

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

59th Legislative Day

5/21/2009

Speaker Turner: "The House of 12:00 having arrived, Thursday May 21, 2009. We shall be led in prayer today by Pastor Ray Offerman, who is with St. Paul's Lutheran Church in Decatur, Illinois. Pastor Offerman is the guest of Representative Flider. Members and guest are asked to refrain from starting their laptops. Turn off all cell phones and pagers, and rise for the invocation and Pledge of Allegiance. Pastor Offerman."

Pastor Offerman: "Thank you. We bow our heads in prayer. Gracious and loving God, thank You for the blessing of a new day. The sunshine which finally makes possible the Planting of a new crop for harvest. Your continued blessing on our great State of Illinois. Keep us mindful, Lord, of our utter dependence upon You. We know the truth. Many are the plans of a man's heart, but the Lord's purpose prevails. We remember before You what Your servant Lincoln remembered, blessed is the nation whose God is the Lord. Yet we are prone to forget Your gracious hand which has preserved us in peace, multiplied, enriched, and strengthen us. May we never vainly imagine that our own wisdom or virtue creates blessing. Grant strength and courage to these Representatives. Grant them wisdom in their deliberations. May truth and integrity prevail above self interest or what is popular or what is expedient. As we begin today, we acknowledge our dependence upon You. May we not forget You, Oh God, and may You not forsake us. In Your mighty and powerful name we pray, Amen."

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Speaker Turner: "We will be led in the pledge today by Representative... the Gentleman from St. Clair, Representative Jackson."

Jackson 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 Turner: "Roll Call for Attendance. The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that there are no excused House Democrats to report today."

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

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

Speaker Turner: "118 Members being present, a quorum is present. And we shall proceed with business. The Lady from DuPage, Representative Bellock, for what reason do you rise?"

Bellock: "Thank you very much, Mr. Speaker. A point of personal privilege."

Speaker Turner: "State you point."

Bellock: "Thank you. I'd like to ask all the Members of the General Assembly to welcome just an outstanding group of young people who have come here today from Naperville Central High School. They came for Disability Day and they are high school students who volunteer their time to help children with autism. They call themselves the Big Buddies

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and they're up there and I'd like to ask you to give them all a round of applause. They are just an absolutely wonderful group of people."

Speaker Turner: "Welcome to Springfield."

Bellock: "From Giant Steps. Thank you very much."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey. For reason do you rise?"

Fritchey: "Thank you, Speaker. Point of personal privilege on behalf of Representative Lyons, who is a little vocally challenged today. We just want to remind the Members that Central Management Services has scheduled this month as Benefit Choice Period for state employees and state officers. That obviously includes all Members of this Body. So if you're interested in making any necessary benefit changes prior to the next fiscal year you need to do it this month. In order to help you with that with any changes to your health or life insurance benefits or any other changes in your personnel record, the Comptroller's Office is going to be available today back in the Speaker's Conference Room. Actually, now until 1:00 p.m. So if you have any questions about your benefits, any desires to make any changes to that, et cetra. They are right back in the Speaker's Conference Room, from the Comptroller's Office. Take advantage of it. They'll answer any questions. Thank you."

Speaker Turner: "Mr. Clerk, Committee Reports."

Clerk Mahoney: "Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on May 21, 2009, reported

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the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 189, Senate Bill 235, Senate Bill 268.; 'recommends be adopted' is a Motion to Concur on Senate Amendments 1 and 3 to HB 255. A Motion to Concur on Senate Amendments 1 and 2 to House Bill 312. And a Motion to Concur on Senate Amendments 1 and 2 to House Bill 2400. Referred to the House Committee on Rules is House Resolution 437, offered by Representative Brauer and House Joint Resolution 59, offered by Representative Eddy."

Speaker Turner: "Mr. Clerk, on the Supplemental Calendar #1 we have Senate Bill 189. Read the Bill."

Clerk Mahoney: "Senate Bill 189, a Bill for an Act concerning government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Hold the Bill on Second. Mr. Clerk, read Senate Bill 235."

Clerk Mahoney: "Senate Bill 235, a Bill for an Act concerning education. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "That Bill on Second as well. And Mr. Clerk, read Senate Bill 268."

Clerk Mahoney: "Senate Bill 268, a Bill for an Act concerning foreclosure. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "...That Bill also Shall remain on Second. On page 3 of the Calendar, Senate Bills-Third Reading, we have

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Senate Bill 51. Read the Bill, Mr. Clerk. What's the status of Senate Bill 51, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 51 is on the Order of Third Reading."

Speaker Turner: "Could you bring that Bill back to Second Reading?"

Clerk Mahoney: "Floor Amendments 1 and 2 on Senate Bill 51 have both been approved for consideration."

Speaker Turner: "The Gentleman from Cook, Speaker Madigan on Amendment #1."

Madigan: "Mr. Speaker, Amendment #1 becomes the Bill. I would suggest that we adopt the Amendment and then consider the Amendment on Third Reading. And so I would move for the adoption of the Amendment."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 51?' All those in favor shall say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Mahoney: "Floor Amendment #2 has been approved for consideration."

Speaker Turner: "The Gentleman from Cook, Speaker Madigan."

Madigan: "This is a technical Amendment. I would move for the adoption of the Amendment."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 51?' All those in favor shall say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 51, a Bill for an Act concerning  
State Government. Third Reading of this Senate Bill."

Speaker Turner: "Read the Bill, Mr. Clerk. The Gentleman from  
Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, this Bill represents a major reform in how the state does its purchasing. This is a product of the work of the Joint Committee on Government Reform. There will be more. But this Bill is concerned with purchasing. It's concerned with the appointment of chief procurement officers. They would be appointed by the Executive Ethics Commission. This was a point of difference between the Governor and I. The Governor wanted to make the appointments directly. My position was the appointments of the chief procurement officer should be done by the Executive Ethics Commission. And the Governor acceded to my position in negotiations. In addition, there will be state purchasing officers. These people will also be appointed by the Executive Ethics Commission. In addition, there will be procurement compliance monitors. These people will be in every agency. They will serve under a five-year term. They'll be appointed by the Executive Ethic Commission. They can only be removed for cause after a public hearing. The old internal auditors who at one time worked in all of the agencies and were moved into Central Management Services by Governor Blagojevich will be returned to their old jobs. And there'll be the appointment of an executive procurement

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officer which will be an advisory position in the Office of Governor. We're very concerned in this area about sole source contracts and emergency purchases. We feel that in the past there's been a great deal of abuse in these two areas by the Blagojevich administration and prior administrations. And therefore, in the case of sole source procurements we provide that where CMS proposes to do a sole source procurement there must be a public hearing and approval at the public hearing. And there must be the publication of a written justification. Concerning emergency purchases, again we provide where there is a proposal for an emergency purchase there must be written justification and no more than 90 days unless the CPO approves an extension, again, after a public hearing. Concerning the voiding of contracts, contracts can be voided by the chief procurement officer and there can be a recommendation that a contract be voided by the procurement policy board. The Bill provides for increased financial information and it also provides opportunities to prevent potential conflicts of interest. It strengthens the procurement policy board. It eliminated outside influences by providing that where there are ex Parte communications with procurement officers they must be logged and published. And in the case of a lobbyist, that communication can only be done in writing. No verbal communication from a lobbyist to a purchasing officer. It must be in writing. We strengthened the process for reviewing conflicts of interest. We provide for increased transparency and information in the procurement bulletin.

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We provide for increased minority participation by raising the goals for state contract awards from 12 to 20 percent. We increased the cap on qualified businesses to \$75 million. We provide that female and minority businesses can self declare as either a minority or a female. We require that the Illinois Department of Transportation re-open the Office of Business and Work Force Diversity. And we establish a target market program and we study the prequalification of minority businesses. We prohibit long-term contracts, in relation to bond deals we provide that where someone has violated the Municipals Securities Rule Making Boards Rule G-37 and G-38, which are concerned with pay-to-play, conflict of interest, that person, is barred for a period of time from bond contracts with the State of Illinois. And we further provide no independent consultants. So there will be no one paid as a representative to communicate with state officials in order to obtain bond contracts. We require the IFA, the Illinois Finance Authority, to post online the projects that provides financing for and all non-confidential information concerning these projects. Mr. Speaker, I am available for questions."

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

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

Speaker Turner: "Indicates he will."

Black: "Thank you very much. Speaker Madigan, one of the things that we heard in the Special Investigative Committee

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was the ability of a company to get a contract and fact the company did not exist. And I think we later discovered that the company that did not exist at the time they got a contract, some of the people with a business interest in that yet to be established firm, helped develop the specifications. Is that specifically prohibited under this procurement code?"

Madigan: "The answer is 'yes'."

Black: "And then what... there's one agency, one current system that is not included in your Amendment... the Bill's Amendment. The current law has 5 chief procurement officers, one for IDOT, one for the Capitol Development Board, the Board of Higher Education, and the Illinois Power Agency, and it appears that the Illinois Power Agency has been removed from that plan. Is there an opp... would it be picked up later? I'm just wondering why that's out of there."

Madigan: "That was a result of the request of the executive director with that agency who argued to us that his role at the agency is to act as a facilitator and a monitor of electric purchases between electric generators and electric distributors. And that he would prefer to follow what happens at IDOT where the everyday purchases of supplies and materials is conducted by CMS, not by IDOT."

Black: "Okay. The Collins Commission suggested a few things that I don't think are in this Bill. Let me... let me go over just a couple of them that concern me. The Collins Commission recommended that the purchase of care contracts not be exempt from the Independent Contract Monitoring

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Office but it seems that we didn't address that. Again, is there a particular reason?"

Madigan: "No. We did address it. We came to a judgment that it would be highly impractical to adopt that idea. Purchase of care contracts are the types of contracts where the state pays a provider, generally a medical provider for services rendered to citizens of the state and then the state makes the payment. Although generally, the same... generally provide the same rate of payment in the rather pro forma in nature. And that was the reason for not adopting that idea."

Black: "If memory serves me correctly, isn't that one of the difficulties we got into with the former Governor, in creating some health care programs that may or may not have been actually adopted by the General Assembly and then moved money into those programs that may or may not have been actually appropriated for that use. Wasn't that a purchase of care under All Kids?"

Madigan: "Mr. Black, regarding the first part of your question, I don't feel that we're concerned with that in this Bill. So, you were talking about a Governor unilaterally expanding health care provision and of course, you'll recall I fought that here and in JCAR. You'll recall that."

Black: "I do recall that."

Madigan: "Not with the unified support of you side of the aisle, I might add."

Black: "You had my..."

Madigan: "I know."

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Black: "... my total support."

Madigan: "Correct."

Black: "As you well remember."

Madigan: "As we generally do. Thank you. I good example of a purchase of care contract would be with a nursing home. So the state through the Medicaid program establishes a rate. In the case of nursing homes we establish the rate in statute. It is the rate of reimbursement and the position of the state is if you care for a patient under the Medicaid program you'll be paid 'x' amount of money. So, it's a uniform rate... uniform system. They're not the type of contracts that lend themselves toward competitive bidding."

Black: "Okay. So, you're dealing only with those programs in which we by statute say what we are going to pay for a particular health care service. Right?"

Madigan: "My reference here... nursing homes are a good example."

Black: "Right."

Madigan: "My reference is that in the case of nursing homes and with other vendors to the state, the state takes the position we'll pay 'x' dollars in a rate and if you provide the service, we'll pay you. It's not that we invite them to get into competitive bidding."

Black: "All right. Who negotiates that rate? I assume that a partner will negotiate the rate and then we, by a virtue of appropriation authority, co... not condone, but establish the rate we will pay based on that negotiation."

Madigan: "We appropriate the money to the health care agency to make the payments. Again, in the case of nursing homes,

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the rate is set by statute. In the case of others, like a hospital, the director has a certain amount of discretion. And so, a director might want to pay a higher rate to a safety net hospital or to a rural hospital and not such a higher rate to a larger hospital in Chicago."

Black: "Now, that..."

Madigan: "They're just not the type of rate setting that lends itself for competitive bidding, which is what we're really concerned with here."

Black: "Who... who would review... who would be responsible for reviewing the rates that were set? Would that be a procurement officer or this new office?"

Madigan: "In this area, purchase of care, they're exempt from the Procurement Code."

Black: "All right. Now..."

Madigan: "So, there is..."

Black: "...and I... Okay. You're... All right. I understand that. Now, we do get into rates that are higher. For a nursing home, for example, for reasons that have always appeared to be sound to me, if you're in an urbanized area such as Chicago, the rates may be... the reimbursement rates may be higher there than they were..."

Speaker Turner: "Bring your remarks to a close."

Black: "Mr. Speaker, I'd really like to, but I... this is going to be a little complicated for any of us to do in five minutes, but I'll follow the wishes of the Chair. Because we do have differing rate structures de... and it can be based on some kind of federal or urbanized cost of living, labor may be higher, acuity of care. So, the only review

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then would be the amount that the General Assembly would approve. If a nursing home in Chicago would be reimbursed at \$100 a day and a nursing home in my district could be reimbursed at \$82 a day, the only safeguard we have would be in the legislative process, right?"

Madigan: "Correct."

Black: "Okay."

Madigan: "Generally.. generally, through the appropriations process."

Black: "Okay. One last question. There is a sunset clause as I recall in your Floor Amendment #2. Creates an executive procurement office under the supervision of the Office of the Governor. If.. if I'm correct and I may not be, for the officer, goes away in 2012? Now, does that mean the entire office or just the officer?"

Madigan: "This was another matter of disagreement between the Governor and myself. The Governor felt strongly about the matter and so a compromise was to say that we would provide for the creation of this office. It would be placed in the Office of the Governor, paid for out of the appropriations to the office of the Governor and would sunset, I believe, January 1, 2011. And my view was that taken all of the other changes that we're doing in this Bill, the provision that the chief procurement officer would be appointed by the Executive Ethics Commission, that the compliance monitors would be appointed by the Executive Ethics Commission, that both of those positions would be subject to confirmation by the Senate, that we had done both a good and an adequate job in providing insulation from political

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pressure and outside influence and transparency. And that the addition of yet this other office, where it was a personal request of Governor Quinn, could be accommodated in the case of Governor Quinn, but the next Governor would have the option to ask for its renewal..."

Black: "Okay."

Madigan: "...or let it expire."

Black: "All right. Given your experience here, do you think there are safeguards where this office cannot morph into something you did... we, you, the General Assembly, do not intend it to become at some point?"

Madigan: "The agency that you're referring to has no control over the chief procurement officers, the compliance monitors, the chief purchasing officers. It's an advisory position."

Black: "Okay. That would be the current definition. I'm concerned that it might, through usage, become something else. Do you think you have adequate safeguards in it that it cannot assume more authority than you are giving it?"

Madigan: "Well, what I thought I got out of the negotiations was, number one, the sunset; number two, the appropriations. And so, this Governor has to choose among all the things he wants to do in his office, if he decides to pay for this."

Black: "All right. So, if it were to morph into a super agency that the Governor wanted to use in ways that the General Assembly did not think are appropriate, then obviously, the sunset clause and the ability to appropriate gives us the

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ultimate authority over some... something that has not been created by the General Assembly, correct?"

Madigan: "You took the words right out of my mouth."

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

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

Coulson: "Thank you, Mr. Chairman. Will the Speaker yield?"

Speaker Turner: "Indicates he will."

Coulson: "I... We, in our committee, have had a few questions and I just want to make sure that Members of the chamber are aware of what the Bill does, related to certain of those issues. Many of the problems we've had over the past few years have occurred with state leases and length of time and roll over and those types of issues. How does this Bill address that?"

Madigan: "The Bill would prohibit long-term contracts. It'd place a cap of 10 years on contracts and... and that will also include renewals. So, a contract plus a renewal cannot go beyond 10 years and leases may not hold over more than 6 months."

Coulson: "So... so, in the cases of some of the agencies having just continuing to roll over their contracts without any review or any procurement looked at, they would now be able... only be able to do that for 6 months and then have to go through the process again."

Madigan: "That's correct. Plus, you'll recall, we strengthened the procurement policy board..."

Coulson: "Right."

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Madigan: "...where they're in a position to review these matters and bring it to the attention to the chief procurement officer."

Coulson: "Okay. Thank you. And I think that's... that was a good issue. I have a couple other ones that have come up in my Human Services Committee. I think you spoke briefly to the issue of, if an RFP is written by an entity, they can no longer be one of the bidders on that RFP. We've had a lot of that occurring in Human Services. Is that correct?"

Madigan: "That's correct."

Coulson: "Okay. And then my last clarification is on emergency contracts. And there is some language in here that talks about emergency contracts and when they can be used or not used."

Madigan: "The Bill provides the emergency contract can only last for 90 days. And then if the chief procurement officer chooses to do a 90-day extension, it can only happen after there's a public hearing, and written justification."

Coulson: "And thank you. And I think those are, all three, are a very important parts of this Bill because as we sat through many of our committee hearings over the last two years, we kept hearing about emergency contracts, RFPs and a variety of leases just being carried over and over and over and over again and many times with no transparency and no information to anyone outside the agency. So, I'm encouraged by that portion of the Bill. And thank you very much."

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

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

Speaker Turner: "Indicates he will."

Miller: "I have a couple questions, Mr. Speaker. You mentioned in your opening remarks sole..."

Madigan: "Sole sourcing."

Miller: "...sole sourcing. Is there a definition within this language concerning sole source?"

Madigan: "There's a definition in the Act today and it's not changed by this Bill."

Miller: "Can you in a succinct way indicate what that exactly means in terms of sole source procurement?"

Madigan: "The idea is that a state agency is in the market to buy a product or a service and the people in charge of the state agency are of the view that there's only one source that would meet their needs."

Miller: "Okay."

Madigan: "If they're of that frame of mind, then we want to require that that matter go with the public hearing."

Miller: "Okay. There are... I'm glad you made that clear. So, you're not talking about a... or are you talking about... an agency director or an individual solely selecting a... some purchase or some... something that would be procured. So, a car, a service, or something like that."

Madigan: "You can see... you can take automobiles and some agency director might decide that, for their needs, every vehicle they buy has to be a Lexus. Well, that ought to go to a public hearing."

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Miller: "Okay. In terms of master contracting and... 'cause there's some entities that are out there that are only able to compete in a master contract. So, for instance, energy purchases, maybe by the state, there may be only a handful of companies that can fulfill the demand. Say, one of the universities. All right. They can decide to buy their power from a particular company. Is there language in that that sort of dictates any of the subcontracting that they may do for transparency reasons?"

Madigan: "Representative, there are major sections of the Bill that are concerned with transparency, including subcontracts. It's a major plus for the legislation to completely open up this process to transparency."

Miller: "Okay. The reason I bring that up is because historically, there have been issues particularly to minority participation where a company may or the entity may say that there are no minorities at that level existing; however, it's a way to circumvent minority participation or that the subcontract individuals are not... have to comply with these... this regulation. Is that... would... if... if a major company subcontracted to any company, would they have to comply to any of this language?"

Madigan: "The answer is, they would have to do all of the disclosures provided for in the Bill."

Miller: "Okay. And the last question concerning there are Constitutional Officers and maybe others who have discretion in... in their... in who they purchase and procure from. There is some discretionary dollars that are above the limit. Could be... I don't know. It could be any of

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them: doctors, lawyers, whatever it is. Does this language sort of comply with... with... would they have to comply with this language?"

Madigan: "The Constitutional Officers?"

Miller: "Yeah."

Madigan: "The Bill provides that they must have practices that are no less restricted in the language in the Bill."

Miller: "Okay. So, they would have to submit rules to JCAR or to any entity that will basically change the language that will be in compliance with that in terms of the selection process and also in terms of the transparency issue that..."

Speaker Turner: "Turn the Speaker on."

Madigan: "The answer is yes."

Miller: "Thank you."

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

Eddy: "Thank you. Would the Speaker yield for a question?"

Speaker Turner: "Indicates he will."

Eddy: "Morning, Mr. Speaker. A quick question for you. When it comes to the public hearings, a question came up on this side regarding location. For... for someone in Belleville or downstate, quite a ways from... will the public hearing take place in the geographic locale of the procurement or the bid, the contract?"

Madigan: "The Bill does not mandate the location of the public hearing, but it does mandate notice in advance of the public hearing."

Eddy: "And I guess the concern is here, maybe it's more of the intent. If there's a... if there's a commodity contract to

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be... to be bid, a sole source type contract, and the... the hearing, will that be held in a geographic location and will the notice be given in a... in a regional location so bidders in that geographic region would be able to, first of all, conveniently travel to the public hearing location and secondly, have notice?"

Madigan: "Well, here again, the Bill provides discretion to the chief procurement officer in that regard. It seems to me that if the purchase was very regional in nature, everybody would be well-served if the activity happened in the region."

Eddy: "Well, and I think that's... that's our main point. I remember recently within the last couple of years some CMS property was bid down in Edgar County about 300 miles south of Chicago and the bids were taken in the City of Chicago and people regionally were interested. And it was a little bit inconvenient and they mentioned it to me. I'm just thinking, especially with these commodity, single source, or emergency public hearings, if we can certainly feel like the intent of this legislation is to have those and we could guide the chief procurement officer through this discussion, that that would be the intent. I think people would feel a lot better about it in the rural areas."

Madigan: "I think my best answer would be that the... the Bill is... is laced with transparency requirements and notice requirements. Our whole intent was twofold. Open up the process, make it more transparent and insulate the progress from undue influence especially coming out of political offices like the Governor's Office."

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Speaker Turner: "We have... could we have some quiet in the House. Thank you."

