters, to \$4 thousand per year. This has not been changed in probably over 30 years. No one, in fact, couldn't even find the last time it was changed it was so long ago. And it is permissive. That means that it's... all

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we're doing is giving the authorization. It's up to the fire protection district to determine what the actual rate should be. We're just setting a maximum. I ask for your 'aye' vote."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 670 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Representative Currie, Dugan, Flowers, Careen Gordon. Mr. Clerk, take the record. On this Bill, there are 77 Members voting 'yes', 40 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative John Bradley, on page 26 of the Calendar, you have House Bill 182. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 182, a Bill for an Act concerning criminal law, is on the Order of Third Reading."

Speaker Lyons: "The Chair recognizes the Gentleman from Williams (sic-Williamson), Representative John Bra..."

Bradley, J.: "Thank you, Mr. Speaker."

Speaker Lyons: "Mr. Bradley, one moment. The Clerk is informing us. Mr. Clerk, what's the status of that Bill?"

Clerk Mahoney: "This Bill's on Third Reading. However, an Amendment has been approved for consideration."

Speaker Lyons: "Move that Bill back to the Order of Second Reading for the purpose of the Amendment. Which Amendment, Mr. Clerk? What's the status of that?"

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Clerk Mahoney: "Floor Amendment #1, offered by Representative Bradley."

Speaker Lyons: "The Chair recognizes Representative Bradley on Floor Amendment #1, John."

Bradley, J.: "Yeah. This is mostly a technical Amendment. I would ask that we can move it to Third and then debate the Bill on Third. It's a gun Bill."

Speaker Lyons: "Is there any discussion on Amendment #1? Seeing none, 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 Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "House Bill 182, a Bill for an Act concerning criminal law."

Speaker Lyons: "Representative John Bradley."

Bradley, J.: "Thank you, Mr. Speaker. This is a piece of legislation which addresses a court decision where a man was charged with unlawful use of a weapon which is a very serious offense, because he had a weapon that he was otherwise lawfully entitled to have, but not at his abode, at his sister's abode. And this would simply clear up the definition so that someone that possessed a firearm within a private dwelling as an invitee would not be subject to the unlawful use statute. Ask for an 'aye' vote."

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Speaker Lyons: "You've heard the Gentleman's explanation. Is there any questions? The Chair recognizes the Gentleman from Cook, Representative Osterman."

Osterman: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Osterman: "Representative, first I want to thank you for letting me know you're bringing the Bill up. You say that this legislation is focused on a situation where an individual was... got a UUW for carrying a firearm at a friend's house or a sister's house?"

Bradley, J.: "Yeah. I don't want to embarrass the person. I actually have the case here if you'd like to look at it."

Osterman: "I don't want their name or..."

Bradley, J.: "Okay."

Osterman: "As long as it's not a cousin of yours."

Bradley, J.: "If there was, it was in the... it was in the... I can't... I think it was the first district, I'm not sure."

Osterman: "Here... here's a significant... you know, question I have, and that is that under the Bill the way it's written, and let me just say that some of the people that write this, and I'm not saying that you wrote this, but what the legislation says and if everyone on the Body will listen, it says, 'a legal dwelling or a place where he or she is an invitee therein'. And I understand what you're saying and the focus of what you're... you're... the lawsuit case is, but isn't that pretty broad? 'Cause there's no... also, there's no definition for legal dwelling or a place where therein."

Bradley, J.: "Well, that was the problem in terms of the state taking a very restricted definition of 'abode'. And so, we

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were hoping through this legislation and the fact that we're specifically addressing this case which is clearly identified, that this would not be anymore than what we intended for it to be. I'm not trying to..."

Osterman: "And I'm not trying to be coy, but I mean, this is wide open. So, I mean, the Sportsmen Caucus rents out the state fairgrounds and you invite me in. I can bring in a concealed weapon because that's a place where I'm an invitee. It doesn't say the invitee is a specific relationship, it says an invitee. So... a VW hall, a park, there's no... there's no confinement to that."

Bradley, J.: "So, I understand your point with regard to..."

Osterman: "Will you agree with my point?"

Bradley, J.: "Well, I understand your point. I think..."

Osterman: "Do you disagree with my point which you usually do when it comes to firearms, you pretty much... you knock me back and say I disagree with your point and here's why. Here's bing, bing, bing. You're noncommittal on this, leads me to believe and should lead everyone else to believe that I might be right on this one. So..."

Bradley, J.: "So, then the trick in that..."

Osterman: "Here's my point to you, Representative, you know..."

Bradley, J.: "Okay."

Osterman: "...specifically is..."

Bradley, J.: "I'm not going to try... I'll let you go."

Osterman: "This need... this is way, way too broad. And I acknowledge that if there's an individual who was charged and there's a court case that backs it up then, people in this building should be able to define that. But Ladies

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and Gentlemen of the House, the way the Bill's written right now, it's wide open. And legal dwelling could be a home, legal dwelling could be anywhere and a place where someone's an invitee can be wide open. There's no definition. If the Sponsor is intending on trying to have this Bill be related to the court case, and I trust that he is, as a Gentleman Legislator, I would simply ask him to work with the Senate Sponsor to confine that. And I would ask the Sponsor if he's willing to do that?"

Bradley, J.: "Am I willing to do what?"

Osterman: "Are you willing to define what is a legal dwelling? Are you willing to define a place wherein so it's not the Sportsmen's Caucus, you know, renting out the state.. the state park and having a thousand people for conceal and carry day or anywhere? And he..."

Bradley, J.: "I think dwelling's..."

Osterman: "And..."

Bradley, J.: "I think dwelling's pretty clear. I mean..."

Osterman: "I know, but it says..."

Bradley, J.: "I don't think anyone would consider Target to be a dwelling."

Osterman: "Okay. Legal dwelling. But then you say, or a place where he or she is an invitee therein and place can be any place. A place could be.. you could invite me into this chamber and say, 'Harry, I'm inviting you into the chamber. Today's conceal and carry day in the Statehouse, so you can bring your conceal and carry in'. And the other point which, you know, we talk about ambiguity and people sometimes illegally getting charged for things. Quite

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honestly, for those people that might be illegally charged, in kind of your case, this is wide open and if I'm a law enforcement or state's attorney, who am I going to charge?"

Bradley, J.: "So... I mean... I understand your points, and at the end of the day, we're just going to make a policy decision here, and ultimately the courts are going to interpret this anyway."

Osterman: "Will you agree to work in the Senate to tighten it up?"

Bradley, J.: "I'm not going to make any commitment to actually make a change, but I'm always willing to talk to people and listen."

Osterman: "Okay."

Speaker Lyons: "Harry, your time has expired. If you could conclude your remarks, we'd appreciate it. I'll give you another minute."

Osterman: "Well, Ladies and Gentlemen of the House, I don't argue with the Representative's point on what he's trying to do with the case, but everybody on this floor should be aware that this goes way broader than that. And... they should be very concerned about it, on both sides."

Speaker Lyons: "The Gentleman from Cook, Representative John Fritchey."

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

Speaker Lyons: "Sponsor yields."

Fritchey: "Representative, if I could continue on that point, but let me see if I can draw a little bit of a narrower focus on it."

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Bradley, J.: "Is Representative Fritchey wearing a tie? I don't like to be cross-examined by people not wearing ties."

Fritchey: "Representative, you've probably been cross-examined by worse. Let me ask you a question, though. I think that the point that Representative Osterman was trying to draw on here is this one. For purposes of the record as well as for purpose of everyone's education here, when we're talking about the legal status of somebody being an invitee, a hotel guest is, in fact, treated as an invitee under the law. Is that correct?"

Bradley, J.: "Yeah, that's correct. I think. Well, okay, so my knowledge, it's been a while since I actively practiced in that field."

Fritchey: "Do you have a law degree?"

Bradley, J.: "Huh?"

Fritchey: "Do you have a law degree?"

Bradley, J.: "Let me ask staff. They indicate that I do. So, basically, as I recall, the old common law distinctions in terms of invitees, permissive users, are things which we still talk about in abstracts, but which don't carry the same legal definition as they once did. So, the term is used in here. It's not quite as precise as it once was, I think."

Fritchey: "Well, here..."

Bradley, J.: "So, you know, you could... could you hold..."

Fritchey: "Here, John. Here, do you and I don't need to go in circles. Would you be willing to concede that the law has historically treated a hotel guest for purposes of

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liability, et cetera, a hotel guest is treated as an invitee under common law?"

Bradley, J.: "I would think that if this were to pass and become law, that a hotel guest, within their private residence of the hotel, this would protect them."

Fritchey: "And I'm not taking a position one way or the other at this point. What I'm saying though is, I want the Body here to understand that the impact of this law as you intend it, is that an individual would be able to keep a firearm in a hotel room with them."

Bradley, J.: "That's definitely would be something that we would hope would be covered, yes."

Fritchey: "I'm sorry, John. I don't think I can hear you."

Bradley, J.: "Yeah. That's... that's definitely something that we would hope would be covered."

Fritchey: "Okay. So, for whether it's legislative intent or clarification, it's your intended understanding if this Bill were to become law, would not just allow someone... there's a couple of scenarios here. One scenario is, I am staying over at your house. I'm allowed to keep a firearm with me, and that gets to the concept of dwelling as most people would think about it here. But this would also then say, were I to be staying at a hotel overnight, I would be within the law, should this become law, to keep a handgun in my hotel room with me?"

Bradley, J.: "I think you... I think the way I would contemplate or read this law, if this law passed, you would have the right within your hotel room, to have a firearm and not be charged with a crime."

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Fritchey: "Is it your... is it your intention... does this Bill preempt Home Rule?"

Bradley, J.: "What's that?"

Fritchey: "Does this Bill preempt Home Rule?"

Bradley, J.: "No. I don't think so. You know what, you... you've pulled that on me the first gun Bill I had. And I didn't even know what Home Rule was then."

Fritchey: "You got a good memory for a young man. Okay. And John, it's... you know, it's not a funny issue."

Bradley, J.: "No."

Fritchey: "I just... I want to make sure people understand."

Bradley, J.: "It doesn't preempt Home Rule."

Fritchey: "They're... they're going to agree with the issue what you're trying to do our not, but I want the people not to think that they cast a vote that this would allow a firearm solely in somebody's home. It would allow a firearm in a hotel room. People need to be cognizant of that fact."

Bradley, J.: "Yeah."

Fritchey: "All right. Thank you."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Debbie Graham."

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

Speaker Lyons: "The Sponsor yields."

Graham: "Representative, for the sake of me not really hearing over the noise, can you explain to me again what your Bill does?"

Bradley, J.: "Yeah. There was a case where a gentleman was charged with unlawful use of a weapon, because he wasn't in his legal dwelling or abode, he was in a family member's

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legal dwelling or abode. The purpose of this law was to clean up that interpretation by court. I think it was up in the first district, and that was the point of this piece of legislation."

Graham: "So, if I'm a guest of someone, if they invite me to come to their home, I can then in fact bring my gun with me whether or not I tell the people that I'm visiting, I'm bringing it with me because I'm a guest, I have a right to bring it. Is that what this is about?"

Bradley, J.: "Well, it says that if you're at your sister's home or your brother's home, and you're in possession of your own firearm or one of their firearms, you're in the house and they have a gun, you wouldn't be charged for unlawful possession or use of a weapon. And so..."

Graham: "Well, what if the homeowner didn't know that you had a gun but this law would give them the right to carry the gun. So, would you tell the person that you're being invited to his house, can I come and bring my gun too?"

Bradley, J.: "I would hope out of good manners and general decency that somebody would do that."

Graham: "You said it would be just decent if someone did that?"

Bradley, J.: "I would hope out of good manners and general decency that if you invite someone into your home that... I mean you would have the..."

Graham: "Representative, I believe that you would do that, but some people feel so passionate and privately about their handguns, that they don't feel that they have to tell people that they have their handguns on them."

Bradley, J.: "Yeah."

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Graham: "So, I would think that would make me a little concerned with the legislation that people would not tell you're, may I come to your... you inviting me, can I bring I bring my gun with me? I think that this legislation takes us down a slippery slope. Would an establishment like a hotel be able to have rules and regulations to say, handguns not allowed?"

Bradley, J.: "I'm sorry. I couldn't hear you for the noise. I'm sorry, Representative."

Graham: "Would this piece of legislation allow for establishments like hotels to create rules to say that handguns are not allowed?"

Bradley, J.: "I think this has to do with a different aspect of that which is whether or not someone that possessed a firearm in their hotel room could be charged with a felony."

Graham: "The question is, would your law... would this law prohibit establishments from creating laws that says guns are not allowed or..."

Bradley, J.: "I think... I think a hotel... I think a hotel civilly could potentially attempt to do that, and I'm not saying there wouldn't be a lawsuit over it. But the aspect, that would be a civil issue versus a criminal issue. If they had a rule like that and someone violated the rule, they could have a civil issue but there wouldn't be a criminal case filed under Illinois State Law. Does that make sense? In other words, they would... get to be an issue over whether or not they had the right to restrain."

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Graham: "So you're saying that this law... this does not tell the handgun carrier that he has to disclose to the hotel? He doesn't have to disclose to the house that he's visiting? I mean I hear you saying that it's only good manners that he should."

Bradley, J.: "Yeah. No. I..."

Graham: "But it doesn't say that he has to disclose that I have a handgun."

Bradley, J.: "This only comes up... right, this only come up..."

Graham: "So, if the person is visiting..."

Bradley, J.: "...when someone is charged with a criminal..."

Graham: "...someone's home, and the person has children in their home, and he feels he wants to carry his gun the way that he feels most comfortable to gain quick access to it, not shackled down, not with a trigger lock, 'cause I understand people with their handguns who want to defend themselves, who really don't take into account the environment around them or the people who they're with, because it makes them comfortable and... but there's a possibility that the people that they're with have become unsafe."

Bradley, J.: "We just disagree on that issue. And it's just a policy that... policy decision which we respectfully disagree on."

Graham: "So there's nothing in your law, this Bill, that says you have to..."

Bradley, J.: "No."

Graham: "...disclose to a person..."

Bradley, J.: "There's no disclosure..."

Graham: "...that you're carrying a handgun?"

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Bradley, J.: "There's no disclosure requirement because the only way the Bill comes up is if someone is criminally charged."

Graham: "Oh, I..."

Bradley, J.: "If... if a..."

Graham: "I... I have a piece of... I have a piece of legislation like that as well, that sometimes you wouldn't even know the person had it, not unless an incident happened, but you guys seem to be in strong opposition to that when someone else brings it, but I'm suppose to take it... you know, at will."

Bradley, J.: "I don't expect you to vote for this."

Graham: "I appreciate that, Representative, for your honesty. To the Bill, Mr. Speaker. I think this Bill takes us down a slippery slope. The Bill does not tell the handgun carrier to disclose to the people that he's visiting with that he has a handgun. It doesn't..."

Speaker Lyons: "Debbie, we'll give you another minute to finish your closing."

Graham: "Doesn't say how he has to lock the gun down or any of that. It doesn't direct him how to secure his gun if he's visiting someone in the house that has children in the home. I understand people wanting to protect themselves in their own home dwelling. I understand the Second Amendment, and I understand the passion that the people have to be able to carry that. But I think if we open this... we allow this Bill to pass, that other issues are going to arise from it, and I would respectfully ask of my colleagues, just for one minute, put aside the big fight

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that we always have over handguns, and think about the many environments that these guns are going to be going in to, and the possibilities of accidents happening. That if we can prevent just one accident from happening, I think we should take that time to think about that. I would urge a 'no' vote on this legislation. Thank you."

Speaker Lyons: "The Gentleman from Bond, Representative Ron Stephens."

Stephens: "While you're taking that minute to think about it, you're sitting in your hotel room or maybe a camp that you go to, and you're there every summer, and the gangbanger comes in and knocks down the damn door and shoots one of your children. That'll still be all right. Then don't want to increase any penalties on them because every time we talk about protecting our rights, people on either side of the aisle stand up and say, you know what, I'm afraid if we give people the right to own a handgun, and take it with them place... some place where they're going to be frequently, well somebody's going to get hurt. It's always okay if it's the... if it's the gangbanger that does it, it's all right. That's just a way of life, because they were raised in a poor town, on the wrong side of the tracks, and they didn't have a choice. They didn't have a choice. I wonder about the little kid that you're trying to protect, the life of yourself and your family, that you're trying to protect, what is wrong with taking a minute to think about them. And I wonder if the Gentleman will yield for a question?"

Speaker Lyons: "The Gentleman yields, Representative."

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Stephens: "Representative, are you trying to make it easier to protect the family or harder?"

Bradley, J.: "What? Yeah. Sorry. What?"

Stephens: "Are you trying to make it easier to protect yourself and your family, or are you trying to make it easier for criminals to bust down doors?"

Bradley, J.: "Thank you for that question, Representative. Trying to make it easier to protect friends and family."

Stephens: "It's not a lot more complicated then that, is it?"

Bradley, J.: "No, Sir."

Stephens: "Thank you. I urge an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Jim Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Durkin: "Representative Bradley, a number of years ago the Legislature passed legislation to prohibit a convicted felon from carrying a firearm. It's called the UUW by Felon, it's a Class III felony, it's the right thing. You have to prove up the elements of the UUW, the unlawful use of a weapon, and then it's very easy to, you know, try the case. My question is, is there... under this exemption, are you... do you have language which states this does not apply to someone who is a convicted felon? 'Cause this seemingly would..."

Bradley, J.: "It doesn't..."

Durkin: "...give that individual the ability to avoid that UUW by Felon if... 'cause we've not met the elements."

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Bradley, J.: "No. No it doesn't, because the other laws of the state still apply. If you're a felon, you can't have a... Right?"

Durkin: "No."

Bradley, J.: "So all this does is amend the statutes in place."

Durkin: "No, no. For that you have to prove up the elements of a UUW. What I'm saying is, that when you have an exemption in there, it seems to me there's an argument to be... I think a fairly good argument to be made that this law, the Class III felony, UUW by Felon cannot apply because the exemption has been created."

Bradley, J.: "I don't agree with that interpretation."

Durkin: "Oh, I agree. So, I will bring it up... with the group that is promoting this, but I think you need to look at this closely that you're creating a... unwittingly creating a exception in there for that type of violation."

Bradley, J.: "Not at all."

Durkin: "All right. Thank you."

Speaker Lyons: "The Chair recognizes Democratic Leader, Barbara Flynn Currie."

Currie: "Thank you, Speaker. First I have an inquiry of the parliamentarian. Does this Bill preempt Home Rule; and if it does, what is the vote requirement? And to the Bill, while we wait for the parliamentarian to answer the question. There was an Appellate Court ruling that seems to me, reasonably and rationally, defined the current statute which says that you can have weapons in your abode, to say that your abode is where you live. It's your home. It's where you are 365 days of the year. Well, some people

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think that they want your gun to be with you when you're going to a hotel or if you're a college kid in a dormitory room, or if you're planning to sleep in your car overnight, a trucker in a cab, for example. And what this Bill does is to say, yeah, we do mean you can carry that gat into the hotel room, into the dorm room, into the tent when you're summer camping. And then further, it says if you're invited. Invited, what does that mean? I invite you to the Taste of Chicago. Does that mean you can bring your gun with you when you decide to take me up on the offer? I think this Bill is totally hopeless when it comes to protecting the people of the State of Illinois, the children of the State of Illinois. And I would urge my colleagues to join the City of Chicago, the County of Cook, and me, in voting 'no' on this Bill. And again, to the parliamentary question."

Speaker Lyons: "Leader Currie, the parliamentarian is going to get back to you on that. He'll get back to you in a second, Representative. Before we go to the vote, the parliamentarian will address your question. The Gentleman from Jasper, Representative David Reis."

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

Speaker Lyons: "The Sponsor yields."

Reis: "Representative, the parliamentarian is trying to get us a ruling on Home Rule. What is your assessment with the U.S. Supreme Court ruling in Washington, D.C., and how this should affect this ruling by the parliamentarian?"

Bradley, J.: "This doesn't preempt Home Rule. And it's pretty clear..."

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Reis: "That's what I say too, but I have a sneaky hunch that they're going to go down that long list of where we require 71 votes and where we don't, and they're going to find a letter that says this does. But wouldn't you think that the Supreme Court ruling would help us in saying that that is no longer constitutional for cities to ban guns?"

Bradley, J.: "I think the Heller case was pretty clear that struck down the gun ban in D.C. And I don't know how else to interpret that the language, both in terms of the holding and in terms of dicta, it's very, very clear."

Reis: "What has happened in communities like Wilmette, Morton Grove, those there that had gun bans? What did they do with their local policies?"

Bradley, J.: "Well, those are... my understanding is, there's a court challenge going on currently, and the ruling has not come down yet within the State of Illinois. It'll be interesting to see what that ruling is. And that may clear up..."

Reis: "But haven't some of those smaller communities overturned their gun bans?"

Bradley, J.: "I think they have."

Reis: "Yes, they have."

Bradley, J.: "I assume you know the answer to that."

Reis: "They have..."

Bradley, J.: "You're never suppose to ask a question..."

Reis: "...because of the Supreme Court ruling."

Bradley, J.: "...you don't know the answer to. So, I assume that you did."

Reis: "Okay."

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Bradley, J.: "I think that the world is a different place after the Heller case."

Reis: "Okay. I'd like to yield to the parliamentarian, but keep my time that I have available."

Speaker Lyons: "Barbara Flynn Currie, in response to your question the parliamentarian... and Representative Reis, the parliamentarian will address the question."

Parliamentarian Ellis: "Representative Currie, on behalf of the Speaker in response to your inquiry. This Bill does not preempt Home Rule. It's a 60-vote requirement."

Speaker Lyons: "Representative Collins. Annazette Collins. You're recognized on the Bill."

Collins: "Thank you, Mr. Speaker. Will the Sponsor yield? Bradley, now in Chicago it is illegal to carry a gun in Chicago, period."

Bradley, J.: "There is a gun ban in Chicago."

Collins: "Right. So, now... so, if someone came to a place and had a gun that was in an illegal place, like say your friend came to Chicago and it's illegal to carry a gun in Chicago, then that person still would not be able to carry that gun in Chicago, right?"

Bradley, J.: "This does not... this does not change other gun laws."

Collins: "Yeah. Thank you."

Speaker Lyons: "Representative Bradley to close."

Bradley, J.: "I think we all probably have a idea of where we're at on these issues. And I would ask for an 'aye' vote."

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Speaker Lyons: "The question is, 'Should House Bill 182 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 72 Members voting 'yes', 45 Members voting 'no', 0 Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, the Chair recognizes Representative Dan Brady for the purpose of an announcement of personal privilege. Can I have your attention for this, please, Members?"

Brady: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, if I could have your attention for just a moment. I'm joined in this moment of silence I'm going to ask you to participate in by Representative Keith Sommer, as well. Several days ago, two little boys were tragically murdered in our... my area, Representative Sommer's district, in LeRoy, Illinois. Right as we speak, I speak right now, two hearses are taking the bodies of Jack and Duncan Connolly... Duncan was nine, Jack was seven years old... to the Oak Grove Cemetery in LeRoy, Illinois. It's just a reminder of the many problems that our society faces. These boys were part of a murder-suicide in a terrible, terrible domestic situation. I would just simply ask that our prayers, our thoughts go out for Duncan and Jack and their memory and their mother, Amy and their families and their communities. So, I'd just ask for a moment of silence. May they rest in peace. Thank you, Mr. Speaker."

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Speaker Lyons: "Thank you, Mr. Brady. Representative Bob Biggins, for what purpose do you seek recognition, Representative?"

Biggins: "A question, Mr. Speaker. The previous speaker referenced this terrible tragedy. The name of the judge who allowed the boys to be with their father, Representative Brady?"

Speaker Lyons: "Representative Brady."

Biggins: "The name of the judge."

Speaker Lyons: "Representative Brady."

Brady: "The judge is, Representative (sic-Judge) James Souk."

Biggins: "Has he responded at all publicly about why he made that decision?"

Brady: "I... I've personally spoken to Judge Souk. I've also personally spoken to Amy, the mother of the boys, and as we all know, there's two sides to every story. There's legal issues involved here that I don't pretend to understand and aspects of the case that, obviously, the judge cannot respond to. In the days to come, I believe that the issues will be looked at and reviewed and maybe it would be a point of this Legislative Body to look at some type of remedy, if that is what's needed here. My purpose today was simply to remember the two little boys and their family."

Biggins: "And I understand that, but the... the point is, my question, is the judge who made the decision... and it's an unpleasant topic... I'm not going to shut up about it. The judge made the decision to let those children be put to their death. Let's investigate the judge. Mr. Speaker, is

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there a Body that we have or a remedy that we have that can investigate the judge who made that decision that caused the deaths of those two boys? I ask you, Mr. Speaker."

Speaker Lyons: "Representative Biggins, I do not know, but I will certainly refer it to the parliamentarian if he has an opinion on that. I certainly share your passion on the issue as we all do."

Biggins: "I would like... I want to file something that asks why that person was allowed to make that but... not allowed... why he made that decision and have him speak publicly to the deaths of those two boys. It's a... he's a disgrace."

Speaker Lyons: "Representative Brady."

Brady: "Mr. Speaker, if I could respond."

Speaker Lyons: "Please."

Brady: "Thank you very much. Representative Biggins, why I certainly appreciate your frustration and that of so many others, I believe the appropriate review and direction will be taken, and I'll certainly be happy to visit with you about that. I think at this moment, as I indicated, I'm just trying to peacefully remember two little boys and their family."

Speaker Lyons: "Representative John Fritchey."

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

Speaker Lyons: "Please proceed."

Fritchey: "Ladies and Gentlemen, we all know members of the judiciary and judges every day are faced with a number of difficult decisions, some of which we'll agree with and some of which we won't. I happened to have read a good amount of the history of this case, but I would admonish,

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with all due respect, anybody in this Body trying to single out publicly a member of the judiciary in what is obviously a tragic and heinous case, was obviously an unfortunate situation, but to do so in lightly couched language saying that a judge knowingly signed an order that led to the deaths of two children is a terrible, terrible thing and unwarranted thing to put on the head of any human being, to put on the head of a member of the judiciary. I... I don't know the judge. I don't know if he's a fine judge or a bad judge. I know from what I've read that he appears to have complied with the aspects of the law. If there are problems with those components of the law, that falls on us to revisit it and correct those issues. But at this time, I think Representative Brady was absolutely correct in saying our focus should be on the fact that there were two innocent boys that are being buried today. Our focus could later on be on the fact that maybe changes need to be made in the law, but I think it is very dangerous and unwarranted to try to lay that tragedy at the feet of a judge who was simply following the law. I would hope that we would tread exceedingly, exceedingly carefully before making statements even in the moments of passion and even with the best of intentions that changes need to be made. It is one thing to say there's a problem with the law; it is another thing to say that perhaps there should be an investigation into the law; it is quite another to try to lay the deaths of two young boys at the foot of a judge. Thank you."

Speaker Lyons: "Representative Biggins."

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Biggins: "Well, I don't know why my friend and colleague, Representative Fritchey's afraid of looking into this. People are dead, maybe needlessly, maybe the judge made a wrong decision. The matter's been brought up, not by me, but we can't change what's happened but maybe we can change the future. We can't change the future. Maybe we can affect the future, and find out what this guy did, why he did it, and maybe we'll learn something from that. That's why I responded to my colleague's moment on the floor."

Speaker Lyons: "Representative Fritchey."

Fritchey: "Thank you, Speaker. Why this needs to be prolonged is beyond me. Decorum and respect for this institution will prevent me from responding the way that I would prefer to, but I'll be damned if you're going to say I'm afraid of looking into this. I try to very respectfully say that I understood what was driving your comments, but I thought it was reckless to publicly try to lay the deaths of two kids on... at the feet of a judge when you don't know everything behind this case and neither do I. But you've got to be kid... I've known you way too long. You say I'm afraid of looking into this fact. This isn't my district; these weren't my family members; this isn't a judge that I know or have ever heard of before. We can disagree on this. I try to respectfully make a point. You want to personalize it. And you want to try to accuse me of my motivations. You ought to be ashamed of yourself."

Speaker Lyons: "Representative Art Turner. Mr. Clerk, what is the status of House Bill 45? Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 45, a Bill for an Act concerning criminal law. Third Reading."

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

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I bring to you a Bill today that.. and I know there's been a million of editorials written about this Bill, and so I just want to clarify some points in terms of what my intention is with House Bill 45. And we know that prison overcrowding is a very real issue, and that's not the full intent for this legislation, but it is certainly a solution in dealing with our prison overcrowding situation. I want to clarify and let people know that this is not a get out of jail free Bill, that I'm not trying to release murderers, in fact, murderers would not even qualify for the legislation that I'm proposing here today. But their statistics have shown that men and people over the age of 50 very seldom recidivate in terms of committing crimes again. We have over 301 prisoners who would probably be eligible for this legislation, if it were to pass. There are a few things that should be.. that I'd like to clarify at this point. This Bill would say that if a person is over 50 years of age, and I chose the age of 50 because statistics have shown that if you're a person that has served 25 to 30 years in prison and you're 50 years old, your body.. or you're not actually 50 years of age but you have the body probably of a 60-year-old or 65-year-old, if you think about a person being confined in a 9 by 12 cell for 30 years. And so, although I say 50, I'm.. I would be

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willing to amend this Bill, it could be 55, it could be 60, but what I'm saying is that people who have served at least 25 or 30 years in prison tend not to recidivate. This is an agreement that researchers have proved... proven this over the years. We spend some 25... \$23 thousand a year to keep people incarcerated in prison. I think the department says that they think it's as high as \$30 thousand, but if you take into consideration an elderly prisoner, we spend as much as three times that amount, so anywhere from 70 to \$90 thousand a year we spend to keep men who are over 60... over 55 years of age in... incarcerated. Many of them have health issues and that's the reason that the cost is so much higher. They suffer from diabetes, kidney failure, heart failure. So, we spend an exorbitant amount of money keeping prisoners there. Research also has indicated that in 2003, there were 492 prisoners paroled that were age 50 years or older. Of that... of the 492 people that were paroled, only 39 people, I won't say committed another crime, but they were recommitted for technical violations. And I should clarify that, these were technical violations. Only 7 of the 492 recommitted new... new crimes, and so if you take into consideration, those numbers alone, that's saying that the recidivism rate for just that population of 492, is less than... it's actually 1.5 percent. National studies show that men over 50, and I say men, you know, and I'd just like to clarify that, people over 55 years of age, less than 2 percent of those people who have been released from prison ever return back. An Ohio study showed that people age 50 and older who served at least 25 years

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committed zero crimes during the period of 2002 and 2003, and 14 percent of those were committed for technical violations. So the question becomes, at what point has a person served his time? You know, has he been... I should say the real question becomes, is prison a place where we're to punish or we are also to try to rehabilitate? And I think that probably best sums up how we view prisoners here in Illinois. Many of the men that are incarcerated we provide very little training for them while they're there. And then these very people are then let out, come back to our communities with no help. The feeling is, at this point, let me clarify how they would be released. This isn't an automatic, as I said, out of jail free. The individual would have... the prison... he would have to make a petition to the Prisoner Review Board for release. The Prisoner Review Board would then take into consideration the behavior of this individual for the last 30 years, recommendations from guards, you know, has this person shown remorse. Has he tried to do some things to improve himself while he was there, i.e., receiving his GED, going on trying to get an AA, or any type of certifications that may be available in prisons. At the point that the member or the prisoner would make this petition, victims' families would be notified, so they would have the ability to come and make a presentation before the Prisoner Review Board. If the Prisoner Review Board feels that that offender is not eligible or has not... has not changed, then they would deny it. That individual would only have one bite at the apple. So for those guys that are over 50 years old and has served

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30 years, they would have one opportunity to go to the Prisoner Review Board. If the Prison Review Board felt that this person was a changed person and that he.."