Eddy: "I... Thank you, Mr. Speaker. I... I understand... I understand the answer and the answer is I'm probably not going to get the answer that I'm looking for, but... but I think it's important especially in those rural areas where folks to feel like they're going to have that notice in some kind of media that they're going to be able to see that it's not going to be somewhere else and that there's going to be..."

Madigan: "Yeah."

Eddy: "...that public hearing in that locality and I think that's the intent and I know about the transparency through the Bill. I've actually read most of it. That part of it though caught me as something..."

Madigan: "Yeah."

Eddy: "...that I... I thought we might do a better job of intent with."

Madigan: "Mr. Eddy, if... if we need to work on further legislation, we'd be anxious to work with you. So, if practice shows us that there's a deficiency here, why, we're wide open to further legislation."

Eddy: "Okay. I appreciate... I appreciate that, Mr. Speaker, thank you."

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

Durkin: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

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Durkin: "Speaker, there are some provisions in this Bill which make some restrictions on the use of independent consultants for state bond work. Could you just give me a brief explanation of that provision?"

Madigan: "That type of business is going to be banned by this Bill."

Durkin: "And these are basically the chasers, the people that are..."

Madigan: "They would probably themselves placement agents."

Durkin: "As we know who they are."

Madigan: "Okay. Right."

Durkin: "A couple of them have been well-publicized over the past few years."

Madigan: "Right."

Durkin: "Now, there is an exception, which I notice that you have in this language, which would not prohibit that individual from participating in the... with the bond deal if they are employed with an entity and they are not consultants. Is that the... There's an exception which I saw in this. Could you give me an explanation of that?"

Madigan: "If the idea there is that this would be an employee of, say, an underwriter. And so, the Prohibition would not work against an employee of the underwriter. We expect that there will be conversations between the state through the Office of Budget and Management and underwriting houses..."

Durkin: "Right."

Madigan: "...when they... we go to bid or we do a negotiated arrangement."

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Durkin: "So, the chasers that we're trying to keep out of this business can take an employment contract for a short-term basis from the... these entities and they would be exempt and they would be able to participate in the bond transaction, correct?"

Madigan: "Well, if it's done in such a way that it's a fraud, then they're subject to legal action."

Durkin: "I can just see some manipulation with this that some people who are the rainmakers, the people who are... generally can get access and get things done, will take short-term contracts with some of these institutions for the... that would last no more than a few months that goes through the procurement period. And I just want to raise that question 'cause I think that there could be some... and I'm not sure if there are provisions in here which will state that... that type of action would be considered illegal and no restriction on the time in which they have to be employed with this?"

Madigan: "I think it's a good question. And I think that that's the reason why we provided for so much transparency..."

Durkin: "Right."

Madigan: "...in the process and why we strengthened the hand of the procurement policy board, which has already served as a review agency on purchasing by the state. We wanted to give them more power. They've proved to be a good watchdog."

Durkin: "Right."

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Madigan: "And I would expect that this is one of the areas where they would act as a monitor."

Durkin: "I just hope that we don't get in a situation where a lot of these individuals are going to take short-term contracts with these entities during... when a... when a deal is being proposed and I hope that that's not the case and that's not the situation and I hope that we have significant... we have sufficient enforcement powers to strike those deals and to assess the appropriate penalties on those individuals. Would you agree with that, Mr. Speaker?"

Madigan: "First, could I ask for some order. Mr. Speaker, could we get some order. Mr. Durkin, I think you've raised some very good points. First, let me point out that we're the first state in the nation to adopt this prohibition. Therefore, we're moving into uncharted waters..."

Durkin: "Right."

Madigan: "...and as I told Mr. Eddy, previously, why as we move forward and as practice shows us we need to come back and refine this, why, we're very anxious to do that. I think the best protection that the people of the state have would be the sections of the Bill that provide for so much transparency."

Durkin: "I agree with you and I think that's a good i... and I'll gladly work with your chief counsel on that to discuss that... those questions that I raised, 'cause I, you know, we know how these... sometimes these Bills... we are well-intentioned, but people find a way to get around them and find loopholes and manipulate the system, but I agree with

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you. This is what... I will support the Bill. Lastly, there is a section about memorialization of conversations on the procurement side. Is it strictly that... we're not talking about the folks out there, any discussions with lobbyists. We're just talking a very limited part of State Government that's strictly in the procurement Section, correct?"

Madigan: "Yes. And this Bill does not apply to the Legislature."

Durkin: "All right. Great. Thank you."

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

Lang: "Thank you, Mr. Speaker. I rise in support of this important legislation. We've heard a lot about reform in the last several months here in Springfield and around the state. We've been hearing from our constituents. We've been reading about this in our local media. And I just... I just want to say on the floor that I think this is a substantial piece of legislation. There will be those, of course, on this and on other pieces of legislation that think it's not exactly what somebody else thought it should be or not enough or they'll make all kinds of commentary, but in the end if you really read this, if you really look at this, you'll see that this Bill is the product of a substantial amount of conversation, a lot of testimony before the Joint Committee that we had here in the House and Senate, as well as some of the commentary of the Collins Commission. This is a very good and significant piece of reform legislation which will begin to help us here in Springfield repair the breach that exists between

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State Government and the people of the State of Illinois. As many of you know, the procurement part of State Government is where our former Governor really performed most of his pay-to-play antics and where he got most of his benefit. This is important and necessary piece of legislation. And I would strongly suggest a unanimous vote."

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

Watson: "Thank you. Will the Speaker yield?"

Speaker Turner: "Indicates he will."

Watson: "Mr. Speaker, as far as to get some clarity on legislative intent on the definition of 'affiliated entities' and the reporting requirement of operating subsidiaries of a parent company. This will only apply to domestic operating entities, not foreign. Is that correct?"

Madigan: "Mr. Watson, the language of the Bill does not address your question because the matter was just brought to us last night by the Chamber of Commerce."

Watson: "Yes, Sir."

Madigan: "Again, we're willing and anxious to do a correction."

Watson: "Okay. So, the..."

Madigan: "My answer in that regard is the same as my answer to Mr. Eddy and then Mr. Durkin. If... if practice proves that there's problems here, why, we're anxious to come back and solve the problem."

Watson: "So, the conversation did occur that... that trying to grasp the multitude of foreign operating subsidiaries could be

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very difficult and we understand that. I mean, that was conveyed to you, I guess, is what I'm saying."

Madigan: "It was only brought to us last night."

Watson: "Yes."

Madigan: "We're anxious to work on it."

Watson: "Thank you."

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

Osterman: "To the Bill. I, too, rise in strong support of this legislation. This is one of many reforms brought forth by the Joint Committee on reforming State Government. As the previous speaker spoke, our state is hungry for reform and it's my hope that this will not be one of the only measures we deal with over the next 10 days. There are many reforms that we have before us, including campaign finance. So, I think all of us need to look eagerly to pass those other measures, but I ask for an 'aye' vote. And I look forward to the work we have before us over the next 10 days."

Speaker Turner: "Speaker Madigan to close."

Madigan: "Thank you, Mr. Speaker and thank you, Ladies and Gentlemen of the House for this very good debate and discussion. As I said at the beginning, our purpose here is to reform the state procurement system, the method by which the state buys products and services. We know that this was a major problem in prior administrations. Our goal was to provide for complete transparency and to provide that those that are making the decisions on purchasing are insulated from outside and undue influence. And I think that this Bill is a major step forward in terms

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of reforming how the State of Illinois does its business.  
I would recommend an 'aye' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 51?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #2, offered by Representative Madigan, on Senate Bill 1333."

Speaker Turner: "On the Order of Third Readings, on page 3 of the Calendar, we have Senate Bill 54. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 54, a Bill for an Act concerning ethics. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker, is the Bill on Third Reading or Second Reading?"

Speaker Turner: "This Bill is on... Mr. Clerk, the status of the Bill."

Clerk Mahoney: "The Bill has been read a third time."

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Madigan: "Mr. Speaker, this Bill is concerned with reform of the State Ethics Act. This is yet another product of the Joint Committee on Government Reform. Most of you know that the Joint Committee was created early in the Session. Senator Cullerton and I cochaired the committee. We took hours and days and months of testimony on all aspects of government reform. This is yet another area where the committee is recommending significant changes in how the State of Illinois does its business. First of all, we're concerned with reports of Inspector Generals. We're concerned with reports of Inspector Generals and in the past a lot of this work has been done in the dark. The Bill would provide that where a state employee is suspended for three days or more or terminated, the report automatically becomes public unless the Inspector General or the Attorney General certifies release would interfere with yet another investigation. All other reports would be subject to the discretion of the Executive Ethics Commission to decide whether the report ought to be released and whether there ought to be any redactions. We're all familiar with the problems concerning the revolving-door prohibition. The Bill significantly strengthens the prohibition against revolving door, against the idea that people are working with an agency granting significant contracts and the next day leaving the agency and taking a job with the company that got the contract. So, the Bill provides that for high ranking officials and employees, they are absolutely prohibited from accepting employment compensation from one year from an entity if

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that entity was party to a state contract or contracts worth \$25 thousand or more or was the subject of a regulatory or licensing decision involving the agency of the official or the employee. For other employees in the agency, it depends upon whether they are substantially and personally involved in the decision-making process. Those people will be required to submit a list of persons that are affected by the Bill. A person offered nonstate employment must notify the Inspector General and the Inspector General will determine whether the ban applies. A decision of the Inspector General must be made within 10 days or employment is permitted. The decision of the Inspector General is appealable within 10 days by the person or by the Attorney General. The Inspector General must provide a written decision whether the person is permitted or restricted from accepting the offer within the 10 days or acceptance is deemed permitted. The decision's appealable to the Executive Ethics Commission within 10 days and that agency has 10 days to rule on the appeal. If there is a violation, the contract is voidable or the regulatory or licensing decision must be reconsidered and there's a fine up to three times the annual compensation. We provide for an increasing role of the Executive Ethics Commission. The Inspector Generals may initiate investigations upon receipt of any information from any source and this is a significant change. Today, before an Inspector General can open an investigation, the report must have come from an identified person. The Bill would change that and provide that an Inspector General can open

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an investigation based upon an anonymous tip. The IGs must review hiring files and ensure compliance with the Rutan decision and other employment laws. All hearings regarding the Ethics Acts violations must be heard by the Executive Ethics Commission. Merit commissions or civil service commissions do not have jurisdiction over Ethics Act violation. Authority to refer an investigation to the Attorney General or a special Inspector General if the Executive Ethics Commission believes an Inspector General should have filed a complaint or the case requires further information or if the Inspector General could be reasonably deemed a wrongdoer or suspect or if an investigation prevents (sic-presents) a conflict of interest for the Inspector General. This would permit the Executive Ethics Commission to which you appropriated conjunctive relief including discharge of the state employee. We provide for additional ethics training. We provide that there is a case where an officer or an employee may not promise anything of value related to State Government. And then, lastly, we provide for increased regulation of lobbyists. We permit the Secretary of State Inspector General to investigate allegations or violations of the Act. Persons who lobby members of the state boards, commissions or retirement systems are required to register as lobbyists. We require disclosure of all expenditures by lobbyists. We increase the registration fee to pay for the additional inspections and lobbyists must file weekly reports during Session, monthly reports when we are not in Session. Mr. Speaker, I'm available for questions."

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

Eddy: "Thank you, Mr. Speaker. Would Speaker Madigan yield for questions?"

Speaker Turner: "He indicates he will."

Eddy: "Thank you. Speaker Madigan, I... as I read through this and we analyze it, it looks like it contains a very large percentage of the Quinn Commission's recommendations in this area."

Madigan: "Could I add and many more."

Eddy: "And more."

Madigan: "Thank you."

Eddy: "But of that particular set of recommendations, this... this has a... a really high percentage of those recommendations."

Madigan: "Mr. Eddy, you'll remember on the day that we adopted the Joint Committee on Government Reform, you and I engaged in a dialogue on the floor and I made the point to you that the Joint Committee on Government Reform would receive recommendations from all Illinoisans and we welcome the recommendations of the Collins Commission and we certainly welcome the recommendations of every Illinoisan."

Eddy: "Well, and I think it is reflected especially for the Quinn Commission's percent... There are some things in here though that I'm wondering about regarding... Let... let... For example, the statement of economic interests, it appears as if the major change in the statement of economic interests is that the procurement officers now are required to file the statement. That's the major change."

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Madigan: "The answer is yes."

Eddy: "There were some recommendations regarding the form itself, the use... or the ease of the use of the form, the transparency of the form that I think Representative Coulson has championed. Were those considered or is there maybe other legislation starting somewhere that doesn't include everything?"

Madigan: "Well, the suggestion on the ethics statements clearly was considered and whether there's other legislation that would do yet more changes, I can simply say that the work of the Joint Committee on Government Reform was rather exhaustive. As I said, we invited recommendations from all Illinoisans, took them under review. They're all logged in. They're all listed. They're all considered as we prepare the Bills which are being presented to the House and the Senate this week."

Eddy: "Could... Are we going to have additional legislation? Do you believe there'll be additional legislation that is originating in the Senate that might be dealing with other items in this area, a code of conduct for employees, that type of a..."

Madigan: "Well, Mr. Eddy, I know that there will be legislation originating in the Senate. I'm not certain what all of that legislation would cover, but I know that they are working in this area also."

Eddy: "The... the area under ethics and lobby reform that, at least, to my way of thinking, maybe it doesn't belong in here or maybe it's coming later, might have to do with discussions that were related to campaign contributions."

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There isn't... there doesn't seem to be anything in here. Is that something we might see?"

Madigan: "That will initiate in the Senate."

Eddy: "Okay. So, is it your opinion we will... we will debate openly that topic and have at some point an opportunity to vote on that issue in particular?"

Madigan: "The answer is yes."

Eddy: "Thank you, Mr. Speaker. As always, I appreciate your answers."

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

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

Speaker Turner: "Indicates he will."

Winters: "Mr. Speaker, I wanted to ask a few questions about the Lobbyist Act. As I understand it, the annual registration fee is moving from 350 to a thousand dollars. Do you know what the fiscal impact... do you have a revenue estimate for that? I... I see the numbers being added up right now."

Madigan: "We're advised it's so large you're not going to believe it. Three hundred thousand lobbyists... three thousand lobbyists, three thousand lobbyists."

Winters: "Okay."

Madigan: "And..."

Winters: "So, we're looking at it... an expansion from maybe a million dollars to three million?"

Madigan: "We think it will raise about \$250 thousand to pay for two inspectors."

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Winters: "Okay. And that will be used by the Secretary of State Inspector General to fund that program. The... the other question I had then on it is, I believe there's a discount currently for nonprofit organizations. Do they pay the \$350 fee, right now? And that may be somebody like AARP or other nonprofits that may not have highly paid lobbyists. Are they paying the current fee?"

Madigan: "I'm advised that everybody's going to pay the same fee, everyone."

Winters: "Are... are they currently paying that same fee that everybody else is?"

Madigan: "I... I believe they pay a lesser fee."

Winters: "Okay. So, the discount for a 501(c)(3) or a nonprofit organization... they currently are getting a discounted fee and not only is that discount disappearing but then you tripled it on top of that."

Madigan: "The answer is, it applies across the board. So, the answer to your question is yes."

Winters: "Okay. I am a little concerned and I would ask of you at least consider a trailer Bill. I think we may hear from some of these, particularly the smaller nonforprofits that still feel that they need a presence in Springfield. This may inadvertently lead to less citizen lobbyists and more hired guns, if you will, where they may... may not be able to afford to put one of the members of their board on, register as a lobbyist and they may instead turn around and say, well, let's try to spread that thousand dollar fee over, you know, 10 organizations and hire a specific professional rather than try to do it themselves. I'm... I'm

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worried about... or at least ask you to consider a trailer Bill to... to look at re... returning that discount for the 501(c)(3)'s. I think that allowing people to testify in front of us who are more citizens..."

Madigan: "Yeah."

Winters: "...rather than professional lobbyists, may in this instance be a good public policy."

Madigan: "Mr. Winters, three things: number one, clearly we would consider your idea..."

Winters: "Mmm mmm."

Madigan: "...and work with you on it. Number two, at the request of the Secretary of State, the effective date on this is January 1..."

Winters: "Okay."

Madigan: "...which will permit us to..."

Winters: "Yes. We have some time to work on it."

Madigan: "...consider this through the summer, and in the fall. And number three, I want to compliment you for pointing out that some of these nonforprofits are pretty big."

Winters: "Well, I didn't point that out. I said some are fairly small. Now, yes, there are certainly nonforprofits that can afford this change, but there may be ones who are more community-based, just from one specific community, and there may be some way that we can arrive at a... a way to lessen the impact on them. I thank you for your answers."

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

Gordon, C.: "Thank you, Mr. Speaker. Will the Speaker yield for a few questions?"

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Speaker Turner: "He indicates he will."

Gordon, C.: "Thank you. I... Mr. Speaker, I just had a couple questions about the first section regarding making public the release of the Inspector General reports to the public. Is there kind of a due process provision that goes along with this? For example, when these decisions are made and an employee is going to get released or if they're going to be suspended, is there a time line for that? Because my understanding now they have the right to appeal those decisions and there may be some sort of administrative hearing. Are... So, does that stop the fact that the Inspector General would release that information to the public or is it going to be automatically done? So, is there some due process in place for the employee?"

Madigan: "Representative, I'm advised that this type of matter is not like others and it's completely under the jurisdiction of the Executive Ethics Commission. So, time lines on appeal would be up to that group."

Gordon, C.: "I'm sorry. The time line of the appeal is what?"

Madigan: "Time lines on appeals would be determined by the Executive Ethics Commission."

Gordon, C.: "Okay. So, then, if someone is terminated, it's immediately... the information is immediately put out there by the Ethics Commission or it's just determined when they put it out there?"

Madigan: "I'm advised that the Bill provides for a time line for review and the ability for the affected employee to appeal to the Executive Ethics Commission to suggest redactions in the report that will be released."

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Gordon, C.: "Okay. Because I can see a situation where if their ethical violation doesn't rise to criminal behavior, which is where I would see, you know, the Attorney General would say we're not releasing this because further investigation is necessary. But if it doesn't rise to criminal behavior, I would want the employee to have every avenue possible to go through a due process situation before we put it out there. Because if they then have their administrative hearing, I wouldn't want it out there already and the employee then to, you know, win in an administrative hearing and have this put out there and have this, you know, kind of a black mark against their, you know, career record in some situation. So, I would hope that this covers them in that situation."

Madigan: "Well, Representative, we feel that that matter has been covered in the Bill."

Gordon, C.: "Okay. Thank you, Mr. Speaker."

Speaker Turner: "Ladies and Gentlemen, can we please have some order in the House. Could we have some quiet in the House, please, during a discussion. The next speaker recognizes is the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I appreciate your attempts to get order. In all of my years here, I have never seen the House this noisy. I would almost ask you to have staff to re... get to the rear of the chamber, take your conversations off the floor. It has never been this noisy when the Speaker of the House is trying to present, in all due respect to everybody in this House, these Bills are some of the most important Bills we've discussed in a long,

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long time and I can't hear half of his answers. That's ridiculous when the Speaker of the House is presenting some major Bills as a result of six years of being lost in the wilderness and you can't hear the answers. That's ridiculous. The staff ought to either leave the chamber or get to the rear and the rest of you take your conversation and sit down."

Speaker Turner: "Point... your point is well-taken, Representative Black. I think that everybody is going to be quiet now."

Black: "I certainly hope so, otherwise, Mr. Speaker, I have... you have my permission to really show the tough side that I know exists up there."

Speaker Turner: "Thank you."

Black: "Thank you. Will the... will the Speaker yield?"

Speaker Turner: "He indicates he will."

Black: "Speaker Madigan, I want to get to two things. First of all, in my category as an elected official, about two years ago I filed a complaint with corroborating statements signed by people in my district of alleged misconduct of a state employee. I turned this over to the Inspector General of a department. To this day, I have no idea whether that investigation ever went into effect, whether they found anything, whether they tried, whether they didn't. As a result of my frustration, I later contacted the Illinois State Police and asked if they would investigate these allegations. Again, I know the right to privacy, but the State Police at least, I know have been investigating people. So, is there anything in this Bill,

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that within the realm of right of privacy, that would enable a citizen or a Legislator to say, what's the status of this investigation? Because up to this point, we never know."

Madigan: "Mr. Black, you've stated one of the reasons for the advancement of this Bill, which is that the work of these Inspector Generals has been done in the dark and the work of the Inspector Generals was never subject to the review by the Executive Ethics Commission which was a point... which was brought to us by the Executive Ethics Commission two or three years ago. And so, the Bill does provide that these reports are required to be turned over to the Executive Ethics Commission. The Executive Ethics Commission is in a position to examine the reports, render a judgment whether the report should be made public or whether it should not. And then, in addition, there's an opportunity for people to suggest redactions in the report before they're made public."

Black: "So, what methodology under this reform would exist for you or me to call someone and say, what's the status of the investigation? I don't need to know who they've investigated, who they've talked to. I would like to be able to tell my constituents, yes, an investigation is underway and at some point you will be contacted. I have nothing to tell these people and they get extremely frustrated that they have signed an affidavit accusing the state employee of misconduct and they never, ever hear anything."

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Madigan: "Mr. Black, that takes us to the Section of the Bill which provides that these records are now going to become public records."

Black: "No, I understand that."

Madigan: "Okay. What..."

Black: "They... they will or they won't?"

Madigan: "They will."