Speaker Lyons: "Go ahead, Art, continue."

Turner: "...that he in fact has served his time, then the Prisoner Review Board would make that decision. So this is not get a out of jail free. Murderers, and I want to clarify that, murderers are not eligible for this ability to be released, and if you keep in mind that there are a number of Class X... we have a number of people that are incarcerated, some who have long-term prison sentences, are there for drugs, drug-related crimes. Seventy-five percent of the men that are incarcerated in the Department of Corrections currently, are there because they either sold drugs, used drugs, or some crime was committed that was drug-related. And so I know that... that there are those who are concerned about, you know, what about the victim, and I too am a victim and have family members that have been victimized. But I also believe, and I think that many of us here believe that people can change. If you believe, that people can change, then you would support this legislation. If you don't believe that a man can change that, you know, that there is no remorse that, you know, once a bad guy, always a bad guy, then I would suspect that you would probably vote 'no' on this legislation. If you believe that people can change, that people just by virtue of having served 30 years in prison can be a different individual, then I would expect you to support this

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legislation. And I would be open to answer any questions that any Member have on this Bill."

Speaker Lyons: "Representative Dennis Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, you stated a few seconds ago in your opening, that people convicted of murder would not be eligible under this Bill?"

Turner: "That's correct."

Reboletti: "So, if they were sentenced to murder and they received a 40 year sentence, they would not be eligible. Is that... is that in an Amendment? 'Cause I remember..."

Turner: "Well, they're..."

Reboletti: "...when this was presented..."

Turner: "Let me say this. People who are convicted... who have been given a death penalty would not be eligible. Murder would be eligible, but people who have not... who have the death penalty would not be eligible. In fact, we right now, there are murderers that are let out on a regular basis. So, I do stand corrected. Right now, they are... you know, you get 7 to 14 if you commit a murder."

Reboletti: "What... what about..."

Turner: "In fact, you get... you can get out of jail faster for committing a murder then you can for some drug crimes in this state. And at the rate we're going, it's going to be more of that. And heaven forbid, if you're a sex offender. You could... in fact, you'd be better off committing murder than you would be a sex offender in this state."

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Reboletti: "Well, Representative that... my next question is, if there's sex offenders who have multiple child victims, with consecutive sentences of 25 years apiece, and they're not eligible to get out for a hundred years, this Bill would allow them one bite at the apple to get out after 25 years. Is that correct?"

Turner: "The PRB board would make that determination. And I'm not trying to let sex offenders out. If he's not a changed person, if he has not done anything in terms of showing that he's a different individual, and it would be the PRB board in... with... in conjunction with recommendations from the guards, and their activity while, you know, violations that they may have committed while they were in the prison, that would be a determining factor. So again, this is not just, okay, I've served 25 years, let me go and I should be able to get out."

Reboletti: "Representative, and I appreciate your passion on this issue. Didn't we try this indeterminate sentencing before in the '60s and '70s when a death penalty was not an eligible sentence? And I know Representative Washington has spoken many times on what we call C Class inmates that are indeterminate sentences, and they're been sentenced from a range of 25 to a 125 years. And I've read those transcripts where the judge said, if I could give this individual the death penalty, did he kill the police officer in the line of duty, I would have given it to him. These individuals come up for parole every 2 years. They go to hearings, then they're denied, and then they come back and they haven't shown any additional rehabilitation.

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I guess the concern here, Representative, is, are we going to create another class of opportunities for people to get out, because a judge has already given a sentence under the guidelines of this General Assembly, and now we want to go back and we're changing those, aren't we?"

Turner: "But there are a number of prisoners under the guidelines of this same General Assembly. We changed the law, I think it was '72 when we eliminated parole in this state, and you've got guys that are in there that are caught in this web, and I think that's part of this 301 individual, that because of our change in the sentencing, and as you say, they are C numbers who would be eligible but, you know, they're there because the Legislature changed the law. And so their ability to be able to be paroled, which no longer exists here in this state, changed because of a change in our law. And I think that, you know, in a case... and I should clarify, these are people again who have shown some remorse. I'm not talking about a guy that's there 25 years, 30 years, and he's the number one gangbanger in the prison. He's still running... you know, running around in the prisons like he is in the street. One who's giving guards... you know, that they have to send them to Tamms and keep their eye on them. But I'm talking about individuals, and there are a number of them there, in fact, the institution utilize some of these people. These guys are working in the offices in the Department of Corrections. They're doing administrative duties there in the Department of Corrections. So the department itself know that they are no longer violent,

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that they're no longer a threat to mankind, and we're spending \$70 thousand a year to keep that guy there. And as I said, many of them are... are of poor health."

Reboletti: "And I appreciate that. And that takes me to a different... and I know I'm not going to have enough time here, but I assume these same inmates, that they're coming out and they're in poor health, aren't the people going to be paying for them through some form of public aid through insurance and that? In that respect, I assume, they're not going to come out and be able to get a job, right?"

Turner: "You know, there are people with poor health that are still working. So, hopefully, they would be able to do something. The one job that they might be able to do is talk to some of the young gangbangers on the street to tell them that... you know... we could..."

Speaker Lyons: "Representative Reboletti, your time has expired. If you could conclude your remarks. And Representative Turner, continue with your answer, then we'll go to the next person of which we have a lot of people to speak."

Turner: "The one thing that these guys who, you know, they could be role models for some of the young people today to say this is what you don't want to do this. Look at me, I've spent 30 years in prison and look at where I am today. I think young people need to hear more from guys who have been in there, versus going into prison and then learning how to be a criminal while they're incarcerated there."

Reboletti: "Mr. Speaker, if I may close, and to the Bill. Ladies and Gentlemen of the House, we talk about capital

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punishment, we never get it to the floor. I know Representative Yarbrough had a measure to abolish the death penalty. I sent a letter to Governor Quinn over a month ago after he said he was a proponent of capital punishment but wanted additional reforms. I have not yet heard back from the Governor. If we abolish the death penalty in this state, this would make sure that every person incarcerated would then be eligible to be released 25 years later after the crime was committed, and have attained the age of 50. This is... this is exactly where we don't want to be in the criminal justice system. Thousands of victims across the state have counted on the system to provide integrity that if we're going to lock somebody for 60 years, then they're going to serve 60 years. Not let them out 25 years and let them out 40 years early because they've been good in prison. I appreciate what the Sponsor's trying to do here. I understand that we have... we have issues in the prisons, there might be some other things that we could do at a smaller level. I think this is not good for public safety issues. I think we need keep convicted murderers, cop killers, and sex offenders locked up. And if we're going to have capital punishment in the State of Illinois, we need to reform it, and if we don't want to have it, we need to abolish it and let natural life without parole be the letter of the law and not try to take away from it. Thank you, Mr. Speaker."

Speaker Lyons: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. The... it occurs to me, thinking about Illinois retirement systems, we've got a

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rule of 85. Got to be a certain age and have worked 30 years, 55 and 30 years. This is even a better deal than that. And as to the issue of remorse, if they show remorse, well, now it's okay because, well, you've been rehabilitated and the parole board's going to look kindly on you. I think we ought to remind ourselves that, first of all, these people were convicted in a court of law by 12 jurors. People that are their peers, and justice is had. For us to violate that trust, that trust that the system said you know what, this person deserves to rot in prison. If they've turned a new life, they're a born again Christian or they become a worshipping Muslim, or whatever it is, they will get their reward in heaven, Representative. I would suggest that for us to give the prisoners who have violated the law and been proven guilty in a court of law by a court... by a jury of their peers, is the ultimate insult to all who have been victimized by crime. And when you say, well, it's just a drug dealer. How about all the families that have been so negatively affected by the use of those drugs? How about we wait until all of the price is paid by those victims, those indirect victims, when they have been made whole, then maybe we'll talk about making this prisoner whole. And I believe that that's the Lord's job in heaven or hell."

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

Howard: "Yes, thank you very much, Mr. Speaker. Representative Turner, as you know, I am very close to criminal justice issues, and I'm also very concerned about this population

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of individuals who have served for some time and who I believe deserves, redemption and they deserve to be able to atone for some of the things that they've done. I think it's great that you have put in the... make... developed a standard so that not just everybody can apply for this. Let me ask a question. You say that... that the families of the victims or the victim can make statements before the Prisoner Review Board at the hearing regarding this process?"

Turner: "That's correct, Representative. They would be able to be there at the hearing that the prisoner requests. That's correct."

Howard: "Are those statements made by the... by the families or the victim, are those given as much weight as the other things that you talked about: the rehabilitation, whether or not the person has demonstrated remorse, whether or not the individuals who have be re... interacting with that individual for those many years, feel that that person has really done things to deserve being treated in this manner?"

Turner: "Representative, those statements would be... certainly they would be given the same weight. I do not want to take anything away from the victims of the family, and the review board would have the ability to hear it and take that into consideration. Absolutely."

Howard: "Again, I think that this is... is a piece of legislation whose time has come, and I certainly hope that my colleagues will look at this and do think about our ju... Judaeo-Christian ethic and that is that, there is a time

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for people to be forgiven. I think that after 25 years in incarceration, if that person is at least 50 years of age, that there is... there should be some consideration for allowing that person to demonstrate that they can now go out into society. I hope that all of my colleagues will vote 'yes' on this legislation. Congratulations to you, Mr. Turner."

Speaker Lyons: "Representative Rosemary Mulligan."

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

Turner: "Yes, I will."

Speaker Lyons: "Sponsor yields."

Mulligan: "Representative, I'd like to look at a different part of this. I agree with a lot of the statements you've made and some statements that other people have made, having been both a victim of crime and looked at people in my community who have been sentenced in other ways. There's one issue I'd like to bring up before I start asking you questions. A few years ago, we had a committee that went through and looked at all the laws, the criminal laws, and made suggestions on how we should change them. Some people are sentenced to such long sentences because we have overlapped laws so everybody could say, I passed a Bill for such and such and now they're just in prison for a long time for something... if you... was a straightforward thing, it wouldn't be. But my concern with all of this, no matter how I feel about the underlying part of it is, you know and I know that men in this state who are poor, who have been in prison, wherever, do not get any benefits. So, if you come out of prison and you don't have, say, a family member

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or someone who will guarantee where you're going to stay or what you're going to do, we have cut repeatedly either job programs or halfway house things where people, you know, not-for-profit groups, provide some housing temporarily 'til people can find a place. And if you've been in prison for 25 years, if you don't have a family member or someone that will help you, what do you anticipate for these men and women, and I think women usually have a better ability to get help than men do, what do you anticipate.. what kind of services would there be so they're just not out, you know?"

Turner: "Representative... Yeah. Representative, right now you have the safer... in Cook County we have the Safer Project. In my district, I have a church that has set up a... it's called the Hope House. We've got 75 men that have been released from prison that are now staying at this facility. They live two... it's not even two blocks. They live right across the street from me. These guys have been incarcerated for a number of years. Most of them have been on drugs. There's been one or two murderers there that are now in that facility. One of the things that we provide, and in fact, in this Bill what we're saying is, they just don't get out. I'm requiring community service. I'm requiring... that even they have electronic monitor for six months to a year, so that we can keep up with them. But there are some facilities currently right now, most of them are faith-based or ran by a non-for-profit, not enough, but we're not talking about releasing everybody from prison. I'm saying that only 300 people are eligible and probably

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less than 1 percent of that 300, would even be released. And so it's not a large population, but I agree, they do need to come back to a facility. We can't just turn them loose to the street. There are some that we will let out, they'll probably want to go back to prison just because that's the only place they know."

Mulligan: "Right."

Turner: "That's where they've spent the last 35 to 40 years."

Mulligan: "And they no one... no support group."

Turner: "And some of those guys..."

Mulligan: "Particularly, if they've been in prison for a while..."

Turner: "That's right. Some of them would probably..."

Mulligan: "...their family members may not be alive."

Turner: "Some..."

Mulligan: "Or they may not want them."

Turner: "That's right. Some would probably not even apply. So this isn't a automatic get out free, these are for guys that have a family, have somewhere to go. This would be a issue that the Prisoner Review Board would have to take into consideration. We're not just going to turn a guy loose and let him go nowhere. But those are the kinds of people that would qualify, and upon review by the Prisoner Review Board, could then let them go. But again, it's not, I'm out of jail and I'm gone, but there would be mandatory community service. They would have an electronic monitor that we could still keep up with them. I'm not talking about letting out sex offenders, murderers. I'm not pushing for murderers but..."

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Mulligan: "So, would a state's attorney have the right as they do in some parole hearings to contact victims and ask them to come and testify against that... why that person should not be let out?"

Turner: "Yes, Ma'am. He sure would. The state's attorney could do it."

Mulligan: "So the process would still be the same. They would just get a different kind of review because they're a certain age and they've been in prison certain..."

Turner: "That's correct, Representative. And I just chose 50, but if 60 sounds better, I don't have any problem with, saying 60 years of age. The number, we can work with. If you want we say 30 years in prison, 30 years, but at some point, you know, and I understand one of the previous speaker talk about you're getting your judgment in heaven, but I think there's a bible verse in Hebrews that talks about, you know, remember the prisoners. You know, remember those people that we have incarcerated because, you know, they're not all, and if I think about what is going on in Cook County, and I don't want to talk about Operation Gray Lords. I..."

Speaker Lyons: "Rosemary, your time is up. If you could conclude your remarks, we'd appreciate it."

Mulligan: "Right. I'd like to make a closing on this and I... and it has to do with... you know, some things are logical and some aren't. And in some instances, you take a look at something and you'd like to give the person the benefit of the doubt. I've done a lot of votes, say, on juvenile justice. I then turned around and saw them in mail piece

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in a campaign. Just like we were talking about what happened with Representative Jefferson's Bill; Bills like this where you'd like to give someone the benefit of a doubt to take a good look at a Bill, to take a look at a program. Instead of legislating what we do, is we have legislation here where some of us feel that maybe we would like to see how we could work a program like that out for someone, but you know what's going to happen to you, you're going to turn around and get a bad mail piece. That's why I think we're not doing good legislation. I think the Gentleman has an idea that's worth examining. My area that I looked at was from the human service point of view. But I also have a family that's a victim of crime, too, so I don't come from this with saying just give everything to him for nothing. And I can understand a lot of the state's attorneys views on here. I think it's an interesting premise, and I think our laws are pretty convoluted and they need to be reviewed again on why we heap sentences on some people and still murderers get out in a very short length of time."

Speaker Lyons: "Representative Washington."

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

Speaker Lyons: "Sponsor yields."

Washington: "Representative Turner, in House Bill 45 you have put in the necessary components to make sure that the courtesy, the consideration, and the respectfulness is given to any family that has lost a loved one at the hands of the offender. Am I correct?"

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Turner: "Representative, you're absolutely correct. We're saying that during the petition period, when the PRB is, you know, the petition for clemency is brought forth, that the offender would be notified, his attorney could be there and be present, the victims of the family, their members, could all be there. They can send in their reasons why they think that person should not be released. So, in no way am I slighting the victim or the family members of the victim."

Washington: "And thank you for doing so because so many times, you know, that has been the objections and that's not the case here. So, I want others who may not always find themselves agreeing that you can't say that that wasn't considered. To the Bill. House Bill 45 brings to mind a few issues that I want to share. You know, every time we come to this sacred place, we have prayer. And my colleague here mentioned Judeo-Christian values. I remind those who might go somewhere near a church, or whatever place of worship Sunday, we hear many documentations concerning Jesus versus Barabbas, concerning John the Baptist. These are all former inmates that were incarcerated in a system. So, the Savior Himself was an offender. And I'm only using that to show the importance of what is meant by what I understand, judging not unless you wish to be judged and those who show passion will receive it. I think when you look at 25 years, a quarter of a century, of any man or woman's life, and that if God allowed them to reach the ripe old age of 50, and if it's true that you are what you eat, and as a man and woman

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think it, so are they, then it goes back to my colleague when she asked the question to the Representative about what will they come to grips with when they are out? That's why it's so important that programming and education in Tamms and other institutions are so crucial to give others who are incarcerated, something else that will modify and influence their behavior. We have an opportunity here that I'm hoping that we can see the strong validity of it. It's not letting anything get away, and I hope some of the heavy-handedness of some of my colleagues, that you never have to face what you dish out. I hope you never have a son and daughter that is mistakenly at the wrong place at the wrong time. Whether it be in a foreign land or domestic, that you have to make that plea for. Then maybe, just maybe, you might understand the pleas and cries of those who wish to start all over again. And I challenge this side of the aisle in a respectful manner. My colleague who called my name earlier, I challenge you in this way. If we're going to always speak on the need to incarcerate and never, never, never letting people pay for their debt, then you must join me, I challenge you, to join me and others to create the mechanism of opportunity for those that are out. Because it seem like society is so bent on continuously punishing them, that they never give them access or an open chance to take care of the family they left behind being that the father didn't pick the children and the children didn't pick the parents. So, I want to close on this note. This is just another attempt

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of an extension of what we do when we open up for a prayer here, to say that..."

Speaker Lyons: "Representative Washington, if you can conclude your remarks, we'd appreciate it."

Washington: "I knew that was going to happen. It always seem to happen when you're right when you're getting started. But I'm asking and I'm appealing to you as a father, a victim, and who has also lost family members at the hands of victim. Let this work. It has the safeguards, the checks and the balances, and it doesn't change nor weaken those who pursue law enforcement. I, too, pursue it. I encourage an 'aye' vote for House Bill 45."

Speaker Lyons: "Ladies and Gentlemen, we've had three people speak in support, three people speak in response. There's still a lot of people wishing to address this issue. Perhaps your question may have been covered. The next speaker on the... that we have here is Representative Ed Sullivan."

Sullivan: "Take me out of the record."

Speaker Lyons: "Thank you, Representative. Representative Monique Davis."

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

Speaker Lyons: "Sponsor yields."

Davis, M.: "Representative Turner, is it true that Missouri has this program?"

Turner: "Yes, Representative."

Davis, M.: "So, Missouri recognizes that if people have been incarcerated for 25 years, there is a chance that they have been rehabilitated. Is that correct?"

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Turner: "That's correct, Representative."

Davis, M.: "To the Bill, Mr. Speaker. I believe that people can be rehabilitated. Even in this Body, we have some who have been rehabilitated. Have left but came back rehabilitated. Accept it. The rehabilitation took. And it didn't take 25 years. So why would we assume that when people are incarcerated with services available, why would we assume that they cannot be rehabilitated. Rehabilitation means that if you once were a drug user, you no longer were a drug user. Rehabilitation means if you once were a gang member, then you see the waywardness of your ways and you change and you're no longer a gang member. One of the purposes of removing people from society is to get them to change their ways. Truly one point is to punish, but another point is to rehabilitate that individual. If the Prisoner Review Board looks at this case and feels this person has been rehabilitated, they go through the steps that are listed here, and those steps help to protect the prisoner and the person. There's the use of an electronic system. The person is just not out there wildly free, the person is still under a system. And you know what the best thing is, Representative Turner, it will save taxpayer money. That prison budget is bursting at the seam because in Illinois some people feel you should never get out. Once you go, you should never get out. And then there's some people there who have committed the same crime, same crime, as people sitting in this Body, but they're not in this Body, so they went to prison. They might have gone for 20 years, they might have

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gone for 25 years. So, what is the difference? What is the difference when one person or group can be rehabilitated, but those that we don't know or care about cannot. We need to rethink this issue. We need to rethink it, we need to look at ourselves and say if I can change so can he and so can she. Vote for this Bill."

Speaker Lyons: "Representative Careen Gordon."

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

Speaker Lyons: "Sponsor yields."

Gordon, C.: "Thank you. Representative Turner, I was looking at the actual legislation and you said that according to... it would be anything other than death and that sex offenses are not included. Is that correct?"

Turner: "That's correct."

Gordon, C.: "Well, it doesn't say that. In the actual Bill it says a committed person as defined in subsection (e) of the Section... is 50 years of age and has served at least 25 consecutive years of imprisonment in the DOC or a facility and is serving a sentence other than death may petition the Prisoner Review Board for participation in the Elderly Rehabilitation Prisoner Program."

Turner: "That Section again, Representative?"

Gordon, C.: "That's Section (a) under Section 5-8-1.4 which is the Section that you're adding in, under the Elderly Rehabilitated Prisoner Program. It's on... it's the top of page 17. And the... the offense..."

Turner: "Representative, anybody that's... would be eligible as long as they've not been sentenced to death. But..."

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Gordon, C.: "So, sex offenders are eligible to... as long as they're over the... so, I think..."

Turner: "They're eligible... they're eligible to file the petition. We're not..."

Gordon, C.: "They're eligible to file the petition."

Turner: "PRB... I guess the safeguard here is that the Prison Review Board would be the... the one would determine if a person is to be let out. And so the eligibility, you're right, they would qualify under this legislation. But it's not a get out of jail free. It would be the Prisoner Review Board, the victims of the person that's incarcerated, whoever he may have harmed, their family members, they would be allowed to testify, make a statement. If, in fact, this individual has shown no remorse, has not changed, then he wouldn't be released. But he would be... he would have that opportunity after 30... after 25 years, in this legislation, he would have that opportunity. If 25 is not long enough, after 30 years, I could amend it to put 30. But he would be... have the opportunity to plead his case."

Gordon, C.: "Does this also then affect the sexually violent persons in the Sexually Dangerous Persons Act? For someone who would be getting out and they could petition prior to that because they would be eligible to put... you know, be put in... be held in the Department of Human Services under the SDP or the SVP Act, until they're cured would and they would be held until that time. So, does this trump that or does this go... or does this... or does this go along with that?"

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Turner: "It is not... it is not my intent to trump that legislation, no. I mean... I can tell you what the intent is. This thing... it may still need to be fine-tuned, if in fact it got out of here."

Gordon, C.: "Is the answer no or is the answer that you don't..."

Turner: "The answer is no."

Gordon, C.: "Is the answer... so the answer is no, it doesn't trump it so they could still petition, but they could still technically be held for natural life if they don't finish the proper rehabilitation through the Department of Human Services, SDP or SVP?"

Turner: "That's correct."

Gordon, C.: "Okay. So, someone who is held under the Sexually Dangerous Persons Act could still be... could still file for this... or excuse me, the Sexually Violent Persons Act before that kicks in which is 30 days before they would be let out of prison, and they would be someone who could have committed acts of sexual violence their entire life, they file... they could be eligible to file under this depending on their age, and the Prisoner Review Board would look at it, they could decide that their petition meets these requirements and lets them out and that... and yet it doesn't... and then the state's attorney or the Attorney General's Office never gets a chance to file under the sexually... Sexually Violent Persons Act. Is that correct?"

Turner: "That's not the intent, Representative."

Gordon, C.: "I understand it's not the intent, but it could happen, couldn't it?"

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Turner: "Well, you're saying a person who's sexually... committed a sexual violent act all of his life, well, if he's in prison 30 years, I assume some of that violence must be taking place while he's in prison. Because other than that, you know, I don't know what all his life... you know, I'm not sure how that... you know, how the two come in. The example you're giving, that's not a person who would be eligible to be released, that type of person."

Gordon, C.: "Well, sometimes that..."

Turner: "I mean..."

Gordon, C.: "Sometimes they are released because not every single person... their... their... their background is gone over by a psychologist and it's decided whether or not they have a mental disease or defect that would decide whether or not they're going... they're likely to commit..."

Speaker Lyons: "Representative Gordon, your time has expired. If you'd please conclude your remarks, we'd appreciate it."

Gordon C.: "That... it would decide whether or not they're going to commit an act of sexual violence in the future. So, perhaps this isn't written... so perhaps this isn't written clearly enough to decide whether or not this is eligible. And I see Representative Sacia is over here, and one of the... one of the most sexually violent people was committed out of his county and he would have been eligible for this because he was actually in his 70s when we committed him to the Department of Human Services. But yet, if he had petitioned under this, he had been a model prisoner, he had been a model prisoner, nothing had ever happened to him, and he would have then petitioned the Prisoner Review

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Board, would have reviewed it and he could have potentially gotten around the Sexually Violent Persons Act..."

Turner: "Let me..."

Gordon C.: "...under this... under this statute."

Turner: "Let me say this. Eligibility does not mean that you're going to be released. "

Gordon C.: "I under..."

Turner: "So you may qualify..."

Gordon C.: "I understand that..."

Turner: "...and also..."

Gordon C.: "I understand that."

Turner: "...the Prisoner Review Board, last year, let out less than 3 percent of the people that came before the Prisoner Review Board. So, they just don't, okay, you've done your time, let you go. They... these guys are, you know, I respect our Prisoner Review Board, and they take into consideration a number of variables before they parole... before they let people out. And so, I'm... I'm going... you know, unlike our pension people or... you know, and I know we've cleaned that up, I have a lot of respect for the people on the Prisoner Review Board and again, the person who would apply for release or who would... only gets one bite of the apple, and he would... you know, I don't think that everybody... I only see 300... less than 300 people who would qualify at this point. But I'm... it's not just because..."

Gordon C.: "It means that..."

Turner: "...I've done 30 years, I'm 70 years old..."

Gordon C.: "Right."

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Turner: "...I can go."

Gordon C.: "Leader, what I do see is that you're setting up two different standards and that does concern me. So, while I absolutely support the intent of what you're doing, I don't think that I can support your Bill today. But thank you very much for answering my questions."

Turner: "Okay."

Speaker Lyons: "Representative Ramey and then Representative Art Turner to close."

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

Speaker Lyons: "Sponsor yields."

Ramey: "Representative, my question to you to start out here, do the people that you speak about in this Bill, are they part of the parole system already?"

Turner: "Well, we don't have parole in Illinois any more. And so, they're not part of the parole system. No."

Ramey: "They're not part of the parole system?"

Turner: "No."

Ramey: "And why is that?"

Turner: "We eliminated parole. In 19..."

Ramey: "You mean nobody gets out of jail early in this state?"

Turner: "I didn't hear you."

Ramey: "That people do not get out of jail early in this state? They fulfill their whole terms?"

Turner: "They're not paroled. They may get out, but they're not parole."

Ramey: "Well, what have they done then?"

Turner: "There's man... they get out with mandatory supervisor release, you know. There are other ways that they get out."

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Ramey: "So then, are the people in this group that you're representing, are they part of that system?"

Turner: "That would qualify for mandatory release?"

Ramey: "Yes, Sir. What is the..."

Turner: "Some... some of them could. We're trying... there's 300 or more that can't."

Ramey: "Some of them could?"

Turner: "Right."

Ramey: "And are those the ones you suspect are a part of that minor portion that you believe will come into this program?"

Turner: "Those guys that... that small percentage, by the time they would be eligible to get out, they'd be at least 80 years old."

Ramey: "Is that because of the time they were put into serve?"

Turner: "That's correct."

Ramey: "So, you want to cut that time by possibly 30 years?"

Turner: "I'm not trying to cut the time by 30 year... if they've served 35 to 40 years already, and they have... they have shown remorse and the other variables that I mentioned earlier, I would think that they're eligible to be released. Right."

Ramey: "Well, I'm glad you brought that comment up, Sir. Under the Section (b) 3, it states that a person must show remorse for setting... for acting that they have caused pain and suffering to the victim, but it does not require that they accept responsibility for their crimes. Is there anything in this Bill that says they have to do that?"

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Turner: "Representative, I would assume that the Prisoner Review Board in judging this person's actions over... you know, if you don't show remorse, then you wouldn't be eligible. I'm not trying to let someone out that has not shown remorse, that may have, you know, they... I would think that most of the guys that would even apply would be people who feel like, look, I admit I've done wrong. I've been here 40 years. I'm 60 years old. What else can I do? I'm... I have served my time, but I also think about the family members of that victim. There's a guy that probably hasn't seen his son or his grandson or granddaughter. At some point, the question is, is do we believe that people can be rehabilitated?"

Ramey: "Well, and you just said, the victim. We're not talking about the victim. You're not talking about the victim. You're talking about the person..."

Turner: "I'm talking about both victims. There's the victim of the crime and the family member of the victim. And let me say this, 75 percent of the people that are in prison happen to look like me and a few of my friends that sit here on this, you know, they're not... they happen to be black, Hispanic or minorities. And so the assumption is, are these the ones that commit all of the crimes here in this state or in this country? And some of us, and just based on Cook County alone and the Cook County judicial system in the past, and thank God it's been cleaned up over the last few years, some of these very guys are guys that were incarcerated, I know, as a part of Operation Gray

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Lords. They're not all guilty or should have gotten the amount of time that they got."

Ramey: "Well, Sir, I'm not here to discuss the race of the people in prison."

Turner: "Well, it's just a fact."

Ramey: "And I... and... well, if that's a fact..."

Turner: "I understand."

Ramey: "...I hope that the system was working properly and they weren't put in there incorrectly. My question, though is, and one more statement here. Are the state's attorneys allowed to present any arguments in this ca... in the Review Board?"

Turner: "The state's attorney can bring the arguments... they're not prevented from the... victims can bring... the victim's family can bring their attorney. The defense attorney, if he's still around from that case. They could..."

Ramey: "Well, I asked you about the state's attorney."

Turner: "They're not... they're not... we do not deny the state's attorney from coming in to give a statement."

Ramey: "But the state's attorneys are against this Bill."

Turner: "They may be."

Ramey: "Well, that's what's listed on my... here."

Turner: "You know, there's a lot of people who are against the Bill. I'm not... I don't know who's for it. Police are against the Bill. What does that have to do with it? The guy's already incarcerated. So, there's a lot of people that are opposed to the Bill. I can imagine that there will be a number of 'red' votes up there that are opposed to the Bill."

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Ramey: "I could imagine that too, Sir."

Turner: "Right."

Ramey: "One last question here then. I have a Bill also that would release prisoners early and save the state tens of millions of dollars, House Bill 1147. Would you help me work on that one?"

Turner: "I haven't read it, but I'm certain if it's going to help save the state and that these guys that you want to release are... have changed..."

Speaker Lyons: "Randy, your time has expired. If you could conclude your remarks, we'd appreciate it."

Ramey: "Thank you, Representative. And I have deep respect for the speaker and of his abilities at second base, but I just have to speak to the victims. We've talked about rehabilitation of the persons who've committed the crimes, but where's the rehabilitation for the victims? You can't remove the memories of the crime against you or your families. So, I would respectfully ask for a 'no' vote on this Bill. Thank you."

Speaker Lyons: "Representative Art Turner to close."