Black: "Okay. All right. In the interest of equal time, Mr. Speaker, could I ask you a question that Heather Wier Vaught would be able to answer? Mr. Ellis has been taking all the camera time. I would... I would like Ms. Wier to help you with this question, if you need help. Representative Winters touched on something that we... that many of us discussed last night. And that is, I don't know if the definition of 'lobbyist' has, in fact, changed. What I'm trying to get at is, you know, the home schoolers show up once a year and generally give each Legislator a cherry pie. Now, they are not lobbyists in my definition, are they? They just... they come once or twice a year, talk to us about the benefits of home schooling. They do give us a cherry pie and I've never known how to declare that. They are not, under this Bill, going to be declared lobbyists, are they?"

Madigan: "The answer is no, because we did not change the definition of lobbyist."

Black: "Okay. So, someone from home, a township official who comes in and wants to talk about a change in the road fund, they're an elected road commissioner from a district back home. They just come over some day and say, look, I don't

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think the current road fund formula is treating townships fairly; here's what I'd like you to do. Could you support me in that effort? We shake hands, they go back home. They're not... would not then qualify as being a lobbyist, correct?"

Madigan: "Now, again, my view would be that they're not a lobbyist; they're not required to register as a lobbyist."

Black: "Okay."

Madigan: "And again, we're not changing the definition."

Black: "All right. What triggers the... either the definition or the registration? What... what's that differential? I've never been able to keep it straight in my mind."

Madigan: "Well, Mr. Black, my view is that if someone is advocating on an issue before the General Assembly and they're being compensated for that advocacy..."

Black: "Compensated."

Madigan: "...then, they're required to lob... register as a lobbyist."

Black: "Good grief, I think my wife qualifies. I just signed over my check and she advocates for things all the time. But that's in jest, she doesn't have to register as a lobbyist, even though she has advocated several things over the years and my check is deposited in her account. But I... I appreciate your answer in all sincerity, because that was a question that many of us had and I think Representative Winters also brought that up earlier. So, I appreciate that. My last question has to deal with the ethics and financial disclosure statement. It appears that more

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people will fill it out, but it appears it's still the same form."

Madigan: "The answer is yes."

Black: "Are there things we should add... You know, I fill it out every year and quite frankly, I don't know how many of you... the Members in the House are in my position, I'm somewhat embarrassed to always fill out none. You know, I wish I had to list things. But unfortunately, all of those trigger points don't impact me, but are there additional questions maybe later on, particularly as you get into, Inspectors General procurement people, that we need to know more about their outside business dealings than what we have on the current form?"

Madigan: "I think it's a good idea and I'd be anxious to work with you on the issue."

Black: "I... I look forward to that. Thank you very much, Mr. Speaker."

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

Durkin: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Durkin: "Mr. Speaker, there's a provision in here which gives the Attorney General expanded authority to investigate violations under the Ethics Act. Is that correct?"

Madigan: "Two instances: one, the Executive Ethics Commission can bring in the Attorney General where the Executive Ethics Commission feels that the Inspector General is not doing his job. Let me get another briefing on number two."

Durkin: "Okay."

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Madigan: "The Attorney General is involved in monitoring the revolving door situation in where an Inspector General feels that there's been a theft of public money of over \$5 thousand, then there can be a referral to the Attorney General."

Durkin: "So, it's strictly referral-based. The Attorney General would not unilaterally have that ability to conduct the investigations under this Bill?"

Madigan: "Only for the revolving door."

Durkin: "It would be only based on a referral from the Ethics Commission, correct?"

Madigan: "In two of the instances..."

Durkin: "Okay."

Madigan: "...it's a referral, but in the case of the revolving door, there's no need for a referral."

Durkin: "If it does raise to the level where there may have been a felony committed, would they have the ability to convene a grand jury under this?"

Madigan: "The answer is no."

Durkin: "No. If they do feel that there was some felonious conduct, how would they be able to charge someone and..."

Madigan: "They would refer to the local state's attorney."

Durkin: "Okay. So, they're not getting... Okay. I just want to make sure they're not given grand jury authority and that strictly they would refer... All right. I understand. The other provision is the revolving door Section. Now, we can only have a revolving door prohibition on Members of the Legislature. That's already the law. Are we... and we're adding to this... to that prohibition?"

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Madigan: "I'm advised there's one instance where it applies to the Legislature and that's where a Member of the Legislature has entered into a contract for over \$25 thousand. In that instance, that Legislator could not leave the Legislature and take a position with the company that got the contract."

Durkin: "Would they be able to apply for a waiver of that prohibition?"

Madigan: "No."

Durkin: "Okay. One last question. Would this have a retroactive application or is this strictly prospective? You don't have to answer the question. That's fine. Thank you."

Madigan: "Prospective."

Durkin: "I just wanted to... Thank you."

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

Lang: "Well, thank you, Mr. Speaker. Just as with the last Bill, I just don't want the importance of this Bill to get lost in the sea of questions and the questions are good ones. I just want to say, again, that this is significant reform. We've had people all over the state talk to us about reform. We have been clambering for reform and the people of Illinois deserve reform. Along with the procurement Bill that we just passed, this Bill will take us a long way in that direction. I think those who have worked hard on this deserve our thanks. This is very, very good and significant legislation. And I urge passage."

Speaker Turner: "Speaker Madigan to close."

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Madigan: "Mr. Speaker, thank you very much. As I said at the beginning, this is yet another recommendation of the Joint Committee on Government Reform. It does some very significant changes in terms of the release of reports by Inspector Generals and also significant changes in terms of strengthening the prohibitions against revolving door. I think it's a good solid piece of legislation. It.. it merits your support and I would recommend an 'aye' vote."

Speaker Turner: "So, the question is, 'Shall the House pass Senate Bill 54?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, Mr. Clerk, we have Senate Bill 1333. What's the status of that Bill?"

Clerk Mahoney: "Senate Bill 1333 is on the Order of Senate Bills-Third Reading."

Speaker Turner: "Could you bring that Bill back to Second Reading and then read the Bill."

Clerk Mahoney: "Floor Amendments 1 and 2, offered by Representative Madigan, have both been approved for consideration."

Speaker Turner: "The Gentleman from Cook, Representative Madigan, on Amendment #1."

Madigan: "Mr. Speaker, Amendment #1 becomes the Bill. I would move for the adoption of Amendment #1."

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Speaker Turner: "The Gentleman moves for the adoption of Floor Amendment #1. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Mahoney: "Floor Amendment #2."

Speaker Turner: "The Gentleman from Cook, Speaker Madigan on Amendment #2."

Madigan: "Amendment #2 removes a Section of the Bill which would have mandated the removal of the executive director of the Illinois Finance Authority. I move for the adoption of the Amendment."

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

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair. Regarding Floor Amendment #2, that caught me by surprise. Do you want to debate the Amendment here or do you want to wait until we debate it on Third Reading? I... That's the first I've heard of Floor Amendment #2."

Speaker Turner: "Right."

Black: "Your desire, Mr. Speaker."

Madigan: "We could..."

Black: "We debate the Bill..."

Speaker Turner: "Debate it now."

Black: "...or can we debate the Amendment?"

Madigan: "Mr. Black, I'd make it your choice."

Black: "And in the interest of time with your permission, Mr. Speaker. May I ask the Sponsor a question? Floor

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Amendment #2, as I understand it, removes what I had read about and what I had heard about was one of the key factors of the Fumigation Act. And if the various columnists who wrote about this in yesterday's media were correct, it was a... it was the desire of the Speaker of the House that the head of the Finance Authority be removed from that position. Now, if I understand Floor Amendment #2 correctly, that reverses the wishes of the Speaker of the House from yesterday. Was... what has trans... Excuse me. I shouldn't say that word. Something obviously has changed in the last 24 hours."

Madigan: "This morning in our meeting between the Governor and myself, the Governor represented to me that he'd like to have this language removed from the Bill and he gave me his assurance that Mr. Filan would resign from that job effective July 1, 2009. So, I took the Governor at his word."

Black: "Which I might add is a departure from the last six years."

Madigan: "The new Governor."

Black: "So, in fact... so, in fact, we've made some progress."

Madigan: "We're better than we were."

Black: "Absolutely. So... so, in other words, you think what started out to be a fumigation will eventually happen in a little more than a month and that you are satisfied with what you have been told by Governor Quinn?"

Madigan: "The Governor made it a personal appeal and you should understand that the Governor has had a long time personal friendship with John Filan. I've advised the Governor for

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three to four months to remove Mr. Filan. He's resisted. That was one of the reasons I introduced the Bill and put the language in the Bill. This morning, again, on a very personal level, the Governor made a request, remove the language from the Bill. He gave me his personal assurance that Filan would resign effective July 1, 2009. So, I took the gentleman at his word."

Black: "All right. But this Amendment has no impact on a Bill that we will hear later as to the number of employees that legislation may demand step down?"

Madigan: "The answer is yes."

Black: "Thank you."

Speaker Turner: "Seeing no further questions, the quest... The Lady from Cook, Representative Mulligan, for what reason do you rise?"

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

Speaker Turner: "Indicates he will."

Mulligan: "Speaker Madigan, how do you envision this to work? Is the Governor's Office going to be the sole entity of the 90-day provision and if someone is asked to leave..."

Madigan: "Mr. Speaker, do we wish to adopt..."

Speaker Turner: "That's correct."

Madigan: "...the Amendment and move the Bill to Third Reading?"

Speaker Turner: "Yes, we do."

Madigan: "So, I would move for the adoption of Amendment #2."

Speaker Turner: "Amendment #... The Gentleman moves for the adoption of Floor Amendment #2 to Senate Bill 1333. All those in favor say 'aye'; all those opposed say 'no'. In

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the opinion of the Chair is the 'ayes' have it. And the Amendment's adopted. Further Amendments, Mr. Clerk?"

Clerk Mahoney: "Floor Amendment #3 was filed today, but not approved for consideration. No further Amendments have been approved for consideration."

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

Clerk Mahoney: "Senate Bill 1333, a Bill for an Act concerning government. Third Reading of this Senate Bill."

Speaker Turner: "And on this Bill, the... Representative Mulligan, the Lady from Cook. For what reason do you rise?"

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

Speaker Turner: "And he indicates he will."

Mulligan: "Speaker Madigan, I have some concern about some of the people that may be asked to leave and some I hope are asked to leave, quite frankly. But some of those people who have been around for quite some time and hold positions that are... they're fairly knowledgeable perhaps in how Medicaid works or they're in the midst of maybe doing a trial for somebody, when they're asked to leave, are they going... is it going to be up to Governor's Office what the parameters are out whether they're going to be escorted out or where they're just going to say you're on the termination list. You have 90 days to appeal. Or how would this work particularly with people that, you know, basically are very ethical people. They've been here a long while and hold their jobs because they have an expertise that we can't get from someone else."

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Madigan: "Well, Representative, let me begin by saying that the Bill as currently amended provides for the removal of far fewer people than the Bill as introduced. So, just using rough numbers, the Bill as introduced would have removed about 3 thousand people. The Bill as amended would affect 750 people and the Bill as amended would apply to agency directors, assistant directors, deputy directors, subject to confirmation by the Senate and then, what are called double exempt people in the agencies. That's the extent of the Bill as amended. Let me add, the methodology. So, the Bill would not provide that on the effective date of the Bill people would be thrown out on the street. The Bill would provide that there would be a 90-day grace period where people would remain on the payroll and the Governor would be in a position to do a review of their job performance. During that 90 days, the Governor would have the ability to advise those people that they could continue in state employment or he would have the option and would advise people that they would be terminated from their state employment. If the Governor fails to take any action at the end of the 90 days, then they would be removed by operation of the Bill."

Mulligan: "All right. So, and if they... if it's determined that the Governor's going to review them and stay, my understanding was in the discussion we had in our caucus that... at least I thought that was my understanding... that they would still be serving at their job for the same period of time they were before this occurred. It's not a new appointment; it's just a reappointment of the original

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time frame that they may have been appointed to or until this Governor is not there any longer."

Madigan: "For the people that remain... for the people that remain after the 90-day review period, there's no lapse. There's no change."

Mulligan: "All right."

Madigan: "That's why we drafted it that way."

Mulligan: "All right. And do they have to be reconfirmed by the Senate?"

Madigan: "Some yes and some no. So, there are people that serve as agency directors, deputy directors, assistant directors and pursuant to statute, those positions are subject to the advice and consent of the Senate. Thereafter, there are others not subject to confirmation by the Senate, but they occupy positions which are categorized as double exempt. These are high level people in the agencies."

Mulligan: "All right. I'm just... I'm... my concern isn't for individuals so much as it is for positions that..."

Madigan: "Representative... Representative, I'm sorry. I've just been advised here that in the case of an agency director or others subject to confirmation by the Senate, if the Governor chooses to retain them, then there's no need for them to go through the Senate confirmation again."

Mulligan: "All right. Or he could just not do anything in 90 days and then they would be gone and then... Say there's a director that has not been particularly wonderful in their time, but politically it is not a good thing to remove them. Would just doing nothing in 90 days wouldn't be

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actually removing them, it just wouldn't be acting on it correctly."

Madigan: "They'd be removed by operation of the law."

Mulligan: "Which in some ways may be more advantageous politically for the person that's doing it. My only real concern is people that are in positions of.. they're really very good at what they do as far as maybe negotiating with Medicaid or doing figures or doing something that's important to the operations of the state and the state agency so that there would not be a lapse. When we combined all the agencies under the Department of Professional Regulations, there was such chaos in our offices from people who couldn't get licenses, couldn't get things renewed. I would not want to see that happen again. I would like there to be some continuity of what's happening and who's supervising. Really, I'd like to see them kind of broken apart again to be honest with you and just that the people that are in positions that are crucial to how the state functions, particularly are there and that there's continuity like they're not being walked out and there's somebody there that, if they're going to be gone, they've hired a person of equal caliber that could do that job and that we would still function as a state well. So, that's my only concern. And so, this Bill does not exactly address that. The Governor's Office is the one that would have to handle the machinations of how this would work."

Madigan: "Representative, in terms of the implementation of the statute, why obviously that's something will be done by the Governor and the Governor's Office. Changes were made in

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the Bill at the request of the Governor's Office to facilitate the types of concerns that you've expressed just now. So, a lot of what you've just said was also said by the Governor himself and by people in the Governor's Office. Their concerned with continuity. I wanted to recognize that interest and that desire on their part, but as I said at the beginning, I've advised Governor Quinn from his first day in office that he had to move away from the past and I didn't think he was moving at a good pace and that's why I introduced the Bill to accelerate the pace."

Mulligan: "All right. I understand that. I'm just... in the things that I deal with, particularly in the area of the General Assembly, I deal with the things with the stimulus package and things like that that are important and I want people that know what they're doing to be able to continue to do that work. In my district office where I have people that call me and say, I can't get a business license, I can't get, you know, my nurse's license hasn't been sent back to me, this and that. We've had such confusion at the beginning of this administration and how they did it that I don't want to see that happen again by who they fire. But that's all I wanted to know with... who's the one that runs that and how would it be handled? And then the other thing that we would like, I think, is we would like a list of what positions are included in those that you are considering that he should be looking at to remove, so that we can determine ahead of time what problems is this going to cause either in human services or in my district office;

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what's going to happen here so we have a general outline of how that's going to work. So, is it possible to get a list like that?"

Madigan: "The answer is yes."

Mulligan: "Thank you very much. That's all I wanted to know."

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

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

Speaker Turner: "Indicates he will."

Black: "Representative, this'll go back to a question that I asked you dealing with the Teachers Retirement System and at that time you could not give me an answer that I would prefer... would liked to have had and I understand that. I... I have some serious questions and I have written the Attorney General, I don't yet have a reply. My concern and there was a column in the State Journal-Register yesterday, I believe, written by a professor of law at Kent University. The only thing that really bothers me about this and I'm not bothered by what you're trying to do. Any Legislator here can tell you that some of these departments in the last six years have been totally unresponsive to legislative and constituent needs. However, saying that, are you confident that the General Assembly has the constitutional authority to fire without cause or without due process people who were appointed by the Executive Branch. There are separation of powers that seem to me, under this law we are, if not we're in those lines, we may actually be crossing those lines."

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Madigan: "Mr. Black, you... you would not be surprised if I were to say to you that we're confident in the belief of what we're doing."

Black: "Well, I've never known you to present anything that you weren't fairly confident about, but would you..."

Madigan: "Well, let me hasten to add, that there has been a history where the Legislature, with the signature of the Governor on the Bill, has removed other boards and commissions. So, under the prior Governor..."

Black: "All right."

Madigan: "...why we removed the State Board of Education and the Health Facilities Planning Board, I think, twice and also the Civil Service Commission. It has happened."

Black: "There's some... there something about the Health Facilities Planning Board didn't seem to work, but by virtue of the Governor signing the Bill, perhaps that meets the separation of powers by his acquiescence to an act of the General Assembly, could that... I would assume then that that would be interpreted that the Governor is acquiescing to the General Assembly's law that certain people be dismissed."

Madigan: "Mr. Black, that's a fair interpretation. If that were your answer on a law school examination, I'd give you a good grade."

Black: "We'll talk about that after Session is concluded today. Let me give you two hypothet... well, they're not hypotheticals... both of these calls have come into my district office. One individual who lives in my district has worked 26 years for a department, as I understand it,

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is protected by civil service. Two years ago, in that department, there was a vacant managerial position. Because of his long history and his work habits, his immediate supervisor said why don't... why don't you apply for that. And he said, well, I, after thinking about it, he agreed that he would be interested. He doesn't know what transpired, but he was placed in that position during the former Governor's administration. His concern now is, will I be terminated even though I had 26 years of civil service before I took this managerial position 2 years ago?"

Madigan: "Would you know if he falls into the category of double exempt?"

Black: "His concern is that he might, in the position he now occupies..."

Madigan: "Yeah."

Black: "...but he certainly was not an at-will or exempt employee. He was hired under the system that you and I are familiar with that the CMS 100, the test, all of the questions and so forth and was hired and did have civil service protection."

Madigan: "Right."

Black: "He just wanted... his concern is, have I given up 26... actually 28... years of creditable service because I did take a managerial appointment two years ago."

Madigan: "The best answer I can give is to say that there are some employees of the state that are classified as protected under the Rutan order. At the same time, some of those people are actually members of the collective

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bargaining unit. And I've been advised that some of those people actually have civil service protection. And so what we learned in researching this issue is that all of these categories get to be pretty much of a mixed bag and what we were able to settle on with certainty was that for those that are double exempt, double exempt, they're going to be subject to this Bill. And I would think that people that are double exempt should be considered as high level policy people or managers within the state agencies and they ought to be subject to removal by a Governor."

Black: "In other words, those people would be categorized as political appointees, a category that the former Governor, as I recall, expanded by..."

Madigan: "Yeah."

Black: "...maybe more than 200. So..."

Madigan: "The... the answer is yes."

Black: "Okay. Now, in the case of my constituent and then there was another lady who has been appointed to a position, again, not a policy director, but it has been an appointment since the Thompson administration. Every subsequent Governor has reappointed her to her position. She is not in a bargaining unit, but she is not a director, assistant director or any of those. She called and said, and by the way, my office works with her on an almost daily basis and she's an exemplary employee, she's concerned that she might be subject to dismissal since she didn't go through the personnel process many years ago."

Madigan: "Did you say that she predated Ryan, but got..."

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Black: "Yes. She was initially hired under the Thompson administration."

Madigan: "Did she get promotions under Ryan, do you know?"

Black: "She may have; I don't know. I can check. She's a..."

Madigan: "So..."

Black: "She's..."

Madigan: "...so ..."

Black: "...just one..."

Madigan: "...one answer I can... one answer I can give you is that if people were hired in these positions prior to Ryan, they're not affected by the Bill."

Black: "Okay. So, in summation, in your opinion, 'cause I really had a problem with the ITRS and I still am not totally comfortable with that because I think the gentleman in question simply had no due process and I know you hold that to be a very important right, as do I. Is the due process segment in this Bill where the Governor could reappoint them if he chooses to do so?"

Madigan: "I missed part of your statement..."

Black: "Well, he..."

Madigan: "...but the part that talked in terms of Quinn being able to reappoint people is true."

Black: "So, if they had... they felt they had a strong case, a credible record, they could then apply to Governor Quinn for reappointment, stating their work history if Governor Quinn feels that they, in fact... well, let's just use the language that we use outside the chamber... if, in fact, they were not a political hack but somebody who gave value to

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their position, then he has the ability to say I am going to keep you in your position."

Madigan: "The answer is yes."

Black: "All right. So, there would be a modicum then of due process?"

Madigan: "The answer is yes."

Black: "Thank you very much."

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

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

Speaker Turner: "Indicates he will."

Madigan: "Yes."

Collins: "Can the Governor already fire all these people?"

Madigan: "Yes."

Collins: "So, particularly I'm talking about the employees. If he can already fire them, then why do we include them in the Bill?"

Madigan: "Because as I said, I had advised Governor Quinn to be about the business of changing the government, fumigating the government. And I told him on several occasions I had become impatient with the slow pace of change, and therefore, I filed the Bill to accelerate the change, accelerate the pace of change."

Collins: "And so, do you think he's going to have the staff ready and available to still get rid of these people in time..."

Madigan: "Aft..."

Collins: "...or to reinterview the people?"

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Madigan: "After we amended the Bill, they were comfortable that they could handle this assignment."

Collins: "Okay. Because most of the... positions... I know before Governor Blagojevich left he had made a lot these positions, the double exempt and political appointee positions, at-will positions. So, that means that the Governor Quinn could just go in today and say, you're gone, for no particular reason. And so, because he didn't do that, you want to accelerate the process."

Madigan: "That's correct."