Turner: "Thank you, Mr. Speaker, and to my colleagues. Let me first of all say, this issue is not a Democrat/Republican issue. So, I'm not looking at any one side of the aisle in terms of who's going to support and who doesn't support. This is truly an issue about if you believe that people can be rehabilitated. If you believe that at some point, 30 years, 40 years, the things you did at 19, you don't even think about doing at 40 and 50 years of age. And so, if you believe that a person can be rehabilitated, that there

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is two victims. That truly there's a victim that the person who committed the crime against, but his family and loved ones also are a victim. If you believe that they, too, deserve a second chance, then you will support this Bill. If you believe that a person commits a crime, let's throw away the key, there's nothing we can do about it, then you will probably vote 'no'. And in regards to this issue of people who are released, every sentence has a mandatory supervised release at the end of the sentence. In this legislation, I'm saying that the person should be monitored. He also should do community service. As I say, I think he would be a perfect role model for many of our young gangbangers today to be able to talk with people who've been in prison for 35 and 40 years. These are the guys, many of them, and not all of them, are role models and the Department of Corrections right now, utilize these guys to try to talk to the young people who come in today. And so, you know, it's an issue that certainly this Bill isn't perfect, but I think it speaks of what we need to do in Illinois in terms of looking at, can people be rehabilitated? Can we change? If you believe that Corrections, it should be about the business of punishment and rehabilitation, then you will support this Bill. If you think it's all punishment, then you will probably vote 'no'. And if you have another reason, and let me say this, because Rosemary's absolutely right. If you're worried about a mailer, then you will probably vote 'no' as well. And it's unfortunate that people... that people in this state suffer because we play mailers with each other. I'm not

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one to support that concept, but not only with Corrections but other issues in terms of voting for funding for issues in this state, to vote for a tax increase to do something for our schools, is the right thing to do, but mailers should not be a variable here. I say that if a person has served 50 years, at a minimum, if he's 50 years old, willing to go higher, and has served 25 to 30 years in the joint, he should be given the ability to go before the Prisoner Review Board at least one time to plead his case. And I move for... and I ask for a favorable vote."

Speaker Lyons: "Ladies and Gentlemen, after an extended conversation on House Bill 45, the question is, 'Should House Bill 45 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? Burns, Eddy. May, Nekritz. Mr. Clerk, take the record. On this Bill, there are 33 Members voting 'yes', 83 Members voting 'no', 2 Members voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared failed. Representative Watson, for what purpose do you seek recognition? He had his light on. We'll get back to him if we can. Representative Mell, for what purpose do you seek recognition?"

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

Speaker Lyons: "Please proceed, Representative."

Mell: "Ladies and Gentlemen, Members of the House. It is a great day in the United States today because we are one step closer to true equality. In the State of Iowa, the

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Supreme Court unanimously stated that the ban on same sex marriage violates the constitutional rights of gay and lesbian couples. I am very happy today, very happy for Iowa. Thank you very much."

Speaker Lyons: "Thank you, Representative. Representative Frank Mautino in the Chair."

Speaker Mautino: "The Gentleman from Cook, Representative Dunkin is seeking recognition."

Dunkin: "Thank you, Mr. Speaker. I'd like to table House Bill 687, please. Thank you."

Speaker Mautino: "The Gentleman moves to table House Bill 687. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. And the Bill is tabled. Mr. Clerk, on page 17 of Calendar appears House Bill 2734. Representative Poe. Read the Bill. Out of the record. Page 25 of the Calendar appears House Bill 172. Representative Ramey. Read the Bill. The Bill has been read... Mr. Clerk, status of the Bill?"

Clerk Mahoney: "House Bill 172 has been read a second time, previously. No Amendments. All notes have been filed."

Speaker Mautino: "This Bill will remain on Second Reading. Mr. Clerk, House Bill 172, please place that on the board. Place it on Third Reading and read the Bill."

Clerk Mahoney: "House Bill 172, a Bill for an Act concerning firearms. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from DuPage, Representative Ramey."

Ramey: "Thank you, Mr. Speaker. House Bill 172 is set up to defend the State's Constitution. What we charmingly refer to as the Cabela's Bill is trying to defend Home Rule of

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the cities and villages of Cook County. I will take any questions."

Speaker Mautino: "The Gentleman moves passage of House Bill 172. And on that question, the Gentleman from Cook, Representative Burns."

Burns: "Thank you very much, Mr. Speaker. I have a parliamentary inquiry. Does this Bill preempt Home Rule? And if so, how many votes are required for passage?"

Speaker Mautino: "Thank you, Mr. Burns. I will consult with the parliamentarian and get you an answer momentarily. So, I'll get right back to you on that. Do you have questions on the Bill of the Sponsor?"

Burns: "Will the Sponsor yield?"

Speaker Mautino: "Yes, he will."

Burns: "Representative, I have a question. Generally speaking, your side of the aisle believes in local control and allowing folks at the local level government that is closest to the people to make decisions about what's best in their communities. Can you explain to me why you are changing your philosophical position with regards to this issue?"

Ramey: "I'm not changing my philosophy because the Bill is defending the decisions of a local ordinance which deals with the villages and cities. And in that sense, a county with Home Rule is trying to overrule the Home Rule of these cities, and that's against the State Constitution."

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

Speaker Mautino: "To the Bill."

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Burns: "You know, if this was a Bill that was being supported by folks close to government at the local level, I would see that on my analysis. I do not see this on my analysis. To me, this seems to be an attempt by folks who don't want to be regulated by a unit of government to get around that, and to undermine our Constitution. I encourage everyone in this Body regardless of your position on the issue of gun ownership and the Second Amendment to vote 'no' based on those grounds. Thank you."

Speaker Mautino: "Further questions? The Lady from Cook, Representative Graham."

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

Speaker Mautino: "He indicates that he will."

Graham: "Representative Ramey, explain to me what this Bill does again."

Ramey: "It will defend the State Constitution, Section 6, Powers of Home Rule Unit, subsection (c). 'If a Home Rule county ordinance conflicts with an ordinance of a municipality, the municipality ordinance shall prevail within its jurisdiction.' There is a certain commissioner in Cook County who tried to pass an ordinance that would overrule Home Rule in the villages and cities of Cook County. And he effectively put, as I said earlier, Cabela's out of business. So, the Bill does, is to defend the village's rights to their Home Rule which is defended in the State Constitution."

Graham: "The commissioner's ordinance would put who out of business?"

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Ramey: "Specifically a business called Cabela's, which hires many people in Cook County..."

Graham: "How would that ordinance put that Cabela's out of commission... out of business?"

Ramey: "The ordinance, which even states preempts Home Rule, prohibits gun shows in Cook County, prohibits gun shops from operating within one mile of public or private schools or parks, removes grandfather provisions for licensees that held licenses prior to the enactment of the original ordinance. As you know, Cabela's, a very large outdoor shop that sells guns for hunters and fairly, when it was built..."

Graham: "Where is it located?"

Ramey: "Hoffman Estates."

Graham: "Hoffman Estates?"

Ramey: "Yes, Ma'am."

Graham: "Mr. Speaker, to the Bill."

Speaker Mautino: "To the Bill."

Graham: "I know that my colleagues are very passionate about gun ownership and the ability to access them, but I think oftentimes we put that in front of the welfare of people. The very... various local body... local governmental bodies have attempted to put measures in place to protect families and people from accidents and things of that nature happening. We do know that there are law-abiding... law-abiding citizens, and a number of people out there who in effect, circumvent the laws. But what I'm disappointed in is that we don't take into consideration that sometimes local government may know best for the area in which they

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operate. And we take our own personal selfishness and say that, you know, everyone in that area is being criminalized or their rights are being infringed upon. And we don't take into consideration all the things that take place. I know that in Cook County and the area which I live in that there are a number of other issues that bring on violence and there's a myriad of issues, but there's also a lot of solutions out there. And I'm concerned that my colleagues continue to push legislation that doesn't allow us to protect our local constituents. And sometimes I think that we don't take time out... time enough to just think about what some of the other intentions is instead of trying to stick it to one another while we're here. So, I would hope that one day that we would work together on some legislation that would allow us to protect our local constituents and possibly allow law bidden citiz... law-abiding citizens to possess a thing that they would like to possess, which if that's a handgun, so be it. But I think that you guys who just... to really take time out and just look at what we're trying to do here. We're not trying to punish law-abiding citizens. Every piece of legislation has been a measure of commonsense gun legislation just to protect our local citizens. And I think that our... my colleagues have been working from a position of what if. What if they come back and say this? What if they come back and do that? What if they come back and do this? We know that every piece of legislation here are laws that are being introduced has to abide by the letter of that law and it doesn't go over into other areas. I would simply ask my

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colleagues for a 'no' vote on this, and maybe one day that we'll just given each other an opportunity to understand some of the issues and concerns that we have in our area. Thank you."

Speaker Mautino: "Mr. Burns, in response to your inquiry, I'd like to have the parliamentarian step forward with the ruling."

Parliamentarian Ellis: "Representative Burns, on behalf of the Speaker in response to your inquiry, House Bill 172 preempts Home Rule under Article VII, Section 6(g) of the Illinois Constitution and requires 71 votes for passage."

Speaker Mautino: "A number of Members seeking questions on this. For further questions, we will go to Representative Black, the Gentleman from Vermilion."

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

Speaker Mautino: "He indicates he will."

Black: "Representative, you're trying to serve your constituents regarding a retail outlet, and I think we need to focus on that retail outlet for a second. If I understood you correctly, this involves a rather large national chain known as Cabela's, right?"

Ramey: "Correct."

Black: "This is... would you characterize that as a store front gun shop?"

Ramey: "I would not."

Black: "In fact, aren't they hundreds of thousands of square feet that sell everything from canoes, to backpacks, to life preservers, to fishing poles, and a section for

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outdoor sports that might include the sale of long guns or firearms?"

Ramey: "That would be a good representation."

Black: "And it's my understanding that a Cabela's store... my... my community... no community in my legislative district, I would think, would be big enough to attract a Cabela's. Would they not, in fact, many communities give Cabela's all kinds of incentives to build one of their mega stores because of the sales tax revenue that community would attract, correct?"

Ramey: "Absolutely."

Black: "Thank you very much, Representative. And Ladies and Gentlemen of the house, to the Bill. I understood one of the previous speaker's concerns, but I hope you understand what Cabela's is. This is a huge mega store that sells everything from... I heard somebody in the back say, from mosquito repellent to tents, to camping equipment, camping stoves, outdoor wear, boots; you name it, they sell it. If it has anything to do with outdoor recreation, Cabela's is one of the nation's leading retailers in material goods for the outdoor market. A portion of their store is set aside for those who engage in sport competition, just like you're going to see in the Chicago Olympics. Target shooting, skeet shooting, outdoor sports. If you're a hunter, whether it be wild turkey, whether it be deer, pheasant, whatever, they sell that kind of outdoor equipment. It isn't some hole in the wall trying to sell handguns under the counter. This is a phenomenally successful, huge, outdoor oriented, retail store that would create hundreds

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of thousands if indeed not millions of dollars in sales taxes to the State of Illinois and to the community that wants to attract this store to its corporate boundaries. I wish... I wish I could attract a Cabela's anywhere in my legislative district. I hope you don't vote against this simply because you think somehow the Representative is trying to open up another gun shop. That is not a fair characterization of what Cabela's does. It is a renowned... unless you've seen one, you have no idea of what a beautiful facility it is, and how big a store this is and how much merchandise they market and sell. I think they even... the last time I was in a Cabela's out in Arizona, I think they even sell bicycles and bicycle clothing. I mean, it is a huge, huge retail store that any community, I would think, would want to attract not only for the jobs that it will bring, but for the revenue it could mean not only to their community, but to the state. This isn't some backdoor trick that the Representative is trying. This is a legitimate retail business that he's trying to attract to his community. I only wish I had a community big enough that could entice a Cabela's to come to my area. It's really worth and deserving of a 'yes' vote. And my colleague, Raymond Poe, tells me they are having a gr... Cabela's just had a grand opening of their Springfield store. And the total investment in Gander Mountain, a very similar store, was well in excess of a million dollars. So, I hope you don't confuse or think that Representative Ramey is up to something. This is a legitimate attempt to bring

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a major retailer, major jobs, and major tax revenue to his district. And I commend him for his effort."

Speaker Mautino: "Further questions? The Gentleman from Cook, Representative Osterman."

Osterman: "Sponsor yield?"

Speaker Mautino: "Indicates he will."

Osterman: "Well, first, Representative, I would have preferred you have your usual jacket on 'cause that's how I'm going to ask everyone to vote today would be red. You know, the previous speaker kind of cleared this whole issue up for everybody. It's a simple issue, isn't it? It's about Cabela's. One store in your district."

Ramey: "I would say it would react to many more individuals dealing with Home Rule, a county of Home Rule, trying to overrule the State Constitution. It says they cannot overrule a village's Home Rule status."

Osterman: "But it's a simple issue. This is about Cabela's, right? Well, on the issue of Cabela's. When Commissioner Suffredin was putting forth this legislation, was Cabela's asked if they wanted to be exempted from this legislation that the county of Cook was proposing?"

Ramey: "I wouldn't know of their personal conversation."

Osterman: "You talked to Cabela's? I mean, they're... this is about Cabela's, so I'm assuming that they're... you would have conversations about that."

Ramey: "This Bill is about the State Constitution. It happens to relate to this very issue with Cabela's."

Osterman: "Okay. Well I'm glad you clarified that 'cause this really is... Cabela's is a little smoke screen on this."

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There's a much, much larger issue, and that is the ability for a county to protect itself. This not only deals with Home Rule units, it deals with county at any level. So, the county of Cook has a ban on semiautomatic weapons. It covers all of Cook County. And what your legislation says is, not only in your municipality that you may have a less rule, it says that a county cannot go lesser than the state level on any firearms legislation. Is that correct?"

Ramey: "Not in the state, but that the State Constitution says, if it's the Home Rule county's ruling ordinance is in... conflicts with the ordinance of a municipality, the municipal ordinance shall prevail with its jurisdiction. So, that's what the State Constitution says. So, I'm not trying to hide any..."

Osterman: "That doesn't say that in your Bill though."

Ramey: "What's that?"

Osterman: "That's what the Constitution says. What your Bill says is the county may not require registration of firearms or impose greater restrictions or limitations on possession, transportation, carrying, transfer firearms imposed by this Act. So, what this says is that the county cannot impose a level that is less than the state which is far more than Cabela's and far more than what you portrayed on this floor. This says that a county cannot enact protections on its state in regards to firearms that is less than what the state has. So, it basically says to all the counties in the State of Illinois, you're on your own, you got to listen to us when it comes to firearms. If you want to protect yourself in any county of the State of

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Illinois, you have to listen to the General Assembly of the state. So down the road, whenever that might be, conceal and carry or whatever else, every county in the State of Illinois will have to listen to this Body, is that correct?"

Ramey: "I would assume so."

Osterman: "You would assume so. Well, that goes far beyond Cabela's. So Ladies and Gentlemen, simply put, this takes away the power of a county to protect itself and its citizens. That might not affect you today, it might affect you down the road. Those people that live in Cook County, on both sides of this aisle, should be very careful about this. So with that, I would ask Representative Ramey to put on his red coat and all of us to vote 'aye'... or 'nay'."

Speaker Mautino: "The Gentleman from DuPage to close. Representative Ramey."

Ramey: "Thank you, Mr. Speaker. I would reiterate. What this Bill is doing again, once again, is to support our State Constitution. It's already in the statutes, Home Rule county cannot supersede a Home Rule village. I ask for an 'aye' vote."

Speaker Mautino: "The Gentleman has moved passage of 172. And on that question is, 'Shall that Bill pass?' All in favor vote 'yes; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Does Representative Eddy, Hatcher, Winters, wish to be recorded on this Bill? Mr. Clerk, take the record. House Bill 172, having received 64 'yea', 53 'nay', and 0 voting 'present'. Mr. Ramey."

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Ramey: "I ask that... put this on Postpone Consideration."

Speaker Mautino: "Mr. Clerk, place this Bill on Postpone Consideration. Mr. Clerk, on page 28 of the Calendar appears House Bill 845. Representative Acevedo. Read the Bill."

Clerk Mahoney: "House Bill 845, a Bill for an Act concerning criminal law. Third Reading."

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

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 845 requires the responsible gun owners report a lost or stolen gun within 72 hours of knowing that the gun is lost or stolen. Seven states currently require firearms owners to report the loss or theft of their... of their firearm to law enforcement. Nothing in this Bill prohibits a person from legally owning a gun. This Bill states that if your gun is lost or stolen, simply report the loss or stolen gun to law enforcement. I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman has moved passage of House Bill 845. And on that question, the Gentleman from Bond, Representative Stephens."

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

Speaker Mautino: "He indicates he will."

Stephens: "Representative, if you lose your weapon and then you've got three days to report that loss?"

Acevedo: "Yes."

Stephens: "Excuse me?"

Acevedo: "Yes, you have 72 hours."

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Stephens: "Okay. And what is the sanction if you violate that?"

Acevedo: "The first offense is a petty... petty offense, and the second one is a misdemeanor."

Stephens: "All right."

Acevedo: "Could I say misdemeanor, I'm sorry."

Stephens: "What happens in the 73rd hour if you find the weapon?"

Acevedo: "You have 72 hours to report the weapon lost or stolen. On the 73rd hour, I believe you'd be fined with a petty offense."

Stephens: "All right. Let me try this another way. All right. I lose my weapon, and I'm really concerned that I've lost my weapon, and so on the second day I call the State Police and say I lost my weapon. Will that satisfy your..."

Acevedo: "Yes, you properly reported the weapon."

Stephens: "All right. Then 48 hours later I find my weapon. And then I lose it again. Do I have to report it again?"

Acevedo: "Well if I was you, Representative, if once I found the weapon I would report it and say that's it's now back in my possession."

Stephens: "Okay. And then I lose it again."

Acevedo: "You'd have to report it again."

Stephens: "And would I be in violation once or twice?"

Acevedo: "You wouldn't be in violation because you have reported your weapon lost or stolen."

Stephens: "Okay. And if you find the weapon or not, what happens to that documentation? What does the State Police do with these documents?"

Acevedo: "Nothing. It's just... it's just kept on file."

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Stephens: "I thought you said nothing. They do nothing with it. They just keep it on file. They just keep it on file. Nobody's going to do anything with this information. Though... somewhere in the halls of government there'll be a file that says Representative Stephens lost his weapon. I wonder if the... if that same file will be where we keep the found weapons documentation. You think?"

Acevedo: "Probably."

Stephens: "Probably. Okay. So, somewhere in the halls of government there'll be a filing cabinet Lost and Found. If... what happens when this lost weapon is found by someone else?"

Acevedo: "I'm sorry. Repeat the question."

Stephens: "I lose my weapon again, this the third time I've lost the darn thing, and somebody else finds it. What obligation are they under?"

Acevedo: "Well, this doesn't deal with finding the weapon. This legislation deals with if your weapon is lost or stolen and just have to report it. It's your responsibility."

Stephens: "I don't know how you determine the difference between lost and stolen, but let's call that the same category, lost and/or stolen. I lost... had my weapon lost and/or stolen, and I report it, and somebody else finds it. What obligation are they under to contact the State Police?"

Acevedo: "That... that... yeah, this has... this has noth... Yeah. This has nothing to do with an individual who finds a

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weapon. This has to deal with the gun owner reporting his lost or stolen."

Stephens: "What if you've lost it within your own home?"

Acevedo: "Well, you better find it before your child does."

Stephens: "Especially if he's under age 14 'cause I don't want to go to jail, but I lost it but I... if I can't find it in my own home, does the State Police come and help me look for it?"

Acevedo: "No. It's your responsibility to make sure the police... that the State Police know that your weapon has been lost."

Stephens: "All right. I don't think this makes any sense at all, Representative. You're going to put this information in a file and once again what we're doing, Ladies and Gentlemen, is taking perfectly law-abiding citizens and by the Sponsor's own admission, we're going to take this information and put it somewhere in a government file never to be seen again. And maybe, if we have a found weapon or you find your weapon, they're going stick that same information in some file. And I know..."

Speaker Mautino: "Would you turn on Mr. Stephens' microphone. Please bring your remarks to a close, Sir."

Stephens: "I urge a 'no' vote."

Speaker Mautino: "Further questions on House Bill 845? Representative Biggins."

Biggins: "Thank you, Mr. Speaker. Question of the Sponsor."

Speaker Mautino: "Indicates he'll yield."

Biggins: "In the City of Chicago, are you allowed to have these weapons?"

Acevedo: "In the City of Chicago a handgun is not legal."

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Biggins: "How many Sponsors on the Bill are Members that represent the City of Chicago?"

Acevedo: "I haven't checked."

Biggins: "And they can't manage the laws in their own county... and I represent part of the county of Cook, but not the city. So, you can't manage your own population because there are... lots of guns in that city, apparently, 'cause they... you know... you know. So, how are you trying to impose a law on the rest of the state..."

Acevedo: "Rep..."

Biggins: "...that you can't manage in your own city?"

Acevedo: "Representative, it was just yesterday that your side of the aisle, one of your Members, stood up and said we represent every constituent in the State of Illinois."

Biggins: "Rightly said. Answer my question."

Acevedo: "That's exactly what we're doing."

Biggins: "Do you want to impose..."

Acevedo: "I'm representing..."

Biggins: "...what doesn't work in the city on the rest of the state?"

Acevedo: "I'm representing every constituent in the State of Illinois as your side of the aisle stated yesterday. That's exactly who I'm looking out for. The legal gun owners who will be held accountable if they don't report their gun lost or stolen."

Biggins: "Okay. Thank you."

Speaker Mautino: "Further questions? Representative Reboletti."

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

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Speaker Mautino: "Indicates that he will."

Reboletti: "Representative, is a petty offense entered into LEEDS? Is that something that could be readily tracked down by looking at a computer, and finding out there's a prior disposition for this offense?"

Acevedo: "No, Representative, most likely not."

Reboletti: "Well, here's another part, 'cause you're saying that if you have a petty offense, and let's say... let's assume there's a plea of guilty, and so that's in the system, and that happens in Cook County. And I'm in DuPage County and I'm a DuPage prosecutor, I would have no way to find out if there was a disposition and then to make it a misdemeanor. That would be fair to say, Representative? So maybe I would charge it and it'd only be another petty offense. Right?"

Acevedo: "Yeah. There's a possibility that can happen, that you would charge him with a... the second time with a petty offense, yes."

Reboletti: "And looking at it from a prosecutorial standpoint, how would you prove this offense up? Wouldn't it be an admission by the potential suspect? Doesn't that... if he invoked his Fifth Amendment right not to speak to law enforcement, how would this case be proven?"

Acevedo: "Representative, what I'm trying to do is, I'm trying to help out the legal gun owners by requiring them to file a police report to take them away... to take the liability away from the legal gun owner."

Reboletti: "Well, I'm appreciative of that, but I'm also... I've had some conversations with the State's Attorney's Office

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in Cook, and I'm concerned about how this would be prosecuted. And I'm... I'm just... I'm looking at from when I used to do the job. If you're trying to build the case and you're talking to a gang member who says, you know, I lost a gun. And you say, well why don't you... when did you lose it? Well, I don't know when I lost it. And so at that point, you really don't have an offense, you have no admission, you're not... you may end up going to trial on the case, and I'm just trying to figure out... is this to get some gang member to try to maybe hold them in detention to try to get more information out of them? 'Cause I can't imagine any gang members are going to be scared of a petty offense."

Acevedo: "Well, Representative, what we're trying to do is, the legal gun owner... let's go to the stolen part of the weapon. Someone breaks into your house, your gun is stolen. Now, it's comm... a murder is committed with your weapon. You haven't reported it stolen. So, you can be charged with this offense, but up to 72 hours, if you report it, you're no longer liable for that. You've reported your weapon stolen so you can't be charged with any crime."

Reboletti: "Well... and I... and I appreciate that part. I guess this is from a practicality standpoint, because you and I both know that if that gun's used in a crime, they're going to go back to that person, they're going to say, I didn't even know it was stolen."

Acevedo: "I understand that, yes."

Reboletti: "And at that point, I don't think you're going to be able to charge anything. And I appreciate what you're

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trying do. I know that you served in public safety. I don't know if you still do or not. I just don't know if this Bill gets us to what you want to do. Maybe at some other point you could look at other options and I'd be glad to talk to you about those. I don't know if this gets us here. So, thank you, Representative."

Acevedo: "Thank you."

Speaker Mautino: "Final questioner on this Bill, is the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, you ever gone duck hunting?"

Acevedo: "No."

Bost: "No, okay. Let me give you a scenario and then you tell me how this plays out. I am over on the Mississippi side and I'm down in the backwaters of the Muddy River, and I'm doing duck hunting out of a boat. Our Brandon Phelps, maybe he's over in the Ohio side and he's sitting along the bank down there. One of us is busy hunting and all of a sudden, and this could happen, I'm in waders and... and... but if we're in a boat... an accident occurs and I fall backwards, hit my head, fall into the water and the guys I'm hunting with they grab a hold of me and they get me into an ambulance and they, and believe me it didn't take... it takes quite a long time for the ambulance to get there so probably they're just going to load me in the back of the pickup truck and try to get me to the hospital. I get all checked in the hospital and my... serious... my injuries are serious enough that I have been in the hospital like three, four, five days, don't come to and it isn't until

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that time that I realize that oh my gosh, my shotgun fell out of the boat, it's laying on the bottom of the Big Muddy River. Now I'm... according to this, I'm going to lose my FOID card and my ability to hunt because I had an accident. Tell me where I'm wrong?"

Acevedo: "Representative, you're wrong because you have to have knowledge that you're going to... if you're unconscious, you're not going to know that you lost your gun until you come to, right?"

Bost: "Well, yeah, but I don't know the dates when I came... you know, I mean. So... so, actually what it says is then..."

Acevedo: "When we..."

Bost: "...when I wake up, within 72 hours I need to tell the police from my hospital bed that I lost my shotgun."

Acevedo: "Unless you... unless you have amnesia, you should."

Bost: "You're kidding me. Listen to what you just said. I am a legal gun owner. I hunt. You know, I pay taxes in the State of Illinois. I do what I'm suppose to, and you're going to take my ability to hunt away because, you know... listen to what this Bill does. Representative, you can't defend this. This... this makes no sense. And once again... Mr. Speaker, to the Bill."

Speaker Mautino: "To the Bill."

Bost: "Folks, I don't know what to say about this. Everybody knows how they're going to vote and I know we drag these on. I'm more concerned really about the debate that has occurred here today that... my friend, Representative Stephens, actually three times would lose his weapon. I'm really bothered by that, as a Marine, you know, we try not

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to do that. But Ladies and Gentlemen, this is a Bill that makes very little sense. We are not going aggressively after those gang members who we really want to go after, instead, once again, we're going after law-abiding citizens that have a FOID card because maybe they've lost their weapon. I... I don't know. Maybe it's like little Bo Peep who've lost their sheep and can't tell where to find them, but call the state police, they'll figure it out, and they'll be right there behind them. I don't know."

Speaker Mautino: "The Gentleman from Bond has spoken in debate. Representative Stephens, you're seeking recognition? Out of the record. And we now go to Representative Acevedo to close."

Acevedo: "Mr. Speaker, we... we... some of these... of my colleagues have stated about... as far as law-abiding gun owners. If they are law-abiding gun owners, what's the problem with reporting a lost or stolen weapon? This is for their safety as well as the safety of others. This is to take away the liability from the legal gun owners. I'm not trying to take away the guns from legal gun owners. I'm trying to take away the liability from them. And I ask for an 'aye' vote."

Mautino: "The Gentleman has moved passage of House Bill 845. And the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Eddy, Representative Flowers, do you wish to be recorded on this

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Bill? Mr. Clerk... Representative Acevedo is seeking recognition."

Acevedo: "Postpone Consideration, Mr. Speaker."

Speaker Mautino: "The Gentleman is asking for Postpone Consideration. I need to take the record. So, Mr. Clerk, take the record. The Gentleman from Cook has asked for Postpone Consideration. That will be granted. Mr. Clerk, on the Calendar appears House Bill 263. Read the Bill. Representative Soto. Mr. Clerk, place 363 on the board, please. Thank you for that correction. Representative Soto."

Clerk Mahoney: "House Bill 363 has been read a second time, previously. Floor Amendment #2, offered by Representative Soto, has been approved for consideration."

Speaker Mautino: "On Floor Amendment 2, Representative Soto."

Soto: "Thank you, Speaker and Members of the House. House Amendment #2 is a gut and replace. House Amendment #2 will become the Bill. I'm asking for this House to adopt Amendment #2."

Speaker Mautino: "The Lady moves adoption of Floor Amendment 2. All in favor signify by 'aye'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

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

Speaker Mautino: "Mr. Clerk, place this Bill on Third Reading, and read the Bill for a third time."

Clerk Mahoney: "House Bill 363, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Mautino: "The Lady from Cook, Representative Soto."

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Soto: "Thank you Speaker, and Members of the House. House Bill 363, what the Bill does, it provides for a committee made up of Representatives appointed by the Speaker and the Senate President from the House and the Senate. Representatives from the education organizations including the Chicago Teachers Union, Chicago's Principals Association. The committee will meet with independent experts to analyze every aspect of the school facilities decisions including cost and examine the best practices from other school systems for dealing with these issues fairly. The committee will also then develop a draft policy on issues of school closings. The committee will then hold hearings on school closings, phase outs, consolidations, and obtain comments from the public on these issues. After the hearings, the committee will develop a finer propose... policy which would be available to the public, and the final proposed policy may be introduced by the members... by a Member of the General Assembly from this legislation... to form this legislation. I want to thank everyone involved in crafting this piece of legislation, this language. I'd like to mention Chairwoman Chapa LaVia, Linda Chapa LaVia, Representative Mitchell, Eddy, Bassi, Pritchard, and also organizations Designs for Change, the Teachers Association, education organizations: and the unions. And I am open for questions. And I am looking for an 'aye' vote."

Speaker Mautino: "The Lady moves passage of House Bill 363. And on that question, the Gentleman from Lee, Representative Jerry Mitchell."

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

Speaker Mautino: "She indicates she will."

Mitchell, J.: "Representative, we've come at this Bill from several different angles. At one time there was a procedure in there that allowed for arbitration. Is that language no longer in the Bill?"

Soto: "That is correct. It is no longer on the Bill."

Mitchell, J.: "Okay. To the Bill, Mr. Speaker."

Speaker Mautino: "To the Bill."

Mitchell, J.: "Ladies and Gentlemen of the House, this young Lady has worked very, very hard to try to find some semblance of order in the way Chicago closes their schools. We have not been able to find any kind of visible or written manner in which this is being done. Now, the lobbyist for Chicago Public Schools explained to me that there's multiple reasons why they're closed. Well, quite frankly, those multiple reasons should be written down and there should be an order in which they come to their conclusions so that we can follow that. This is what this Bill is trying to do. I commend the Sponsor for spending a lot of time, trying very hard to bring some order to a very troubling situation in Chicago where at one point, a lighthouse district, one that had been recommended for... followed... to be followed by other schools because it had such high marks that they were considering that one for awards. About a week later, they get a letter from the Chicago Public School Board, saying we're closing your school. Now something's not right about that. The

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lobbyist admitted there have been mistakes made. This is just an attempt to try to make sure that those mistakes won't be made in the future. I recommend an 'aye' vote. Thank you, Mr. Speaker."

Speaker Mautino: "And the question is, 'Shall this Bill pass?' House Bill 363. All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Durkin. Representative Nekritz, Osterman, Walker, would you like to be recorded on this Bill? Mr. Clerk, take the record. 118 voting 'yes', 0 voting 'no', 0 voting 'present', this Bill is declared passed. Page 17 of the Calendar appears House Bill 2750. Representative Sacia. Read the Bill."

Clerk Mahoney: "House Bill 2750 has been read a second time, previously. Floor Amendment #1, offered by Representative Sacia, has been approved for consideration."

Speaker Mautino: "Rep... on Floor Amendment #1, Representative Sacia."

Sacia: "I move for adoption of the Amendment."

Speaker Mautino: "The Gentleman moves adoption of Floor Amendment 1. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

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

Speaker Mautino: "Third Reading. And read the Bill for the third time."

Clerk Mahoney: "House Bill 2750, a Bill for an Act concerning transportation. Third Reading."

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Speaker Mautino: "On House Bill 2750, Mr. Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2750 is a very straightforward Bill. Current law is that if you build a homemade trailer, all that is required is you send down to the Secretary of State a check for \$65.00 and fill out the blue and white form, the identical one that you fill out when you apply for license for your automobile. There is no inspection process. What this Bill does, and I'll preface that by giving you the genesis. Thefts are occurring throughout our state in significant numbers where new or late model trailers are being sold.. stolen, I'm sorry. An example, the dealership that my family owns had a \$7 thousand dump trailer stolen, and it was immediately titled as a homemade trailer. The village idiot could look at it and tell you that it was built by a factory; however, it is going down the highway with a legal license. So, Secretary of State completely supports this. It simply requires that when someone applies for a homemade trailer that that trailer be inspected by the Illinois Secretary of State Police. I would be happy to entertain questions."

Speaker Mautino: "Representative Watson, for a question."

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

Speaker Mautino: "He indicates he will."

Watson: "Representative, is the term 'village idiot' a technical term?"

Sacia: "I.. I apologize, Representative. That's a Jim Sacia euphemism."

Watson: "I like it. Thank you."

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Speaker Mautino: "The Gentleman has moved passage for House Bill 2750. The question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representatives Eddy, Graham, McAuliffe. Mr. Clerk, take the record. This Bill, having received 117 'yes', 0 'noes', 0 voting 'present', is declared passed. Mr. Clerk, on page 26 of the Calendar appears House Bill 4245. Representative Reis. Read the Bill."

Clerk Mahoney: "House Bill 4245, a Bill for an Act concerning State Government. Third Reading."

Speaker Mautino: "Representative Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4245, as amended, will create the Alternative Fuels Commission Act to investigate and recommend strategies that the Governor and the General Assembly may implement to promote the use of alternative fuels and encourage their use in vehicles throughout Illinois. Be happy to answer any questions and ask for your support."

Speaker Mautino: "The Gentleman moves passage of 4245, and the question is, 'Shall this Bill pass?'" All in favor vote 'yes'; 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, 117 voting 'yes', 0 'noes', 0 voting 'present', this Bill is declared passed. Majority Leader Representative Barbara Currie is seeking recognition."

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Currie: "Yes. Thank you, Speaker. Just to let the record show that Representative Acevedo will be excused for the rest of the day."

Speaker Mautino: "The record will reflect. Mr. Clerk, on page 2 of the Calendar appears House Bill 44. Representative Arroyo. Out of the record. On page 31 of the Calendar, appears House Bill 4158. Representative Brosnahan. Out of the record. On page 29 of the Calendar appears House Bill 2298. Representative Turner. Out of the record. Mr. Clerk, would you place on the board House Bill 2298 for Representative Turner, and read that Bill a third time. Mr. Clerk, what's the status of that Bill?"

Clerk Mahoney: "House Bill 2298 is on the Order of House Bills—Third Reading. However, there is Floor Amendment #2 that has been approved for consideration."

Speaker Mautino: "If you'll return that Bill to Second Reading for the purpose of an Amendment. Mr. Turner on Amendment #2... on Floor Amendment #2."

Turner: "Thank you, Mr. Speaker. I just move for the adoption of Floor Amendment #2, and I will explain that in the Bill."

Speaker Mautino: "We have a Motion to adopt Amendment #2. All in favor signify by 'aye'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

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

Speaker Mautino: "Place this Bill on Third Reading, read it a third time."

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Clerk Mahoney: "House Bill 2298, a Bill for an Act concerning courts. Third Reading."

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

Turner: "Thank you, Mr. Speaker. House Bill 2298, it amends the Juvenile Court Act to establish conditions in fact as in which a court may vacate a finding of delinquency. And the reason for this legislation is it'll resolve the discrepancy between remedies that are available in the adult court that's not available in the Jud... in the juvenile court. And the... what this legislation will do is, you know, allow the judges to be able to vacate a finding of delinquency after the probationary period has been exhausted or fulfilled."

Speaker Mautino: "The Gentleman moves passage of House Bill 2298. And on that question, the Gentleman from DuPage, Representative Reboletti."

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

Speaker Mautino: "Indicates that he will."

Reboletti: "Representative, when you vacate this probation... let's assume that the case is... it's a burglary, it's Class II. So, you're looking at 3 to 7 years in... I guess it's not juvenile prison, but whatever the actual term is now, if they successfully complete probation, this would be vacated, it would be dismissed. Would it also be eligible then for expungement?"

Turner: "The juvenile will have to move to... a motion to vacate that finding to... and so it wouldn't happen unlike in the adult court, so the juvenile would have to make that

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motion, and this Bill would allow the judge to automatically be able to do that."

Reboletti: "And I appreciate that fact. I guess, in the interest of... the minor's 14 and is on burglary probation for 2 years. You're saying that basically 30 days later you can vacate that. It could be expunged and then down the road, if something happened again, there would be absolutely no record that that crime had been committed. Is that a fair statement or am I missing something?"

Turner: "This Bill would allow... although the probationary period has been completed, this Bill would still allow the courts and law enforcement to be able to look at that record. So, it's not an expungement per se, so the information will still be there, it's not expungement. So law enforcement could still look at it, if then in fact that kid was brought..."

Reboletti: "So, those would be sealed then, they wouldn't be expunged. Is that fair?"

Turner: "That's correct."

Reboletti: "What... what crimes are... are not eligible for this program? I'm looking at your Amendment #1."

Turner: "Any..."

Reboletti: "Homicide obviously being one."

Turner: "Right."

Reboletti: "What are the other ones that are there?"

Turner: "Use of a deadly weapon, felony sex offenses, and any homicide."

Reboletti: "Does either of these Amendments relieve the opposition from the Cook County State's Attorney's Office?"

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Turner: "I'm sure it probably doesn't. No, not that I'm aware of."

Reboletti: "I don't know if this is going to pass or not, Representative, but wouldn't it... looking at it, you gave a very passionate speech about narcotics cases. Maybe this is something that we could look at and then maybe I would be willing to even cosponsor with you. If you looked at narcotic offenses, and if you had somebody who was in treatment that was unable to get that vacated, maybe there's something smaller that we could look at. I'm just concerned when you have more major crimes, residential burglary, burglary theft crimes that... those would be gone. I'm a little bit more concerned about those being vacated right away than dealing with addiction-based crimes where, if the person goes through treatment, that we give them the benefit of the doubt at the end of the day."

Turner: "Well, Representative, I'd be willing to look at that in the Senate in terms of trying to add those additional offenses. I do understand what you're saying, but it's... we're not trying to hide anything from law enforcement. They could still look at this juvenile's record. When you talk about residential burglary, you know, in many of those cases some of that stuff is still related to drugs. But this is only for first-time offenders as well, so you know..."

Reboletti: "And one other question, it just came to mind, Representative. Is... I had a case onetime where we used the fact that a minor who had been adjudicated delinquent basically committed the same crime as an adult. And you're

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able to impeach the veracity of the testimony of the 17 or 18-year-old as an adult based on the fact that they've been adjudicated a minor and that they can't walk into court and basically say that nothing's ever happened to him before, so that challenges their veracity. Wouldn't the prosecutor lose the opportunity to challenge the veracity of somebody if you vacated this residential burglary conviction or a burglary conviction?"

Turner: "Yeah."

Reboletti: "And I think that's enough... that's one of the other issue that I think is..."

Turner: "You're... you're correct, Representative. But this would allow ...the courts will still have the records, so it's not like that wouldn't be available to them. Yeah. He doesn't walk away, and we're only talking about the first time offender."

Reboletti: "And I appreciate that, but I'm still saying if you vacate that finding of delinquency, I wouldn't be able to use that as a prosecutor to say this person has been adjudicated a delinquent minor."

Turner: "I guess the question is... is, you know, again, are we trying to rehabilitate these kids or are we trying to, you know, like... we'd like for them to be able to come back into the community, you can try community service, you can send them to schools. You know, I mean, successfully completed probation so they, you know, the assumption is that he's at least done something right in terms of showing some remorse."

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Reboletti: "Well, Representative, I do appreciate that, and would like to work with you on these issues. I know that there are... there are kids who can find their way back on the path and there's others that continue down the wrong path."

Turner: "Right."

Reboletti: "And I just want to make sure that we help those who've been identified as people that are willing to change. And the other alternative is that sometimes we need to have these records so that as... if they continue in that life of crime, in gangs, that we have mechanisms to protect the public safety and to be able to use those prior crimes against them in other offenses. So, I thank the Gentleman for his responses."

Speaker Mautino: "Mr. Turner to close."

Turner: "Thank you, I would just simply ask that we give some consideration here and allow the judges to be able to... give the judges the discretion to be able to vacate the findings of delinquencies based upon the subsequent good behavior of the kids and that the judges would look at, you know, what this kid has been doing and what changes he has shown in terms of some remorse. It also permits the state's attorney to object to court supervision. So, it's not trying to keep law enforcement away, it just allows the judges who initially impose the sentence to be able to vacate that finding once the child has completed probation. And I move for the support of this Bill."

Speaker Mautino: "The Gentleman moves passage of 2298. The question is, 'Shall this Bill pass?' All in favor vote

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'yes'; 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. Representative Turner."

Turner: "You can take the record. Take the record."

Speaker Mautino: "On this Bill, 50 voting 'yes', 66 voting 'no', 1 voting 'present'. And House Bill 2298 is declared lost. Mr. Clerk, on the Calendar, on page 28, appears House Bill 964. Representative DeLuca. Read the Bill."

Clerk Bolin: "House Bill 964, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from Cook, Representative DeLuca."

DeLuca: "Thank you, Mr. Speaker, Members of the House. What you have before you, House Bill 964, allows retailers to use a electronic format for a warning or recall notice. Now due to the Third Reading deadline, an Amendment agreed to by the Attorney General's Office and the Illinois Retail Merchants Association will be filed in the Senate. All parties have agreed to this and the Bill will come back to the House on concurrence. Now the problem is, when the Child Product Safety Act was first enacted, no one anticipated the flood of recalls and warnings that have occurred. Therefore, retailers are running out of prominent locations in their stores to post these recalls. Some retailers have developed in-store kiosks designed to allow for the electronic posting of these recalls and warnings. The advantages for the consumer include the fact that the electronic recall warnings are searchable as

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opposed to having to wade through all of the paper postings. Unfortunately, the existing Act does not explicitly allow for electronic postings. Therefore, I ask for your support and your 'yes' vote."

Speaker Mautino: "The Gentleman, Mr. DeLuca, he moves the passage of House Bill 964. And Mr. DeLuca, I believe the Gentleman from Lake has a question on your first Bill. Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. Representative Rita, when you brought this Bill before us... Oh, it's DeLuca. Oh, you know what, what it stated in your committee, there was some commitments made by Representative Rita. So, the questions I guess I have, when we first had this, there was a commitment to put the Amendment on. What you're saying is, you're going to honor the commitments made by the previous Sponsor of the Bill and this is going to be done over in the Senate?"

DeLuca: "Yes, that is correct."

Sullivan: "Okay. That's all that we wanted to confirm, at least that's all I wanted to confirm. I'm sure there's other people that might want to have some discussions."

Speaker Mautino: "Further questions? Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Mautino: "Indicates that he will."

Durkin: "Representative, how is the consumer going to be priced on this recall under the electronic format? I'm just trying to think through my head how are they going to have... how's it going to operate inside these retail establishments?"

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DeLuca: "It would be at a visible location at the entrance of the store; whereas now they have to wade through the paper notifications. It will be electronically posted at the front... the front entrance."

Durkin: "Will the recalls be run like, you know, continuously run or is the consumer going to have go in this kiosk to find the recall?"

DeLuca: "Well, this is an option if they want to electronically post it. This doesn't require them to. So, there could still be the paper notifications. This is an additional opportunity, electronically."

Durkin: "There's no restriction on the size of the retail operation where there's one of the big boxes or it's a small mom and pop?"

DeLuca: "No, there's no restriction."

Durkin: "All right. Thanks."

DeLuca: "Thank you."

Speaker Mautino: "Further questions? The Gentleman from Cook, Representative Lang."

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

Speaker Mautino: "Indicates he will."

Lang: "So, Representative, this is your first Bill, correct?"

DeLuca: "Yes, it is."

Lang: "How come it took you so long?"

DeLuca: "Well, I haven't been here that long, so it really didn't take too long."

Lang: "Okay. So, did you ask Representative Scully, Judge Scully, if it was okay to use his chair to move this Bill?"

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DeLuca: "I did not ask him if I could use his chair, but I did attempt to contact him about the Bill. He was unavailable."

Lang: "All right. Now as I understand it, this was not your Bill originally, is that correct?"

DeLuca: "Yes, that's correct."

Lang: "Who's Bill was it?"

DeLuca: "It was Gordon's originally and then Rita."

Lang: "We have two Gordons. Which Gordon?"

DeLuca: "Careen Gordon."

Lang: "Careen Gordon. And she... she did not want this Bill anymore?"

DeLuca: "Well, I'm not sure if she didn't want it, but I know that it was then moved to Rita."

Lang: "Oh, so... so this has been handed off twice, sort of a double reverse?"

DeLuca: "Yes, that's correct."

Lang: "I see. So, apparently nobody wants this Bill. Were you just, you know, the last cheese standing or how is it that you got this Bill?"

DeLuca: "No, it's a good Bill. And I discussed it with Rita and I wanted it."

Lang: "So, you stole it from him?"

DeLuca: "No, it was agreeable."

Lang: "So, he's your seatmate, correct?"

DeLuca: "He sits next to me, yes."

Lang: "Yes, I notice he's not here. Are you just running his Bill in his absence without his permission? Oh, here he comes now. This okay with you, Sir? He doesn't seem to

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care one way or the other, Representative. So... so, my next question is, I tried to give you a Bill earlier this Session did I not?"

DeLuca: "Yes, you did."

Lang: "And so, I want to just get this straight. So, in your opinion, a Bill that was passed through two other Legislators who didn't want it, that you stole, is more important than the Bill I tried to give you?"

DeLuca: "Well, upon further review of the Bill that you had given to me, because of the unconstitutional nature of it, I... you know, I was unfortunately unable to proceed."

Lang: "I'm going to have to tell you what I've said to other people here, Sir. I do the jokes. It's not for you to do. All right. So, who's for this Bill?"

DeLuca: "Well, the Illinois Merchants..."

Lang: "All of them?"

DeLuca: "The Illinois Retail Merchants."

Lang: "That's it?"

DeLuca: "And the Attorney General's Office."

Lang: "So... someone behind me said I was torturing you. Do you feel that I'm torturing you, Sir?"

DeLuca: "No."

Lang: "All right. Well, this is torture for me, so I'm sitting down now."

Speaker Mautino: "Gentlemen... further questions? Representative Reitz."

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

DeLuca: "Yes."

Speaker Mautino: "He indicates he will."

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Reitz: "Representative DeLuca, you said you attempted to contact Representative Scully, or former Representative Scully and you couldn't get a hold of him or?"

DeLuca: "Yes, that's correct."

Reitz: "Well, I'm sure he would have advised you not to take a Bill from Representative Rita, but you did not take a Bill from Representative Lang, so you're even on this one. Good start."

DeLuca: "Thank you."

Speaker Mautino: "Further questions? Representative Reboletti."

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

Speaker Mautino: "Indicates he will."

Reboletti: "Representative DeLuca, how many other cosponsors do you have on this Bill besides Representative Rita?"

DeLuca: "I'd have to take a look at that. I don't know who else signed up for it."

Reboletti: "Have you tried to talk to any other Legislators, maybe a Italian/American Caucus to see where their position was on it?"

DeLuca: "No, I have not singled out any particular group."

Reboletti: "I see. So you really haven't worked this Bill then, is that fair to say?"

DeLuca: "That's fair, yes."

Reboletti: "You know, the other... the Leader Lang over there talked to you about... you took a Bill that was passed over. You know the Bill that was passed that he wanted you take, do you know if he ran that Bill out of committee or not?"

DeLuca: "Lang?"

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Reboletti: "Yes, Lang."

DeLuca: "Yes."

Reboletti: "He ran the bill..."

DeLuca: "It did go through committee."

Reboletti: "...out of committee?"

DeLuca: "It passed out of committee, yes."

Reboletti: "It did pass out of committee? Do you know who actually carried the Bill in committee?"

DeLuca: "Pardon me?"

Reboletti: "Do you know who actually carried that Bill in committee that was unconstitutional?"

DeLuca: "I believe it was Representative Reboletti."

Reboletti: "I think it was... That's right. And I guess he does the jokes here, Leader Lang. So, congratulations on your first Bill. I don't... I'm still going to vote 'no', but we'll talk about constitutionality issues later. So..."

DeLuca: "Thank you."

Reboletti: "...welcome to the General Assembly."

DeLuca: "Thank you."

Speaker Mautino: "The final speaker is Representative Eddy."

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

Speaker Mautino: "He indicates he will."

Eddy: "First of all, in defense of the Gentleman from Skokie, when we refer... yeah, I know, this is a rare moment... but when we refer to a Representative on the House Floor, you don't say Lang, you say the Honorable Representative Lang. So, if you could try that once, just as a kind of a practice, the Honorable Representative Lang instead of Lang."

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DeLuca: "It's the Honorable Representative Lang."

Eddy: "That's a lot better. Question number two is, where is your red jacket?"

DeLuca: "I think..."

Eddy: "It's been a longstanding practice, at least a couple of weeks in the House that on the first Bill the Representative wear a red jacket. I think that was started by someone on your side of the aisle, and I think it's a tradition that we intend to continue here, am I right? There's no reason after just a couple of weeks to give up on something that had such a great start. So, where is your red jacket?"

DeLuca: "I would have worn the red jacket if I was aware of that."

Eddy: "Well, there's still time. You could.. you could take this Bill out of the record. You could ask either Representative Ramey or Representative Gordon if you could borrow their red jacket, or Representative Dugan. Representative Dugan to the rescue. Now, Ladies and Gentlemen of the House, I think he now qualifies at least to run the Bill. Now, we have to see if he gets enough votes. The other question I have is, I look at the board and Representative Reboletti brought up a good point. You have one Sponsor and it's Representative Rita, and you want us to vote for this? I know this is a pass around Bill and a lot of people have tried it, I have a feeling maybe where they have fallen short you will also. But we'll see. One question I have about the Bill. This allows for electronic posting, right?"

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DeLuca: "Yes, it does."

Eddy: "What if the electricity goes out?"

DeLuca: "Well, it's only an option. They can still use paper."

Eddy: "So, if the electricity goes out, they have to have paper backups that they run around to all the people to make sure that when the electricity... I'll tell you what, Representative, if the electricity goes out, I think that red jacket would suffice for the power source for the electronic message. And if I were you, and I'd hang on to that red jacket, it's a good look for you. But I honestly, I'd for vote 'no' on this Bill, especially as ridiculous as he looks in the red jacket. I can't believe he's trying to pass a Bill."

DeLuca: "You know, my mother always told me I looked great in red, so..."

Speaker Mautino: "The Gentleman from Cook has already spoken in debate. For what reason are you seeking recognition?"

Lang: "Well, thank you, Mr. Speaker. My name was used many times in debate, and I actually don't care. I just wanted to suggest to Representative DeLuca that Representative Eddy has a pair of shoes that would match that jacket beautifully."

Speaker Mautino: "Further questions? Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Representative, do you know the problem of sitting in the first row in the General Assembly?"

DeLuca: "What is the problem with the first row?"

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Mulligan: "That sometimes you should turn around and look and see when other people pass their Bills that perhaps they weren't wearing a red jacket."

DeLuca: "Well, I'm being a good sport."

Mulligan: "Yes. I would call you a good sport, but the other thing I wanted to tell you is sometimes your mothers don't always tell you the truth."

Speaker Mautino: "Final question on the Bill. Representative Brady."

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

Speaker Mautino: "He indicates he will."

Brady: "Just one quick question, Representative. Do you find yourself wearing women's jackets often?"

DeLuca: "No, this is certainly a first for me."

Brady: "It's... it's a nice fit, but I think it may need just a tuck in it. So, let's us know. Maybe Lisa could help you with that."

DeLuca: "Thank you."

Speaker Mautino: "And the question is, 'Shall this Bill pass?' Red coat included. House Bill 964... excuse me, the Gentleman from Vermilion is seeking recognition. Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This is no laughing matter if you've read this Bill. I... first of all, I'm not at all happy with the Gentleman. It's hard... you know, at my age, I should be in the Senate. So, well, unfortunately my Senator is extremely young, but I was trying to take a Senate nap and all of this commotion woke me up. I then

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came out and got on my laptop and I just had an electronic notice that the man's red jacket has been recalled. But if you'll look at this Bill, in all seriousness, and I worked with Representative Howard a few years ago and some of you on the other side of the aisle, there's a digital divide in this state. Many people in my district don't have a computer. We don't even have... you know, we still use party lines in some cases. I... I had a telephone the other day, and in the old days, AT&T would come out and fix it. I don't even know, who owns the phone now, but my wife called from the neighbor's house a while ago and the crank that she uses to get the dial tone broke, and we don't know where to get it fixed. So, you know, we do really have a digital divide. Representative Howard can tell you that. Many people in my district don't have a computer. And now, you know, we're grandparents. If the crib that we have is faulty or the highchair, the one I like to sit in quite frankly, if it's recalled, there are many people in my district that aren't going to get this notice. Now he said something about there's a paper notice. I don't know what that means. The Sun Times is bankrupt; the Tribune is bankrupt. I don't know who is going to notify us in the paper. Down where... where I live, you know, where I live folks, the hoot owls and the chickens are on a first name basis every night. We don't... we have a hard time with this. And so here comes this freshman Legislator, cross-dresser that he is, saying something about the Retail Merchants who are always looking to save a dollar. Something about the recession. And we're going to rely on

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these people to let us know by electronic means, whether there is a serious recall. I don't think this is good public policy. For those of you that live in districts like I do, where computers are not an everyday staple of life, we can't rely on the electronic system to do this. We need... we need not only mail notification and product notification. One of the ways I could probably boost employment is if people were... just could be hired to go door-to-door and tell us about these recalls. This is really a serious matter. I think you should look at this. If you trust computers and you think that they're foolproof and they will notify us of every product recall, okay, but what's going to happen when your computer breaks? Then, you can't get the notice that your computer has been recalled. So, I... I would... I know the Gentleman's been a good sport and we all need a little levity in life, but this is not good public policy. You're relying completely and solely on electronic means. You could be very well putting lives at risk. I mean, Representative Lang has a computer, and as you'll notice, his toupee was recalled, but he has... he has enough... he has enough courage to show up here anyway. I would... I would vote 'no' on this Bill."

Speaker Mautino: "The Gentleman has moved passage of 96... of House Bill 964. The Gentleman from Cook was seeking recognition and we don't care, we're going to vote. Actually, on this Bill, 'Shall this Bill pass?' House Bill 964 vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Hundred... would you like to explain your votes? Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Representative Watson, would you like to be recorded on this Bill? Mr. Clerk, take the record. On this Bill, having received 117 voting 'yes', 0 voting 'no', 0 voting 'present', it is declared passed. Congratulations, Representative DeLuca on your first Bill. On page 31 of the Calendar appears House Bill 4231, Representative Schmitz. Out of the record. On page 28 of the Calendar appears House Bill 800, Representative Wait. Read the Bill."

Clerk Bolin: "House Bill 800, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from Boone, Representative Wait."

Wait: "Thank you, Ladies and Gentlemen of the House. Yes, House Bill 800... there's an agreement on the Bill, but we didn't get the Amendment. So, if we could just send it over to the Senate and then we can put the Amendment on it over there."

Speaker Mautino: "The Gentleman has moved passage of House Bill 800. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Does Mr. Colvin wish to be recorded on this Bill? Mr. Clerk, take the record. 112 voting 'yes', 4 voting 'no', 0 voting 'present', this Bill is declared passed. On the Calendar, page 18, is House Bill 3112. Representative Winters. Read the Bill."

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Clerk Bolin: "House Bill 3112, a Bill for an Act concerning local government. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Winters, has been approved for consideration."

Speaker Mautino: "On the Amendment, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 2 becomes the Bill, and provides that municipal clerks shall attend all executive sessions, except when they are the subject matter of the hearing and their presence would be a conflict of interest. I move its adoption."

Speaker Mautino: "The Gentleman moves adoption of Amendment 2. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The Amendments are adopted. Further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Mautino: "Place this Bill on Third Reading, and read it a third time."

Clerk Bolin: "House Bill 3112, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Mautino: "Representative Winters."

Winters: "Thank you, Mr. Speaker. I just explained the Bill. I'm aware of no opposition. Move its passage."

Speaker Mautino: "The Gentleman has moved passage of House Bill 3112. No one seeking recognition. The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'no'. The... the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk..."

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Representatives Hamos and Ryg, do they wish to be recorded on this Bill? Mr. Clerk, take the record. 116 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 3112 is declared passed. Mr. Clerk, on page 6 of the Calendar appears House Bill 681, Representative Dugan. Out of the record. On page 6 of the Calendar is House Bill 687, Representative Dunkin. Read the Bill. Mr. Clerk, this Bill has been tabled. Take it out of the record. Mr. Clerk, House Bill 740. Representative Graham. Read the Bill."

Clerk Bolin: "House Bill 740, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Mautino: "Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have before you House Bill 740. It amends the School Code, requires the State Board of Education to establish a two-year pilot program to assist in the creation and promotion of green career and technical education programs in public secondary schools. This Bill is subject to appropriations. And I'll take any questions at this time."

Speaker Mautino: "The Lady moves passage of House Bill 740. On that, Representative Eddy."

Eddy: "Mr. Speaker, inquiry of the Chair."

Speaker Mautino: "State your inquiry."

Eddy: "Can you check the status of the Amendments on the Bill?"

Speaker Mautino: "Clerk."

Clerk Bolin: "Floor Amendment #1 was withdrawn. Floor Amendment #2 has been adopted."

Eddy: "Okay."

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Speaker Mautino: "Representative Eddy."

Eddy: "Will the Sponsor yield?"

Speaker Mautino: "Indicates she will."

Eddy: "Representative Graham, here's my question, and I know you're trying to make this subject to appropriation. Does this require the State Board of Education to establish the pilot program, and if it does, does it say it 'may' or it 'must'? And if it's subject to appropriation, do they have to do it anyway even if the appropriation isn't made based on the language? I don't know that that's your intent, but... but I was wondering if that could be a... you said it 'requires'. In your opening, you said it requires them to establish the program, and then it's subject to appropriation. So, I'm... I'm concerned about that conflict."

Graham: "I guess, Representative, maybe paper work can be done on it, but I guess implementation of the program couldn't take place without the funding of the program."

Eddy: "Okay. So, that's your intent, and that's what I wanted. It requires them still though to... to establish that program. The implementation is subject to the appropriation by grants which would require an RFP. But it still requires the State Board of Education to get a program ready..."

Graham: "Right. It should be ready just in case funding is made available I would believe, yes."

Eddy: "For the grant itself?"

Graham: "Yes."

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Eddy: "Okay. Thank you for the... for the explanation. I just... I didn't what to see us have, you know, a requirement that depended on appropriation that they had to implement anyway. Thank you."

Speaker Mautino: "Further questions? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Rose. Mr. Clerk, take the record. 116 voting 'yes', 0 voting 'no', 0 voting 'present', this Bill is declared passed. On page 30 of the Calendar appears House Bill 3865, Representative Jehan Gordon. Read the Bill."

Clerk Bolin: "House Bill 3865, a Bill for an Act concerning aging. Third Reading of this House Bill."

Speaker Mautino: "Out of the record. House Bill 740 appears on page 28 of the Calendar. Rep... Excuse me, Mr. Clerk. Place House Bill 3923 on the Calendar, Representative Harris. Read the Bill."

Clerk Bolin: "House Bill 3923, a Bill for an Act concerning insurance. The Bill's been read a second time, previously. Committee Amendments 1 and 2 have been adopted to the Bill as well as Floor Amendments 3 and 4. Notes have been requested on the Bill that have not been filed."

Speaker Mautino: "Mr... Mr. Harris, would you like to take this Bill out of the record?"

Harris: "I believe the notes have been filed, Mr. Speaker."

Clerk Bolin: "A state mandates note has been requested as amended by Amendments 3 and 4 and has not been filed."

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Speaker Mautino: "Mr. Clerk, take this Bill out of the record. Page 8 of the Calendar is House Bill 976, Representative Chapa LaVia. Read the Bill."

Clerk Bolin: "House Bill 976, a Bill for an Act concerning regulation. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offer by Representative Chapa LaVia, has been approved for consideration."

Speaker Mautino: "Floor Amendment #2, Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the House. The... adoption of this Amendment was given to us by the Illinois Hospital Association. It's an agreed Bill and we are fully in agreement on that. So, I would... I would for its adoption."

Speaker Mautino: "Any mov... the Lady moves adoption of Floor Amendment 2. No one... all in favor signify by 'aye'; opposed 'no'. The 'ayes' have it. And the Amendment's adopted. Mr. Clerk, further Amendments?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Mautino: "Third Reading. Read the Bill."

Clerk Bolin: "House Bill 976, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Mautino: "Chapa LaVia."

Chapa LaVia: "What the Bill does is allows the surgical centers to go in front of CON and ask for a permit to become a hospital. And I'll take any questions."

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Speaker Mautino: "The Lady moves passage of House Bill 976. Representative Schmitz, for what reason are you seeking recognition?"

Schmitz: "Will the Sponsor yield?"

Speaker Mautino: "Indicates she will."

Schmitz: "Thank you, Speaker. Representative Chapa LaVia, we've been involved with this issue for nearly four years now, and glad to have some agreed language out on the floor from the Hospital Association, and the Medical Society that'll help a facility in a couple of districts in our state. I do have a few questions for you guys, so we can post some legislative intent. What options will the existing recovery care centers have?"

Chapa LaVia: "Well, each of these recovery care centers has already received a CON and been licensed by the Illinois Department of Professional Health. Each recovery center will have the option to remain as a recovery care center or to convert to a hospital. If a recovery care center elects to convert to a hospital, then it must undergo CON review once again."

Schmitz: "You stated earlier that these facilities have already undergone a CON review when they were first established."

Chapa LaVia: "Correct. Yeah, these facilities have already undergone the CON review, and at this time, when they were initially established, I think it was 17 years back. At the time, the Legislature approved these alternative models. They determined that there was a need for this type of facility, and it was important that the Planning Board reviewed the cost aspects of the conversions."

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However, the Legislature and the Planning Board have already determined that there is a need for these beds, and for the innovative facilities that we do have out in our area in Kane County and also Peoria."

Schmitz: "But these facilities, why don't they remain licensed as recovery care centers as they already are today?"

Chapa LaVia: "Well, the most important issue that... is that, under the current license, they cannot serve Medicaid or Medicare patients. Further, they are facing reimbursement issues because they are not nationally recognized facilities. They're very specific to Illinois at this time."

Schmitz: "Representative, what would the impact of the area hospitals and the distribution of services be in the state?"