Collins: "And so, is that going to be fair to the deputy directors or like Representative Black was saying, like some of the people worked through the ranks and they were promoted and promoted and promoted and they may have been promoted under Governor Blagojevich and under Governor Ryan, but they had been in these positions... been in similar positions like they worked in one position and were promoted to another position and another position and another position and so, these people are afraid. They've been calling, you know, so most of the agencies have already given out the names of the people who are going to be terminated. So, all of those people are now calling our offices saying am I going to be fired, because maybe they had something to do... do with the Governor, but they were mostly Democrat and they worked in these positions and they've been there for a long time. So, why... I don't know why we won't allow the Governor to choose the people or why we're putting all these people on a list and have everybody

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in such a panic that they're going to go before...  
beforehand. I'm trying to figure it out."

Madigan: "When you talk in terms of people being terminated, I think it's better to talk in terms of people being reviewed, reviewed."

Collins: "So, do we know the review process at this point? Has the Governor given you a plan how he's going to review each employee?"

Madigan: "Not to my knowledge, but we have to wait for the Governor to sign the Bill."

Collins: "Mmm mmm."

Madigan: "After he signs the Bill, he has 90 days to complete the review and I would say, again, that we made changes in this Bill at the request of the Governor. And at the end of the day, they told me that they were comfortable that they could handle the job, especially because in the beginning it was going to be a 60-day review, but the Amendment makes it a 90-day review. And again, that was at their request."

Collins: "All right. Well, do you think he would give us that review process before we pass the Bill?"

Madigan: "I think if you were to talk with any of his people in terms of how they plan to proceed, they'd be more than anxious to tell you how they would do it. I would presume they would go to the agency directors first, make a judgment as to whether to retain them, and then direct the agency director to review all of the employees and come into the Governor's Office with a set of recommendations. Do you wish to continue these people or do you not? It's

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pretty close to what would happen with a new administration. Had there been an election and a new Governor, it's pretty much what a new Governor would do."

Collins: "I know, but that's... that's the whole point. Because he's not a... it is a new Governor, but it's not within their term. So, a lot of the people are still looking for 2 years and with the economic crisis right now people are very concerned about trying to find something otherwise. They wouldn't probably start looking today, because they figure they would have another two years to go. So, but thank you."

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

Eddy: "Thank you. Will the Sponsor yield? Mr. Speaker, how does this affect the State Board of Education?"

Madigan: "The board would be removed."

Eddy: "And would... would the current members be able to be reappointed by the Governor?"

Madigan: "The answer is yes."

Eddy: "Does their removal take place in any order that's similar to the removal of the employees?"

Madigan: "If this board... this board will be removed immediately and then... and they would go into a holdover status. And the Bill further provides that we're going to take this board back to the way it was where there would be staggered terms, so that a Governor would not be able to appoint the entire board during one term."

Eddy: "So, the... the... earlier this spring we had a Bill that Representative Lang, I think it was House Bill 80, that I

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think part of that intent was to do just that to... to make sure that a Governor could not, through the appointment process, any... any... during one term, appoint a majority of the board. And this, the staggered terms, the appointments that are allowed here, would take care of that issue."

Madigan: "The answer is yes."

Eddy: "Okay. Just for process... trying to... if there... upon signage of this Bill, the... all of the current board members are terminated and the Governor could reappoint them temporarily and then take applications for board members and they would then be through the process in the normal manner that we've always done board members."

Madigan: "The answer is yes."

Eddy: "Okay. There's no nominating panel. It's just the Governor choosing them and... Okay."

Madigan: "The answer is yes."

Eddy: "Yeah. That's... that's... Now, what about the state superintendent of schools? Is the state superintendent's employment affected by this Act?"

Madigan: "The answer is that the current chief educational officer would not be affected by the Bill, but there's another section in the Bill which is significant which would say that during the ninth... the last nine months of a Governor's term the State Board of Education could not enter into a long-term contract with the chief educational officer. They'd be required to wait until a new Governor came into office."

Eddy: "Okay. So, that would give the new Governor the opportunity to appoint or to work with the board because he

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wouldn't have the same kind of control over the board that he has now by appointment process to kind of name... and I think that's significant for another reason. Earlier this spring, we... we gave the Governor appointment power to the TRS board. We changed the number and I believe he was given 6 appointments for that board on a 13-member board, if I remember correctly. And I was concerned at the time that the seventh person on that board was the State Superintendent of Schools and that appointment under the constitution of the board right now, actually was so controlled by the Governor that the TRS board control kind of had a 7-member appointment. So, this takes care of that concern."

Madigan: "I think you're right."

Eddy: "Okay. The final question I have and I... and I... I have heard e-mails and I've had people call me, here's their major issue, Mr. Speaker. This is the Governor's job. It's his responsibility to choose who heads the departments, who is in charge of... of certain parts of State Government and I think everybody agrees that there needs to be a major change in at least the perception that people have about how those people who are running State Government got into those positions, no question about that. But a lot of people believe that the Governor is the person that should be responsible for that. You've made the statement that this Governor is serving under extraordinary circumstances, which is obviously true."

Madigan: "Right."

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Eddy: "Is the Governor, in your estimation at this point, comfortable with the due process that those individuals will receive during that review process and comfortable with this as the process to change that perception?"

Madigan: "He's agreed to the Bill. I mean, he and I personally discussed and negotiated the Bill. And he's agreed to the Bill."

Eddy: "So... Okay. And I think that answers it, at least for the people that are calling me. They want to know if the Governor is the Governor. Is the Governor making these decisions? And my answer is that he's being nudged. I mean, there's certainly a little bit of a nudge there to get it done, but at the end of the day, the Governor... the Governor on these... on these employees that are being dismissed, has the ability to reemploy, reappoint, but he starts with that clean slate that I think everybody... most people, not everyone, feel is necessary in this situation to kind of remove this cloud."

Madigan: "You said it real well."

Eddy: "Thank you, Mr. Speaker."

Madigan: "Thanks for your support."

Eddy: "Thank you."

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

Davis, W.: "Thank you, Mr. Speaker. Will Speaker Madigan yield?"

Speaker Turner: "Indicates he will."

Davis, W.: "Thank you. Mr. Speaker, I've listened to the debate on this issue and... and some of my questions were

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asked and answered earlier, but I do have just a couple of more and I'll be extremely brief. One was asked about why the General Assembly is doing this versus allowing the Governor to just do this in his own way. And your response, if I understood you correctly, was that... that it wasn't... it wasn't moving fast enough for lack of a better way of putting it. Is that correct, that you wanted this to happen in a more expeditious manner?"

Madigan: "That's correct."

Davis, W.: "Is it possible that the Governor, if he wanted to do this, could have done this by way of his executive authority through an Executive Order?"

Madigan: "The answer is yes."

Davis, W.: "Do you happen to know why he chose to allow the Legislature to do it instead of doing it himself?"

Madigan: "I wouldn't want to... I wouldn't want to speak for the Governor in that regard. I mean, I can tell you that I talked to the Governor on numerous occasions about fumigation of the government..."

Davis, W.: "Mmm mmm."

Madigan: "...and a very slow pace and he was advised before I introduced the Bill that I was going to introduce the Bill. And as I said, he and I have personally discussed and negotiated the Bill and he agrees to the Bill."

Davis, W.: "Okay. Why I understand he agrees with it, but again, that's just ultimately my... my concern is why he chose... well, and we don't know that, but it's seemingly... seems like he chose not to do this and to allow the Legislature to do it. So, moving on, in your estimation

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that this process wasn't moving fast enough, in your conversations with the Governor did you express to him or say to him in any way that upon his hiring of newer.. or new state employees or maybe even rehiring a former employees that those hiring practices need to in some way reflect the diversity of the State of Illinois in any way?"

Madigan: "Well, I think that's a good point and I would.. I would state that I think the Governor would agree with that."

Davis, W.: "You think he would agree with that?"

Madigan: "I do."

Davis, W.: "Okay. And there's no process as you know it that.. that will allow members if they wanted to make recommendations to him for employees of the state that would give him the opportunity to vet and to review those in the manner in which he seems fit?"

Madigan: "Based on my experience with Governor Quinn, I think he's interested in recommendations."

Davis, W.: "You think he's interested?"

Madigan: "I do."

Davis, W.: "Okay. And my last point. This, what you're attempting to do here in terms of the date.. time line that I saw, it dates back to 1999 employees that were hired after some date in 1999, if I read correctly?"

Madigan: "That's designed to apply to people hired by Governor Ryan and Governor Blagojevich."

Davis, W.: "Governor Ryan and Governor Blagojevich?"

Madigan: "Right."

Davis, W.: "Okay. Thank you very much."

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

Franks: "Thank you, Mr. Speaker. I'd like to speak to the Bill."

Speaker Turner: "...Bill."

Franks: "Thank you. I'd like to commend Speaker Madigan for bringing this Bill forward. I've heard some of the debate and some of the questions and I think we really just have to get down to the reality of what the people of Illinois have been facing for the last 10 years. Former Governor Ryan was convicted of criminal actions while... while in office. Our previous Governor was impeached. The first Governor for that to happen here in the State of Illinois and he was also indicted. And the impeachment was a good first step in cleaning up State Government, but by no means was it the culmination. And frankly, how do we change government and change the culture of corruption if all the players are the same? Nothing's changing. So, the Speaker has taken an extraordinary step and a bold step to help clean up State Government, something that we desperately need to do and this Bill goes a long way to do it. We had hearings in my committee, in State Government Administration and many of the issues that we just passed dealing with pay-to-play and other things that the previous administration had done and then we also had hearings recently on some of the holdovers from the previous administration. It's good for this Governor now to have the ability to determine whether those folks that are there are the people who are best suited for the job. Many of

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these people who got these jobs, let's be entirely frank, did not get them based on merit, but on rather who they knew, not what they knew. So, I think it's appropriate now for this Governor to have the ability to review, to determine whether those individuals are the best qualified. Perhaps they are, perhaps they're not. But I don't think anyone can be offended when they know that these folks got the job based on their political connections and it's time that we reevaluate that and all of them should be reviewed and I think it's great that they will all be let... having the opportunity. They all have the opportunity to be reappointed, if the Governor so chooses. But this is a Bill that's long overdue and I appreciate the Speaker for bringing this forward and I hope that we receive a unanimous vote on this."

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

Dunkin: "Will the Speaker inquire? Yield for questions, then?"

Speaker Turner: "He will."

Dunkin: "Thank you. Representative, Mr. Speaker. Yes, my question is on some of the technical aspects of those individuals who may not be with us. Have we... is there a... is there a contingency plan, for example, those in the Department of Public Health who are technical experts who may have been appointed by the Governor to... can we... is there a backfill for some of these technical experts, for example, in IEMA or the Illinois Emergency Management Agency, if there was a crises of sort. If there was so... for example, the swine flu pandemic is sup... out of... If

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there's a severe swine flu case or large pandemic that were to hit a certain part of this state, would we be able to technically handle that type of catastrophic event, technically?"

Madigan: "Mr. Dunkin, my expectation is that as Governor Quinn does his 90-day review of all of these double exempt people that he would be, like you, concerned about matters of public health and that he clearly would want qualified people in those positions. I know of no reason why he would not want quality people in high level sensitive positions."

Dunkin: "Sure. Well, clearly, all of us would want that type of expertise or those individuals with that expertise. I just want to make sure that we are making sure that those gaps are nonexistent and that we don't sort of... string ourselves out there with some of the scientists and some of the health care professionals who are very adept at helping out populations when it comes... when there's a catastrophic scenario that may hit our respective state. And so, just for clarification, every single employee that would be asked to leave or resign, they would have an opportunity to reapply for those positions?"

Madigan: "The answer is yes."

Dunkin: "And the Governor's comfortable with that?"

Madigan: "Yes. As I said, he and I have personally discussed and negotiated the Bill and he's agreed to the Bill."

Dunkin: "Thank you."

Speaker Turner: "Speaker Madigan to close."

Madigan: "Thank you, Mr. Speaker."

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Speaker Turner: "I'm sorry. Mr. Speaker, there's one more question. The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I just want to say that I certainly commend the Speaker for bringing this Bill forward. As Legislators, we need to be able to work with people who truly have the best interests in the running of government at heart. I requested some information from the State Board of Education and this is how I received that information and I have to put three sheets across to read it. Now, we know with computers this information could be provided perhaps on one sheet of paper, but it's really a disrespect for the Legislators and the legislative process. I've been here 22 years. Normally, an agency, when you request information, they provide it on a timely basis. They try to provide it on an easily read document, but to give me four sheets of paper, that I have to figure out which goes in front of the other, is a bit unfair. And I believe that Governor Quinn will perhaps review the employees and make sure they want to work with this government and not punish. Some people still have a degree of anger because the person who brought them in is no longer here and their obvious attempt to thwart our job is really unnerving. Thank you, Mr. Speaker. I vote 'aye'."

Speaker Turner: "The Gentleman from Cook, Speaker Madigan to close."

Madigan: "Mr. Speaker and Ladies and Gentlemen, we've had a very good discussion of this Bill. It's relatively simple. It provides that Governor Quinn will have his pace of

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review of high level people in State Government accelerated. It doesn't change any of his authority. It provides that there'll be a good scrutiny by Governor Quinn. Where people have already been confirmed by the Senate, they will not be required to go through Senate confirmation, but if the Governor chooses to change, in a board subject to advice and consent of the Senate, then naturally, they'll have to go before the Senate for their confirmation. I would recommend an 'aye' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 1333?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', and 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Is Representative Mautino around? On page 4 of the Calendar, we have Senate Bill 1335. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1335, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

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

Mautino: "Thank you. 1335 is a... an agreed Bill with the Trial Lawyers Association. We've been doing this for a... a long time now. We finally reached agreement. This would limit liability for bowling alleys, very similar to what we currently do for roller skating rinks. Be happy to answer any question."

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Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 1335?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take... Berrios. The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Is Representative Bradley around? In the meantime, the Lady from Cook, Representative Mulligan, for what reason do you rise?"

Mulligan: "Thank you, Mr. Speaker. An inquiry of the Chair which we inquired or someone inquired yesterday. Once again, we had a very interesting Bill that just came up that the title underneath it on the screen had nothing to do with the Bill. I would like some direction as to where in the House Rules it says that we cannot change the title to reflect the substance of the Bill. My understanding is they're doing it in the Senate already and I don't understand why we can't do that. It seems to me to be a mischaracterization of what's in Bills particularly when people look them up in years past and in coming years and it certainly isn't a good direction for the public to be able to tell what they're looking for in any kind of category. So, I think that most of the Sponsors of the Bills are proud of what's in their Bill and would probably agree with me that what the title says underneath should reflect actually what's in their Bill. The last one was Torrens titles and lead paint and it was about bowling

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alleys, certainly a prime example of why they're not even close. Most of the ethics Bills we just did all had veterans things on them. So, could someone please get back to me and direct me where in the House Rules or in Illinois law it says we cannot make those sufficient for what's actually in the Bill."

Speaker Turner: "Your point is well-taken, Representative and we will put that under review. And it does make sense, but this has been the practice in the House. We've not changed titles, but we will take a look at it. Representative Bradley, on page 5 of the Calendar, we have Senate Bill 1975. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1975, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Cook... I mean, the Gentleman from Williamson, Representative Bradley."

Bradley: "This is a pretty complicated tax issue. Basically, what it says is, as a result of legislation that we passed last year regarding reforming real estate investment trusts that under this proposal we would do an additional modification of that so that if a REIT was going to have a corporation involved in it, that it would have to be 50 percent owned by some other corporation. So, there were some... I don't know if games are the right word... but some maneuvering going on and this is an attempt to stop that. I'd ask for an 'aye' vote."

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

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

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Speaker Turner: "Indicates he will."

Franks: "John, I know we talked about this last time..."

Bradley: "We went through this last year."

Franks: "Right. I'm just a little concerned on what..."

Bradley: "I don't intend to answer your questions, by the way."

Franks: "Jack, please, please. I'm not sure I understand the rationale and I'm not... and hope that you..."

Bradley: "There was... there was a definitional problem that this changes that to expand the definition. And then, also, there was some corporations that were completely owning other corporations and this would limit that ability to do that. That's all this does."

Franks: "Let me ask one question. In our analysis and perhaps our analysis is incorrect, it indicates that the Bill provides that a REIT with the majority shareholder that is an entity organized outside of the laws of the United States would qualify for the deduction if they... if they meet five cross sections."

Bradley: "If they meet the other criteria."

Franks: "Okay. And then has this been... are other states doing this?"

Bradley: "I can't answer that."

Franks: "'Cause I just... I just don't know."

Bradley: "I only worry about Illinois."

Franks: "Okay. I don't understand this either. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 1975?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all

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voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mendoza, we have Senate Bill 2026. Representative Mendoza, we have Senate Bill 2026. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2026, a Bill for an Act concerning criminal law. Third Reading."

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

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Amendment #1 becomes the Bill and it changes the eavesdropping exemption provided in the underlying Bill to allow for the use of an eavesdropping device during an ongoing hostage or barricade situation. It's a very narrowly drafted Bill that applies to emergency situations for the purpose of protection and not for an expansive... anything more expansive than that. Really, only to be used in the case of someone being taken hostage or an individual barricading himself in a situation where law enforcement needs to respond. I would ask for an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate... The Lady from Cook, Representative Monique Davis, for what reason do you rise?'"

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

Speaker Turner: "She indicates she will."

Davis, M.: "Why is the state's attorney opposed to your Bill?"

Mendoza: "The state's attorney is not opposed to my Bill. They slipped in favor. I think it's a mistake on the..."

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Davis, M.: "So, there's a mistake on this, huh?"

Mendoza: "Yeah. They're in favor of this. There's no opposition that I know of to this Bill."

Davis, M.: "Okay. Thank you. Thank you, Mr. Speaker."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 2026?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 6 of the Calendar, Representative Jakobsson, we have Senate Bill 2180. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2180, a Bill for an Act concerning novelty lighters. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Champaign, Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. I bring 2180 which creates the Retail Sale and Distribution of Novelty Lighters Prohibition Act. As we've discussed earlier, the Act prohibits the sale or distribution of novelty lighters in the state and violators of the Act can be fined up to \$500 for each offense. The Bill still allows the transportation of novelty lighters through the state and the storage of such lighters in a warehouse or a distributing center in the state that's closed to the public for retail sale and it makes exclusion for these. It also excludes lighters manufactured before January 1, 1980 or a lighter lacking

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fuel or a device necessary to produce combustion or a flame."

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

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

Speaker Turner: "Indicates she will."

Fritchey: "Representative, were there any Amendments added on to this Bill since the last time you brought it?"

Jakobsson: "I'm sorry. I didn't hear your question."

Fritchey: "Were there any Amendments added on to this Bill since the last time you brought it before this Body a few days ago?"

Jakobsson: "No, I didn't add any Amendments."

Fritchey: "We... I appreciate that, Speaker. I was under the impression, and I talked with one of the proponents or the lobbyists for this Bill. But based on my conversation with yourself and your staffer, I was under the impression that an Amendment was going to be offered addressing some of the issues that were raised by myself, Representative Black, I believe, Representative Dunkin, et cetera. What happened to that?"

Jakobsson: "I had decided to move ahead with the Bill the way it is written..."

Fritchey: "Why?"

Jakobsson: "...in consultation with some of the proponents of the Bill. And also, one of the reasons, novelty lighters don't meet federal standards."

Fritchey: "That... that really had nothing to do with what we discussed. Let me ask you a quick question or two and then

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just get to the Bill. It states in the findings that, you know, the setting of fires by juveniles has been identified as the fastest growing fire threat, more than 300 people killed annually, correct? Do you have any statistics on how many of those fires were started with matches or were started with regular lighters as opposed to novelty lighters?"

Jakobsson: "I don't have that information. The important thing is to make fewer possibilities available."

Fritchey: "Well, in that case, you could eliminate distribution and sale of matches and lighters altogether. You put a statistic in there that is, I'm not going to say intentionally misleading, but it is misleading. Mr. Speaker, I don't have a... Mr. Speaker, it's early here, but I still don't have much of a voice. Can I just get a little bit of quiet in here. I don't... I don't have it in me to yell."

Speaker Turner: "Ladies and Gentlemen, can I have your attention, please? Could we just tone the noise down just a little bit. It makes it a lot easier and maybe some of the questions wouldn't get asked a second and third time, if we'd listen."

Fritchey: "Well, I..."

Speaker Turner: "So, if we could just have some order in the chamber, please."