Chapa LaVia: "These facilities have been in the community for years, and during this time, many of those... the hospitals that are in the area of recovery care centers have thrived. The fact that these facilities have been in our communities for the last 15 years, have proven that they have a limited impact on the ability of the community hospitals to succeed. Allowing them to convert will maintain at the current level of distribution and access to services for patients. We hope that the Planning Board reviews these, that they recognize that there will be limited impact on the area hospitals, and is clear that simply allowing these facilities to convert form will not create an unnecessary duplication of services, particularly, if the Planning Board's inventories show a need for medical surgical beds

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in the area. Right now, we're pretty lucky in Kane County that we have strong hospitals, and we're actually... I know in Elgin they're creating another hospital with quite a few beds. So, in the area, we're one of the fastest growing populations and it definitely is a needed... added."

Schmitz: "Thank you, Representative. And lastly, under the current CON, a recovery care center's limited to no more than 20 beds?"

Chapa LaVia: "Well, yes. The recovery care centers are limited to 20 beds under the Alternative Health Care Delivery Act. It is fair for these facilities to undergo CON review, and we don't think that the Legislature should dissipate how the Planning Board should review these facilities. However, we hope that the Planning Board would review these as unique facilities that have less than a hundred beds, similar to many of the other types of specialized hospital facilities that are licensed by AZPH. Again, there are some exceptions of the conversions that should be reviewed by the Planning Board. For example, if a recovery care center likes to convert, it should be required to do so within financial viability and cost restriction perimeters. I don't think that the Planning Board should strictly apply all of its rules, regulated to a hundred bed minimum... that capacity, and distribution of services. We have done a study, like I said, out in our area, for the need for more beds, and I like I said, our area's growing immensely in population. And I think it's... it is very important that they look at these issues in the districts."

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Schmitz: "Thank you, Representative, and to the Bill. As we work here as a state to try to bring alternative forms of health care delivery to our constituents, this is just one more piece of the puzzle that we've worked on. This is not a new system here in the state, this has been here for many years as you said. This is affecting just a couple facilities here in the State of Illinois that do provide current services in their districts, current safe and economical services. You've answered the questions very clearly that we've presented to you on this. I do ask for an 'aye' vote. And thank you for your help in getting this matter through."

Speaker Mautino: "Further questions? Representative Riley."

Riley: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Mautino: "State your inquiry."

Riley: "Again, I couldn't hear. Has House Amendment #3 been... are we under House Amendment #3 in this present Bill?"

Speaker Mautino: "The Bill is on Third Reading, final passage. Mr. Clerk, what's the status of the Amendments on this Bill?"

Clerk Bolin: "Amendments 1 and 2 have been adopted to the Bill."

Riley: "So, 3 has not been adopted?"

Speaker Mautino: "That's correct."

Riley: "Okay. Will the Sponsor yield?"

Speaker Mautino: "She indicates she will."

Riley: "Representative, I know that... and maybe, you know, it's something that I'm looking on the analysis, that the Illinois Hospital Association was opposed to this

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legislation and I saw something about the House Amendment #3. Just give me a little bit more clarity on that."

Chapa LaVia: "There is no House Amendment #3."

Riley: "All right."

Chapa LaVia: "And the language that we have in Amendment #2, it gutted the Bill initially, and then we took all their language that they came to the table on with Mr. Howard, with the other physicians and everybody who was involved in this, we took all their language and made it the Bill."

Riley: "Well, are they..."

Chapa LaVia: "So, it's agreed at this time."

Riley: "They're proponents or at least have no position?"

Chapa LaVia: "No, they're... they are now... I can't remember in committee. I don't think they slipped in as a... they're a proponent. They're not neutral. They're a proponent 'cause it's their language."

Riley: "Thank you."

Chapa LaVia: "So, it's an agreed Bill. It took a long time. I want to also thank Representative Flowers for giving me the... the chance to sit down and talk with all the parties and we got all of the concerns met. And I would just ask for an 'aye' vote. Thank you."

Speaker Mautino: "The Lady moves passage of House Bill 976. The question is, 'Shall this pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Pritchard, wish to be recorded on this Bill? Take the record. 98 voting 'yes', 16 voting 'no', 2 voting 'present', this Bill is declared

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passed. House Bill 2664 is on the Calendar, page 30.
Majority Leader Currie. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2664, a Bill for an Act concerning
transportation. Third Reading of this House Bill."

Speaker Mautino: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Three
years ago we passed legislation involving only the
nonattainment areas in Illinois, northeastern Illinois and
the Metro East St. Louis area, that said that large trucks,
large diesel trucks, 8 thousand pounds or more, could idle
only for 10 minutes out of every 60-minute period. We did
this because idling diesel vehicles creates significant
risk to respiratory health, asthma problems, bronchitis
problems, and the program would be working well but for the
fact that it's easy to... for people who are caught to pay
the minimal fine that is required and do it again, and
again, and again. So, an effort from the City of Chicago,
the Lung Association, the Treasurer's Office to improve
prospects for respiratory health in these nonattainment
areas is to increase the fine to \$90 for a first offense, a
larger fine for second and third offenses. There is no
opposition to the Bill. There had been concerns expressed
by the Farm Bureau and the Mid-West Truckers, but they have
removed their opposition with the adoption of Amendment #1.
So, I'd be happy to answer your questions. And I'd
appreciate your support for this measure that we think will
significantly improve air quality in northeastern Illinois
and in the Metro East St. Louis area."

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Speaker Mautino: "The Lady moves passage of House Bill 2664.
And on that question, the Gentleman from Jackson,
Representative Bost."

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

Speaker Mautino: "She indicates she will."

Bost: "Leader, what does the Amendment do that they brought
them back to neutral on that?"

Currie: "The first offense instead of, as the Bill was
introduced which was much more significant, at twenty..
\$250, went down to \$90 means you don't have to go to court.
Ninety dollars did not seem unreasonable, but we would hope
that it would be a sufficient inducement not to idle for
those..."

Bost: "Okay."

Currie: "...more than 10 minutes in that one-hour period."

Bost: "And... and..."

Currie: "And remember, Representative, there are many
exceptions to the rule. There's some 16 exceptions, so
that, if for example, it's a school bus and it's parked and
the kids are in the bus and you need to keep them warm, you
can do that. If you're idling but operating some heavy
equipment at the same time, then you're exempt from the
provisions of the Bill."

Bost: "Okay. Do you remember in the original Bill, and I can
vaguely remember debating it, and I may go back to that as
well even though this is not dealing with that, but do you
remember... was there an exemption in there for if the
temperature was below a certain level for the..."

Currie: "For... for... yeah for..."

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Bost: "Yeah, I thought..."

Currie: "...or above."

Bost: "I thought there was for that. I thought there was that."

Currie: "And I believe above as well. So that for comfort..."

Bost: "So, that the air conditioning or heating whichever..."

Currie: "...health and safety. Yes, you can be exempt from the provision."

Bost: "Okay. All right. Okay. Thank you, Mr. Speaker. To the Bill. I understand what they're trying to do. I stood in opposition to this Bill when it was first passed several years ago, and my argument and concern that I have is once again that our science doesn't exactly match up with what we're trying to do. Ladies and Gentlemen, I've been in the trucking business most of my life. Most... several times you're going to put more waste in the air by starting and stopping a diesel then you are that... if you let it just idle, as well as the amount of fuel consumption that you will use in that starting and stopping. I was opposed to the Bill when it was first passed. I'm obviously opposed because they're creating another fine on another industry that... well, wait a minute. Isn't this the industry that a few years ago we raised the fees on and it wasn't going to affect that industry and the trucks were all going to stay here in the State of Illinois? And let me see, in 2003 is when we passed that, and in 2004 we had 17 thousand fewer trucks registered in the State of Illinois, 12 thousand the next year after that, less. And I think by the time it's all said and done, we've lost about 50 thousand trucks in the State of Illinois. That's jobs; that's employment, but

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yet we continue to do something like this. So now, just to make sure that we really get it to them, we're going to go ahead and raise it a little bit bigger fine on them. So, go ahead, let's keep doing that and let's wave to those trucks as they roll right on out of here, and the wheels they roll and they leave the state, and they bypass the state, and they don't buy anything here. And once again, we're onto the truckers just like we are on the farmers. We're doing that. We bad-mouth the farmers with our mouth full, and we bad-mouth the truckers with the shelves loaded down."

Speaker Mautino: "Further questions? The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. With this Bill, it might be an important moment to describe the extraordinary opportunities now being offered by Firefly Energy Company which is a Caterpillar spin-off in Peoria. In fact, their Oasis Battery, as it is called, is being marketed now in California, especially to address this very issue. The Caterpillar spin-off Firefly Energy, Incorporated produces a battery that is far lighter and much, much more powerful, and has far less lead than any conventional batteries now on the market or even in the world. It's my hope that one day this battery will be as common as the batteries that we all see every day in our vehicles. I would also make the point that these batteries are extremely economical and with the fiscal stimulus funding that went to IDOT last night in the measures that were passed, I think it would be important for the RTA and the CTA as well as other

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companies around the state to look into this very, very quickly, because these batteries truly are cutting-edge technology. It's as green as it gets. There's not enough lithium in the world to do what is proposed in the federal strategies, and so I think it is important that the General Assembly focus on this matter. I've talked to the Governor about it, I've talked to the Chief of Staff about it, and I think it is also critically important for you to know that the State of Michigan has just passed an extraordinary measure to bring all innovative batteries to that state with elaborate subsidies and incentives. I think we can save that company for Illinois if we simply use..."

Speaker Mautino: "Would you turn on Representative Leitch's microphone."

Leitch: "I think we can sustain this company in Illinois if we promote one of our own here in the state, and be leaders in using this technology. Thank you."

Speaker Mautino: "Final question. Representative Reboletti, the Gentleman from DuPage."

Reboletti: "Mr. Speaker, to the Bill. I would suggest that in a district like mine that is a highly congested area, that our municipalities are doing a very active effort to try to reduce that and make sure they're in compliance with this. I don't see there's any harm or try to push any business out of the state to make sure that there's an opportunity to follow this that they should shut their truck off. Obviously, within the parameters of safety concerns for the truck driver and for whatever they're hauling, but this makes good common sense, reduces the

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pollution in the area. And I thank the Leader for this Bill."

Speaker Mautino: "Further questions? Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen, to the Bill. Reading the analysis of this Bill, I'm intrigued, literally intrigued, that the Mid-West Truckers backed away from being opposed to this legislation. There is little doubt in my mind that the person that knows best if his or her diesel engine is running too long is the person that is a professional and is driving the vehicle. Mr. Bost alluded to it very eloquently earlier, and it really does merit his thoughtful comments for all of us to think about because we have driven many heavy trucks out of this state, and this is an issue where we are penalizing people for making an honest living. I understand many of us are concerned about... all of us are concerned about energy, we're concerned about the greenness of our society, but reality is, folks, the people that make a living pushing these trucks up and down the road, the farmers that run diesel tractors, the school bus drivers that are driving buses, know when it's best. We don't need the diesel police to come after them. I strongly encourage all of us to vote 'no' on this legislation. Thank you."

Speaker Mautino: "The Lady from Cook, Representative Currie to close."

Currie: "Thank you, Speaker and Members of the House. To reiterate, the Mid-West Truckers do not oppose this Bill, and they do not oppose it for a very good reason. They understand that their drivers do know how best to operate,

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and they know how best to operate, and it isn't good for the trucks to be idling more than 10 minutes during that 60-minute period, during that hour, unless there are issues of comfort and safety. There is no opposition to this Bill. It makes good sense for the quality of the air we breathe. A lot of good sense for people who are asthmatic, for people with bronchitis, with other respiratory ailments. We have made a commitment that we're not going to change this Act in the next several years. And as I say, the Mid-West Truckers, the Farm Bureau, in no way stand in opposition. There is no known opposition, and I would encourage all of us to vote 'yes' for cleaner air, for better breathing for the people in northeastern Illinois and the Metro East St. Louis area. I urge your 'yes' vote."

Speaker Mautino: "The Lady has moved passage of House Bill 2664. All in favor vote 'yes'; 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. This Bill, having received 80 voting 'yes' and 36 voting 'no', 0 voting 'present', is declared passed. Mr. Clerk, House Bill 4186 appears on the Calendar, page 31. Read the Bill. Representative William Davis."

Clerk Bolin: "House Bill 4186, a Bill for an Act concerning job training. Third Reading of this House Bill."

Mautino: "Representative Davis."

Davis, W.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There's been a lot of conversation about green jobs and green jobs initiatives. I, as a Member of the Black

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Caucus and others, kind of see this as an opportunity to find another way to employ members of the African-American community. It's quite obvious that with green jobs we're talking about weatherization; we're talking about providing individuals with the ability to own and operate companies that, you know, weatherize homes and do a number of things like this. So, what we are attempting to do with this, and quite frankly, there is still more work yet to be done on developing this initiative, so it's our intention to pass this out over to the Senate and allow the work to continue in the Senate. But essentially... essentially, the green... green... House Bill 4186, excuse me, creates the Green Jobs Training Fund as a special fund in the... in the State Treasurer's Office. Provides that these funds shall be supported by the development and implementation of worker skills training and education programs in energy efficiency and renewable industries. I'll be more than happy to answer any questions."

Speaker Mautino: "The Gentleman moves passage of 4186. And the question is, 'Shall this Bill pass?' All in favor vote 'yes'; 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. 114 voting 'yes', 2 voting 'no', 0 voting 'present', this Bill is declared passed. Mr. Clerk, on page 27 of the Calendar appears House Bill 310. Representative Durkin. Read the Bill."

Clerk Bolin: "House Bill 310, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Mautino: "Representative Durkin."

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Durkin: "Thank you. House Bill 310 is a Bill which passed out last year, which I sponsored and also a similar Bill that Representative Pat Lindner passed out. We've seen different versions of this before. This Bill, what it does, it eliminates the long held tradition of lump-sum appropriations to caucuses. It requires it for Member initiative projects. Those projects must be line-itemed. It also states that when a budget is signed by the Governor as a matter of law, it must be released within a reasonable amount of time. We've seen the practices also in the past where certain Governors, Republicans and Democrats, who have arbitrarily decided whether or not to release certain types of Member initiative projects based on reasons other than good government. So, I think that's wrong. And it also gives a Member of the Legislature mandamus authority to compel the release of that money if it is not done for a sound governmental purpose. So, I think this is a good Bill. It's part of this... just the whole issue of transparency and open government and particularly when we do spend a lot of money in the budgets over the years on these Member initiative projects. They should not be part of a lump-sum appropriation where the... where we find out and also the public will find out years... maybe a few years after the fact what that money was spent on. So, I welcome any questions."

Speaker Mautino: "The Gentleman seeking recognition on 310, Representative Dunkin from Cook."

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

Speaker Mautino: "Indicates he will."

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Dunkin: "Representative... Representative Durkin, what brought this legislation on?"

Durkin: "Well... well, I'll tell you what caught my eye a couple of years ago was, I found out there was a \$4 million appropriation made to the Joffrey Ballet out of the... out of one of our budgets for their infrastructure. I found out about it after the fact. I believe something... and also, in that same appropriation, a \$100 thousand appropriation to the Illinois Philharmonic Orchestra, who is the official orchestra for the Joffrey Ballet. Now the fact is, it was a lump-sum arrangement. It was... I found out about it after the fact. I think it should be line-itemed. I think someone... if they're... if they believe it's worthy of public investment, they should have their name attached to it and also state the public purpose of it. So, I think that this is part of... this is the year of transparency and openness. I think this is the appropriate way to go about the process of awarding Member initiatives pork projects."

Dunkin: "So, Representative, you have individual State Representatives down here such as yourself, who are sent by the people in their respective district, who may be familiar with various roads that need repairing or maybe an improvement on a particular school or university if you will, and it'll come out... like education or come out of the road fund. Is that a bad thing necessarily? I mean, what's the big difference?"

Durkin: "Well, no, this doesn't prohibit it, it just states when we do have those projects, that they are going to be disclosed and they're going to be a line item in the budget

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that states the nature of the expense and also the purpose of it."

Dunkin: "But you're saying it doesn't do that?"

Durkin: "Those are all good, but I think that... you know, this is well intended... it isn't our money. It's the people up in the audience's money, man."

Dunkin: "I get it, but the people sent us here, right? They send us to make decisions as it relates to the State of Illinois, as it relates to our respective district. And if there's a bridge or if there's a special program for kids with autism, excuse me..."

Durkin: "Autism?"

Dunkin: "...autism, there's a facility that could really help provide that particular service, let's say, in a big city like Chicago where you have most of the state's population, and you see a need for it. For example, access to people who have... who need to go up and down with some of the elevator trains in the City of Chicago. Is that a bad thing?"

Durkin: "No, I think it's great. What this does it states that that appropriation for that specific project is going to be line-itemed in the budget, which is a good thing. Wouldn't you agree?"

Dunkin: "But it... doesn't that occur already?"

Durkin: "No."

Dunkin: "In order for you to find out?"

Durkin: "No."

Dunkin: "It's already... every item, I thought, every dollar is accounted for."

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Durkin: "Yeah, it's a line item."

Dunkin: "To my knowledge."

Durkin: "I mean, that's why the whole issue of the last, probably 10 years, you've had lump-sum appropriations made to the caucuses for X amount of dollars to be distributed through some type of memorandum of understanding, that is between the Governor's Office and also the individual Legislator. It's not in the budget. That specific line item is not in the budget."

Dunkin: "Representative, whether it comes out of the Republican Caucus, Democratic Caucus, Women's Caucus, Black Caucus, White Caucus, Latino Caucus, it comes out of a line item that reflects the overall macro budget of the State of Illinois. Again, is this inspired by maybe some news article or something, Representative? Because you can find..."

Speaker Mautino: "Would the Gentleman bring his remarks to a close."

Dunkin: "Thank you, Rep... Mr. Speaker. Representative, I just want to know if this... if there's a problem that no one has access to information when it comes to various line items already, and what the major difference is going to be for this here. If it's politically motivated, I mean, we are politically elected by folk who are participating in the political process, where is the real issue?"

Durkin: "The issue is that..."

Dunkin: "It's spelled out in here. If you look through the budget, Representative, it's spelled out there anyway. I just don't want us to sort of be... sort of boxed into a

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situation where politicians are being political as a way to bringing resources to our respective district. Thank you."

Durkin: "Well, let me just respond. This is nothing political about this. This has been around this chamber for a few years. It was prompted by my discovery of a \$4 million appropriation to the Chicago... the Joffrey Ballet in Chicago, which I found out two years later because it was part of a lump-sum appropriation. Maybe it's worthy of its state investment, maybe the people who are here today think it's a good state investment, but I think it should be disclosed in the budget. And that's what did not happen. So, I... no politics involved, this is about transparency."

Speaker Mautino: "Further questions? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. To paraphrase Shakespeare and Hamlet, me thinks the previous Gentleman doth protest to much. Ladies and Gentlemen, all Representative Durkin is doing is what many of you have tried to do for the last several years. Isn't it about time we actually passed a reform Bill? Do we have to live... do we have to be embarrassed by the last six years for the rest of our natural lives? This doesn't eliminate any of your Member initiative projects. It doesn't mean you can't go after repaving Oak Street in your district or Main Street in your district. All it means, and let me give you an example. If I hide an appropriation in a block appropriation given to the House Republicans, let's say the House Republicans have \$50 million, and Leader Cross divides that up among

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various Member initiative projects that we want. So, I go into Leader Cross's office, and I say I want \$500 thousand for a statue of Winnie the Pooh to put out in front of the Honey Pot Restaurant in my hometown of Danville so it'll attract tourism. Now when that gets out in the paper, and they're going to ask you, did you vote for a statue of Winnie the Pooh? And you're going say, no, no, I wouldn't do that. Yes, you did. Because it's in the budget. All Representative Durkin's Bill is doing... is saying, look, it's reform. If I want a statue of Winnie the Pooh in my district, it will be line-itemed under my name. So you don't have to take the blame for some expenditure. You say, I didn't do that. Representative Black did that. And what the previous speaker was talking about, you can still do an 'L' project, a STAR Line station, or anything you want in your district. The only difference done with this Bill is true reform. Your name will be attached to it. You will answer the questions as to why it's in there. And if it's a good project for the benefit of the people of your district, you should be proud of that and defend it. But what we've done in the past, we've approved millions of dollars and then when you get home, a year later somebody says, well, how could you vote for a gold-plated outhouse in Bill Black's district? Well, I didn't vote for that. Well, yes you did. It was hidden in the budget. This is a good, commonsense reform movement when Members want various capital projects in the budget. Put your name on it, identify it, and then stand behind it if that's what you

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want. This is sunshine reform, and it's long overdue.
Vote 'yes'."

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

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

Speaker Mautino: "The Gentleman has moved the previous
question. Representative Durkin to close."

Durkin: "Thank you, Mr. Speaker. You know, this has been some
good debate, but you know, let's just be mindful of the era
that we're existing in, and what the people in this state
demand out of us. They demand us to be honest. They want
straight talk. They want us to be up-front and truthful.
This is what this Bill does. We're grown men and women.
We come down here on a weekly basis. We should be able to
stand on our two feet and defend these projects. And they
should be listed. They should be line items. And also
what this also does, make it very clear that this stops
practice of these Governors who've arbitrarily decided
whether or not to release these projects. It's clear
separation of powers violation. I want to make sure that
it's part of our law. So, I would ask for an 'aye' vote."

Speaker Mautino: "The Gentleman's moved passage of House Bill
310. Question is, 'Shall this Bill pass?' All in favor
vote 'aye'; opposed vote 'no'. The voting is open. Have
all voted who wish? Have all voted who wish? Have all
voted who wish? Mr. Clerk... Representatives Jackson, Golar.
Mr. Clerk, take the record. On this Bill, 114 voting
'yes', 0 voting 'no', 0 voting 'present', this Bill is

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declared passed. House Bill 3650, Representative Flowers.
Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3650, a Bill for an Act concerning insurance. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Mautino: "Representative Flowers. Mr. Clerk, Third Reading. And read the Bill a third time."

Clerk Bolin: "House Bill 3650, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Mautino: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3650 would require insurance to allow internal and external appeals process for enrollees. And the Bill would also provide for an expedited process when the denial of coverage would significantly increase the risk of the enrollee's health. And this Bill is similar to legislation that we passed in 1999 in the Managed Care Patients Bill of Rights. And I'll be more than happy to answer any questions. And I would ask for your 'aye' vote. Thank you."

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

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

Speaker Mautino: "Indicates she will."

Watson: "Representative, do you know, is there opposition at this point?"

Flowers: "Representative, of course the insurance company is in opposition to the Bill. And as I stated in committee, I've

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tried to work with them, and as a result, they just went over to the Senate and started their own Bill contrary to what we were supposed to be negotiating with."

Watson: "So, at this point, it would be fair to say that..."

Flowers: "Pardon me?"

Watson: "At this point, it would be fair to say that the industry's not going to support this Bill? They're trying to get another vehicle to bring it back?"

Flowers: "Absolutely, Sir. But this is legislation that's already in the law, and it's applicable only to HMOs. And now it will be applicable to PPOs and other health insurance."

Watson: "All right. Thank you, Representative."

Speaker Mautino: "Further questions? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; 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. This Bill, having received 67 voting 'yes', 45 voting 'no', 0 voting 'present', is declared passed. Representative Bassi is seeking recognition. For what reason does the Lady rise?"

Bassi: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Mautino: "State your point."

Bassi: "Okay. Up in the gallery behind the Republican side, I'd like to recognize my superintendent from Palatine, Superintendent Dan Luckich and his wife who are here visiting. Please a Springfield welcome for them today."

Speaker Mautino: "Welcome to Springfield. House Bill 4078, Representative Franks. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 4078, a Bill for an Act concerning criminal law. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendments 1 and 2 have been approved for consideration. Floor Amendment #1 is offered by Representative Franks."

Speaker Mautino: "On Floor Amendment 1, Representative Franks."

Franks: "I believe that Floor Amendment #1 was... I'm sorry, House Amendment #1 was adopted yesterday. Floor Amendment #1 clears up some of the drafting errors, and I'd ask for that to be adopted. I'd be glad to discuss it on Third."

Speaker Mautino: "The Gentleman moves adoption of Floor Amendment #1. All in favor signify by 'aye; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Bolin: "Floor Amendment #2 offered by Representative Franks."

Speaker Mautino: "On Amendment #2, Representative Franks."

Franks: "Again, it's a technical Amendment to the Bill."

Speaker Mautino: "Gentleman moves adoption of Floor Amendment #2. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Floor Amendment 2 is adopted. Mr. Clerk, any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Mautino: "Mr. Clerk, place this Bill on Third Reading and read the Bill for a third time."

Clerk Bolin: "House Bill 4078, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from McHenry, Representative Franks."

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Franks: "Thank you, Mr. Speaker and Members. This Bill is a Bill that had a genesis from the nightmare that the citizens of Illinois have been going through for some months with the prior administration, highlighted yesterday by an indictment of our former Chief Executive Officer and other members of his Cabinet and others who were benefiting from the alleged illegal activities happening in the last administration. This Bill would seek to not allow people who've done official misconduct to benefit from that official misconduct once they're out of office. And we've drafted the Bill and we've worked with the motion picture industry who had original concerns about the Bill, and we've spoken with the Attorney General, and we... on the forfeiture portion of this, and we will make another change in the Senate assuming it gets there, so we'll have another chance to see this. But we don... we want to send a very strong message in Illinois that crime doesn't pay, and that if one is convicted of a crime for his or her official duties, that they will not be able to cash in on that notoriety. Now we've drafted the Bill so this would only be relevant should an individual be convicted and would also be during the time of probation or parole. And what it would do is not let that individual receive proceeds for that notoriety. I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4078. And on that, Representative Eddy, the Gentleman from Crawford."

Eddy: "The Sponsor yield?"

Speaker Mautino: "Indicates he will."

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Eddy: "Representative, why did you stop at the book?"

Franks: "We didn't."

Eddy: "Okay. So, if there are any appearances that are associated... haven't there already been appearances?"

Franks: "Well, no. Everyone's innocent until proven guilty."

Eddy: "I understand."

Franks: "This would only happen should an elected offician... official be found guilty. And then what this would do, it would authorize the Attorney General to seek a civil forfeiture for all proceeds which are traceable to the official misconduct."

Eddy: "Well, so anything that's already established, any proceeds that came from visits to... let's say, television shows or contracts with publicists or... I mean, aren't you going back to try and recover something that is already gone?"

Franks: "No, this is only prospective. Until anyone is convicted, we would not be able to do that, obviously."

Eddy: "So, in this case in particular, if there's already contracts that have been signed, there are already proceeds that have been pledged, this... this legislation could not affect any of those proceeds. Is that true? I'm sorry..."

Franks: "Yeah, that's true. I couldn't find any constitutional way to do that. I mean, I would have loved to."

Eddy: "Okay."

Franks: "But I just... we have an obligation. We took an oath to uphold the Constitution. I want to make sure that we're doing this right."

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Eddy: "So, although this can't get to everything you'd like to see it get to, prospectively and for anyone else in the future, should they attempt to profit in this manner from anything associated with their public office and improprieties that actually cause that, this would take effect. But really, as far as part of the target here, we missed it because there's no way to hit it."

Franks: "Well, I don't know if we've missed it or not. I... I mean, there's been a... I mean, if you're talking about this specific instance..."

Eddy: "Yes."

Franks: "...we know of a book deal, but you know, there's an opportunity after a trial, after whatever there may be, there could... you know, a movie, whatever it might be. The fact is, until there's a conviction, there's nothing we can do. So, should one be found guilty, then we have the ability then to require that forfeiture."

Eddy: "Understood. And absolutely no one should profit or in anyway be able to use situations like this for their own self gain. I think it's a good Bill. I just want to make sure that for the record we all understand it, that this really doesn't quite get to some of the things that some people may want to."

Franks: "There may be one way though. Because this is not a criminal action, this is a civil action, the ex post facto law would not apply. So, should the Attorney General in his or her wisdom, wish to try to get those proceeds, that would not be prohibited assuming that there is a conviction."

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Eddy: "It what..."

Franks: "It would first require a conviction before the Attorney General could seek the forfeiture. So, there is a potential on it. There wouldn't have been how we originally drafted under a criminal statute, but since we're doing it..."

Eddy: "Civil."

Franks: "...as a civil forfeiture that could allow it."

Eddy: "Okay. I get the difference, but obviously, the first thing is the conviction, and secondly, then there may be that opportunity, even ex post facto because of the fact that it's civil, I get that. I appreciate this. And I really believe that this is important for a lot of reasons. I just want to make sure that we all understand that the potential here... some of the potential that some of us would like to see really may or may not take place with this. But... but I support the concept for future for sure. Thank you."

Franks: "Thank you."

Speaker Mautino: "Further questions? The Gentleman from DuPage, Representative Reboletti."

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

Speaker Mautino: "Indicates... he indicates he will."

Reboletti: "Representative, I've dealt with civil forfeiture acts. This isn't already included in our statutes, such as a bad actor and profits from the position that we would go... that we would have jurisdiction to go ahead and seize those assets?"

Franks: "I don't think there's..."

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Reboletti: "I know that like in drug cases, we can go ahead..."

Franks: "Right."

Reboletti: "...and seize a vehicle, we can seize the house, we can seize phones, this isn't already..."

Franks: "No..."

Reboletti: "...covered in statutes?"

Franks: "...I don't think it's specific. As you said, the other statutes are more specific. We wanted to make sure that elected officials are included to make it clear and also as a deterrent affect."

Reboletti: "Is the Attorney General the only one that could seek this Act? So, let's say the... it happens in Cook County or DuPage County, could that state's attorney also join in the action?"

Franks: "It's just the Attorney General."

Reboletti: "All right. Thank you."

Speaker Mautino: "Further questions? The Lady from Cook, Representative Monique Davis."

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

Speaker Mautino: "Indicates he will."

Davis, M.: "Representative Frank, give us exactly, in your own words, what your objective is."

Franks: "My objective is to make our government cleaner, to end the cycle of corruption that has permeated our entire state. Our political system is a cesspool. And we have to make sure that people get in to government service for the right reasons and not for... not for their own selfish purposes. We have to make sure that crime doesn't pay, and

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that there is no incentive ever for any elected official to self deal instead of doing the people's business."

Davis, M.: "Do we have any murderers who have written books and sold them and made a profit? And if we have, Representative, were the proceeds confiscated by anyone?"

Franks: "Yeah. There was... there was... New York first started with that. It was called the 'Sun of Sam Laws'. This is different because it's a civil forfeiture. There was some questions on whether that was constitutional; however, there was a recent Arizona case dealing with a mobster who... where that was upheld. There's also a federal statute that's been used as well. So, yes, there is... there is precedent for this."

Davis, M.: "Okay. So let's say this Bill passes, and let's say it takes effect. There are remaining people who have to be taken care of. I want to ask you, who's going to take care of them?"

Franks: "That's a great question, and that's why we limited the Bill. It's only during... should... first of all, if someone is convicted, and only during the time of incarceration, parole or probation. After that time, the person has paid his debt to society, then there's no prohibition on obtaining those funds and making a living."

Davis, M.: "Well, by then the kids are grown."

Franks: "I think this is the narrowest we could draft it. And it wouldn't prohibit anyone from making any other... having any other business. Should one be convicted, that person could go forward and, you know, work as a messenger and ride a bike, or do whatever that person wanted to do. So..."

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Davis, M.: "So, let me ask you this."

Franks: "...understand this would just be for..."

Davis, M.: "If he writes that book, if he writes that book before he's convicted, then what?"

Franks: "Well..."

Speaker Mautino: "Could the Lady bring her remarks to a close."