Fritchey: "I don't know if I feel better or worse, 'cause you're not getting more attention than I am, Speaker. Ladies and Gentlemen, to... to... to the Bill. Yeah, we deal with a lot of Bills every year. We deal with a lot of

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Bills at a rapid pace this time of year. We have to recognize that every Bill's important in its own way. Ladies and Gentlemen, this law... this legislation and I mean no disrespect to whoever drafted it, is egregiously poorly drafted. Not only is it poorly drafted in the definition, it is poorly drafted as far as there is a complete misunderstanding as to who is on the hook for a violation of this. Is it the owner of the business? Is it the owner... is it the store clerk that's going to be penalized \$500 for selling a lighter that may or may not be a novelty lighter because they don't know and this law doesn't define it. Just some of the examples I gave before was that a Speed Racer lighter would be illegal. An Elvis Presley lighter would be not... would not be illegal. A lighter that looked like Scooby-Doo would be illegal. A lighter that looked like a German Shepherd would not be illegal. We are going to criminalize something, we don't know why. The intention of keeping attractive, potentially deadly devices out of the hands of children is a laudable one. But if we are going to start to tell people that adults cannot buy lighters because they may or may not give it to a child, is a goofy policy. I wish I had a more eloquent way to put that. It's not just goofy; it's actually a dangerous precedent to set. They will tell you now, well, if you want, you can go an buy the lighter as long as it's empty and then fill it separately. This... You know what, I don't want to take the Body's time. Ladies and Gentlemen, I would hope that you would take the time and look at this. We are telling, by law, that adults cannot buy a product

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that could potentially be dangerous, but can also be used for everything from lighting your cigarette or cigar to whatever else you're going to use a lighter for. This is a horrendous policy. If you're concerned about a nanny state, if you're concerned about government overreaching, if you're concerned about poorly drafted legislation, you know, this thing hits the trifecta. I... I mean none of this as a disrespect to the Sponsor. I thought she was going to limit this to do not sell these lighters to minors. That's a Bill that would make a lot of sense, I would be thrilled to cosponsor and do whatever I could to get it passed. If we want to keep these out of the hands of kids, that's fine. That's not what this Bill does. This Bill would say that none of us could go in and buy a lighter that looked like a NASCAR figure, whatever it may be. I don't believe that it furthers the goal of the proponents of the Bill. I don't believe that it is enforceable the way that it's drafted. We don't know who the potential violators would be. We don't know which products would and would not violate the Bill. I've seen a lot of bad Bills get passed while I've been here. More and more, all I can try to do is raise the attention of the Body. For better or worse here, I think my effectiveness is waning on this and the Bill'll probably get 80 votes. It does not deserve 60 votes, Ladies and Gentlemen. Take your job seriously. Take a look at how the Bill is drafted. There is a big, big difference between a good intention and a good piece of legislation. This is one, but it's definitely not the other. I urge a 'no' vote."

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

Rose: "Will the Lady yield for some questions, please?"

Speaker Turner: "Indicates she will."

Rose: "Representative, I... I... Does this ban matches?"

Jakobsson: "No."

Rose: "What if I put a little picture of Mickey Mouse on the matchbook, would that ban the match?"

Jakobsson: "No."

Rose: "No?"

Jakobsson: "We're talking about lighters that do not meet federal regulations. Lighters that meet federal regulations..."

Rose: "But I could burn my house down with a matchbook, with say, I don't know, who's that little Mighty Mouse..."

Jakobsson: "That's not part of this Bill and if you want to keep matches around where your children can get them, I guess that's your prerogative."

Rose: "But... but if I could so... so, if I could keep the matches around my kids and let them burn the house down but not a lighter with a similar Mickey Mouse thing on it. Well, let me ask one... let me ask you this, if my house burns down, does it really matter if it's matches or a lighter?"

Jakobsson: "Matches are not part of this Bill. That's not the issue. The issue with this Bill is that these lighters do not meet federal regulations. It doesn't matter what character they look like. The fact is they don't meet federal regulations. They should be banned from sale in the State of Illinois."

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Rose: "Well, Representative, I..."

Jakobsson: "Just as they are already banned in two other states."

Rose: "In two other states."

Jakobsson: "And other states are working on this, but Maine and Tennessee have already banned these."

Rose: "I mean, eventually we're going to run out of things to ban. I mean, at some point in time, common sense and personal responsibility has to enter into this, right, Representative?"

Jakobsson: "This is common sense, Representative."

Rose: "It is?"

Jakobsson: "Yes."

Rose: "Well, it looks to me like nanny state to me."

Jakobsson: "Novelty lighters are very attractive to..."

Rose: "To children. Just like matches with Mickey Mouse on them. Is that what you're going to say?"

Jakobsson: "They're attractive and in order for lighters to meet federal regulations, they have to have at least two operations to make them create a flame. Novelty lighters don't have that. They don't meet federal regulations. That's the importance of this Bill."

Rose: "Well, then why don't we just put in a two-trigger provision? I mean, to me it doesn't... I mean, Representative, in all... in all seriousness and quite frankly, fairness to the citizens of Illinois, it doesn't matter one wit if the picture on it is Mickey Mouse or Clint Eastwood. Well, apparently to Jerry Mitchell it matters as he shouts out, yes, it does, but in any event,

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it's still all fire and I guess, I don't know what the point is. I mean, so what if it's got a flashing light on it or not a flashing light. I mean, this makes no sense. The bottom line... to the Bill. At some point in time, people have to be responsible for their own actions. This is classic nanny-state stuff and we do them every year. Where's our hand-washing Bill to make all the kids wash their hands again. Wouldn't do it. Teachers, teachers, kids aren't... kids are going to the bathroom without washing their hands. Look out, look out. Oh my God, it's the end of the world, the sky's falling. Why on earth... why on earth are we considering this at this hour? This is absolutely silly. I mean, Representative, I want you to put in next to ban... I'm serious... ban the matches. Ban steak knives while you're at it. Ban baseball bats. Where was the Bill... remember the Bill a few years ago to ban aluminum baseball bats? Remember that one. Hey, I got it. Let's ban foie gras. Oh, wait a minute, Chicago did that didn't they. I was just reminded by my seatmate that even the City of Chicago overbanned... overturned that nanny-state ban. There ain't going to be anything left to ban here pretty soon."

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

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

Speaker Turner: "She indicates she will."

Black: "Yes. Representative, in the days of my misspent youth, many, many years ago when I was a college student, I... I

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went to a... a place that served something other than Diet Pepsi, didn't know that when I went in, it was called the Inferno Lounge. It's a true story, honestly, true story. It was owned by... it was on 14th street, as I recall, in Kansas City, Missouri, owned by a gentleman by the name of Scoots Scuderio. Now, Scoots had a pretty good deal. The waitresses in this... I don't know... ale house or whatever it was, they were dressed like little devils. And at the time, being a very suave and sophisticated college student I smoked a pipe and I was trying to get my pipe lit and the waitress... now, this is honest to heavens true... I'm telling you. I'll take a polygraph. She came up and she had this little devil costume on and she grabbed her tail, she had a tail on this costume, and she grabbed that tail and I didn't know what was going on and I recoiled, but in the... in her tail was a cigarette lighter. Well, I, being from a small town, I'd never seen that. And so, she lit my pipe, lit a couple other things, too, but I'm not going there. Hey, you find cheap thrills where you can, all right. Would that be a novelty lighter? If she... if she in the meantime, I'm sure she's retired now, because she would be older than I am. This is years and years ago. If she'd cut that tail off of that costume and was selling that lighter on eBay, would that be a novelty lighter?"

Jakobsson: "We're talking about novelty lighters that don't meet federal regulations. Representative Black, I can't speak to you."

Black: "I don't think this made any regulation at all, I'll tell you. I never told my mom and dad about this story."

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Jakobsson: "Well, that's between you and them."

Black: "That was one of the biggest novelties I've ever seen.

All right. On a more serious nature, now that I've... now that I've given you ammunition for direct mail in my next campaign... On a serious note, I have a novelty lighter... Well, I assume it's a novelty lighter that I think my... my late father brought home from... hello. I'm sorry I said anything about the lighter in your tail. I had no idea. He brought back a model of a .45 caliber pistol that I believe they used during World War II. And you pulled the trigger and the light comes out of... of the like the cartridge chamber and not that my dad ever smoked, my mother did, that's still around the house somewhere. Now, that's an antique. Really is an antique, in fact, I think it says made in Japan. Could I sell that on eBay and not risk getting a fine?"

Jakobsson: "You're not a retailer that I know..."

Black: "And so..."

Jakobsson: "Are you a retailer?"

Black: "Am I in the Bill?"

Jakobsson: "Are you a retailer?"

Black: "Am I a retailer?"

Jakobsson: "This creates the retail sale..."

Black: "I'm a ding-dong daddy from Danville, but I don't know if I'm a retailer."

Jakobsson: "There's an exclusion for antique lighters, those that were manufactured before January 1, 1980."

Black: "All right. So, I could sell, if indeed it's an antique, and there were many of those built right after

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World War II, then that would not... as long as I didn't sell it at retail. If I didn't go to somebody like in a consignment shop, but I wanted to sell it on eBay or a flea market, I'm free to do that, correct?"

Jakobsson: "Yes."

Black: "Okay. All right. Wouldn't it be easier to put language in here that just says any lighter that doesn't have a dual-switch function could not be sold? I think the definition of novelty may create some problems because you talk about a novelty, I mean, here's Matt Paprocki, a novelty on our staff, but as far as I know, fire doesn't come out of any part of his body."

Jakobsson: "Is he for sale?"

Black: "Well, Representative, you'll have to take that up with him. Don't get me in the middle of this. There's a name for people like that."

Jakobsson: "You brought it up."

Black: "Oh, well. No, he'll come over and talk to you later. Is... is there a definition, a clear-cut definition, of novelty?"

Jakobsson: "There's a definition in the Bill. A novelty lighter is defined as a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes. It's designed to appear to be a toy, such as a flashing light or makes musical sounds."

Black: "Okay."

Jakobsson: "And the point of this is, Representative, that these novelty lighters do not meet federal regulations and

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therefore, they should be banned from sale in the State of Illinois."

Black: "Well, under the new Presidential regulations, my automobile doesn't meet federal standards. It doesn't get high enough gas mileage, but I'm not sure I'm ready to ban it."

Jakobsson: "This isn't talking about automobiles."

Black: "It would just seem to me that the federal ban and as God is my witness, I did not know the Federal Government regulated cigarette lighters. It would just seem to me that a definition could be more clearly reached. Evidently, the federal ban must have something to do... I'm not a smoker... but I know those who are, you have to put down one lever and then push another lever simultaneous... Hey..."

Speaker Turner: "Give the Gentleman some more time, but the time had expired."

Black: "I expired? Oh, my time expired."

Speaker Turner: "Proceed."

Black: "I... I'm really not trying to harass you. I... I'm just trying to have a little fun 'cause, quite frankly, my feet hurt and so does my back. But I would think, in all seriousness, Representative, I don't know what the federal ban is. I have... think it has something to do that it doesn't have a double action. And it would seem to me that the easiest thing to do would be just to adopt the federal standard. The fine seems a little excessive. But I agree, I don't want my grandchildren playing with lighters or matches or anything else. But it would just seem like

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maybe we should have just adopted the federal standards, whatever those may be. And Mr. Speaker, may I just simply say thank you for the additional time and I do not regard you as a novelty in any way, shape, or form."

Speaker Turner: "We want to light your fire, Buddy."

Black: "OOO."

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

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

Speaker Turner: "She indicates she will."

Cole: "Representative Jakobsson, I, too, along with Representative Fritchey, was under the impression that there were going to be some Amendments to this Bill and then I'd be more comfortable. At this particular point, I can't vote for it. And if I could have the indulgence of the Chair, I'd like to show you that I do have one of these novelty lighters, the one that is illegal in the United States. I'll do a little demonstration. The lid comes off, it blinks, and when you light it, it stays lit. This is illegal according to the Federal Government. It's a novelty lighter."

Speaker Turner: "Order."

Cole: "Already."

Speaker Turner: "Order, please."

Cole: "I purchased this online. I couldn't find one in my area in Lake County. I had to go online and buy this. And as a mother, this was... I find this in my 13- or 14-year-old's pocket. I take it out before I did the laundry and I would be concerned because I would take something like this and

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I'd say, oh, great. I'd put it back on his dresser and then his five-year-old sister would grab it and she'd... And I'm not so concerned that my 14-year-old... what he's using this for, but I know inadvertently as a parent I'd probably do this. But I have another lighter that does meet federal standards. As you can see, it's a novelty lighter, looks like a little race car, but this one has a dual-action lighter that when you let go it goes out. So, you've got two different... Both of these lighters, according to your Bill, would be illegal and yet this one does meet the federal standards. So, I agree with the previous speakers that this Bill is not ready to be voted on for a law. This would be a great Resolution. It would be a great starting point for a task force to come up with the proper language. But when half of the Bill is simply on the findings of how many fires are caused by children, I think we could do a better job of amending this Bill to make sure that 18-year-olds... anyone under 18 can't buy a lighter, just like they can't buy cigarettes and better define the provisions of the Bill. The intent is good, but I think the Bill's not ready. And I would urge a 'no' vote."

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

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

Speaker Turner: "The Gentleman moves the previous question. And the previous question will be put. All those in favor say 'aye'. The 'ayes' have it. Representative Jakobsson to close."

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Jakobsson: "Thank you, Mr. Speaker. The point of this Bill is that these lighters do not meet federal standards and I was glad to hear that at least one of the Representatives listened the other day when I talked about lighters that do meet federal standards needing at least two mechanical... they have to do at least two things to get it to light. The problem is not who buys... who buys the toy or brings the toy lighter home. The problem is when it gets home the kids find them. Things like play... like that play... a toy that emits fire are just dangerous. They're a great temptation to a four-year-old, a five-year-old, or even an older child. And as I have said before, lighters that are made before 1980, antiques and collectibles are excluded from this. Their value will probably make adults keep them anyway, but at least keep them secure from children. And there are other states that are working on legislation like this. There are, as I said, already two that have implemented this. Were... the language that I have used is the exact same language that's been adopted and become law in Maine. For the safety of, not only our children, but all of the people of our state, I urge an 'aye' vote."

Speaker Turner: "So, the question is, 'Shall the House pass Senate Bill 2180?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Pritchard. The Clerk shall take the record. On this question, there are 51 voting 'aye', 65 voting 'no', and 2 voting 'present'. And this Bill fails. The Gentleman from Knox, Representative Moffitt, for what reason do you rise?"

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Moffitt: "Mr. Speaker, I believe under the circumstances it'd be a point of personal privilege, but I'd like some order."

Speaker Turner: "You state your point, Representative."

Moffitt: "Mr. Speaker, I hope everyone will take note to what we've just done. We were considering legislation... That the facts are there. The fire chiefs have told us. The Safety Alliance have told us. The Sprinkler Association has told us that we're killing 300 people a year caused by these novelty lighters. Even if you disagree with the Bill, you owed it to the Sponsor to be listening to the ramifications of this. I had my speak light on. The Motion was made to... to end debate, because I did want to speak on it. We were talking about items that are especially attractive to kids. And if you don't think the precedent has already been set, just last Session we passed, in both chambers and is signed into law, to ban alcopops especially attractive and advertising targeted at young people for alcoholic beverages. The tobacco company has agreed that cigarette-flavored cigarettes shouldn't be advertised and targeted at youth. We're talking very serious items and this deserved your full attention and your full respect. It bothers me when there's... we have the opportunity to try to prevent some accidental deaths. Can we stop all of them, no. Do I want more 'big brother' in every item, no. But here's one... It doesn't matter what I think, I'm not a firefighter, but when the fire chiefs of the State of Illinois tell me this is an issue, when the firefighters of Illinois tell me this is an issue, when the fire inspectors of Illinois tell me this is an issue, I'm

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going to listen. So, I commend the Sponsor for her efforts. Maybe it needed some changing, maybe it needed some tweaking, but above all, please consider what... it needed your attention. This was an extremely serious issue. I thank you, Mr. Speaker. We have expressed our opinion, but this deserved more serious attention than what it was given. Thank you."

Speaker Turner: "The Lady... the Lady from Kane, Representative Chapa LaVia, for what reason do you rise?"

Chapa LaVia: "Thank you, Speaker... Speaker and Members of the House. I'd like to waive the posting requirements for my Appropriation-Elementary & Secondary Ed to... to joint committee with the House Elementary & Secondary Ed. The CEO of Chicago Public Schools is coming out to talk to us this afternoon."

Speaker Turner: "The Lady asks leave for the posting requirements be waived. And there's no objection. The requirements are waived. Representative Pritchard, we have Senate Bill 2214. Out of the record. Mr. Clerk, we have Senate Bill 47. Representative Davis. Read the Bill. Will Davis."

Clerk Bolin: "Senate Bill 47, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Cook, Representative Will Davis."

Davis, W.: "Thank you very much, Mr. Speaker. In summary, what Senate Bill 47 does is that it simply amends the Illinois Procurement Code to require the Comptroller to publish on his official Web site a rate per metric unit for each of

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the goods or supplies on state contracts, provided that the information required to publish the rate is not considered proprietary competitive information. Be more than happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is... The Gentleman from Cook, Representative Miller, for what reason do you rise?"

Miller: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Miller: "Representative, is this the Bill that you've been dying to present in front of us for the last two days?"

Davis, W.: "Yes, it is."

Miller: "Okay. When are you... I'm glad you're happy. Is... when you talked about proprietary information, is there any description on what that could entail?"

Davis, W.: "Well, according to the information I have, it says what would... you asked what would proprietary information be?"

Miller: "Right."

Davis, W.: "I guess it would be secrets of sort or information specific to a particular organization or agency or company, in this case."

Miller: "So, in terms of... as you know, we just had some ethics Bills presented. I want to at least make sure that... that the propri... that the proprietary information clearly is not given, but at the end of the day, that if a contract was awarded or that that... the... who would receive the contract, the amount and at least the..."

Davis, W.: "Representative..."

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Miller: "Yeah."

Davis, W.: "...Representative, hold on a minute. I'm getting some clarification on it that the... that the Amendment that was adopted removed... removed that part regarding proprietary information."

Miller: "Okay. So, that's... Thank you. So, all information on the... on the way the... any particular contract was procured would be listed as you described, proprietary or nonproprietary."

Davis, W.: "What was your question, again, Representative?"

Miller: "What I'm asking is make sure that... you're saying that the Amendment had removed the... the exclusion of proprietary information from... from... from this?"

Davis, W.: "Why don't I read to you what the Amendment does and maybe that might answer your question. It says, for each state contract for goods, supplies or services awarded on or after July 1, 2000... 20 thousand... 2010, excuse me, the contracting agency shall provide the applicable rate and unit of measurement of the goods, supplies or services on the contract obligation document as required by the Comptroller. If the contract obligation document that is submitted to the Comptroller contains the rate and unit of measurement of the goods, supplies or services, the Comptroller shall provide that information on his or her official Web site."

Miller: "Okay. All right."

Davis, W.: "That was the Amendment..."

Miller: "Okay."

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Davis, W.: "...that we were referring to that removed the proprietary..."

Miller: "Okay."

Davis, W.: "...reference."

Miller: "Thank you, thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 47?' All those in favor should say 'aye'; all those... should vote 'aye'; all those opposed should vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Washington. The Clerk will take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Lady from Cook, Representative Soto, for what reason do you rise?"

Soto: "Yes, Speaker, thank you. I just want for the record to reflect that I voted 'no' on House Bill (sic-Senate Bill) 2180, that was Representative Jakobsson's novelty lighter Bill. And I want to change my vote to a 'yes'. I don't know. It was an error. I don't... I think I mispressed my button. Thank you."

Speaker Turner: "The record will so reflect. The Gentleman from... Representative Bradley, Senate Bill 65. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 65, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Williamson, Representative Bradley."

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Bradley: "This is an initiative of the Bar Association. There's been a lot of confusion over the years regarding interim attorneys' fees in divorces and dissolution cases. This would clarify that. And I ask for an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 65?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Verschoore. Representative Careen Gordon, Senate Bill 89. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 89, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Grundy, Representative Gordon."

Gordon, C.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 89 deals with large... some of the corporations and a chemical corporation in my district in regarding the taxing bodies and the property taxes that they pay. This allows... there's in the statutes already there's certain companies in the... exactly what they do and how they're allowed to enter into agreements up to... with the taxing bodies that will say we'll be able to pay this amount of taxes for this many years and so we won't appeal and you won't appeal and we won't argue about it and we won't go to PTAB and nobody's going to fight about it. So, that it saves attorneys' fees for everyone; it saves the

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taxpayer dollars. And these specific companies in my district Lyondell and Aux Sable and felt that they weren't covered by the statute and it's also retroactive to these companies because there has been an argument with a specific taxing body that dates back to 2003, but it would allow them to enter into these preagreements so that it saves everybody money and they know what their taxes are going to be so everyone can make out their budget. It's a good measure for the taxpayers so that everybody knows what the taxes are going to be, both for the company as well as for the taxing bodies. I'd be happy to answer anyone's questions and I would ask for your 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 89?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Lady from Lake, Representative Osmond, for what reason do you rise?"

Osmond: "Thank you, Mr. Speaker. The Republicans would like to caucus in Room 118 for one hour."

Speaker Turner: "For one hour? One hour. So, the House will stand in recess for one hour while the Republicans go to caucus in Room 118. So, the House will be back in Session at 4:00. We shall return back to the chamber at the hour of 4:00. And the House now is in recess. The House shall come in order... come to order. On page 4 of the Calendar,

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on the Order of Senate Bills-Third Readings, and.. The first Bill is Senate Bill 138. And Members, to know where we are, on page 4, we're going just proceed down the Calendar in the order that the Bills come up. So, if you'll be prepared, we will hopefully move this process forward. Mr. Clerk, read Senate Bill 138."

Clerk Mahoney: "Senate Bill 138, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

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

Verschoore: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. This amends the Capital Development Board Act and requires that local governments without building codes to adopt building codes based on specific model codes, requires that persons performing building inspection services under this Act must be qualified by the state, certified by a certification organization, or have filed verification of inspection experience with the board, permits the local government as outsource building inspections, defines the local government at a municipality, county or fire protection district and exempts municipalities over 500 thousand population and will apply beginning July 1 of 2011. What this is is Illinois is one of a handful of states that doesn't have a uniform building code. Most populated areas, highly populated areas, have a building code, but there's a lot of areas that don't and what that would do would be to put a building code in place where there'd be some type of

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regulations of what they can and cannot do. I would be glad to answer any questions."

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

D'Amico: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

D'Amico: "Representative, is it the intent of the Bill's Sponsor that the Illinois Plumbing License Law will be in this code and continue in the future?"

Verschoore: "Yes, it would. When we... we had several meetings that we held on this. We had a... I had passed a Resolution to study a building... universal building code and that was one of the things that was pointed out there that we have a building... a plumbing code that works so why go to another plumbing code. It was the intent of the committee to do that and to keep that."

D'Amico: "I'm glad you kept that in there. Also, I did not notice any mention of any type of mechanical code in this Bill. Is there a reason for that?"

Verschoore: "Yeah, there was a reason for that. They left the mechanical code out so that municipalities or other forms of government could choose what mechanical code they use because the state didn't have a specific mechanical code. So, that's why, but thank you for the question."

D'Amico: "Thank you, Representative."

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

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

Speaker Turner: "Indicates he will."

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Eddy: "Representative, first, the Municipal League okay with this or have you got any..."

Verschoore: "The Municipal..."

Eddy: "...opposition at this point?"

Verschoore: "No. There's no opposition that I know of at this point. The Municipal League, at first, were against this because of the inspection parts in the rural areas, but there was a provision put in this Bill representative... that it's the responsibility of the builder and/or the person that's building this structure to have that figured into the cost of the construction. And then, municipalities that would be around there like, in our... in my instance, there's some rural areas that don't have a building code, but the inspectors from the surrounding cities like Rock Island, Moline, East Moline, would go out and do that inspection for them."

Eddy: "Yeah. And I think you just hit on my concern from a rural area. Now, this is for commercial only, correct, residential's exempted?"

Verschoore: "Yes, yes."

Eddy: "Okay."

Verschoore: "Residential's different."

Eddy: "So, for a commercial building to be constructed in one of the counties, perhaps, that I represent, they don't have..."

Verschoore: "Right."

Eddy: "...those people, now. What you're saying though, in those cases, they're able to build into the price of the... of the construction the cost that they incur by contracting out to

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another municipality, a county, or some other inspection service."

Verschoore: "That's correct."

Eddy: "Okay. All right. Thank you. I appreciate that. It's just a real touchy subject in..."

Verschoore: "Yeah."

Eddy: "...in my rural area. Thanks."

Verschoore: "Well, that was the reason the Municipal League was against it in the beginning..."

Eddy: "In the beginning. Okay."

Verschoore: "...but when they put that in there..."

Eddy: "Thank you."

Verschoore: "Thanks for the questions."

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

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

Speaker Turner: "Indicates he will."

Black: "Representative, wouldn't it be fair to say this is the first step toward a statewide building code."

Verschoore: "That's exactly what it is, Representative."

Black: "That's what I was afraid you were going to say. Let me follow up on something that Representative Eddy said. In rural areas, wineries are becoming a tourist, as well as a business opportunity. And so a family gets together and they plant some vineyards and they build a rustic building to house the winemaking equipment, maybe have a lobby or a wine tasting area out in front, parking lot, gravel parking lot. Now, if I understand this Bill, that's a commercial building and it's going to have to follow some building

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code. The building code will be determined by what, the State of Illinois, the Capital Development Board."

Verschoore: "The Capital Development Board."

Black: "And since Vermilion County does not have a countywide building code, and who's going to come out and inspect the plans for this small family-owned winery, for example?"

Verschoore: "Well, like I told Mr. Eddy, there would be a provision built into this where the fees would be built into the price of the project and they would line that up ahead of time with maybe Champaign or some other larger city that has a building inspection department."

Black: "So, another... in other hoop that somebody would have to go through to build a commercial building in a district like mine where we would... we would be thrilled to have anybody build a commercial building. So, it's another step they're going to have to go through, correct?"

Verschoore: "Yes. But this would ensure that the building would be safe. There's some... there's some horror stories out there and there's some pictures that I have had through the years that shows, in particular, some plumbing installations that were... that could actually make people sick."

Black: "Okay."

Verschoore: "So, this... it's just a safety precaution."

Black: "All right. I understand. Did the Capital Development Board... were they responsible for the building of the James R. Thompson Center in Chicago, that glass menagerie, where the old Sherman House used to sit?"

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Verschoore: "I'm not sure... I'm not sure of that, Representative. I don't know."

Black: "I'm not sure either, but you know..."

Verschoore: "But I know... I know Chicago has a very stringent building code so..."

Black: "Well, something didn't work there."

Verschoore: "The ventilation system, I think."

Black: "The... Yeah. The air conditioning system didn't work, the roof leaked, the elevators didn't... didn't work very well when it first opened. They had to eventually... I remember going up there and it got... it was so hot in the summer that people who worked had beach umbrellas... true story... had beach umbrellas setting up to where they could shade themselves from... from this building. It was all glass."

Verschoore: "Yeah."

Black: "So, it's good to know that... that the Capital Development Board and the City of Chicago, with a strict building code, were right on top of that situation. So..."

Verschoore: "I think..."

Black: "...it gives me a lot of comfort."

Verschoore: "Probably a poor designed... probably should talk to Jim Thompson about that."

Black: "No, Jim Thompson didn't design it. I know there were lawsuits. I don't know how they turned out. I know there was a lawsuit on the air conditioning. I think there was a lawsuit on the leaks or what have you and as I recall, the birds even pooped on the glass, but that's another story."

Verschoore: "Thank you."

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Speaker Turner: "Seeing no further questions, Representative Verschoore to close."

Verschoore: "I would just ask for an 'aye' vote and thanks for the questions."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 138?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Howard. The Clerk shall take the record. On this question, there are 90 voting 'aye', 27 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrence Calendar, we have House Bill 255. 255, Representative Lang. Read the Bill, Mr. Clerk. This is a Concurrence Motion. Representative Lang, the Gentleman from Cook."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I move to concur in Senate Amendments 1 and 3. This is the Bill that would provide the revenue that would be the debt service for a capital Bill. As, I think, we all know, this would authorize video gaming, implement an Internet lottery program, create certain alcohol taxes, apply general sales taxes to certain products, and increase vehicle user fees for titles, registrations, and licenses. The Bill does a number of other things. Be happy to answer your questions about this revenue stream for the capital Bill."

Speaker Turner: "And on that question, the Gentleman from Cook, Representative Burns, for what reason do you rise?"

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

Speaker Turner: "To the Motion."

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Burns: "To the Motion. Thank you, Mr. Speaker, and Members of the House. I have great respect for the Bill's Sponsor, but I want to express my concerns about the fact that we're voting for revenue for capital. We're going to vote for revenue enhancements to pay for capital and we have not yet considered revenue enhancements and also some sensible.. sensible efficiency finding in the budget for operating concerns, and I have a great concern about that. And I hope that this Body has the same openness and eagerness to work together across the aisle to find solutions to our state's fiscal crisis so that we can fund the programs that make a difference in the lives of people as we go through this difficult economic stretch. Thank you."

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

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

Speaker Turner: "Indicates he will."

Froehlich: "Representative, had a couple of questions about the video poker part of the Bill."

Lang: "Yes, Sir."

Froehlich: "One is, that the Gaming Board would be responsible for enforcement and inspection and so on. Now, they currently have 9 locations that they've got to inspect, 9 existing casinos. We're going to add maybe 20 thousand more locations. Can you give us any confidence that the Gaming Board would be able to adequately perform this pretty large increase in inspection responsibility?"

Lang: "Thank you. I think it's a good question and there are two parts to the answer. Firstly, these machines for the

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most part are already legal. What hasn't been legal is paying out on them. These are already licensed machines. So they... there is already a mechanism to do some inspections. Secondly, this Bill will actually reduce the number of machines that are out there in the world, because we're going to limit them. And finally, the Bill would provide that the fees that are being paid by the various parties involved in the process would go into a fund for the administration, enforcement, et cetera."

Froehlich: "So, you'd expect the Gaming Board to have to expand a little bit to be able to keep up with a broad new responsibility?"

Lang: "I'm certain they'll have to bring on some new people to do that."

Froehlich: "Okay. Is there anything in the Bill that would prevent one of those existing, say bars, that has the video poker now, that recently got busted for illegal payouts, is there anything that would prevent that bar from getting licensed now to do legal gambling?"

Lang: "Well, I'm not certain that's in the Bill, but I'll tell you what is in the Bill. Once the Bill passes, any of the liquor-pouring establishments that break the rules will lose their liquor license and that's a far worse penalty to them than anything dealing with the machines."

Froehlich: "Well, that's good. So you're saying they'd lose their liquor license, not just their gambling license?"

Lang: "That is correct. So, they'll basically be out of business if they cheat."

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Froehlich: "All right. Right now, if a... well, under this Bill, if a minor's allowed to gamble in one of these establishments, I see it's a business offense, not a crime. It's a business offense, a civil matter. Why would.. it's a crime to sell alcohol to a minor. It's a crime to sell even a lottery ticket to a minor. Why wouldn't we make it some kind of a crime, even a Class B misdemeanor or even a petty offense, to allow a minor to gamble in one of these establishments?"

Lang: "Well, certainly the Bill prohibits a minor from either drinking at one of these establishments or playing one of these machines at these establishments. I suppose it could've been put in here as a criminal offense, but it was not. I'm not sure we want to jail minors for putting a quarter into a machine. So, I... and I... the owners of the establishment are under the same responsibilities they are now to keep people from drinking there. They'll have the same responsibilities."

Froehlich: "Except an owner could be charged with a misdemeanor for selling the beer to a minor, but not for allowing a minor to gamble. That was my point. Now, it also says it's only illegal if the licensee knowingly allows a minor to gamble. Would that mean somebody could be off the hook if he simply says, I didn't know he was underage? I thought he was old enough."

Lang: "That would be... that would be up to law enforcement. That's a... that's the... up to the... a judge, up to a prosecutor to prove what 'knowingly' is and whether the bar owner has purposely sidestepped the intention of the law."

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Froehlich: "Final question. It is alleged in the newspapers that organized crime has some involvement in the video poker industry. What would this Bill do to address that issue?"

Lang: "Well, I'm not certain it's a true statement. You can argue that organized crime's involved in a lot of things in Illinois, but I would tell you that one of the two largest manufacturers of these games, these... this equipment are in the State of Illinois and no one's ever accused them of being involved in organized crime."

Froehlich: "Okay. Thank you."

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

Eddy: "Mr. Speaker, first, if I could... in order for Mr. Lang to be able to hear me, if you could, maybe, see if we can get the tone down a little bit in..."

Speaker Turner: "Ladies and Gentlemen, there's 15 people that want to speak on this Bill and I'm certain that some of these questions get answered more... get asked more than one time. If we could tone the noise down just a little bit, it might, one, get a few people to cut off their speak button. And two, certainly be proper for the decorum of this facility. Mr. Eddy."

Eddy: "Thank you, Mr. Speaker. As we address a major issue for the state that's been lingering for quite some years, I would expect that if it's important enough to the Members of this Body to pay attention to the details. And I liked the way you said it, I think there's only one stupid question, and that's the one that was just asked that you

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weren't paying attention to. And I'm sure we're going to see that here in a few minutes. Representative Lang, what happens in... is there any protection for those who would be concerned about the common school fund and the lottery portions of this legislation?"

Lang: "The common school fund will be held harmless at the '09 levels and inflation will take up the rest each year."

Eddy: "So, I think... and I'm... I don't know the figure exactly, but about \$650 million was realized by the common school fund last year from lottery proceeds. So, that amount will be held harmless. Then, for years going forward, there'll be the Consumer Price Index, will be some inflationary guard added to that 650 so that it would escalate. So, there's no concern here for the common school fund?"

Lang: "That's correct. And of course, that's... that hold harmless number means it's simply a floor; we could do more."

Eddy: "Okay. Now, there's also, as I see the Bill, a pretty detailed procurement process involved for the video gaming and the third-party management of the lottery?"

Lang: "That's correct."

Eddy: "It appears as if earlier today we did... did quite a little bit of reform of the procurement process and put a bunch of safeguards into that and it looks like the same kind of safeguards to that process are included in both of those situations, both for the Internet pilot program and for the video poker."

Lang: "I believe that's the case and I think that's... when these Bills were drafted, both the procurement Bill that we dealt

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with earlier today and this Bill, you'll probably find that it was the same sets of eyes and hands that were drafting them and they wanted to make sure they meshed."

Eddy: "Representative, is there an estimated revenue that this package of streams will produce?"

Lang: "The number I have is 1.1 billion-plus."

Eddy: "Okay. And the way the program works with bonding, that will produce quite a little bit more in projects once we get to that portion. Isn't that true?"

Lang: "That is very true, Sir."

Eddy: "So, the 1.1 billion in revenue will produce a rather large sum of capital that will provide jobs in this state at a time when they're desperately needed."

Lang: "So you know the number... this would lead to 11.5 billion in state funding for new capital projects and a \$14.4 billion local and federal fund match, so about \$26."

Eddy: "There's also protection in here from road fund diversions. Could you explain the road fund diversion portion?"

Lang: "The diversions for the Secretary of State Police and... the Secretary of State and the State Police, those diversions will stop."

Eddy: "So, for a long time there's been an outcry because of the... the diversion of road funds and this effectively ends the diversion that takes place."

Lang: "That's correct. We know that's been a major concern for many on this House Floor and this Bill will remedy that problem."

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Eddy: "And we've also been very concerned about the Leaking Underground Storage Tank Fund and that fund has been, over the years, raided, I guess, is the best way to put it. This legislation also includes protections for that fund."

Lang: "Yes, it does, Sir."

Eddy: "And finally, the Farm Bureau has contacted me and I think they're very interested in another portion of the Bill that deals with truck weight limits. And that allows for, except for situations where it's locally posted, for vehicles..."

Speaker Turner: "Proceed."

Eddy: "I'll just be a few more seconds, it's my last point. The 80 thousand pound limit for rural roads."

Lang: "Yes, this would grant the universal 80 thousand pound truck access limit on local roads."

Eddy: "Representative, just very quickly and in closing, I see a lot of positive here. A lot of things that we've been concerned about for many, many years have been addressed in this Bill. But I think more importantly, we're addressing at a time when unemployment continues to inch up... an important issue in Illinois and that's providing jobs while we're improving our infrastructure. And I think the Bill's well crafted and it contains a lot of... a lot of concerns being taken care of in addition to just the revenue. Thank you."

Lang: "Thank you, Representative."

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

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Nekritz: "Thank you, Mr. Speaker. To the Bill. I don't think there's much doubt that we need this capital Bill and we can't do without... and we can't do that without the revenues proposed in this Bill. But it's also, I think, very true that the same economic downturn that has made this Bill so imperative has also made the preservation of our state's human services' safety net imperative as well. So, if we can muster the courage to pass the revenues for this, I would hope that we can do that for the state budget as well, because I for one, find it difficult to do... say that we can do the capital projects that are supported in this Bill, but the seniors at home don't... can't get their community-care program. The developmentally disabled that were here in this Capitol by the hundreds today will be... their services will be wiped out and those with substance abuse problems will be put out on the street. So, I would just encourage the Body to give that some consideration about the message that's going to be sent back home about the priorities that we have. Thank you."

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

Bradley, J.: "To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Bradley, J.: "The New Testament says that you shall know a tree by the fruit that it bears. And you don't have to go very far in this state to see that the fruit we've been bearing in our schools, in our roads, in our infrastructure is falling apart. And we haven't borne very good fruit here in this state for the last 10 years. And so, I was honored

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and humbled to be a part of House Bill 1, which was filed back in December. And as a result of that and the message, I think, that that Bill sent, we made substantial efforts to try to bring together a wide coalition of cooperative efforts to pass the first major capital Bill... comprehensive capital Bill in the State of Illinois in a decade. And so, when you sit down at a table with people like Jerry Roper, people like Dennis Gannon, Jim Sweeney, Terry Hancock, Jim Connally, Eric Dean, Rich Rioux, Doug Whitley, Jennifer Morrison, all the other folks that helped us, you're going to get something done. And so, all the people of the State of Illinois owe a great debt of gratitude to the people that came together and for the last six or seven months have dedicated themselves to the passage of this comprehensive major capital undertaking, the largest in the history of this state, the largest in 10 years, an opportunity to put people back to work, an opportunity to rebuild our infrastructure, get our kids safe, rebuild our roads, and save the future of our economy and of the State of Illinois. Thank you all for all your help. I'm honored and humbled to have been a part of this and working together we can get this done. So let's go out and let's pass the capital Bill, let's get this done, let's put people to work, and let's rebuild our communities. Thank you."

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

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

Speaker Turner: "He indicates he will."

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Lang: "Sure."

Ryg: "Thank you. We have had a lot of discussions about the need for a capital Bill, no question, and everyone in this chamber supports that, but what we're talking about right now is revenues and we really haven't had that opportunity to discuss revenue options. So, I'm wondering, as I look at these revenues, they make sense in terms of being appropriate to fund a capital Bill. But what consideration has been given to these revenues for the operating deficit that we're facing?"

Lang: "Well, Representative, I am certain that the Legislative Leaders and the Governor went through all of the various options regarding how to use these funds. And I share with you a view that if we get to the end of this process when we finally adjourn and we'll have short funded social services and other things that we care about, it will have been a sad day for Illinois. On the other hand, I would say it's also a sad day for Illinois that we've got double-digit unemployment. This Bill will put a substantial number of people to work and when we put some of those people to work, some of those people won't need some of those social services that we want to fund. Now, that's not a full answer to your question. Of course, we need to do better and perhaps, we will have the opportunity between now and the end of Session to get to where you want to be, to get to a point where we can find other revenue sources so that we don't have to leave here with the guilt and pressure of not having taken care of the people... the people that need us in Illinois."

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Ryg: "I do appreciate that, but I'm wondering as I look at this list, it makes sense that the user fees that the taxpayers of Illinois pay... they use to support a capital project. Because you are right, we absolutely need a project, we absolutely need to put people to work. But we're... the issue of those user fees as a direct connection to our infrastructure improvements, the previous speaker spoke about being proud of being the Sponsor of a proposal that would've provided another revenue stream that made sense for capital. Yet, we're using revenue streams that might make sense for an operating budget and we don't have revenue streams to replace those when we look at an operating budget."

Lang: "Well, you are referring to, I think, the gas tax proposal, correct?"

Ryg: "Yes."

Lang: "So, my understanding is that the simple answer is there weren't sufficient votes to pass a gas tax increase in the Senate, which is where this Bill started, even though it's a House Bill, it started moving in the Senate and since there were no... not sufficient votes to move on a gas tax increase, those that were working on this, the Legislative Leaders and the Governor, I think drew the conclusion that they had to find the revenue some place and this is where they settled."

Ryg: "Okay. So, as the Legislative Leaders and the Governor had these discussions on revenues, I hope they'll provide us answers back so that we can explain to our constituents why we're taking revenues that could be used to avoid

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significant slashes in our human service budgets, and we're leaving on the table other revenue sources that we, as Members of the General Assembly, haven't even had an opportunity to debate. So.."

Lang: "I think in the coming days we'll have that opportunity."

Ryg: "Okay. I wished we had had that opportunity before we're taking this vote."

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

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

Speaker Turner: "...Bill."

Ryg: "We have been asked to spend considerable time prioritizing line items in the human services, education, other budget items to determine what our priorities are, because not everything was going to be funded in the operating budget. I share concern with many of my colleagues that we do need a capital plan, there's no question, but we also need to make sure that there are operating revenues that protect the citizens of Illinois when they desperately need human services. For the very reason that we need a capital Bill to put people to work, we need an operating budget that maintains the human service programs and services that give people the safety net the government is supposed to protect and provides the long-term investment in the human capital in the people of Illinois to avoid the long-term costs when we don't provide substance abuse treatment or we keep people living in institutions when they don't need to be there. So, I very much look forward to the next few days to be sure that we

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have that opportunity to ensure that we do not pass a doomsday budget. Thank you."

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

May: "Yes, thank you, Speaker. To the Bill. I am in favor of a capital Bill. I think all of us have been wanting a capital Bill for years and it was just a matter of finding a funding source. So, I hope that this works to move it forward, but I am concerned about the process. We are passing this when we don't yet know all of the funding sources for our operating will be. We haven't discussed those revenues. And we might be going home with a very disturbing message and that message would be that we're possibly building roads and yet leaving people in the ditches. We don't know whether we will have a slash and burn budget where substance abuse and mental health and the developmentally disabled and the community caregiver programs do not have revenue sources and a funding stream set. That is really troubling because we're taking an alcohol tax and taxes on candy and hygiene projects... products and soft drinks. These are sources that could be used to fund human services. So, while I support a capital Bill, and I think many of us do, we have much, much more work to do or our message will be wrong that roads are more important than people. And I think we all need to think about that, too, as we continue the debate on this floor."

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

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Chapa LaVia: "Thank you, Speaker and Members of the House. I, too, stand with the same questions. Yes, the capital Bill is well overdue and I'm happy that we're bringing it up today for a vote. It's been seven years since I've been here and we haven't seen anything like this. We do need to get our people back to work in the state, but we also have to remember what we stand for and who we represent besides trying to get those people back to work. I have quite a few services: I have AID, Association Individual Development, back in my district. I have social issues and I have social needs. There's a lot of programs that are going to be cut in this state and I would feel extremely comfortably if we start talking about those revenue sources and how we're going to get the money back with those services, 'cause there's going to be a lot of people in this state that are going to be hurt. We're going to help people, but we're going to hurt people at the same time. So, I'm hoping that we'll have that discussion. Thank you."

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

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

Speaker Turner: "Indicates he will."

Zalewski: "Leader Lang, forgive the indulgence of the freshman, but I have a quick question for the record. Is there going to be a trailer Bill to deal with the issue of the radius surrounding a video poker establishment, whereby they can... it closes it in from one thousand feet along with other technical changes?"