Davis, M.: "I'll bring my remarks to a close. I'm going to vote for this Bill, but not because I think it's a good piece of legislation. Personally, I think it's mean spirited. I mean... I just... how much do you want? You know what I mean? This person has kids. And I have to think of that. So, you know, saying, oh, you can't do this and now we're going to take this, then we're going to take that, then we're going to kill all of your living relatives. You got any pets. Thank you, Mr. Speaker."

Speaker Mautino: "For what reason does the Gentleman from Cook, Representative McCarthy arise?"

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

Speaker Mautino: "The Gentleman has moved the previous question. The question is, 'Shall this Bill pass?' All in favor vote 'yes'... The Gentleman from McHenry, Representative Franks to close."

Franks: "Thank you. And I appreciate the debate and I appreciate the comments of the previous person. Certainly we don't want to take... and I believe in rehabilitation. I think we all do. And I believe anyone has the ability to get his or her life on the straight and narrow. And when they do, we shouldn't do anything to impede them and

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nothing in this Bill would allow anyone from making an honest living. What we want to make sure is, that no one ever should profit from their illegal activity from... as being an elected official. I enc... I certainly hope that you all agree with me."

Speaker Mautino: "And the question is, 'Shall this Bill pass?' All in favor vote 'yes'; 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. This Bill, having received 112 voting 'yes', 2 voting 'no', 1 voting 'present', is declared passed. Page 6 of the Calendar appears House Bill 650, Representative Lang. Read the Bill."

Clerk Bolin: "House Bill 650, a Bill for an Act concerning insurance. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Mautino: "Third Reading. Mr. Clerk, read this Bill a third time."

Clerk Bolin: "House Bill 650, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Mautino: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. First, let me say that House Bill 650 as it sits before you today is not the original Bill that was filed. This is a Bill that will allow firefighters who have been off of a health insurance policy for a municipality for a period of time to have a one-time opt-in to get back on to the policy. As originally drafted, this Bill would have allowed all the

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firefighters back for any length of time, and would have also required the municipality to pay for the firefighters. The reason this Bill is now substantially different is, this is a one-time opt-in. The firefighter must be insurable which means, he or she must have a physical exam and if the insurance company rejects them, they cannot go back on the policy. And finally, and most importantly, the firefighter must pay both the employer and employee portion of the cost. So, this is a very limited cost to the municipalities. This is important for our firefighters who sometimes opt out when they retire, because they can go on their spouse's insurance policy. Sometimes that spouse dies, sometimes that spouse passes away, and the firefighters are left with no insurance. So, please allow them the opportunity to continue to have health insurance under these circumstances by voting 'yes'."

Speaker Mautino: "Representative Osmond."

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

Speaker Mautino: "Indicates he will."

Osmond: "Representative, in this... I just want to make sure that we're perfectly clear. What cost would there be to the municipality?"

Lang: "There would be no direct cost to the municipality. The municipalities have argued that letting an older group back on to the plan would bump up the basic cost of the plan, but there's really no evidence of that. A 25-year-old firefighter who's a rookie, does not have to have an... does not have to be insurable. So, they could be sick and get on the policy, but the 40- or 50- or 60- year-old

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firefighter that gets back into the plan, must be insurable. So, I don't think there's much risk. All of the cost of the actual insurance is to be borne by the firefighter."

Osmond: "So, when the firefighter leaves and he decides to come back, it's one-time and one-time only he can make this decision."

Lang: "That's correct."

Osmond: "He has to be able to pass the physical exam..."

Lang: "Correct."

Osmond: "...that the insurance company may request."

Lang: "That's correct."

Osmond: "And he is going to pay his premium and the municipality's portion?"

Lang: "That is also correct."

Osmond: "Okay. Thank you very much."

Speaker Lyons: "Representative Joe Lyons in the Chair. The Chair recognizes the Gentleman from Morgan, Representative Watson."

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

Speaker Lyons: "Sponsor yields."

Watson: "Representative Lang, did we ever discover the definition of insurable?"

Lang: "Well, I didn't get an exact definition for you, Representative, but... but we all seem to agree that what it means is they... whatever the insurance company says is insurable. So, that... they certainly would require a physical exam, and if they were reject... if they rejected that applicant, that applicant would not go on the policy."

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Watson: "So... what we believe, which has not been verified, is that, if the firefighter comes back in, it will be at the discretion of the insurance companies... that pool, whether he is... he or she is insurable or not?"

Lang: "That is correct. And I also remind you, as I said in committee yesterday, we are going to continue to work on this in the Senate."

Watson: "Appreciate it. Thank you, Lou."

Lang: "Thank you."

Speaker Lyons: "The Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "Sponsor yields."

Black: "Lou... excuse me, Representative, just one question. Why... why couldn't this be left to the collective bargaining process? Some communities already do that, and yet even though some have collectively bargained this issue, this law, would seem to me, to preclude any collective bargaining agreement."

Lang: "Well, we wouldn't really need collective bargaining for this, since under the current way this Bill is drafted, these folks are going to pay for their own insurance. So, it's not really that much of a big deal benefit we're giving them. We're just allowing them to get back on to an insurance policy, a policy for which, if they were off of the pol... if they had been on the policy for the last 5 years or 10 years or 15 years, that municipality would have doled out lots of money. And so we're just allowing them

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to get back on the policy at no cost to the municipality, so there's really nothing to bargain."

Black: "Well, let me see if I follow that then. In other words, without the law, you're... if what I hear you saying is correct, without this law then the municipality could say, no, I don't care if you're going to pay your own way, I'm not going to let you back on the policy."

Lang: "In fact, that's what they have been saying."

Black: "Okay. Thank you very much."

Speaker Lyons: "The Gentleman from Peoria, Representative Leitch."

Leitch: "All right. Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Lyons: "Sponsor yields."

Leitch: "Representative, what was the position of the Illinois Municipal League on this Bill?"

Lang: "The Illinois Municipal League is opposed to the Bill, and one of the reasons the Bill is here today, is that they were not a fair negotiating partner. We started negotiating this with the IML two years ago. They actually just two days or three days before I filed the Amendment, put a piece of paper on my desk with these provisions. And when I filed this Amendment, they said they were still opposed to the Bill. After two years of negotiating with the firefighters and with me, they have shown that they're not interested in moving this idea along at all, even though there's no cost to the municipalities."

Leitch: "I would have to agree with you that the Illinois Municipal League is beyond incompetent at negotiating these

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issues, and we've had a great deal of difficulty on this and other issues with them. My con... my other question is, did you indicate to the previous Gentleman that you would be continuing to work on this measure in the Senate?"

Lang: "Yes, I'm going to do that, but I have a new negotiating partner. I have the Northwest Municipal Conference, and they seem to want to talk this through and figure it out with me."

Leitch: "Thank you. My... to the Bill. My con... my concern is, to my knowledge, no other public or private agreement in the country has a feature that would permit someone to opt out of an insurance plan, and then down the road bring able to come back into that insurance plan. Are you aware of any such provision any where in the country?"

Lang: "I am not; however, it doesn't mean it doesn't exist. I didn't do any research on that issue. But let me add, why not let our public employees do this? If they are paying the entire cost, who does it hurt?"

Leitch: "So, I guess the other concern that the Members should consider is that since we're going apparently be seeing this happen with the firefighters now, think of all the other applications that will be coming up before us in the future. Thank you for your response, Lou."

Speaker Lyons: "Representative Lang to close."

Lang: "I'd ask for an 'aye' vote. I think this is an important Bill for our firefighters. It's cost free to the municipalities, and it'd be the right thing to do. Please vote 'aye'."

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Speaker Lyons: "The question is, 'Should House Bill 650 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 99 Members voting 'yes', 15 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status on House Bill 3923?"

Clerk Bolin: "House Bill 3923, is on the Order of House Bills-Second Reading. Was held on the Order of Second Reading pending the filing of notes... pending the filing of a state mandates note. That note still has not been filed."

Speaker Lyons: "The Chair recognizes Representative Harris."

Harris: "Mr. Speaker, I would like to move that the state mandates note be ruled inapplicable."

Speaker Lyons: "The Gentleman makes the Motion that the state mandates note be held inapplicable. We'll put this to a recorded vote. The man's... the Gentleman's Motion is, 'Shall the state mandates note filed on House Bill 3923 be declared inapplicable?' Prior to that, we'll have questions by Representative David Reis."

Reis: "Mr. Speaker, inquiry of the Chair."

Speaker Lyons: "State your inquiry."

Reis: "Can we have a few minutes to look over this? This just popped up. Can we have a few minutes to look and see if it is truly..."

Speaker Lyons: "I'm sorry, David. Could you repeat your question?"

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Reis: "Just a few minutes to see if it truly is inapplicable and then we may object to his Motion."

Speaker Lyons: "I think the Gentleman is within his rights. The Motion was made to put that note on the Bill, and now the question is being put to the Body, 'Should it be held inapplicable?' So, I think the man is within his rights to ask for this... that question be called. And we'll ask for a Roll Call vote. Representative Black."

Black: "Thank you very much, Mr. Speaker. I'm not sure whether it's an inquiry of the Chair or a question of the Sponsor. Let me try the Sponsor. Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Black: "Representative, your Motion to declare the state mandates note inapplicable, it appears to me in going through the file, that this law would require entities in the State of Illinois to do something. Not debatable, not discussion, not a committee structure, the Bill passes, you have to do something. Wouldn't that be a close relative to a state mandate?"

Harris: "Mr. Black, you know, while I agreed, and I certainly understood the filing of the fiscal note earlier by a Member from your side of the aisle, and found that to be appropriate, my understanding of a state mandate note is that it requires another government entity in this state to do something for which there is not a reimbursement. No other entity is required to do anything in this Bill."

Black: "Well, I can't get into the underlying Bill. If I wanted to be... I see the parliamentarian's ready to pounce. As I understand the Bill, you're creating a new agency

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which would have control over not only entities in the State of Illinois but individuals. I think a state mandates note is applicable. Obviously, you don't agree, but since it primarily deals with insurance, isn't there an insurance company called 'Geico', and doesn't that stand for 'Government Employees Insurance Company?'"

Harris: "I know they have a little lizard in their ad, Representative."

Black: "Fine. It's a man... it's a mandate on the lizard, I rest my case."

Harris: "And we want our iguanas to mandate free here in Illinois, but if you read the Bill carefully, you will see that there are no new government entities created by this Bill that I'm aware of. It does, however, clarify some powers and responsibilities to the existing Office of Consumer Health Insurance, which is part of the Division of Insurance."

Black: "But... but you are... exponentially expanding the officer... the Office of the Consumer Affairs, are you not?"

Harris: "No."

Black: "Well, again, you're within your rights to declare it inapplicable. I would... I would think that it would be applicable, but again, it'd be a Roll Call vote. Mr. Speaker, should the Gentleman's..."

Speaker Lyons: "Mr. Black."

Black: "...Motion receive the... an inadequate number of votes... Well, before I do that, let me ask the parliamentarian. On a ruling of a fiscal note, or excuse me, a man... any kind of a note inapplicable, is that just a simple Majority of

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those voting, or an absolute Majority of the House? And please don't forget to say on behalf of the Speaker."

Parliamentarian Ellis: "On behalf of the Speaker in response to your inquiry, the standard is a Majority of those present and voting."

Black: "Then I probably am wasting my time to ask for a verification, so then I won't ask for it. Thank you."

Speaker Lyons: "Representative Careen Gordon."

Gordon, C: "Inquiry of the Chair, Mr. Speaker."

Speaker Lyons: "State your inquiry."

Gordon, C: "Mr. Speaker, as I'm sitting here, I'm wondering whether it's Representative Reis who's asking the question of whether or not they want to review whether their notes that they filed are applicable or inapplicable, or whether or not Mr. Black is the spokesperson for deciding whether or not their notes are applicable or inapplicable at this point. So, if we could have one spokesperson so the rest of us on the other side of the aisle could decide what notes we're talking about, whether or not we're taking a vote, whether or not how many people are needed to justify that vote. I think it would make it a lot easier for the rest of us to understand, because the initial speaker was Representative David Reis. And he wanted a few minutes to decide whether or not the notes were even applicable in the first place, when it was the Republicans who filed every single note that is on this Bill."

Speaker Lyons: "Representative, the question is, 'Shall the state mandate note filed on House Bill 3923 be declared inapplicable?', and that is the question. Those in favor

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signify by saying 'yes' in support of Representative Harris. Those opposed say 'no'. Those who are opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Coulson and Schmitz. Mr. Clerk, take the record. On this Bill... on this question, there are 67 Members voting 'yes', 47 Members voting 'no'. The Motion carries and the note is declared inapplicable. Representative Harris on House Bill... Anything further, Mr. Clerk, on House Bill 3923?"

Clerk Bolin: "There are no further note requests pending."

Speaker Lyons: "Move that Bill to the Order of Third Reading and read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3923, a Bill for an Act concerning insurance. Third Reading of this House Bill."

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

Harris: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is actually a fairly simple and straightforward Bill that enhances protections for Illinois citizens and small businesses who purchase health insurance in the Illinois market. The genesis of this Bill was a study done by the Families USA Foundation a couple years ago that pointed out that as far as consumer protections and small business protections for purchasers of health insurance, Illinois ranked pretty much at the bottom of the pile and that our constituents were getting the least protections of most states in the union. What this Bill does is it addresses a few of the major recommendations of that report on how to make health insurance more fair for

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individuals and small businesses in this state. The first thing it does is it creates a standard application form for both individuals and small businesses to use in applying for quotes. Right now, each company has its own applications, sometimes its own application for each policy, oftentimes running 30 pages in length which makes it very difficult for individuals and small businesses to effectively apply and get competitive quotes to be sure they and their families are getting the best possible coverage. This would create a standardized set of applications that would be used in the State of Illinois. Now during the course of negotiations and discussions, the insurance industry was very concerned that the Bill, as written and the Bill that's before you, would ask that these applications be approved by rule. I have.. in talking to a number of Members, and I've made the offer to the insurance industry that I would be willing to make an Amendment in the Senate on this that would take the JCAR rulemaking out of it, and establish a joint working group of small business people, insurance companies, and the Division of Insurance, and the director of insurance, to prepare these applications which I think would answer their concerns about the rulemaking process. I'm willing to work with the insurance industry as much as I can to make this the best and most fair product for all concerned. The next thing this Bill does is it adds a definition of 'medical necessity' for mental health coverage to our statutes. The third thing that it does, which my colleague from across the aisle was inquiring about with the lizard, was the

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Office of Community Health Insurance. This is an existing office within the Department of Professional Regulation, Division of Insurance. It was created many years ago by Representative Mary Flowers, and the language in this Bill simply strengthens their powers, and clarifies responsibilities they have to serve as advocates for individuals, families, and small businesses in Illinois who believe they have had insurance company decisions inflicted on them that deprive them of their legal rights. So, this is to make it easier for constituents to challenge the rulings of insurance companies and to advocate for our constituents when they have problems and issues. The last portion is establishing a minimum medical loss ratio of 75 percent for Illinois. And this is probably the newest thing here in Illinois. Seventy-five percent of premiums collected under this provision would actually have to go to the provision of health insurance for the insured as opposed to bonuses, executive salaries, administration, and marketing. Fifteen other states around the nation including a number of our neighbors have this currently. It has had no detrimental affect on the insurance market in those states. I have corroborating evidence from the National Association of Insurance Commissioners that authoritatively proves that. And that Ladies and Gentlemen, is what House Bill 3923 would do. And I would welcome any questions."

Speaker Lyons: "The Chair recognizes the Lady from Lake, Representative Osmond."

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

Speaker Lyons: "Sponsor yields."

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Osmond: "Representative, yesterday, I think it was yesterday, I've lost track, yesterday in committee were we in committee yesterday? No, two days ago."

Harris: "The day before."

Osmond: "I'm sorry. A lot of the questions came up on the rulemaking in this Bill. And I find it difficult to stand here and say that this is good public policy when there's so much rulemaking that's attached to this particular Bill. And I know that your intentions are good in this, but I think that, you know, it's just not in the final... in the final phase yet. For instance, you leave rulemaking up to administrative costs. And so we don't know what that is... you know, what that's going to be. How do you set those costs for a very small insurance company versus a very large insurance company?"

Harris: "Actually, instead of defining administrative costs, Representative, you'll see that I defined what are included health care expenses and administrative costs would be everything else. And as far as the rulemaking, as I just said, I understand the concern about the rulemaking and I said to you privately before Session started this morning, I've said the Members on my side who've raised this issue with me, and none of the insurance... the lobbyists, and Mr. Barry was out there. I had a chance to speak to him. If people have alternative language to suggest on a way to improve this Bill and get the rulemaking out, I'm certainly willing to work with you to do that in the Senate."

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Osmond: "But... but you have the Bill here today, and shouldn't that language be in this Bill that we're asked to vote on today?"

Harris: "Today is the last day, so I would like to move it out and I will work with you to develop that language for the Senate. It can come back for concurrence."

Osmond: "I'm just not really sure that that's good policy for this Body, but I want you to explain to me the external review aspect of this Bill."

Harris: "External review is not covered by this Bill. I believe, exter... there is an external review Bill coming from the Senate, which Representative Brady, I believe, will carry here in the House which will have an external review policy based on the model language developed by the National Association of Insurance Commissioners."

Osmond: "But isn't it in your Bill that says that you have a group that will review this and if the director of insurance doesn't like it, he can overturn it?"

Harris: "There is language that in the most extraordinary of circumstances, if it is a judge, that the decision of the external review process is arbitrary and capricious, there can be an additional appeal to the director of insurance. Only in that very extreme circumstance."

Osmond: "I'm confused as to who determines that though?"

Harris: "I'm sorry, Representative, I didn't..."

Osmond: "Who does determine that?"

Harris: "The appeal would be made by the person who was... has initiated the appeal process. And the decision to accept

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in rule would be made by the director of the Division of insurance in consultation with a medical professional."

Osmond: "So, who goes... I mean, I guess, I'm a lit... if I'm an insured, I immediately go to the director of insurance this for to have him assign this?"

Harris: "No, not all. There's a process to go through and only in the most extreme and extraordinary circumstances, like in any other appeal's process where appeals escalate through a set of steps, would you get to that very final step if there was a finding of arbitrary and capricious, and those words are included in the Bill as a standard. Only if the standard of arbitrary and capricious was reached."

Osmond: "There's no guidelines as to who comes in for that type of review. At what point do they get to the director of insurance? There's nothing that says that. If I have a review and they say, no, then I have the automatic right to go to the director of insurance for him to overturn that?"

Harris: "As in any appeal process, Representative, I think any one of our constituents, you know, any citizen, can make an appeal. Whether that is accepted and decided upon is a whole other matter. If we want to give people the maximum right to exercise their rights and prerogatives, but we have included all necessary safeguards along the way to be sure that they're not exercising a frivolous matter."

Osmond: "I'm not exactly sure that your Bill says that, but I'll let others ask questions. Thank you."

Harris: "Thank you."

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Speaker Lyons: "The Chair recognizes the Gentleman from Morgan, Representative Watson."

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

Speaker Lyons: "Sponsor yields."

Watson: "Representative, do you any concern or reservation... I know it's the last day, but this is not a simple Bill. This is not a simple easy process like you said at the beginning and the fear is, like many other things that we've done in the past, why rush this?"

Harris: "I don't believe we've rushed it. This has been through committee twice. It's had a good deal of input, huge amounts of changes, if you look through the Amendment history. So, I don't believe we've rushed it at all."

Watson: "Representative, I think there would be those that would disagree and say this is morphed and morphed and it's gotten bigger and larger as it goes."

Harris: "Actually, it's gotten smaller and smaller as it's gone."

Watson: "Okay. Representative, so then it's very simple, it's just a simple Bill and it's not going to change the entire code at all?"

Harris: "I don't believe it's a simple Bill, but I don't..."

Watson: "But you said it was..."

Harris: "...believe it will change the entire code."

Watson: "...a simple Bill. Your first things out of your mouth was this is simple Bill."

Harris: "It's straightforward."

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Watson: "Okay. Refresh my memory on what you talked with Representative Osmond, when you say it is capricious? Who determines that?"

Harris: "Arbitrary and capricious I understand is a... generally recognized legal standard that's often used in statutes."

Watson: "And according to your legislation that will be determined by whom?"

Harris: "By the director of insurance."

Watson: "And the process will or will not include medical experts?"

Harris: "The process will include medical experts."

Watson: "So, do you have that process spelled out in your Bill?"

Harris: "The process is in the Bill."

Watson: "The pr... Well, can you show me where that process is spelled out in this Bill?"

Harris: "If you'll give me just one second, sure. Do you have another question while I look? Sure, Representative. If you look in page 15 of the Bill, line 9."

Watson: "Okay. Can you clarify it for me, 'cause I'm not..."

Harris: "I can read it out loud. 'If an external independent review decision upholds a determination adverse to the patient, the patient has the right to appeal the final decisions of the office if the external review decision is found by the director through the office to have been arbitrary and capricious, then the director with consultation from a licensed medical professional.' So, there is the answer to your question."

Speaker Lyons: "Representative Watson, anything else?"

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Watson: "Yes. Representative, let me ask you one other thing. Has this been tried in other states? Has this been tried in Kentucky or Tennessee?"

Harris: "I know it has in Kentucky."

Watson: "How'd it work out there?"

Harris: "Very well according to the National Association of Insurance Commissioners which I think is a fairly objective body."

Watson: "Is are... our analyzation shows that actually it resulted in less coverage and less access for individuals."

Harris: "You know, I saw a lot of these numbers and you know, during the course of my investigation. Of course, these hearings depending on, you know, the health care advocates have one set of studies..."

Watson: "Sure."

Harris: "...the insurance companies had another set of studies, intended to back up their position. So, the reason I went to the NAIC, as a objective third party, was to get definitive, authoritative, government-based statistics on what's happened in these fifteen states, and they've shown no deleterious affects."

Watson: "Okay. Representative, could you get us access to that information?"

Harris: "Sure. I... it's fairly voluminous, and I can certainly provide it to you."

Watson: "Thank you."

Speaker Lyons: "Representative Michael Bost."

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

Speaker Lyons: "Sponsor yields."

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Bost: "Early on during this debate and actually during your introduction, you did say this was kind of a simple Bill, and portrayed it that way. This is not a simple Bill, correct?"

Harris: "I will say it's a straightforward Bill."

Bost: "Yeah. It is a huge Bill, and it is changing a lot of things. But you said that you've been to committee twice. A Bill of this size, normally we have groups that come together to come up with some kind of negotiated Bill to work on a sensible plan, but instead, we're moving this through here on the last day. Is there not a way that we can say, okay, let's stop, let's come back with a resolution sometime and let's sit down and talk this out, and work on the plan together with some of the great experts that are on involved in this field. Because right now, you're throwing this out in front of us on the last day. Obviously, the reason for the mandate note was because there are many concerns of the people on both sides of the aisle with this legislation. And I think... I have a real problem with this because, you know, I mean... it's a lot of language. It's not something that has been worked on over and over again. Other states... even from what we're hearing, other states have not got the success that they wanted with this. Isn't there a way we can just kind of stop this now and..."

Harris: "I really didn't come here to stop the Bill."

Bost: "Okay."

Harris: "I came here to try to pass it, Representative."

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Bost: "All right. Based on that, what you said, and here's my concern, and it was asked here at the back row. You said when you started this, and this is very important what you said, this is great for small business in the State of Illinois. If it is great for small business, why did originally the NFIB and now they've kind of went, okay, well we'll try to stop it some place else. They kind of went neutral after the Amendment, but the state Chamber is still opposed. So, based on that, how can you say, oh, it's good for business? See, I'm real scared with a lot of things that I've seen happen over the last... over the 15 years that I've been here, of how things that we do here in the state are good for business when we've lost 350 thousand jobs, what is it, in the last 6 years because we're being good on business and good on small business. I think maybe we just push forward when we ought to take time, calm down and actually work on this. Obviously, you're going to move it forward. I understand that. You're going to push and say, okay, let's vote for it. But I just hope my colleagues will start paying attention on these things. When you go back and say, hey, I'm for the working men and women, those are becoming fewer and fewer all the time, here in the State of Illinois. When you say that you are for the small businesses, but yet we have smooless and less small businesses here in the State of Illinois because they can't keep up with the government regulations that are placed on them. It puts a little bit of fear in me. Mr. Speaker, if this gets the required number of votes, I would ask for a verification."

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Speaker Lyons: "There's been a request for a verification, Ladies and Gentlemen. Representative Mulligan, you're the next speaker waiting to ask questions. The Lady from Cook."

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

Speaker Lyons: "Sponsor yields."

Mulligan: "Representative, does this Bill create any ratio of people being insured in a plan other than those that you've mandated must be covered because they already have a preexisting condition? Does it create anything for a certain number of what would be considered well people or a population that would help cover the total amount that would be part of any pool where money would come out of for an insurance company to pay?"

Harris: "Representative, to be sure I even understand your question, does your question imply that this legislation would mandate the coverage of people with preexisting conditions?"

Mulligan: "Right. Have you eliminated all of that out there?"

Harris: "Yeah. I have eliminated all of that at the request of the committee after the first hearing."

Mulligan: "Okay. So, it just says that 75 percent must go towards coverage."

Harris: "Seventy-five percent of the premiums collected must go to provide any health care services."

Mulligan: "All right. Usually when we do... and for years in the General Assembly, I worked for health care and I've always been an advocate for health care, I do have a problem when certain groups come to you and say, if you don't vote for

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this we're going to make this an accountable vote. Particularly lobbyists... some who I've worked with before, who cover very cute little children that run down the middle of the aisle. Lose their shoes. And others who, you know, I've worked with both... on both sides. I would not say that I have ever been considered a big friend of the insurance companies in Illinois, as far as mandates and what happens with insurance, and I've always been an advocate, but for a fair plan. I also do not think we ought to ruin industries. I think what should be done is a combination of business, health care, state, all of this. But I find it hard for the state to mandate a plan which is not covered by us, but is covered by the private sector, when they can pick up and move their business elsewhere if it's not going to work out for them. And then to have lobbyists, some of whom recently have not been particularly truthful in what they've said, and others who I've dealt with for a long who I believe are telling me that this is such a great plan that I absolutely must vote for it, when I have a great deal of concern that JCAR's going to make all the rules on this, and that the person making the ultimate decisions is a director of insurance and not necessarily a doctor."

Harris: "Well, Representative, you know, I can't speak to representations made by, you know, lobbyists and advocates either for or against the Bill. You know, whatever they may have said to you, that I don't know. I know that in looking at the legis... you know, I tried to find the most objective..."

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Mulligan: "Is there a doctor in the house?"

Harris: "We've got a lot of help here today. I just tried to find the most objective facts and figures I could to make my decision about whether or not this would be helpful or harmful, and I find it to not be harmful."

Mulligan: "And who do you think your Sponsor in the Senate will be?"

Harris: "I believe my Senator Heather Steans is interested in the Bill in the Senate."

Mulligan: "And is she more willing to sit down and negotiate than you are? My understanding was you had met once with the insurance companies that were objected to this?"

Harris: "And I've told them all along, and I believe I even said the night before last in committee, that if people had suggestions to make for Amendments or other language, I would certainly entertain them, and you know, I've looked at my inbox every day since then, and I've not received one."

Mulligan: "Since I asked you in committee for a printout for say perhaps, three separate clients from a state where they had done this that would show how it worked out financially. Have you been able to obtain that?"

Harris: "For individuals? No. I don't have that."

Mulligan: "And for any insurance companies? How it's worked out for them financially in any states that...? I mean, we have not exactly found the state that one of the lobbyists was referring to that all these states have it, where we've seen a plan where it's actually worked out well."

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Harris: "Yeah. I have aggregate figures for all the insurance companies and in dif... yeah. I have a mountain of figures I'll be happy to go through them with you."

Mulligan: "Well, we asked for that in committee and nobody..."

Speaker Lyons: "Representative Mulligan, your time has expired. If you could conclude your questions, we'd be appreciative."

Mulligan: "You know, I respect the new Senator that represents his district very much, and I'm hopeful that if this Bill goes over there, there will be more substantive discussion on something that really will impact the industry and insurance in Illinois, and who actually will be here to provide services for people that actually want them. There are a lot of things we've done for the state on who they cover and what they cover and where we're going in Medicaid which we can't afford, but to then go and attack a private industry without adequate protections all the way around, seems to me it'd be a bit premature. Whether I vote for this or not, I'm hopeful that Senator Steans, if she picks this up, will do a better job."

Speaker Lyons: "Representative Bill Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This is a very simple Bill as the speaker said, Gentleman that he is, and it took him 4 minutes and 20 seconds to explain it. The simple Bill is 137 pages long. It's more than I can read in the time I've had. What I find fascinating about this Bill, and there's some parts in here I really like. I'm uninsurable on the open market, so I know a little bit about dealing with

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insurance companies on the matter of health insurance. This Bill would not have been allowed to move from this chamber last year because it doesn't have a rulemaking Amendment on it. The Speaker last year would never have let this Bill out because he was in this battle, as many of us were, about the rulemaking process under the previous Governor who, by the way, sends you greetings from Disney World. So, what this Bill does, in my opinion, no matter how well-intentioned the Sponsor is, it takes us back to the days when we leave the... this is a blueprint, that's what I call it. The actual implementation plans are completely left up to the bureaucrats. These are not elected people. They or may not have any expertise in the field of health insurance. Let's take a look at what I'm trying to... trying to tell you here. Something as simple as what is a standard group application? It's not in the Bill. The rule makers will determine that. What's a standard individual market health statement? Not in the Bill. It will be determined by the rule makers. The minimum loss ratio that appears on page 11, line 8 and 9, says, 'health care benefits shall not include administrative costs as determined by the Division of Insurance.' Not in the Bill. I don't even know for sure what administrative costs are. I think I have a pretty good idea, but that's going to be left up to bureaucrats. The division to establish the reporting requirements. How do companies and individuals handle this blueprint? That will be established by the bureaucrats. And the one I really like, if you and I pick a doctor, a medical doctor,

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to review our case and this medical doctor, who would have some ide... assume expertise on the merits of our position, if this doctor does not agree with the position that the Division of Insurance takes, the Division of Insurance can overrule the doctor and from what I heard the Gentleman say earlier, it's the director of the division could overrule. Now the director may be a very good appointment, I think Governor Quinn will see to that, but right now, well, I shouldn't say that. Many people who were appointed by the previous Governor, you know, the director making health insurance decisions, may have been a defrocked plumber. All right. Ladies and Gentlemen of the House, and the speaker is well-intentioned, and by the way, I wish my voice... I wish I had the timber and quality of voice that he does, he should be in the radio business. I love to listen to him and I generally and genuinely appreciate what he has to say. But a year ago, this Bill would not have been allowed to move from the House because it leaves the implementation, the planning, the procedures, up to the rulemaking process. I assume JCAR would have a role in that. I don't know at this point. I know things change; I know we're under a different administration. I would have liked and the Gentleman has said, he will certainly look at fleshing out this Bill in the Senate and I take him at his word. But I can't in good conscience vote 'aye' for this Bill when all I'm given is a very rough blueprint and I'm told, after putting up with the rulemaking process under the previous 6 years, don't worry about it. The rulers, the bureaucrats, the nonelected people, will make the rules

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that will implement the Bill. I don't want to leave that up to the rule makers. I think it should be in the law before it leaves this chamber, and certainly maybe it'll come back from the Senate if it gets there, to..."