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Lang: "Right. It's a good question, Representative. In the original Bill that Representative Mautino introduced earlier in this Session, there was a hundred-foot radius around these facilities. This Bill has a thousand-foot radius, which is probably too large, but we want to move the Bill. You can imagine, for instance, in large cities like in the Loop in Chicago or in any other large city, there's going to be a lot of taverns that might be near a school, that might be near a church. And so, we're going to have to grandfather some folks in, but that'll be a trailer Bill and this Body will have a chance to vote up or down on that."

Zalewski: "Well, that affects my district, so I just wanted to make sure."

Lang: "Sure."

Zalewski: "Thank you, Leader."

Lang: "Thank you."

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

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

Speaker Turner: "Indicates he will."

Fortner: "I want to follow on the comments of the previous speaker and I think when I look at this, and listen to this, I also reflect what's been said earlier and I think there's a lot of detail that often had we be able to take each separate piece and bring it through, we might have asked the questions. My specific question, again, also goes to the part on video poker. As I understand it, any municipality assuming they did not exercise their ordinance

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authority to ban it entirely, it would then be established in any place that had a license to pour liquor on premises. Is that an accurate assessment of what I saw there?"

Lang: "Well, it's a little loud in here, Representative, but let me answer what I think you asked me. A municipality can, by Resolution of the elected Body, say no video gaming in our municipality."

Fortner: "But if they did that, then any establishment that had a license to pour liquor on premise would be able to have these machines in their premises. Is that correct?"

Lang: "If they don't opt out, then any liquor-pouring establishment, where liquor is consumed on the premises, may have these pieces of equipment."

Fortner: "And my concern with, as I see it, is that, of course, in our liquor code that the municipalities adopt, they often adopt many different separate categories of liquor license involved with the service of liquor on premise. For instance, a municipality might have a license for a sandwich shop just to serve wine and beer. What seems to me to be lacking and one of the protections I would've hoped to see is something that says that a municipality could also identify that there are only certain classes of liquor license for which this would be applicable, so that it would have that measure of control. It seems like they have an all or nothing approach to dealing with video poker, rather than the kind of control that we typically give localities when dealing with liquor."

Lang: "So, a couple of comments. First, I'm willing to talk to those who are working on a trailer Bill to deal with that

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issue. But second, let's also remember that the Gaming Board has to license these establishments and it's still possible for the Gaming Board to set rules where they might look at different classes of license. The Bill doesn't say they can't do that, so the Gaming Board could have some opportunity here to have some impact on this issue."

Fortner: "Well, I appreciate that and I certainly look forward to seeing if there's a way we can make this, perhaps, address better the way this type of activity would have to function, should it become law in Illinois."

Lang: "Thank you."

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

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

Speaker Turner: "Indicates he will."

Miller: "I had some questions concerning Represen... following what Representative Zalewski in regards to the video gaming and exclusions or limitations. Is anything in this Bill define on... or further define what those will be in terms of closeness to schools, churches, or anything like that?"

Lang: "The Bill currently has a one thousand-foot radius where, even if you're a liquor-pouring establishment, if you're within a thousand feet of any of those facilities, you could not have these... these video games in your facility. That's what the Bill says."

Miller: "All right. So, what if there's a... you talked about grandfather, what if there's an establishment that's near a church, it's a thousand feet within... or day-care center or

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a school, as... are those going to be grandfathered in as eligible to have a video gaming piece in this?"

Lang: "There will be a trailer Bill coming that tries to define that that you will have the opportunity to vote up or down on. In this Bill, it's got a thousand-foot radius."

Miller: "All right. I want to get into... in our analysis, there are limits for licenses for manufacturers, distributors, as it goes down the road there. How were these limits determined? Or annual fees, excuse me... how were the annual fees determined?"

Lang: "So, Representative, as I understand it, you know, the idea of having video gaming's been around for a while. And the original Bill that was drafted was drafted by the industry. So as I understand it, these are fees that the industry agreed to impose upon themselves for the privilege of being in this business."

Miller: "Representative, my concern is the fact that... and maybe that's... remember, at least what I'd heard when initial gaming was proposed with riverboats that... I think it was 20 thousand or something, very nominal based on the revenue generated from a riverboat. And so, there was discussion when anytime that these gaming pieces or additional boats were talked about, that the fees for these would be increased, similar to the tenth license that finally was opened up. And so, are these fees commensurary (sic-commensurate) to something that's: a) competitive, and b) justice to the State of Illinois that we can maximize getting this so that anyone doesn't get a, you know,

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certain entities doesn't, but there's a certain standard in which those can afford this."

Lang: "Representative, I think it would be impractical because of the number of establishments and the number of machines we're talking about to put this up to some sort of a bidding process. When we're talking about riverboats, for instance, we're talking about a very small number and to say that they ought to bid against each other and let the highest bidder get the license makes some sense. I don't think we could that on a statewide..."

Speaker Turner: "Can you bring your remarks to a close."

Miller: "Just... just your indulgence for a min..."

Lang: "I don't think we could do that in a situation where we're talking about hundreds of establishments all across the State of Illinois."

Miller: "In the trailer Bill or in any other legislation, if it's deemed by some entity, whether it's this Body or somewhere else, that these fees are absolutely too low, that the projections... is it possible to increase these fees based on the fact that if anybody or everybody can get them whenever they can?"

Lang: "So, Representative, some of these are annual fees. On the ones that are annual fees, we could pass a Bill any time to increase those fees."

Miller: "Okay. To the Bill. Thank you for your indulgence, Mr. Speaker, for your questions. It's been talked about in terms of unemployment. I represent areas of unemployment that are twice the national and twice the state rate in some of the south suburban communities. I agree with some

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of the other speakers that we don't want a toll on our human capital; however, that unemployment is real. We need a capital Bill today, we all know that, but we want a capital Bill that's fair and just and balanced to all communities, that opportunities exist for all those who've been shut out of the process forever. I look forward to working with every individual who's been a part of this coming today of this capital Bill to make sure those who are unemployed, those who are in need, those who are in pain, get an opportunity to work. That is what we are here for, that's what we needed. And as we get into an operating expenditure, I hope this same zeal for passing this capital Bill deal with the unemployment rate that we face in the southland of the community."

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

Golar: "Thank you, Mr. Chairman. Just a few comments in regards to... would the Sponsor yield?"

Lang: "Of course."

Speaker Turner: "He indicates he will."

Golar: "All right. Thank you. As we approach these very challenging times, I reflect on revenue, revenue, revenue. Twenty-six billion dollars for a statewide infrastructure designed to revamp Illinois's crumbling roads, bridges, schools, and public facilities. These revenue sources have been put in place; however, from the Senate to the House, for some reason we have not put in place revenue for an operational budget. So as we look or prepare for an operational budget, the revenue has not, again, been put in

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place. So my fellow colleagues, as we are faced with the tough choices in this Legislative Body, somehow we are faced with human capital cuts that are so vital to our communities. We will have to make a conscientious effort to look at now, the revenue of a state income tax where many of the colleagues in this Body will not want to support. So I say to you today, let us begin to look conscientiously at the reason why we were sent here and that is to work on behalf of those that have no voice, to work on the issues of education, public safety, health care, homelessness, the disenfranchised, and yet, for some reason or another, today, most of us are in a quandary of why we cannot work on revenue for the most vulnerable. Thank you."

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

Black: "Thank you, Mr. Speaker, it's very kind of you. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Lang: "Yes."

Black: "Representative Lang, I know you've worked very hard on this Bill. You're to be commended. Actually to be commended for standing there answering some of these questions with a straight face. Let me ask you a question about the road fund diversion, the \$245 million in road fund diversion. Isn't it a little bit higher than that? Don't we really divert more than 245 million?"

Lang: "You mean haven't we been diverting more than that to date?"

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Black: "Yes. Yes."

Lang: "I think maybe we have been diverting more."

Black: "I think maybe we have, too. Maybe by a figure about half. But it's a start. It's a start. I commend you for a start. But let me ask you a question about the road fund diversion. That creates, and we never should have done it in the first place, but anyway, that creates a backfill in Secretary of State and the Illinois State Police. Do you have a proposal on how we fill the loss of revenue to those two agencies?"

Lang: "Yes. There's revenue in the Bill to backfill those dollars."

Black: "And where does that revenue come from?"

Lang: "It's coming from the revenue stream that's going to pay for the bonds: the gaming, the fees, the taxes on candy, et cetera, et cetera."

Black: "And Bond Council is going to let us split revenue like that, some to capital and some to general revenue?"

Lang: "I'm told the Bill is exactly what we ought to be doing, Representative."

Black: "And you know, Bond Council can be rather difficult to get along with. Let me ask you a question about vehicle license fees. What categories, I've asked this question, passenger plate is category A; that goes up 20 bucks. What's category B, second division vehicles 8 thousand pounds and under?"

Lang: "Well, it's all passenger vehicles as I understand it, Representative."

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Black: "No, B is a pickup truck. It can be used as a commercial vehicle."

Lang: "I'll get you an answer. Go on to your next question."

Black: "All right. Next question are all the other categories. Do they all go up \$20 or do they all go up by a formula? For example, I used to have more trucking companies in my district than I do now because we've raised the fees on trucks to the point where Secretary White said five years ago, we've lost 22 thousand registered trucks. I'm concerned about the semitruck who now already pays \$2 thousand for a license plate. Is that plate go up or is that plate exempt from any of these increases?"

Lang: "All right. If you could go on to your next topic, we will get you answers to those questions."

Black: "Thank you. The next topic has to do with the lottery. We're not privatizing it; we're not selling it; we are... I assume, are we looking for bids for a company to run and market the lottery?"

Lang: "That would be correct."

Black: "So, it would be an RFP."

Lang: "That is also correct."

Black: "Okay. If that management company does not perform to standards that I assume in the contract they will have performance standards that we expect them to meet. Everything from increased sales and revenue to the type of advertising they do. You know how that the problems will get if they have unrestrained advertising, but to my point, what if they don't do this? What if they don't meet their objectives? What if we're not happy with the revenue

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growth? Do we have and how often do we have the right to reopen the contract and/or fire the management company that we in fact hire?"

Lang: "So, Mr. Black, certainly, when we contract with whoever is going to get this, we could put any performance standards we wished into the contract, but the Bill states that there would be performance audits periodically at the end of the 3rd, 7th, and 10th years if the contract lasted that long."

Black: "That's my concern. Before the end of the third year, I would assume and I would hope, but I've learned never to take anything for granted here, that the contract be written that we have the ability to get in and fire or demand changes in a management firm. I'm not comfortable turning over the Illinois State Lottery to a management firm for three years unless we have a reopener clause because we're not satisfied with their performance."

Lang: It would, in my view, be irresponsible to have a contract with a private management company that didn't allow for the state, aside from the performance audit, to review it on a consistent, and periodic basis and have the opportunity to cancel the contract for cause."

Black: "Okay."

Lang: "I would assume that would be anything... any prudent state official would require."

Black: "All right. I think that's very important, and, Representative, I will trust you and others and I'll certainly ask our staff I think that's critical to any contract that we enter into. I do appreciate your answer

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earlier on to Representative Eddy. Many of us had that concern about the lottery common school fund profits being held harmless, and in fact you said we would be free.. if the lottery makes more money, we would be free to add then to that base figure that would go to the common school fund. I think that's critical of this contract. I did hear you correctly on that, did I not?"

Lang: "You did and I think you're correct."

Black: Fine. I... there's going to be a lot of criticism no matter what we do, but one of the criticisms I had of the lottery a year ago, some states, when gasoline was \$4.30 a gallon, the most popular scratch-off lottery game they had, and they got it to market quickly and they sold tens of thousands of them, and the payoff was a \$25 gas card, a \$50 gas card. The grand prize may be.."

Speaker Turner: "Bring your remarks to a close, Representative."

Black: "Thank you very much, Mr. Speaker. And I think... I believe as I read that the grand prize might be a \$100 gasoline card. And some of the states that got in that quickly, when gas was so expensive, were just making all kinds of money marketing that game at the right time. Illinois never did get into that and my questions to the lottery went unanswered. So, I think this is.. I think the law is clear that we cannot sell the lottery. I think the Supreme Court has said that. I think this is a good move. I think you have protected the common school fund. As long as we have contract reopeners and so forth, I'm not too concerned about this. If you can answer my license plate

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fees, I would appreciate it and I thank you for your indulgence."

Lang: "Thank you. I can answer that now, Mr. Black. A class A and B licenses will get a \$20 increase, none on anybody else."

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

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

Speaker Turner: "To the Bill."

Feigenholtz: "Ladies and Gentlemen of the House, it's a very exciting day here in the Capitol. It's been 10 years since we passed a capital Bill to repair schools, and roads, and bridges in our great state. I see a lot of our esteemed labor leaders in the gallery waving... hi guys, how are you? ...who have been waiting for a really long time and view this as an opportunity to put the working men and women of the State of Illinois to work and to help our communities become revitalized. But as I hear this Bill being debated, it's somewhat surreal that we would be addressing roads and bridges before we would be talking about revenues in a way to help our human service providers survive in the State of Illinois. It's somewhat of a leap of faith that we are going to be able to, in the next few days, find solutions that will help our substance abuse providers, our mental health providers, and our homemakers, who take care of our grandparents and our parents, keep the doors open. I don't know if... I specifically am speaking to the people who sit on the appropriations committees, the disability committees, the Medicaid committees. I'm sure everybody's

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been walking into the chamber receiving this bright orange document talking about what no revenues could possibly mean for the people of this state. I had a call from someone back home. It was a mental health provider. He told me he needed \$22 thousand to repair a roof, and I was thinking that what he may not realize is he may not need a new roof because he might have to close his doors because we are not funding addiction prevention and treatment. We have not yet voted on the community care program, which takes care of at least 45 thousand seniors in the State of Illinois. And we have 25 thousand brothers and sister in labor who will lose their jobs. Many of whom are women, who, if we don't come up with a solution and don't approach the solution with as much zeal and as much heart as we are this capital Bill right now. Budgets are a moral document and I am hoping that there is as much enthusiasm prior to May 31 and cooperation amongst both Parties. I know that this Bill is an effort to rebuild trust amongst the caucuses, but I want everyone to remember that there are men and women outside of these doors with a longing look in their eye. We pass them every day we walk into these doors. They entrust us with their lives and they need our help. Thank you."

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

Howard: "Thank you very much, Mr. Speaker. To the Bill. Representative Feigenholtz spoke before me and she used a term that I am going to use as well. I certainly can appreciate the enthusiasm that has been used by my

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colleagues as they spoke about a capital Bill and the need for us to think that it is very important that a capital Bill be passed. We certainly need the jobs; we need the infrastructure improvements that such a program will provide. However, I am hopeful that the same enthusiasm, the same enthusiastic reaction to the current conditions that some of our social services agencies are facing, some of our workers are facing will be in the mix when the time comes and I'm hoping that Mr. Lang, who is a Sponsor of this legislation knows what he's talking about when he says that we will talk about the other Bill, and the other money that's necessary in order for our social services, human services agencies, people who are working who need not to lose their jobs. When we talk about that money, we need another stream of revenue and we need it to be an adequate stream so that we will not have to revisit this issue again anytime soon. So, I hope that this in fact is just the beginning that there will be a continuation of trying to make certain that this state is addressing the interest of the communities that I represent and the rest of those that my colleagues represent as well. Thank you."

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

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

Speaker Turner: "He indicates he will."

Mulligan: "Representative Lang, there are realities and there are realities and I think this is finally reality, but I want to discuss the problem of compulsive gambling portion which you know is close to my heart, as far as how they're

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funding it, and I'm glad to see that there's some funding there and I'm asking you questions specifically so they go on the record because sometimes when things are on the record, we go back and fix them up a little better than how they originally were. So, my understanding is that 25 percent of the licensing fees for the video gaming is going to go into treatment or something for problem and compulsive gambling. Is that correct?"

Lang: "That is absolutely correct."

Mulligan: "Okay. And those fees will consist of an initial upfront fee in order to get a license and then a yearly fee after that?"

Lang: "That is also correct."

Mulligan: "Do you have an estimate of how much that's going to generate and what the 25 percent would bring in?"

Lang: "We estimate the ongoing fees yearly would be \$6 million, Representative, which would mean 1.5 million into compulsive gaming programs annually."

Mulligan: "Well, that sounds like a goodly amount. The only part of that that I was concerned about is that when I asked our staff, they said it was going to the Gaming Board as opposed to going to DHS. Now, I don't know if the Gaming Board has to come to us to promulgate rules or do anything as to how that money would be distributed and I would be hopeful that, and I don't know what kind of trailer Bill you're talking to, but I would be hopeful that that money would go to a more human service type way of treating, say, the Department of Mental Health or in a better way than the Gaming Board."

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Lang: "Representative, I'm not certain the Bill says that the Gaming Board administers these programs. I think the Bill just says 'for compulsive gaming programs'. And so, this can be split up in many different ways and I don't think the Bill actually says how they're split up. So, this could possibly be the subject of a trailer Bill. It could possibly be left to rule. Bottom line is we should expect about one and a half million dollars a year to go into these programs."

Mulligan: "All right. I would have preferred two Bills on this, but since there isn't, I'm realistic about it. So, I would just like for the record perhaps when the Governor's lawyers, or whoever goes after... over all this stuff assuming that it all passes and is signed, is that they will take a look at where this money would go and that it would be put into programs that would really treat this, because video gaming is one of the most addictive forms of gaming. So, I would like to see this fund something that has long been underfunded in Illinois, who has a lot of gaming. So, I think this is a good use of the money, but I'd like to make sure that it's administrated to the area that would do the most in using it wisely."

Lang: "Well, I completely agree with you. As you know, Representative, while we haven't always agreed on gaming over the years, we've agreed on this issue."

Mulligan: "Yes."

Lang: "And I will assure you that I would certainly expect the Gaming Board to distribute this money wisely and probably create rules as to how they would distribute these funds."

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Mulligan: "Well, I do know over the years you have said to me that if you were the Sponsor of a Bill like this that you would make sure that there was money in there, and I'm very pleased to see that it's there. But I just wanted, for the record, to say I'd like it administered a certain way and it would be nice if there was at least a minimum amount that would go in so that we know... and I would think a million five..."

Speaker Turner: "Bring your remarks to a close, please."

Mulligan: "I think a million five is good considering how we've been funding it. So, just for the record, let's hope we fund it and that it comes through that way, and that it's put in the appropriate place. So, thank you for making sure it's there."

Lang: "Thank you."

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

Sullivan: "Thank you, Mr. Speaker. To the Bill. You know, we've been having a discussion whether we want to have a budget first or a capital Bill first, and talking about social service agencies, but here's the reality. What comes first, the chicken or the egg? You want social services, but you need money to fund it. And how do you get money to fund it? Well, it's real simple. You get jobs and that's what we're talking about here today, Ladies and Gentlemen, is jobs. We have a 9.4 percent unemployment rate. As unemployment goes up, money for social services goes down. So this is a real, real simple concept. We have to create jobs in Illinois. There's only one way to

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do it, and that's to pass a capital Bill. Put people to work. As people go to work, we will have more money to fund these social services. So the first step is very simple; let's pass this over, let's get it to the Governor, and let's put Illinois people back to work. Thank you very much."

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

Hoffman: "Thank you, Mr. Speaker. To the Bill. Real briefly, and I just want to real briefly commend people who worked on this Bill. Everyone knows that it's been a long time coming. Over the last two years many of the people in this chamber worked hard together in a bipartisan manner to try to get jobs and economic development, and produce a capital Bill that we're standing here today and we're talking about. It didn't come as fast as many of us would like to have had and there were arguments and there were discussions on the floor of this House, but it does no good to look back. It does us no good to look back. We need to look to the future. And for the individuals who stand on this floor and talk about what we need to do in the operation side of this budget, you're right. We have to address these issues. We got into public service for many reasons. Many of us got into it because we want to help those who cannot help themselves, give them a leg up, others because they want to provide educational opportunities for children throughout the state. I got into public service because of those two reasons, but also to create jobs, economic opportunity, and make sure that

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people can go to work in Illinois, feed their families, their families can get a good education and they can live in dignity. This Bill... this Bill goes a long way to beginning to put Illinois on the forefront of leading the nation when we begin to climb and claw our way out of this recession. Infrastructure improvements for education, infrastructure improvements for roads, bridges, infrastructure improvements for universities, and making sure that some of our environmental concerns are addressed. Now, I'd just like to take a moment and thank, publicly thank, obviously, Speaker Madigan, for moving this forward and making this a commitment this Session. I would have liked to have done it last year and have people to work last year. And I'd also like to commend Leader Cross for his leadership and putting partisanship aside to create jobs, economic development, and move Illinois forward. For those of you who stand and say you don't like gambling, I understand that. Those who have concerns about raising fees on driver's licenses and registrations, I understand that. Others who rise and say they don't really want to give up ownership or privatize the lottery, I understand that. And others who say there's not enough in this Bill for their district, it's all understandable. But we're facing a recession of historic proportions. We need to today take leadership in this House, pass this capital Bill, provide jobs, economic development, and put people in Illinois back to work. Thank you."