Speaker Lyons: "Mr. Black, if you'd conclude your remarks, we'd appreciate it."

Black: "I just think, again, a year ago we had this battle and the Speaker prevailed. He didn't want a whole lot of leeway left up to the rulemaking process. This Bill reverts to the old way of, well, let the people in the division write the rules. I'd rather we write the rules in this chamber before we send it over to the Senate. I urge a 'no' vote."

Speaker Lyons: "Representative Dugan. Then Representative Harris to close, and final speaker."

Dugan: "Yes. To the Bill, Speaker. I just want to stand up in support of this Bill. I've talked to Representative Harrison (sic-Harris), and I, too, was on the committee when Representative Harris brought his original Bill which was health care reform in a very huge way and many of us on the committee felt that that was too broad of a reform, even though we all believe that it's needed, so we asked Representative Harris to go back and talk to the insurance carriers and to look at what we could do to address some concerns that are happening in the State of Illinois as far as health care insurance and Representative Harris brought back to us this particular Bill. I, too, have concerns about rules and JCAR making the rules for this particular program. I believe because we, the committee, asked

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Representative Harris to go back and to bring back to us something that we could support and that we could look at to move this forward, and he did. I think Representative Harris has said that he would be... that he gives us his word that our concern about rules being done through the department and through the agency and the director. I take him at his word. I do believe, as we do with many things, that we send it on to the Senate based on the Representative's word that he will address our concerns. The fact here is very simple. One of the things that Representative Harris is trying to do as far as health care for people in this state, and the fact that people have a right to make sure that if an insurance company denies their coverage... and a constituent of mine, that Representative Flowers also worked with, whose father had cancer and was denied continuously by the insurance company in the State of Illinois and she had nowhere to go. And by the time that they got around to saying her father should have had the coverage and it should never have been denied, unfortunately her father died. It was too late for that family. So, therefore, this state has to continue to look at and start to look at how we allow insurance companies certainly to provide the coverage that they do, but more importantly, that the people of this state have a right to an appeal process and a quick action by this state to provide coverage that possibly an insurance company has denied to the fact of where someone actually dies from it, and then it was determined that the insurance company agreed they were wrong. You can't wait when you're talking

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about somebody's life. I believe we should take the Representative at this word. He has assured me and others that he will work on this in the Senate. It is something that we have to move forward to at least start to address. The insurance issue and people's rights should not be denied by insurance. Thank you very much. And I ask for your support."

Speaker Lyons: "Representative Harris to close."

Harris: "Thank you, Ladies and Gentlemen. I really don't think I can add to what the last speaker said. We need to encourage the existence and the profitability in this state of insurance companies that do well serving our citizens, but we need to be sure that our citizens are protected from those who would behave unscrupulously in this state and put people's lives at risk. I would ask for an 'aye' vote."

Speaker Lyons: "Ladies and Gentlemen, I believe it's Representative Bost that asked for the verification on this. So, vote your own switch, Ladies and Gentlemen. The question is, 'Should House Bill 3923 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Brosnahan, Gordon, Kosel. Mr. Clerk, take the record. On this Bill there are 66 Members voting 'yes', 45 Members voting 'no', and 1 Member voting 'present'. Mr. Clerk. Mr. Bost, do you wish to pursue? Then Mr. Clerk will read those voting in the affirmative."

Clerk Bolin: "A poll of those voting in the affirmative: Arroyo; Beiser; Berrios; Bradley, John; Burke; Burns; Chapa

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LaVia; Collins; Colvin; Coulson; Crespo Currie; Davis, M.;
Davis, W.; DeLuca; Dugan; Dunkin; Farnham; Feigenholtz;
Flider; Flowers; Ford; Franks; Fritchey; Froehlich; Golar;
Gordon, J.; Graham; Hamos; Hannig, B.; Harris; Hatcher;
Hernandez; Hoffman; Holbrook; Howard; Jackson; Jakobsson;
Jefferson; Joyce; Lang; Lyons; May; McAsey; McAuliffe;
McCarthy; McGuire; Mell; Mendoza; Miller; Nekritz;
Osterman; Phelps; Reitz; Riley; Ryg; Smith; Soto; Thapedi;
Turner; Verschoore; Wait; Walker; Washington; Zalewski; and
Mr. Speaker."

Speaker Lyons: "Mr. Bost."

Bost: "Rep... Yes, thank you. Representative Franks."

Speaker Lyons: "Representative Jack Franks. Is Representative
Franks in the chamber? Remove Mr. Franks from the Roll
Call, Mr. Clerk."

Bost: "Representative Fritchey."

Speaker Lyons: "Remove Mr. Fritchey from the Roll Call, Mr.
Clerk."

Bost: "Jefferson."

Speaker Lyons: "Mr. Clerk, remove Mr. Jefferson from the
chamber... from the Roll Call."

Bost: "Representative Art Turner."

Speaker Lyons: "Mr. Turner. Remove Mr. Turner from the Roll
Call, Mr. Clerk. Any further, Mr. Bost?"

Bost: "Just a minute, Mr. Speaker. Nothing further."

Speaker Lyons: "Mr. Clerk, take the record. On this Bill,
there are 62 Members voting 'yes', 45 Members voting 'no',
1 Member voting 'present'. This Bill, having received the
Constitutional Majority, is hereby declared passed. Mr.

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Clerk, on page 28 of the Calendar, Representative Kevin McCarthy has House Bill 1098. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1098, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Kevin McCarthy."

McCarthy: "Thank you, Mr. Chairman. Ladies and Gentlemen of the House, House Bill 1098, as amended by Floor Amendment #2, amends the health benefits for TRS benefit recipients Section of the... The Bill addresses the situation that affects health insurance premiums charged to TRS recipients who are older than 65 and do not qualify for Medicare. Thankfully this is a problem that will eventually work out because all of our teachers hired after 1986 have paid into Medicare. In this year, fiscal year 2009, there are 1086 recipients in the TRIP system who are 65-plus, non-Medicare who have chosen PPO coverage. Of those, one lives out of the country and pays \$310 a month. Three hundred and eighty-nine live out of state, and they pay \$310 a month. There are 13 who live in the 13 counties of Illinois where CMS does not have a managed care plan available, they also pay \$310 a month. That leaves us with 683 individuals who reside in the 89 counties of Illinois where a managed care plan is available. These individuals pay \$621 a month, exactly double what the out-of-state residents pay. It's not our fault that these individuals do not have Medicare, but these double the rate premiums are overly punishing... seems like a lot of noise in here, Mr. Speaker... and do affect individuals receiving some of the lower annuities in

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the system. I have also been told by the officials of the system that they are positive that there are some individuals who use their out-of-state address in order to reduce their premium. A Democrat analysis states, and this is a Member initiative for a constituent, I want to tell you while I certainly guess at least one of the 683 persons is in my district, I do not know that for sure. So, what this Bill will do, the 683 who are paying double what all the rest will pay, will get a 10 percent discount next year, reducing their premium from \$621 to \$559, a reduction of \$62.19 per month. The other 403 residents will have a premium between their current one of \$310 to a possible 326. A couple of years ago we passed a law saying that the maximum increase could be 5 percent, so they will still pay substantially under what our people will pay. I wish we could do more, but I think this a reasonable request during these tough fiscal times. I'd ask for your support."

Speaker Lyons: "Is there any questions? Seeing none, the question is, 'Should House Bill 1098 pass?' All those in favor signify by voting 'yes'; those opposed say 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Will Davis. Mr. Clerk, take the record. On this Bill, there are 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Michael Bost, for what purpose do you seek recognition, Sir?"

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Bost: "Thank you, Mr. Speaker. If the record could reflect that Representative Tim Schmitz will be excused the rest of the afternoon."

Speaker Lyons: "The Clerk will so note and be recorded in the Journal. Thank you, Mr. Bost. Mr. Clerk, Representative Colvin has House Bill 3806. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3806, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Marlow Colvin."

Colvin: "Thank you, Mr. Speaker. I have for the House for consideration House Bill 3806, which would create the Mortgage foreclosure Prevention Law of 2009, which provides eligible borrowers the right to defer a judicial sale for a specific amount of time after disclosing an affidavit to the foreclosing lender. A little background on this Bill. This deals with giving borrowers who have mortgage loans that were made by subprime lenders. It does not account for conventional loans, FHA loans. What we're trying to do here is simply attempt to deal with those individuals who are wrestling with loans that are now readjusting giving them a period in which they can perhaps work out an agreement and justify.. excuse me, to make adjustments to their original loan with respect to an ongoing mortgage foreclosure crisis. There was no opposition in committee. The banks and other lenders had no opposition. I'd be happy to answer any questions."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 3806 pass?' All those in

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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's 113 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Mr. Eddy has on... has House Bill 3245. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3245 has been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Lyons: "Third Reading. Read the Bill."

Clerk Mahoney: "House Bill 3245, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "Roger Eddy."

Eddy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Many of you have heard from school districts regarding the hold harmless and the affect of the state board's recommendation on the hold harmless phase out. The obvious budget process is going to take care of the eventual hold harmless language that I'm going to try to move this out today, so that it can be used. Obviously, we're up against a deadline. In the future, in the Senate, to perhaps contain some language to deal with this issue. There's a lot of districts that are real anxious about this, and we'll work together on this in the next several weeks as the budget unfolds. And I'd appreciate your 'aye' vote."

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Speaker Lyons: "Any discussion? Seeing none, the question is, 'Should House Bill 3245 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? Feigenholtz, Dugan, Monique. 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 page 20 of the Calendar, Representative Mendoza has House Bill 935. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 935, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lyons: "Susana Mendoza."

Mendoza: "Thank you, Mr. Speaker... thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 935 is the DNA Fingerprint Analysis Bill. I put this Bill before this chamber and overwhelmingly passed it, I think on four separate occasions. I'm here once again this year and excited about the fact that it will be heard in the Senate for the first time. Basically, what this Bill does is that it would take a DNA sample of anyone who's arrested for a felony. We currently do it for convicts. This would expand it to include felony arrests. And the reason why I think this is important is, that statistically, the more samples that are in the DNA database the more likely that a crime will be solved. The nature of serial crimes, in particular, is that the sooner we identify the perpetrator, the sooner we can prevent crime. And we won't be

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maximizing the potential of DNA technology until we're actually at the stage where we're preventing crimes. Just a couple of quick examples. Chicago study in 2004 showed that Andre Crawford was arrested for felony theft in March of 1993. His DNA was not taken upon arrest. Six months later, Crawford committed a murder and left DNA evidence at the crime scene. If Crawford's DNA had been in the system when the felony theft arrest occurred, police could have immediately caught him after the first homicide. Instead, this individual, Andre Crawford, went on to commit 10 murders before we were able to stop him. Again, I think you guys know the issue. I will be happy to answer any questions, but really look forward to having your support."

Speaker Lyons: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. To the Bill. I believe in the concept with what the Representative's trying to do. I've spoken to her about my thoughts on this legislation, but two years ago I made a request of an audit by the Auditor General of the Illinois State Police Forensic Lab. And last week they released a report which states that significant backlog exists in all sections within the ISP's forensic lab system. The State Police have not completed a formal study of the optimal staffing needs to operate the forensic labs at sufficient levels to maintain its case processing goals. The number of backlog cases at the Illinois State Police labs has increased by over 200 percent from 2002 to 2007 and they've actually had a head count in the labs has decreased. We... DNA is a wonderful tool for law enforcement, but we do not have the capacity

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at the moment, and I... even though this is spread out down the road, I think we need to move cautiously on this 'cause we are going to have hearings with the Aud... with the Legislative Audit Commission about the issue that was in the audit report from last week. My... I just think that at the moment, there is a lot of issues are going on in the labs. We need to get to the bottom of why we have backlogs. But one of the reasons we do have backlogs is that there is a greater influx of cases on the system, and we don't have the people inside the forensic technology to be able to assume all of those cases. So, I respect the Representative. I know this will pass, but I'm going to vote 'present' because I believe that we need to address the issues with the crime lab first, and then we can move forward and work with them to find out what is a... what would be the appropriate level of cases that they should be maintaining under some... a Bill of this nature."

Speaker Lyons: "Representative Jim Sacia."

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

Speaker Lyons: "Sponsor yields."

Sacia: "Representative Mendoza, you and I over the past several years have discussed this legislation on numerous occasions. And once again, I certainly applaud you for bringing it forward. Do you happen to know what year fingerprints became mandatory?"

Mendoza: "I don't, Representative."

Sacia: "And... and I don't either, but we would both agree that it's been safe to say 60-70 years at least."

Mendoza: "Yes."

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Sacia: "Would we not agree that when fingerprints first started there was very little technology such as today, even including the abilities of the mail taking fingerprints of individuals and printing a crime scene and creating a central repository. Wouldn't it have been far more cumbersome then, then now?"

Mendoza: "Without a doubt."

Sacia: "Would you not agree with me, Representative Mendoza, that fingerprints are considered an exceptional law enforcement tool both for convicting a person responsible for a crime as well as exonerating a person involved or not involved?"

Mendoza: "Yes. Second I would say to DNA."

Sacia: "I couldn't agree more. I couldn't agree more, Representative. Let me ask you this very hypothetical question. If the Body today, if there was no such thing as fingerprints, and you were bringing forth legislation to create the need for the very invasive process of handing somebody's hand and rolling their fingers in ink, do you think it would be easy to pass?"

Mendoza: "I often think in this climate, no. Think it would be difficult to pass today."

Sacia: "I couldn't agree more, Representative, and it goes directly to my point. Fingerprints are a tremendous law enforcement tool for both conviction and exoneration. Now we have the most amazing tool in the world, deoxyribonucleic acid if I'm not mistaken."

Mendoza: "You're correct."

Sacia: "DNA. It..."

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Mendoza: "Representative Fortner agrees that is the correct term."

Sacia: "Thank you. The point is, DNA is an amazing tool, amazing. We can say without a doubt, that it was Representative Mendoza, or we can say it absolutely was not Representative Mendoza, and we can clear someone. Representative Mendoza, I cannot thank you enough for your passion in this Bill, for your desire to continue to bring it forward to hopefully move this through the Senate, and to the previous speaker who we both profoundly respect, and understand where he's coming from. But the furthest thing from our mind, in my opinion, should be how can we deal with this repository? We must deal with this repository, and we must have your legislation. Thank you, Representative. I encourage an 'aye' vote."

Mendoza: "Thank you."

Speaker Lyons: "Representative Will Burns."

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

Speaker Lyons: "Sponsor yields."

Burns: "Representative, under current law, can police departments voluntarily request this information of folks who are arrested?"

Mendoza: "A judge has to... has to approve that the DNA be submitted."

Burns: "But the police can request..."

Mendoza: "Oh, yes, I'm sorry. I misunderstood your question. Yes, the police can request an individual to submit his or her DNA."

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Burns: "And so... to the best of your knowledge, at this time, do police currently ask folks who are arrested for crimes, to submit DNA samples voluntarily?"

Mendoza: "Yes. But they can also agree not to submit the sample voluntarily."

Burns: "Okay. According to my analysis, the Illinois State Bar Association is opposed to the legislation. Can you explain briefly why?"

Mendoza: "Yes. I think their opposition over the years has stayed consistent. It's been primarily that they say it's a violation of the Fourth Amendment. The courts have... there's 16 states that do this now, and this has been challenged in the courts, and it has been consistently upheld to be the case that it's not a violation of the Fourth Amendment. Also, they have issues with probable cause, and they have issues with automatic expungement. And I would argue that to automatically expunge the DNA and treat it differently than we would a fingerprint, would actually emaciate the Bill. The whole point of being able to stop or prevent serial rapes and serial murders in particular, serial offenses, is to have a DNA database in which the DNA stays in the database, and we can then use that to cross reference evidence that comes up on a crime scene, that we don't know who that particular DNA belongs to."

Burns: "One last question. The other thing I was told, is that with some of the states that have this system, they re... the DNA samples are only taken from persons who have been

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indicted for a felony offense. And have you thought about potentially amending your Bill to do that?"

Mendoza: "There's only one state I believe that does it under indictment. Most of the other states that do it, again, there's 16 states that do this, do it for felony arrest. So, I think that's a much... it gets us a much better pool of DNA in which to be able to prevent crime in the future."

Burns: "Mr. Speaker, to the Bill. I have tremendous respect for the Sponsor of this legislation. I know it's late in the day and many of us are trying to get back home, myself included. I've struggled with this Bill. Between balancing the need to protect the rights of those who have not been convicted of any crime, or have not been indicted by a grand jury, I feel that this Bill, as it's currently written, goes too far. I hope that maybe there's an opportunity to maybe work on a scaled down version where it's limited to folks who have been indicted. There's some serious concerns that have been brought up by previous speakers about the Bill. I will be voting 'no'."

Speaker Lyons: "Representative Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative Mendoza, we have an opportunity... there... in our DUI statutes, don't we already allow for, upon arrest, that you submit to breathalyzer tests and blood tests and urine tests? Is this really any different from that?"

Mendoza: "I think it's much less invasive than that."

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Reboletti: "And I wouldn't... and I agree with you on that point, and I know that when a previous speaker was concerned, as I am, with DNA backlog, when would your Bill take effect?"

Mendoza: "It would take effect when the Illinois State Police is ready, so, in other words, when they no longer have a backlog or by 2013 at the latest. And so I would be willing to work with anyone who has an interest in that to make sure that in 2013 even is too soon and we're not yet ready, we can continue to postpone that. But I don't want to go too much further than that. I share the same concerns about the backlog."

Reboletti: "And I appreciate that, and I would look forward to sitting down with you and the previous speakers with Director Munkin who I've had a chance to talk about this. And one of the things he did present to me, and some Members of the Body understand, is we're very hopeful that through the stimulus money that the State Police will get, what we call robotics technology, so then they can enter all these samples in through computers at a much quicker rate. And he also informed us that through our coded systems, through our DNA system, we have solved more crimes than any other state but Florida. So I think that's to be commended for what this Body has done and what the law enforcement has done, and I look forward to supporting your legislation. I urge an 'aye' vote. Thank you."

Speaker Lyons: "Mr. Reboletti, the Gentleman to your right, Mr. Rose."

Rose: "Thank you, Mr. Speaker. To the Bill. It may... may shock many, but I'm actually standing in opposition to this Bill

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today. And I don't find myself often at odds with the Sponsor. She's very... very gracious. You're innocent until proven guilty, and once you've been arrested and convicted, I have no problem with this. I... and... Susana came over and talked me earlier and I appreciate what you said about the specific markers you're looking at, and the fact that you're trying to limit this to just those markers, but I'll be the first to admit, I don't know enough about DNA and the science of DNA as to what this can be used for and what it can't be used for. And when I hear DNA, I hear things about who might get cancer, who might get something else in the future, and I have a general concern about how any of this gets used. And I want to be very complimentary of Representative Mendoza because I know from our conversations she actually got me to thinking about this for... since... about an hour now. That's not your intention. I know you've got things in there, you told me about them, that this can't be shared with anyone outside of law enforcement. It can't be shared beyond... 'cause it can't be used for those purposes. You know, we, as a state, are collecting this data, and it is different than a fingerprint because DNA can be used to determine the health of an individual. It's different. I know that's not the DNA you're using, Susana, or that's what you told me and I have no reason to doubt you. But I'm going to vote 'no' today because I think in general, before we move farther down this path as a state, we need to sit down and delineate some very clear rules for what we use and how we use this information we're collecting about our citizens.

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And I appreciate it, I really do, what you've done to limit it. I thought very much about what you said to me, Susana. And... but I just think before we go down this path any more of this Bill or any Bill, anything, when we're collecting this type of evidence on citizens, that we ought to have some broad-based rules for how we're going to use it and what we can and can't use. And I appreciate you're saying here today, your Bill can't go beyond the State's Attorneys Office. I appreciate that. I don't want anyone to think that I'm saying, it doesn't do that. I'm just saying that we need to... we need to have a serious conversation about how we're going to use all of this information, 'cause this will not be the last time that a Bill like this comes before us. And so, oddly enough, I find myself on the other side of one of your Bills. So, I'm going to vote 'no'."

Speaker Lyons: "Representative Mendoza to close."

Mendoza: "Thank you, Mr. Speaker. And I'd like to thank all of the... and I want to quote Representative Eddy, hopefully he won't get up and speak on debate here, but all of the Honorable Representatives for their comments today. And just a couple of things to wrap up here. Just want to clarify, why I think it's so important to do this upon arrest and not the actual conviction only or the indictment only. And that for example, in California one of the reasons that the law was spurred and passed there, there were 12 women who were raped and killed over a 15-year period. The individual who killed them had been arrested, arrested, not convicted, not charged, arrested 21 times

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while he was raping and murdering these women over the 12... I mean, over that 15-year period. If we would have taken his DNA at any one of those arrests, we would have stopped him cold in his tracks and those women would have not needed to die. So, this is a very important Bill in terms of preventing crime, and to me, that's why I feel so passionate about this. I guess I could go on and on, but I think we're ready. We know how we're going to vote. And I'd appreciate an 'aye' vote. Thank you."

Speaker Lyons: "The question is, 'Should House Bill 935 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Jackson. Take the record. Mr. Clerk, on this Bill are 96 Members voting 'yes' and 9 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Biggins, for what purpose do you seek recognition, Sir?"

Biggins: "Purposes of a question, Mr. Speaker."

Speaker Lyons: "What's your question, Mr..."

Biggins: "A quick question of the Chair. Well, a new Member over there, Representative Burns, made a statement in his last testimony on the Bill I'm questioning. He wondered about what time he might be getting home tonight. And so, since he's new, I thought it'd be nice if you let him know like what time it might be so that he would be able to get home tonight and might be something nice for him so he doesn't know that... what we do here that well, you know."

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Speaker Lyons: "A short period of time, Mr. Biggins, a short period of time. He'll be getting re... I think, you know, he's getting ready. Representative Joyce, on page 29 of the Calendar, you have House Bill 1345. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1345, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Lyons: "Representative Kevin Joyce."

Joyce: "Thank you, Mr. Speaker. House Bill 1345 would amend the Freedom of Information Act. It would require that settlement agreements between public bodies, the amount of money that is settled upon, would be available under the Freedom of Information Act. We passed this Bill two years ago, overwhelmingly, and the previous administration stopped it from being called in the Senate. So I appreciate an 'aye' vote, and happy to answer any questions."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 1345 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk... Biggins, Rose, Saviano. Mr. Clerk, take the record. On this Bill, there are 108 Members that voted 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Careen Gordon, you have House Bill 1628. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 1628 has been read a second time, previously. Floor Amendment #1, offered by Representative Careen Gordon, has been approved for consideration."

Speaker Lyons: "Representative Gordon on Floor Amendment #1."

Gordon, C.: "Thank you, Mr. Speaker. House... House Bill 1628 extends the TIF agreement in Morris, Illinois. There is no objection to this. All letters were in. And it's actually a better TIF than what it started out with because there's actually intergovernmental agreements between all of the taxing bodies that are involved. And once the TIF is passed down here, they will actually start giving them the money right away even though the TIF is not... oh, we need to adopt the Amendment."

Speaker Lyons: "It's the Amendment."

Gordon, C.: "Right."

Speaker Lyons: "On the Floor Amendment #1."

Gordon, C.: "We need... I move to adopt..."

Speaker Lyons: "Moves to..."

Gordon, C.: "...Floor Amendment #1."

Speaker Lyons: "All right. The Lady moves to adopt Floor Amendment #1 to House Bill 1628. 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's adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading, and read the Bill."

Clerk Mahoney: "House Bill 1628, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "Representative Careen Gordon."

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Gordon, C.: "Thank you, Mr. Speaker. House Bill 1628 extends the TIF that is in Morris, Illinois. It extends it from 23 years to 35 years. What's interesting about this TIF is that there have already been intergovernmental agreements between all of the taxing bodies that are involved. And even though the TIF does not expire until next year, once this is put in place now, all of the money that would normally be given to them under the TIF is going to start being given to them now. So, it actually works in favor of the taxing bodies. And I would ask for an 'aye' vote."

Speaker Lyons: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Lyons: "State your inquiry, Sir."

Black: "House Bill 1628, as it appears on the House system, does not list the Lady, who just gave the introduction of the Bill, as even a cosponsor. So, how is she presenting the Bill?"

Speaker Lyons: "Representative Gordon."

Gordon, C.: "It lists... the House Amendment #1, it lists me as the Sponsor of the... it was a shell Bill that was given to me, and the House Amendment #1. And as... and it lists me as that. And the paperwork is also being worked on."

Black: "Is it... I'm sorry, is it a pa... is this a paperwork Bill? At some point..."

Speaker Lyons: "It's on the..."

Black: "...at some point, under House Rules, her name should appear on the board to enable her to present and call the Bill."

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Speaker Lyons: "Mr. Black, I do believe that process is in the works as we speak. I'm sorry for that."

Black: "That's quite all right. I..."

Speaker Lyons: "Thank you, Mr. Black."

Black: "Remember, Mr. Speaker, I've been here a long time. I can remember when the older, more experienced clerks been right on this, right on it."

Speaker Lyons: "Mr. Clerk... Thank you, Mr. Black. Careen Gordon to close."

Gordon, C.: "Thank you. And I'd appreciate your 'aye' vote. And I do love the technology of 2009, Representative Black."

Speaker Lyons: "The question is, 'Should House Bill 1628 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... Mulligan. ...take the record. On this Bill, there's 97 Members voting 'yes', 11 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 24 of the Calendar, Representative Connie Howard has House Bill 3961. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 3961 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Howard, has been approved for consideration."

Speaker Lyons: "Representative Connie Howard on the Floor Amendment 2."

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Howard: "House Amendment #2 to House Bill 3961 is a gut and replace Amendment. It makes changes to the expungement and sealing statute in two ways. Firstly, the Amendment is an agreed upon rewrite and clarification of the current expungement and sealing laws. Secondly, the Amendment creates certain expungement and sealing reporting requirements of the State Police."

Speaker Lyons: "Any discussion on the Amendment? Seeing none, 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 Floor Amendment #2 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading, and read the Bill."

Clerk Mahoney: "House Bill 3961, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lyons: "The Lady from Cook, Representative Connie Howard."

Howard: "Yes, thank you, Mr. Chair. As I said, this Amendment, House Bill 3961 is intended to clarify the current laws regarding expungement sealing of criminal records. Under the current statute, many problems have arisen. Specifically, there has been much confusion regarding what types of records may qualify for expungement and/or sealing, and as to what the appropriate waiting periods are for sealing of records. This has led to much litigation around the state, particularly with regard to the Illinois State Police's refusal to comply with orders to expunge or seal issued by the courts. To remedy these issues, the

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Bill would do the following. It would create definitions of all relevant terms in the statute including expunge and seal. It would make clear that orders of supervision or convictions for minor traffic offenses, for example, a speeding ticket, do not affect a petitioner's eligibility. It would prohibit the expungement or sealing of orders of supervision or convictions for reckless driving. Those are some. There's a number of others. I can take questions at this time."

Speaker Lyons: "Representative Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, this is a rewrite. We're not adding anything new to expunge or to seal. There's been issues with the Illinois State Police not dealing with their orders from the court. Is that correct?"

Howard: "That is correct."

Reboletti: "And so, what we're looking to do here is make language consistent in different parts of the statute so that everything's consistent, people know what the eligible offenses are, people can file their things in a... their petitions in a timely manner, and that we make sure that we can get these processed quickly, and without any lawsuits or any other objections. Is that where we're going with this?"

Howard: "That is correct as well. And I would like to say, at this time, that I appreciate the fact that Representative Reboletti, other Members of my committee including

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Representative Sacia and Wait have been very cooperative in helping me with this Bill."

Reboletti: "Well, I appreciate that. And I would urge an 'aye' vote. This is for clarification purposes. There's been issues with orders being denied for expungement. And I think this language will be a cleanup, and that will put the Illinois State Police, the Attorney General's Office and the State's Attorneys Offices at a level playing field so that things that should be expunged and sealed get done in a timely manner. So, I would urge an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 3961 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 104 Members voting 'yes', 1 person voting 'no'. This Bill, having received the Constitutional Majority, is hereby decla... Mr. Clerk, on page 8 of the Calendar, Representative Don Moffitt has House Bill 1041. What's the status of the Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 1041 has been read a second time, previously. Floor Amendment #3, offered by Representative Moffitt, has been approved for consideration."

Speaker Lyons: "Representative Moffitt on the Amendment."

Moffitt: "Thank you, Mr. Speaker. I would move the adoption of Amendment #3. This narrows it up just a little more, and then I'll talk about the main Bill. This is to address some of the oldest firefighters and the... increases they get."

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Speaker Lyons: "Any discussion on the Amendment?
Representative McAsey, is this on the Amendment?"

McAsey: "No. As to the prior question, I just wanted my intent
was to vote 'green'... that's Representative Howard."

Speaker Lyons: "The Journal will so reflect."

McAsey: "Thank you."

Speaker Lyons: "All those in favor of the adoption of Amendment
#3 signify by saying 'yes'; those opposed say 'no'. In the
opinion of the Chair, the 'ayes' have it. The Amendment is
adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading, and read the Bill."

Clerk Mahoney: "House Bill 1041, a Bill for an Act concerning
public employee benefits. Third Reading."

Speaker Lyons: "Representative Don Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 1041, as amended, is to go back and pick
up some of the very oldest firefighters in the system.
There's either 99 or 100 of them around the state. The
youngest one is 81 years old, and they go up to, I think,
99. This gives them the compounding on their pension that
all other firefighters do that started in '86. If there's
no lump-sum payment but it says if this become law starting
in July of '09 then they would get the payment they would
have had they been getting that compounding. Be happy to
entertain any questions."

Speaker Lyons: "Any questions? Seeing none, the question is,
'Should House Bill 1041 pass?' All those in favor signify
by voting 'yes'; those opposed vote 'no'. The voting is

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open. Have all voted who wish? 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 105
Members voting 'yes', 2 Members voting 'no', 0 voting
'present'. This Bill, having received the Constitutional
Majority, is hereby declared passed. Mr. Clerk,
Representative Riley has House Bill 2425. Read the Bill,
Mr. Clerk."

Clerk Mahoney: "House Bill 2425, a Bill for an Act concerning
local government. Third Reading."

Speaker Lyons: "Representative Riley."

Riley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 2425 is similar. It's identical to a
Bill that passed out of this Body in the last General
Assembly. And basically what it does, it will annex to the
MWRD, an area in my district, unincorporated area called
Crawford Country Side. It would just annex them to the
Metropolitan Water Reclamation District. And I ask for
'aye' votes on this Bill."

Speaker Lyons: "Is there any discussion? Seeing none, the
question is, 'Should House Bill 2425 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? Mitchell, Bassi.
Mr. Clerk, take the record. On this Bill, there are 70
Members voting 'yes', 37 Members voting 'no'. This Bill,
having received the Constitutional Majority, is hereby
declared passed. Mr. Clerk, on page 20 of the Calendar,

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Representative Karen May has House Bill 3685. Read the Bill... what's the status of that Bill, Mr. Clerk? 3685."

Clerk Mahoney: "House Bill 3685 has been read a second time, previously. Floor Amendment #1, offered by Representative May, has been approved for consideration."

Speaker Lyons: "Representative May on Floor Amendment #1."

May: "Oh. That wasn't adopt... it was adopted wasn't it?"

Speaker Lyons: "Mr. Clerk."

May: "No. No, I'm sorry."

Speaker Lyons: "Mr. Clerk on Floor Amendment #1."

Clerk Mahoney: "Floor Amendment #1 has been approved for consideration..."

May: "Okay."

Clerk Mahoney: "...but not yet adopted."

May: "Then I move the adoption of Floor Amendment #1. It takes out the word 'worrying', and it also adds some... narrows the legislation to make the defense, an affirmative defense, if there is negligence on the part of the owner or provocation by the other animal. I wish we could discuss it and debate it on Third."

Speaker Lyons: "Is there any discussion? Seeing none, all those in favor of the adoption of Amendment #1 signify by saying 'yes' or howling like a dog; those that say 'yes'; 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: "Third Reading and read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 3685, a Bill for an Act concerning animals. Third Reading of this House Bill."

Speaker Lyons: "The Lady from Lake, Representative Karen May."

May: "Yes, thank you. I present you, Ladies and Gentlemen, perhaps the only noncontroversial animal Bill in this Session. It seems on the animal bills before us sometimes it's raining cats and dogs, sometimes they put the cart before the horse, sometimes they're barking up the wrong tree. I'd like to read an e-mail from a... Okay. It deals with owner responsibility. Unanimous out of the Ag Committee. I just should mention though, that in redrafting Amendment #1, there was a drafting error and they left out the definition of 'companion animal' as a dog or a cat. That will be added in the Senate."

Speaker Lyons: "Mr. Black."

Black: "Well, I can't think of anyplace I'd rather be then Friday afternoon in Springfield talking about dogs. The only good thing about this Bill, Mr. Speaker, is it reminds me of my misspent youth watching the old Buster Brown Show on television on the old DuMont Television Network. Sing along with me if you know it. 'That's my dog Tide, he lives in a shoe, I'm Buster Brown, look for me in there too.' Hey! Will the Sponsor of this Bill yield?"

Speaker Lyons: "I think she will, Mr. Black."

Black: "It's all right. Representative, would you sit?"

May: "Representative."

Black: "I'll give you a treat if you do. Could we have a little order in here? Representative, I do have a serious question, but I can't remember what it was. Oh, I know."

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You said you took out the word 'companion animal' in Amendment 1?"

May: "It was a mistake in drafting the Amendment. It will be added back in the Senate. The definition of..."

Black: "What is a companion animal?"

May: "A companion animal for this Bill is a dog or a cat that is treated as a cat."

Black: "A dog or a cat. The big bow wow and a little meow."

May: "Representative, I... in... everyone encouraging me to move it along. I'm..."

Black: "I'm not encouraging you to move it along. I don't know what a companion animal is and I'm not even sure... remember, I passed the Bestiality Bill 15 years ago, so I'm not sure this is legal. What is a companion animal?"

May: "A companion animal is a cat or dog that's treated as a pet."

Black: "Oh, just a cat or dog?"

May: "Yes."

Black: "Okay."

May: "Yes. This particular part of the statute includes, and in fact, what my constituent pointed out, that the citizens of this state, that if the owner of a dog that attacks a sheep, a goat, a cattle, a horse, mules, poultry, ratites or swine, that they are responsible. Now we are a society of cat and dog lovers, and my constituent asked, why aren't our beloved cats and dogs protected as well?"

Black: "I agree."

May: "This is going to hold the owner responsible for the action, yes, and protect our cats and dogs."

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Black: "I... I heard the word goat in there, Representative. A goat isn't a companion animal, is it? Nah, it depends on where you live. Don't answer the question. Let me ask you one question that I really don't understand about the Bill. This is the danger when I have a bottle of orange juice after 3:00. It says, 'provides that an owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, wounding, injuring, or killing, a companion animal belonging to that person.' So you took out the word 'worrying', right?'"

May: "Yes. I don't..."

Black: "I always wondered how you worry another dog."

May: "We did, too, so that's been on..."

Black: "I guess you stare at the dog, don't you?"

May: "That's been on the books for quite a few years, so I thought it was time to take it out."

Black: "What's been on the book, if you worry a dog?"

May: "Yes. That part. I think..."

Black: "How would you worry a dog, stare at it?"

May: "I think it was actually worrying your sheep or your cow or your swine or your goat."

Black: "Well, a sheep and a cow isn't a dog. But to the point. Doesn't a court of law determine the liability not the statute, surely?"

May: "Yes. That's why I didn't put an amount in it. The court would adjudicate and decide what is the value of the animal. Some animals may not be... they might not have paid as much for their cat or dog, whereas, other ones are very pricey designer dogs."

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Black: "Designer dogs?"

May: "Designer dogs."

Black: "Now we're getting back in DNA and all kinds of things. Designer dogs. Well, Representative, you've answered my question. It doesn't impact the Animal Control Act at all, right?"

May: "No."

Black: "Okay. I... well, for my money, you get the Rival Dog Food coupon for the doggiest Bill of the year."

Speaker Lyons: "Representative Bost. Representative Tryon."

Tryon: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise actually in strong support of the Lady's Bill. I want to tell you something. Maybe most of you haven't been affected in your districts by a serious or vicious dog attack, but in my district, two pit bulls put seven people in the hospital, caused a million dollars of hospital bills just to one child. He'll forever be maimed and never look the same, never be able to play sports and never be able to enjoy a normal life because of a vicious dog attack. And you know what, you know what the fine was for those dog owners, those two dogs that put seven people in the hospital, it was \$350, and it was a misdemeanor. And just last year in my district, a pit bull jumped through a screen door while a couple was eating dinner at the dinner table and killed their dog. So, why we joke about this, there's some serious weaknesses in the Animal Control Act, and need to be fixed because nobody should have to be subject to that. And we always talk about how do you fix this, you hold the owner responsible. This is

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holding the owner responsible. I think it's the right thing to do. And thank you, Representative May, for having the guts to take on a dog Bill 'cause we all know just what this Body will do to you when you do that. So, I hope you all vote 'yes'."

Speaker Lyons: "Jil Tracy."

Tracy: "Thank you, Mr. Speaker. I... I understand the point of the Bill and I happen to... actually my little dog and myself, we were attacked by a pair of Boxers once, so I do understand what we're trying to do, and I understand what Representative Tryon's point was, and that, yes, there are vicious attacks. However, and let me ask some questions as to what I don't understand or the problems I think that might be created by this Bill. And will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Tracy: "What kind of damages do you anticipate under pursuing or chasing your companion dog?"

May: "Representative, the reason I added the negligent was to really get to the owner's responsibility."

Tracy: "Right. But it's..."

May: "I don't really..."

Tracy: "...that's not the negligence."

May: "...I don't anticipate many damages at all for pursuing or chasing. I think that the damages will come in when they kill the dog. As in Representative Tryon's, the constituent who wrote to me had someone break through the fence after they kept asking them to repair the fence and the dog came through and killed their dog. Another dog..."

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another owner was walking his dog on a leash when another dog, through the owner's negligence, came and attacked their dog and tore open the shoulder requiring many stitches. So..."

Tracy: "And where there... was there a remedy?"

May: "The..."

Tracy: "The remedy is... I mean... because, you know, living in farm country, we have disputes between animal owners all the time, of one sort or another. And I think one of the reasons... I mean, the court is the remedy for those situations. And the reason is, is there is like a buffer there or someone to litigate or assign who is the responsible party. I just foresee that this will create a lot of responsibility... I mean..."

May: "Responsibility for the owners?"

Tracy: "I mean, you're still going to have to go to court..."

May: "Yes."

Tracy: "...because ...and so, you know, I just... I think you have your remedy already."

May: "But as... as Representative Tryon mentioned, this clarifies owner responsibility on the part of negligence of the owner. The constituents that I have worked with have said that it has been a very torturous and painful process that no one took them seriously in the courts. I think that this adds clarity about owner responsibility. And groups of the animal rights groups and the veterinarians, are all about owner responsibility instead of our choice is to consider banning bills and banning certain breeds and that just is a very, very difficult things to do."

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Tracy: "But even under this Bill, there is still going to have to be an assessment of who is at fault, what is negligence, and who caused what. I don't think your Bill is actually going to help the situation."

May: "Representative, law enforcement in my area has said that this would be... that this would be a help for the owners. The owners and the law enforcement, the police..."

Tracy: "But this isn't a criminal offense."

May: "No, it's not a criminal offense."

Tracy: "So, the law enforcement officer can do nothing as far as writing a ticket."

May: "Representative..."

Tracy: "And there's no penalty."

May: "Right. And I said I didn't want to put penalties in because some dogs are very expensive. If I put a \$500 penalty, there could be some dogs that owners paid \$3 thousand for..."

Tracy: "Okay. So, we have a law..."

May: "...and that would be a disservice just..."

Speaker Lyons: "Representative Tracy, your time has expired. Please conclude your remarks."

Tracy: "Well, to the Bill. I would just say, yes, I understand what we're trying to do, but this does not enable those victims of dog attacks any greater remedy than they had prior under the present system of law. So, with that, I just... you know, I think if we're going to have laws, they should be meaningful and I don't think this is helping a situation that we... that is trying to be addressed. So, that's my point."

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Speaker Lyons: "Representative Dunkin."

Dunkin: "Yes. Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Dunkin: "Representative, what happens if the dog's in heat?"

You're walking the dog, you know, dogs are at a different temperament when they are going through certain physiological stages. Should they..."

May: "I will quote the Speaker..."

Dunkin: "...only be penalized..."

May: "...I will quote the Speaker. I choose not to answer that."

Dunkin: "No, that's a legitimate question because that's a... there's a... that's a different temperament as it relates to animals. And if you... I'm an owner and the dog is sort of at a different state of mind, should I be penalized at the same level?"

May: "Yes. Yes, Representative, you would be. If you..."

Dunkin: "Thank you."

Speaker Lyons: "Representative Brauer."

Brauer: "Previous question."

Speaker Lyons: "As Speaker... Karen May to close."

May: "Thank you for the comments. And I would just like to thank my colleagues John 'puppy mill' Fritchey, for his input. A Don 'animal lover' Moffitt who has worked with me on this. Dennis 'Rottweiler' Reboletti, and Jim 'happy trail' Sacia in trying to compromise and get something that deals with rural areas and the suburban areas. Thank you."

Speaker Lyons: "The question is, 'Should House Bill 3685 pass?' All those in favor signify by saying... by voting 'yes'; those opposed vote 'no'. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 106 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 30, Suzie Bassi has House Bill 2871. Read the Bill, Mr. Clerk. Move that Bill back to the Order of Second Reading, Mr. Clerk and what's the status of the Bill?"

Clerk Mahoney: "On House Bill 2871, Floor Amendments 1 and 2 approved by... are approved for consideration."

Speaker Lyons: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker. House Amendment 1 speaks to the fact that the Teacher Certificate Fee Revolving Fund would be... would not be subjected to sweeps. And Amendment 2 says that it would be only..."

Speaker Lyons: "Representative, we'll do just Amendment #1."

Bassi: "Got it."

Speaker Lyons: "All those in favor of the adoption of Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Mr. Clerk."

Clerk Mahoney: "Floor Amendment #2."

Speaker Lyons: "Amendment #2, Representative Bassi."

Bassi: "Okay. Number two said that it's... instead of swe... it's only administrative chargebacks and that's what it says."

Speaker Lyons: "Any questions? 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 Floor Amendment #2 is adopted. Anything further, Mr. Clerk?"

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Clerk Mahoney: "No Amendments. No Motions."

Speaker Lyons: "Third Reading, and read the Bill."

Clerk Mahoney: "House Bill 2871, a Bill for an Act concerning education. Third Reading."

Speaker Lyons: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker. There's no opposition. I ask for an 'aye' vote."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 2871 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 106 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Hernandez has... on page 28 of the Calendar, House Bill 917. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 917, a Bill for an Act concerning public aid. Third Reading."

Speaker Lyons: "Representative Hernandez."

Hernandez: "Thank you, Speaker. House Bill 917 is an initiative of the Illinois State Dental Society. The Bill clarifies what is considered dental service under the Medical Assistance Program at the Department of Health Care and Family Services. The Bill is simply trying to codify what State Law defines as a state dental service with what the Federal Government offers as a dental service for the purposes of maximizing the most federal dollars. I ask for an 'aye' vote."

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Speaker Lyons: "Any discussion? Seeing none, the question is, 'Should House Bill 917 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... Jack McGuire. Take the record. On this Bill, there's a 104 Members voting 'yes', 0 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Golar, on page 27 of the Calendar is House Bill 520. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 520, a Bill for an Act concerning courts. Third Reading."

Speaker Lyons: "Representative Esther Golar."

Golar: "Thank you, Mr. Speaker. House Bill 520, it's a House Amendment #1. It amends the definition of 'mentally capable adult relative', and 'physically capable adult relative'. Mentally capable adult relative means a person 21 years of age or older who is not suffering from a mental illness that prevents him or her from providing care to a child. Physically able... capable adult relative means a person 21 years of age or older who does not have a severe physical disability or condition or is not suffering from alcoholism or drug addiction. The synopsis of the Bill and what the Bill does. This Bill would prevent the parent or parents or other persons responsible for the minor welfare from placing the child with a person that an objective observer would agree is inappropriate to care for the child, then using the current statute to deven... to defend

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their decision of placement. The affect of the Bill on all parties, parent or persons, places the burden on them to make sure that the person they are leaving their child with is mentally and physically capable and willing and able to care for the minor for any period of time. Provides for safer environments for those minors who cannot care for themselves and are dependent on the parents, relatives, or eventually the system to keep them safe. This is an initiative for the Cook County State's Attorneys Office. I urge an 'aye' vote."

Speaker Lyons: "Mr. Bost."

Bost: "Mr. Speaker, I know the hour grows late, but would the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Bost: "Who makes the determination in deciding what person is unable to care for the child? For instance, and I'll give you an example of this. If a person is well up into their nineties, a grandparent, but that person is very capable of taking care of that child, or maybe someone else that might be a government worker comes in and says, okay, well, I just think because of your age you're not qualified. Who makes... who makes... who sets that standard?"

Golar: "Your question is valid. The purpose of this Bill is to say a person could be 90..."

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

Golar: "Can you hear me?"

Bost: "No, I can't hear you."

Golar: "...90 years of age and of course quite capable. What is happening and what the cases that have come before DCFS,

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for children that have been left with older individuals, will stay for... they say, well, I'm going to leave Johnny with you for a half an hour or, I'm going to leave him overnight. And then that person 90, that child is left with them three to four or five days, which could bring about..."

Bost: "That's what I'm asking. The legislation itself, does it set a standard or does it say 90?"

Golar: "It just... it just defines mentally and capable adult and physically capable adult."

Bost: "Okay. Then do they come in and if that welfare... or if... I'm sorry, if that DCFS worker comes in, they make the judgment call on whether that person is capable?"

Golar: "Well, it's an adjudication period. What is currently happening, they've had so many cases that have shown that there has been some neglect with the children that have been left, not just in terms of age, but in terms of people that leave their children with a person that may have substance abuse problems of that nature."

Bost: "And understand... understand my concern here. I had a grandmother who was very capable almost up until her death. She was 97. And quite often, the kids would go over to the house and they enjoyed being with that grandmother, and she was, believe me, she was very capable of taking care of them. If all of a sudden somebody reported this, could they then say, oh no, that's not right, and all of a sudden they're in there and..."

Golar: "Well, the purpose of this legislation, Representative, there isn't presently a standard in the code."

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Bost: "There is or there is not?"

Golar: "There is not."

Bost: "There is not."

Golar: "There is not. And what is happening as they petitioned before, these cases are brought before the sub-Circuit Court or the... we just want to make the parents responsible."

Bost: "Okay. What does this legislation do as far as the standard then?"

Golar: "The standard would... there is no standard and the legislation would make sure that the parent is leaving them with a mentally capable adult."

Bost: "Okay. What about if it's a older sibling?"

Golar: "Well, that depends. If it's a... if it's an older sibling, we're saying adults 21 years or older."

Bost: "So you must be 21 to have this child left."

Golar: "That is correct."

Bost: "Okay. I have a... I have a problem with that. Okay. I have an 18-year-old child. I cannot leave my leave my 3-or 4-year-old child with that 18-year-old?"

Golar: "That's not an issue, Representative."

Bost: "Well, it is if you put an age limit at 21. You just said the age limit will be at..."

Golar: "Well, that's..."

Speaker Lyons: "Representative Bost, your time has expired. If you could conclude your questions, we'd appreciate it."

Bost: "Okay. Folks, we're in the last few hours here. Okay. I know everybody is wanting to get out. From what I'm hearing here, if I have a child that is 18 or 19 years old,

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and I have a child 5 or 6, and I want to leave that child... the younger child with the older one, now this is going to say, no, you can't do that. DCFS is going to come in and say because they're not 21. I see a problem here, Representative."

Golar: "Representative Golar to close."

Golar: "Thank you, Mr. Speaker. This Bill basically... in regards to the questions with Representative Bost. It says 21 years, but it also says, mentally and capable. I am sure that if a... if he had a... there was a sibling that was 18 years old and is mentally and capable, that would not be a problem. As the courts have been filled with parents that are leaving their children with adults or relatives... I mean, adult relatives or even someone, maybe not even a family member, and for some reason or another, there are things that are happening to these children. And there is no standard, and so... and we're giving a standard for this. And I would urge an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 520 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's 89 Members voting 'yes', 16 Members voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bassi, for what purpose do you seek recognition?"

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Bassi: "Thank you, Mr. Speaker. On House Bill 2425 I should have been recorded as a 'yes'. My button was not functioning. Thank you."

Speaker Lyons: "The Journal will reflect your request."

Bassi: "Thank..."

Speaker Lyons: "Mr. Clerk, what is the status of House Bill 1200?"

Clerk Mahoney: "House Bill 1200 has been read a second time, previously. Floor Amendment #2, offered by Representative Mautino, has been approved for consideration."

Speaker Lyons: "Representative Mautino on House Bill 1200, Amendment #2."

Mautino: "Mr. Clerk. Okay. The Amendments before you... Mr. Clerk, is there Amendments #1 and Amendment #2?"

Speaker Lyons: "Mr. Clerk."

Clerk Mahoney: "Floor Amendment #1 remains the House Rules Committee."

Mautino: "Floor Amendment #2, and this creates the Certificates of Participation Act, and in this Amendment does five things. And what this does is it creates the state Participation... Certificates of Participation Act, is the first thing. This participation is a bonding instrument used by public universities in a place absence, when there's absent any capital funding. They can use it for immediate campus maintenance, needs, and deferred maintenance project. It would apply to the nine public universities of the state. The Act essentially gives those universities clear authority to issue the certificates. That's because the... also language within the Bill is... was

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designed to clarify ambiguous language on contract leases and terms. That made that necessary. The public universities must go to the Commission on Forecasting Governmental Accountability and then, from there, they would ask if they can issue this debt, and this is not state debt. The commission recommends if... to be adopted, they can recommend it with concerns or they can say nonsupport. If the commission says nonsupport within 15 days, they come back and they report that to the Speaker of the House, Minority Leader of the House, President of the Senate, Minority Leader of the Senate, the Governor's Office of Management and Budget, and the President of that state university. And if the commission recommends that there's nonsupport for issuing this debt, then they have to come back to us, and they would have to pass a Resolution through the General Assembly as a safeguard. This language has been worked out. It's been agreed to by all of the nine public universities, and there is no opposition. I commend the University of Illinois and all of our state universities for their work in this issue. Ask for adoption."

Speaker Lyons: "Mr. Black, you have a question on Floor Amendment 2? Your light's on... Was on."

Black: "Thank you very much, Mr. Speaker. The Representative via for a question?"

Speaker Lyons: "The Gentleman yields."

Mautino: "Yes."

Black: "Representative, Floor Amendment #2 changes the debt limit for Chicago State University from zero to five

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million. Is that... was that the result of negotiation or how did that happen?"

Mautino: "Yes. The... actually all of the states set their bond limits at what they have been using in the past, in order to clarify that. Chicago State has none that was set and set that as the cap. So, should they need to do this for repairs to a building, maintenance, in the future, that would be their cap. So each university set its own cap. Originally, they asked to be out of the Bill..."

Black: "Okay. All right."

Mautino: "...decided to... that they would like that for security."

Black: "Okay. Just one quick question and I appreciate that. I couldn't hear. How are the Certificates of Participation paid back, from an income stream that the universities have?"

Mautino: "Yes. From the income streams of the universities. This is... the Amendment makes clear that this is not state debt."

Black: "Okay."

Mautino: "And that's important. That's what Certificates of Participation are. When they were created, they were created because we weren't passing bond Bills. So, under Governor Edgar..."

Black: "Okay."

Mautino: "...they created these, if you remember."

Black: "So, this debt is not a full faith and credit obligation of the State of Illinois?"

Mautino: "No. And that's specifically in the language."

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

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Speaker Lyons: "Further questions on the Amendment? Mr. Rose, do you have a question on the Amendment? No. All those in favor of the adoption of Amendment #2 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: "Third Reading. Read the Bill."

Clerk Mahoney: "House Bill 1200, a Bill for an Act concerning finance. Third Reading."

Speaker Lyons: "Representative Jakobsson on House Bill 1200."

Jakobsson: "Thank you, Mr. Speaker. House Amendment #2 became the Bill. So, I urge an 'aye' vote because we've already had an explanation of it. Thank you."

Speaker Lyons: "Representative Rose."

Rose: "Thank you. And to the Bill. This is a great thing for our universities and ultimately for your constituents, the students who go to school there. This allows them to do more with less. It allows them to not only provide for a greener future for Illinois through energy conservation and energy savings, but allows them to use those savings as a financial stream rather than raise tuition, rather than come to the taxpayers through more GRF to repair, build, and make more efficient generally, our universities of higher education. But on behalf of the 12 thousand students that I represent at Eastern University, who are frankly your constituents, this is a great thing. I salute Representative Jakobsson and I know the students that she represents at the University of Illinois will appreciate

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this. This is a great thing for the entire State of Illinois. It saves students tuition money, it saves financial GRF dollars, and it's good for the environment. And I would urge an 'aye' vote."

Speaker Lyons: "Those in favor of the passage of House Bill 1200 vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Dugan. Kevin Joyce. Kevin Joyce. Mr. Clerk, take the record. On this Bill, there's 106 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of Elaine Nekritz's House Bill 3792, on page 22 of the Calendar?"

Clerk Mahoney: "House Bill 3792 has been read a second time, previously. Floor Amendment #1, offered by Representative Nekritz, has been approved for consideration."

Speaker Lyons: "Out of the record. Mr. Clerk, what's the status of Rosemary Mulligan's House Bill 571, on page 5 of the Calendar?"

Clerk Mahoney: "House Bill 571 has been read a second time, previously. Floor Amendment #1 has been approved for consideration."

Speaker Lyons: "Representative Mulligan on the Floor Amendment #1."

Mulligan: "Thank you, Mr. Speaker. Floor Amendment #1 moves this from a Web site separately put together by DCEO at their request to the Governor's Web site so that we can track the stimulus package online. It would now be placed

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in conjunction with the Governor's Web site, and then we could track the stimulus package, what's happening with it, what's available to us, and various things that we've requested that would be up on that Web site for both Legislators and the people of Illinois to track."

Speaker Lyons: "Mr. Rita, do you have questions on Amendment #1? Mr. Rita. Bob Rita, do you have questions of Amendment #1? No. All those in favor of the adoption of Amendment #1 to House Bill 571 vote... say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "House Bill 571, a Bill for an Act concerning State Government. Third Reading."

Speaker Lyons: "Rosemary Mulligan on House Bill 571."

Mulligan: "Thank you, Mr. Speaker. House Bill 571 creates a way to track the federal stimulus money coming in, where it's going, and what you might apply for."

Speaker Lyons: "There any discussion? Seeing none, the question is, 'Should House Bill 571 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative McCarthy. Take the record. On this Bill, there's 102 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bob Pritchard, on

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page 30 of the Calendar, you have House Bill 2669. Read the Bill, Mr. Clerk. 2669, Mark."

Clerk Mahoney: "It's on..."

Speaker Lyons: "I believe there's an Amendment on that Bill. We'll put that on the Order of Second Reading. And what's the status of the Bill, Mr. Clerk?"

Clerk Mahoney: "On House Bill 2669, Floor Amendment #1, offered by Representative Moffitt, has been approved for consideration."

Speaker Lyons: "Representative Pritchard on Floor Amendment #1."

Pritchard: "I move for its adoption."

Speaker Lyons: "Any questions? Seeing none, all those in favor signify of its adoption 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: "Third Reading, and read the Bill."

Clerk Mahoney: "House Bill 2669, a Bill for an Act concerning emergency services. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from DeKalb, Representative Bob Pritchard."

Pritchard: "This was a request from the State Fire Marshal. It's a way to recoup some costs for the fire departments from arsons... convicted arsons. I would ask for your support."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 2669 pass?' All those in favor signify by voting 'yes; those opposed vote 'no'. The

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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Brady, Burns. Betsy Hannig. Will Burns. Mr. Clerk, take the record. On this Bill, there's 102 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 5 of the Calendar, Monique Davis has House Bill 419. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 419 has been read a second time, previously. No Amendments. No Motions filed."

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

Clerk Mahoney: "House Bill 419, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lyons: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. This is certainly a Bill whose time has come. It is... it is... it is extremely important that we realize that we must stop the spread of AIDS. What are the many different ways to stop the spread of AIDS? As you know, when inmates are incarcerated, very frequently there is consensual sex. This Bill merely asks that inmates are allowed to purchase, they're allowed to purchase condoms to stop the spread of AIDS. The Department of Corrections argues that they provide information and education, if the inmate wants education and information. And that is all they do to prevent the spread of AIDS. This particular piece of legislation is supported by a large number of organizations. A large number of organizations whose interest it is to stop and

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prevent the spread of AIDS. People go into prison, have consensual sex, they come out and spread the disease to girlfriends, to wives, and to those they have relationships with. This is such a small thing that we can do with our effort to prevent the spread of AIDS. I will answer questions to the best of my ability. And I urge an 'aye' vote."

Speaker Lyons: "Representative Bellock."

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

Speaker Lyons: "To the Bill."

Bellock: "I know that Representative Davis feels strongly about this Bill, but just because this Bill was in our committee, I feel I have to speak to it because the Department of Corrections is so adamantly opposed to this Bill. And so, I just feel that I have to speak on that behalf. And I know that her intent is right about the AIDS. They just... they spoke... this Bill has come up before; they have been adamantly opposed. They spoke for quite a while in testimony before our committee that they are still adamantly opposed for different reasons. And that's about all."

Speaker Lyons: "No one seeking further questions, Representative Davis to close."

Davis, M.: "Yeah. We... thank you. We have Planned Parenthood, the AIDS Foundation, ACLU, and some of the other community organizations are in great support of this legislation."

Speaker Lyons: "The question is, 'Should House Bill 419 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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voted who wish? 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 11 Members voting 'yes', 86 voting 'no', 4 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is declared failed. Mr. Clerk, Representative Will Burns has House Bill 3863. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3863 has been read a second time, previously. Floor Amendment #1, offered by Representative Burns, has been approved for consideration."

Speaker Lyons: "Representative Burns on Floor Amendment #1."

Burns: "Floor Amendment #1 is a work in progress. I'd like to amend the Bill and then discuss it on Third Reading. Move to adopt."

Speaker Lyons: "Is there any discussion on Amendment #1? Seeing none, all those in favor signify by voting 'yes'; those oppo... say yes; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading and read the Bill."

Clerk Mahoney: "House Bill 3863, a Bill for an Act concerning civil law. Third Reading."

Speaker Lyons: "Representative Will Burns."

Burns: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill is a Bill I've been working on since the beginning of Session. I've been working very closely with the banks and credit unions, community bankers. The Amendment is not agreed to. I made

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a commitment in committee to continue working towards an agreed Amendment in the Senate, and I'm committed to an agreed Amendment provided that everyone continues to work in good faith. So, we're going to send this over to the Senate, work on an agreed Amendment, and bring it back to the House. I ask for your 'aye' vote."

Speaker Lyons: "Mr. Rose."

Rose: "Thank you. Will the Gentleman yield for a quick question?"

Speaker Lyons: "He's ready for your question, Sir."

Rose: "Representative Burns, yesterday in committee, if you could repeat what it is we're going to do in the Senate on this and it's going to come back to the House?"

Burns: "Thank you very much, Representative. That is my intent. My intent is to send it over to the Senate so that we can continue working toward an agreed Amendment, provided that everyone continues to work in good faith."

Rose: "All right."

Burns: "So, that's my intent and that's my commitment to you."

Rose: "Thank you, Representative."

Speaker Lyons: "No further discussion, the question is, 'Should House Bill 3863 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 Watson. Representative Cultra, Ramey, Pihos, Sandy. Mr. Clerk, take the record. On this Bill, there are 90 Members voting 'yes', 12 people voting 'no'. This Bill, having received the Constitutional

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Majority, is hereby declared passed. Agreed Resolutions,
Mr. Clerk."

Clerk Mahoney: "On the Order of Agreed Resolutions is House
Resolution 263, offered by Representative Osmond. House
Resolution 264, offered by Representative Black. House
Resolution 265, offered by Representative Riley. House
Resolution 266, offered by Representative Riley. House
Resolution 268, offered by Representative Sacia. House
Resolution 269, offered by Representative Jakobsson. And
House Resolution 270, offered by Representative Jakobsson."

Speaker Lyons: "Representative Lang moves for the agreement... a
Motion for the agreement on 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 so moved. Mr. Clerk, House Bill
704."

Clerk Mahoney: "House Bill 704 has been read a second time,
previously. Floor Amendment #1, offered by Representative
Phelps, has been approved for consideration."

Speaker Lyons: "The Chair recognizes the Gentleman from White,
Representative Phelps on Amendment #1. Floor Amendment
#1."

Phelps: "This is a gut and replace language. The Farm Bureau...
just only three counties, increases three county
commissioners to five. I ask for adoption."

Speaker Lyons: "Is there any discussion on the Amendment?
Seeing none, all those in favor of the adoption of
Amendment #1 signify by saying 'yes'; those opposed say
'no'. In the opinion of the Chair, the 'ayes' have it."

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Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "Nothing further."

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

Clerk Mahoney: "House Bill 704, a Bill for an Act concerning local government. Third Reading."

Speaker Lyons: "Representative Phelps."

Phelps: "I just ask for an 'aye' vote."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should House Bill 704 pass?' All those in favor signify by voting 'yes'; those opposed say (sic-vote) 'no'. In the op... 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 86 Members voting 'yes', 15 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Adjournment Resolution, Mr. Clerk."

Clerk Mahoney: "Senate Joint Resolution 58."

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 02, 2009, the Senate stands adjourned until Tuesday, April 21, 2009 at 12:00 noon; and the House of Representatives stands adjourned until Friday, April 03, 2009 at 9:00 a.m. and when it adjourns on that day, it stands adjourned until Tuesday, April 21, 2009 at 12:00 noon."

Speaker Lyons: "You've heard the Adjournment Resolution. Representative Lang moves for the adoption of the

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Adjournment Resolution. 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.. adoption (sic-Adjournment) Resolution is adopted. Anything further? And now, allowing perfunctory time for the Clerk of the House, the House will stand adjourned until the hour of 12 noon on Tuesday, April 21. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have. And the House stands adjourned, allowing perfunctory time for the Clerk, to the hour of 12 noon on Tuesday, April 21. Have a wonderful vacation. Go Cubs, go Sox, go Cardinals. Go final four. Enjoy your two weeks, everybody. Thank you very much."