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

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Jakobsson: "Thank you, Mr. Speaker. To the Bill. I am very much in support of a capital Bill. We've been saying this... I've been saying it for a number of years just as many of my colleagues have been saying it, because the improvements in our infrastructure, the needs that will be met by having a capital program are certainly vital throughout the whole state. I can speak of course for my own district and the benefits that the University of Illinois will see, the benefits that the... will be seen on our highways and on our bridges, and the jobs that will be provided, but I also want to remind us that it's really important to make sure that we are going to talk about the operating budget and a revenue stream for the operating budget. It's not going to do us much good to add to our... the infrastructure of our schools, expand any of our facilities if we don't have the support, the financial support, for the services that are going to take place in those facilities. We talk about building FQHCs. Well, who's going to be there to work for them if we don't have increased revenue in our operating budget. So, while I stand in support of this, I want to remind everybody that, yes, jobs are going to be a huge part, a benefit, of having this capital budget. We need to make sure that we also have the jobs that will come along in an operating budget. Those people who provide the social services that are needed throughout our state, the people who'll provide the services to people suffering from addictions or who need treatment for addictions. People who are going to make sure that our children are taken care of, the wards of our state, make sure that our elders are

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taken care of. We don't want to send them all to nursing homes. If we don't provide the services to keep them in their homes, they're going to end up in nursing homes and we won't be able to afford that. So, please, let's pass a capital budget, but we also need to make sure that we take care of the revenue for our operating budget. Thank you very much."

Speaker Turner: "The Gentleman from Kendall, Leader Cross. I'd like to ask if we could tone down the noise and also remind the guests in the gallery that we do not allow clapping and shouting from the gallery."

Cross: "Now, you say they can't clap."

Speaker Turner: "Well, okay, clap now and then we'll let Tommy talk."

Cross: "Mr... I'm just kidding, Mr. Speaker."

Speaker Turner: "All right. Clap for Cross."

Cross: "Thank you. Thank you. Thank you."

Speaker Turner: "Now, no more clapping."

Cross: "I'm done."

Speaker Turner: "Go ahead."

Cross: "Mr. Speaker, thank you. And I think a lot of us are saying the same thing and I had my light on, so I'd like to just briefly point out a few things. There is a lot of credit that needs to go around with this issue. It is... it is a long time coming and Representative Hoffman, himself, who mentioned a few people, also deserves some credit, a lot of credit for pushing this Bill in the direction it was going to get it done. It should have happened awhile ago, but it didn't. And the reality is it didn't, but we're

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here today and to Representative Hoffman and many on his side, including the Speaker, thank you for what you've done. I think it's important to point out that this Bill happened because a lot of people talked and a lot of people worked together. And it's called compromise; it's called building consensus. I don't like all of the revenue streams. I'm troubled by some of them, but the reality is we would not have passed any capital Bill without some revenue stream causing us some angst. It's inevitable. Nothing is going to be easy when you solve these problems, and this is an example of one of those days, but it's something that had to happen. And my point about... and I want to be careful here 'cause I don't want to cross the line, and this is a good day. There's been a lot of talk about the operating budget and we need to solve that operating budget, and there are a lot of people that are depending on us to get that done, but my observation would be, this Bill happened because a lot of people have been talking. With respect to the operating budget, that has not been happening, and to expect some help at the last minute, at the last day to solve a very, very significant issue is not the way to get it done. And we don't have to focus on that today, but I would urge those of you that are concerned about the operating side, and I think everybody is, to recognize that communication is key and that has not been happening. With respect to the jobs issue, and I think we need to focus on this a second, because the human services needs, the school needs, the senior needs, the list goes on and on are all incredibly important and

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everybody in this chamber would agree with you. But we have 600 thousand... 630 thousand people in the State of Illinois not working, according to the Department of Unemployment. That means there are probably significantly more people not working in the State of Illinois. And it seems pretty easy to me that if those people aren't working, they're going to need to rely on state services. They have to make mortgage payments, they have kids in college, they have car payments, they have to buy gas, they have to be concerned about health care and when we can put them back to work, whether they're building bridges, or roads, or state facilities, or fixing the University of Illinois's Lincoln Hall, whatever the case is, that means they can make their mortgage payments. They can save a little money. They can take care of gas. They can buy cars, which obviously means they put money into the economy. It seems as if we're following a little bit of the track of Barack Obama. Many people in this chamber supported him. That was his plan, the economic stimulus plan. It makes sense. It's important to put people back to work. Our friends in labor need to be working, we want them working. Those that are architects, those that are engineers, whatever the case is, of all that this encompasses, need to be working. The needs are real. This state has come almost to a halt in the transportation world, whether it's mass transit or whether it's driving into the City of Chicago. We need, from an economic engine standpoint, to relieve that congestion and make it easier to move commerce and people, and we do that through this

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Bill. So, there's a second component and many other components of what we need to do the next couple days and the next week, but this is really critical to the well-being of the state and the well-being of so many people in the State of Illinois. So, to all that worked on this Bill, whether you are from labor, whether you're from the other side of the aisle, or whether you're from management, thank you. And to all the people on staff, who put in hundreds and hundreds of hours to draft this Bill and to deal with all the issues, thank you as well. I know this is a tough vote for some people. It needs to pass. We are doing our part on this side of the aisle to make sure it happens along with the Bills that will follow. So, thank you, Mr. Speaker, for the time."

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

Davis, W.: "To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Davis, W.: "As I have had the opportunity to talk to several of my colleagues and even today many of us stood together in solidarity at a press conference, just simply highlighting the fact that as we move toward hopefully completing a number of things before May 31, that what should be the most important thing that we need to complete first and foremost is the operating budget for the State of Illinois. It's going to be difficult for me to go back to my district, very difficult to me to go back to my district knowing that my priority in being here as a Representative, which is supporting my constituents and providing

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opportunities for them, that won't be accomplished first. That should be first and foremost among all the things that we want to do. And I agree wholeheartedly with everyone in the chamber who's talking about the need for a capital Bill. Right now, we're even being watched by several members from the labor community, who are sitting in the Speaker's Gallery. And I understand their interest in a capital Bill because their interested in the roads and infrastructure of the State of Illinois and putting individuals back to work. I have absolutely no problem with that. But today, one of the things that we realize is that it's possible that we could vote on a capital Bill, we could vote on a capital Bill and possibly go home with just that and not have an operating budget for the State of Illinois because we know that the powers that be and the politics of what we do may ultimately influence this decision, and we could invariantly just wind up shutting down government and if that happened, we'd still have a capital Bill. We'd still have that, but it's possible that we won't have an operating budget for the State of Illinois. So as we sit and we debate these revenue sources, video poker, and other things to fund a capital Bill, again, which is a great thing and we need to do that because we haven't done that in a very long time here in the State of Illinois, let's not lose sight of the reason that our constituents elected us. They didn't elect us to pass capital Bills. That's an ancillary benefit of what we do here, but they didn't elect us to do that. They elected us to provide for those who cannot provide for themselves,

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to provide the operating dollars here for the State of Illinois, so that we can function as a state. And then we have the opportunity to do things like capital Bills. That's where our focus should be. And I just want everyone in the chamber to realize that and to know that that should be our number one priority as Representatives here in the State of Illinois. So, I appreciate my colleague to the right, who's advocating for a capital Bill and talking about all of these revenue enhancements... all of these revenue enhancements, but right now, we're faced with 25 percent cuts in our state budget. That's what we're faced with. Are we having a conversation about revenue enhancements to fix our state budget? No, we're not having that conversation. And Ladies and Gentlemen, that should be our first and foremost priority before we debate a capital Bill. Thank you."

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

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

Speaker Turner: "To the Bill."

Mell: "Thank you very much. You know, as a freshman it's exciting to be here on this historic day, but I would be remiss if I didn't talk about the 450 seniors in my district that are one, two, three visits away from... visits away from going into a senior living facility and losing their independence because we are slashing our community care programs. And so I just want to say, you know, it's exciting to be here and I know it's important to pass a capital Bill, but I would like also to remember our social

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service programs. And with that I... I will pass. Thank you."

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

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

Speaker Turner: "To the Bill."

Riley: "Some of us are in a double bind situation here. We point to our friends in labor that are sitting in the galleries and by dint of some of our votes, over lo on these last few months, some of the... the people in labor are more our friends than others. But having said that, one of the largest capital construction projects in the Chicago metropolitan area, certainly in the south suburbs, is not in this Bill and it is money for the third airport. I remember a few months ago when the current Governor spoke to us. One of the things that he talked about was his support of the third airport. Many people in the south suburbs, indeed our councils of government, South Suburban Mayors and Managers and others, support that airport. There are many people who counted on some aspect of that third airport being in this Bill to give our friends in labor even more jobs, but it's not there. That's extremely disappointing. It's extremely disappointing. All throughout the south suburbs have been signs on lawns admonishing Springfield for not paying more attention to that airport. Certainly, the former Governor said he was going to build a airport; it didn't happen. Now, we have a different situation. We do have that spirit of togetherness, which is down here, that we haven't seen in

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awhile, still no airport. Some of us have a real big problem with that and so we find ourselves in that double bind. Of course, we want jobs. Nothing would have created more jobs than construction of the third airport. That is something that should have been part of this Bill."

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

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

Speaker Turner: "He indicates he will."

Davis, M.: "I think he's sitting down. He must be tired. Representative Lang, are you with us?"

Lang: "I'm here."

Davis, M.: "Okay. I just want to know what is in this legislation that will ensure some African Americans will work on some of these wonderful projects?"

Lang: "Well, Representative, you know that I share your view that the State of Illinois needs to be doing better in arranging for training and the hiring of minorities of all sorts."

Davis, M.: "Mmm mmm."

Lang: "This Bill does not specifically go into minority hiring; however, when you put thousands and thousands of people to work, you're going to be helping all segments of the work force. I believe that there has been a strong effort among the Black Caucus in both the House and the Senate to make labor unions and others aware of your desire to put more African Americans to work."

Davis, M.: "It shouldn't be my desire; it should be our desire."

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Lang: "Well, I said it in the editorial way. I didn't mean you specifically. I know you've made that clear and I know your message has been heard because many of the people you see in the Speaker's Gallery have shared that with me. This is..."

Davis, M.: "Thank you so much."

Lang: "Thank you."

Davis, M.: "To the Bill, Mr. Speaker. I do support this capital project, but I want to say to my friends in the gallery, my friends around the Capitol, I want to see some African Americans working on those jobs. I want to see some working and we may ask Hannig, the new director of IDOT, to provide us with the names of some that are working. We're going to play the lottery, we're going to purchase products, and we're going to contribute to this capital project. And if at any point during this process we don't see, or hear, or know of African Americans working, we're going to put in legislation to shut the projects down. I'm proud to support this issue, but I'm sent here by a district who spend lots of money on all of these things and especially on that lottery. And we want to be beneficiaries of this great employment that's going to take place. And I urge you to make a special effort to put Illinoisans to work, regardless of union membership, put the people who live in Illinois to work first. And with that, I urge an 'aye' vote. Thank you, Mr. Speaker."

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

Dunkin: "Will the Sponsor yield?"

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Speaker Turner: "Indicates he will."

Dunkin: "Representative, it's just... and finally, we have a capital Bill. Finally. That's a good thing... that's a great thing for our citizens here. I've perused through the Bill. Is there... maybe I missed it, is there a provision in there for a high-speed rail system that's been talked about for a number years as well?"

Lang: "Representative, this is a revenue Bill only. There are other Bills that will discuss the distribution of the bond proceeds. This is only the revenue portion."

Dunkin: "Okay. And so, possibly the other Bill... since you're in Leadership, correct?"

Lang: "I was when I got here today."

Dunkin: "How long you been in Leadership, about 20 years or..."

Lang: "A while, Sir."

Dunkin: "...a long time."

Lang: "Yes."

Dunkin: "So, you have knowledge that a high-speed rail consideration or possible spending plan of sort, maybe \$750 million, maybe a little bit over a billion dollars, would possibly be a part of the expenditures of some of this capital money or revenue."

Lang: "Well, I don't know where all that is going, but I can tell you that enough people on this floor have been talking about that issue so that it's been noticed. Does that help you?"

Dunkin: "To some extent. Simply wanted to know because that is... that's been talked about for years here. I think it's high time to come right from Chicago, hit the southern

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suburbs, zip down to Springfield, as well as St. Louis. And it's... and it's also capital. It'll also put even more people to work."

Lang: "Well, we're all for that, Representative, right?"

Dunkin: "I am too. Let us know when you find that out, okay, counselor... Representative."

Lang: "Yes, Sir, we can do that for you."

Dunkin: "Thank you, Sir. I support the Bill."

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

Dugan: "To the Bill, Speaker. Thank you. And of course many things have been said, so I'm going to keep this short. But I... but I think all of us know as far as the importance of a capital Bill to not only bring jobs to people in Illinois, but certainly for the improvements that will be made both in infrastructure as well as schools, higher education, and those types of things that certainly, of course, I support. But I also just want to say that the concern about the operating budget and as we move forward in this Body, we all know that we are responsible not only for a capital Bill and improvements to this state, but also to those that count on us. So, as one who is a strong supporter of a capital Bill and I do hope that people will understand why this is important that we approve this Bill to proceed forward with the capital Bill and put people back to work, but at the same time remember, as many have said, we have to stand together and understand that the operating budget and those people that need us most along with those that needs jobs, we have to stand together for

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those, too and make sure our operating budget provides the services that as residents of this state we are responsible to help those that have a need. I also want to say as a labor person and for some of the concerns that have come up as far as construction and who these jobs and who the jobs will benefit, as a labor person, myself, I can assure my fellow Legislators that have a concern as to whether or not we will work as labor to make sure that everyone has an opportunity to the work in the trades, I give you my word that I will work with labor and I will stand with you to make sure that labor does understand the importance of people that want to work in the construction trades and why they have a right, and I will give you my word that we will work towards that and make sure it happens with this capital Bill. Thank you."

Speaker Turner: "The Gentleman from DuPage, Representative Ramey. And he is the last speaker."

Ramey: "Thank you, Mr. Speaker. And to the Bill and I'll make this short and sweet so that we can get on to the voting on this stunning piece of legislation. Ladies and Gentlemen, to the Bill. We all want capital; we've all talked about capital, we've done this for years, but many of us have concerns on the funding source. Across the way, Senate President Cullerton said that we were hypocrites if we vote for the capital but not for this funding source. My argument is is that there are other ways to fund this. There's money out there that can be had. I have introduced legislation that could save this state from hundreds of millions of dollars to billions of dollars, but these Bills

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are not debated on the House Floor. All we get is tax, tax, tax, funding... fee increase, fee increase, fee increase. I find that hard to swallow, but to our friends in the gallery, to the people of my district, to the roads that need repaired, to schools that need work on; we need capital. I just wish we had more debate on these funding sources. Thank you, Mr. Speaker."

Speaker Turner: "Representative Lang to close."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I appreciate everyone's comments. As to those who talk about the need to have a better operating budget for the State of Illinois, I share your view and I'm hopeful that in the next few days we can figure out a way to have to the best possible operating budget that does not shortchange the people of the State of Illinois. I share your views on that and wish to work with you on that. As to this Bill, I think we understand that this is Illinois's economic stimulus package. This is the Bill that will put thousands of our people to work, repair the infrastructure of our state, and do great things moving forward for the citizens and the economy of the State of Illinois. This is a Bill we've waited 10 years to pass. This is a Bill we must pass today. I ask for your 'aye' votes."

Speaker Turner: "So the question is, 'Shall the House concur in Senate Amendments 1 and 3 to House Bill 255?' This is final action. And all those in favor should signify by voting 'aye'; those opposed signify by voting 'nay'. And the roll is open. Have all voted who wish? The Clerk shall take the roll. On this... on this question, there are

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86 'aye', 30 'no', and 1 voting 'present'. The House does concur in Senate Amendments 1 and 3 to House Bill 255. And this Bill... and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, we'll do House Bill 312. Read the Bill, Mr. Clerk. On the Order... on the Concurrence Motion, we have House Bill 312. Representative Lang, the Gentleman from Cook."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I move concurrence in Senate Amendments 1 and 2 to House Bill 312. Taken together, this Bill would appropriate \$13.5 billion in state funding for new capital projects. Of this amount, 8.9 billion is for new bonded capital projects and 11.7 billion associated with the multiyear road program. The 13.5 billion will allow the state to capture its \$6.9 billion in local and federal funds. These funds will cover transportation projects, school projects, environmental energy technology and economic development projects. I ask for your support."

Speaker Turner: "And on that question, the Lady from Cook, Representative Nekritz, for what reason do you rise?"

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

Speaker Turner: "Indicates he will."

Nekritz: "Mr... Representative, do you know how much is in this spending package for passenger rail?"

Lang: "Certainly not enough, but \$2 billion, Representative."

Nekritz: "Well, that... that much. That would be great, Representative, if that were the case, but I think some of that is the pass-through money from the Federal Government. In terms of the..."

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Lang: "Go ahead. I... I think I have the wrong number."

Nekritz: "I think you do, too."

Lang: "Stay with me for a second."

Nekritz: "No. Well, I... I... it's a hundred and fifty million for passenger rail. And... and I was... I would just like to indicate to make the Body aware that in... in the last year, the landscape with regard to passenger rail and high-speed rail has changed dramatically. Not only has President Obama put \$8 billion out there for... for states to spend on passenger rail, but Congress passed and the Pres... and the former President signed the Passenger Rail Inve... Infrastructure Investment Act which also creates an additional program for states that allowed for the first time in history creates a federal matching program for states similar to what roads and airports have always had. And so, we in Illinois really are going to have to step up on passenger rail and have some skin in the game on this. And the \$150 million that we have will not get us the high-speed rail we need from Chicago to St. Louis, Chicago to Detroit, and Chicago to Minneapolis. It will not cover the expansions we need from Chicago to Rockford and on to Dubuque and from... and the expansions we need from Chicago to the Quad Cities. It will not even cover the repairs we need on the current service that we have so that we can keep that service up and operating in an efficient and on time... and on time fashion. And lastly, we need some equipment and that equip... and we're not going to be able to cover that with the amount that's in this Bill. So, I am hopeful that in a future Bill we will be able to get to a

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point where we can carry out the President's dream of having a high-speed rail system that runs through... well throughout the Midwest with good equipment, with good on time performance and make that the transportation system of the 21st century. Thank you."

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

Eddy: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Eddy: "Good afternoon, evening, Representative Lang."

Lang: "Hello, Sir."

Eddy: "Just very briefly I want to cover some of the components of this as it relates to school construction. First and foremost for the school districts on the '02 list that we've talked about many times in here and discussed the fact that they have not received funding, my understanding is this legislation specifically lists each of those school districts and provides them with the funding that they've been waiting for since '02."

Lang: "Is that a question, Sir?"

Eddy: "That's my understanding that those are sp..."

Lang: "Your understanding is correct. The 24 school districts promised in '02 are listed specifically with their amounts and they are guaranteed payment."

Eddy: "And beyond that, there... the total including that approximately 150 million for those 24 schools is \$1.5 billion."

Lang: "That is correct, Sir."

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Eddy: "And so, that would roll out over a three-year period of time?"

Lang: "I'm not sure there's a time frame in the Bill, but we'll check that for you."

Eddy: "Okay. As to the distribution of the school construction grant money, we currently have a program that I think has been very popular. Are there any changes being made at all to the formula that's currently used?"

Lang: "No."

Eddy: "Okay. So, a very popular program is not being changed. There's also money in here for maintenance grants..."

Lang: "Hundred..."

Eddy: "...matching maintenance grants?"

Lang: "...\$100 million dollars, Sir."

Eddy: "And I think the intent of that is that every school district in the state will have the opportunity to receive \$50 thousand in a matching grant, where they would match 5 thousand for maintenance projects."

Lang: "Right. It's a hundred million plus a match of a hundred million, locally."

Eddy: "Okay. Representative, there are a lot of good parts to the spending side of this Bill, but I got to tell you, for those school districts that have waited since 2002 for this moment, I can't think of anything in this Bill that means as much as making sure that we... we make that promise. Obviously, there's lots and lots of projects and roads and bridges and water and sewer and other infrastructure, but I'm especially pleased today to support the... the Bill because of the promise that we're keeping to those schools

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and because of what we're able to do for other schools and children in need across the state. I strongly support this and appreciate the fact that we are keeping things the same in that school construction plan."

Lang: "Thank you, Sir."

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

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

Speaker Turner: "Indicates he will."

Ryg: "Thank you. Representative, are you aware of any accountability measures that are included in this Bill or a process that might have been in place as the projects were prioritized?"

Lang: "So, are you talking about the kind of accountability, transparency and that type of thing..."

Ryg: "Yes."

Lang: "...on the projects? In the previous Bill we passed, is a proposal that OMB would be required to provide quarterly reports to the Comptroller, the Treasurer, and all four caucus Leaders on the status of all capital projects. The reports are to be written and provided in electronic format and have to talk about the description of the projects, where the funds came from, how much, what... what approp... what date the project was started, the time lines on the project and all of those kinds of transparencies that we'd be interested in."

Ryg: "Okay. Thank you. I appreciate that. I also hope though, in terms of going forward that we'll have the opportunity to hear a Bill that will actually set in place

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a process so we will know our capital needs and we will have criteria to measure them against to ensure that they are a good investment of our limited resources to have the biggest bang for the buck and the most impact. So, I appreciate that these measures are taking a first step. I hope we can go even further with a..."

Lang: "I agree with you, Representative."

Ryg: "...a follow-up Bill. Thank you."

Lang: "Thank you."

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

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

Speaker Turner: "Indicates he will."

Franks: "Thank you. Representative, I wanted to ask and I'm waiting for the list and perhaps you have it, the list for the community colleges and the projects?"

Lang: "We don't have a list at the present time, Representative."

Franks: "Mr. Speaker, if the debate's going to continue for a bit, can you come back to me after... 'cause I know they're searching for the list and I wanted to ask some questions?"

Speaker Turner: "The debate's not going to continue very long, Representative, there's only two more speakers."

Franks: "Well, then, I'll try to ask a couple of questions, then. I... My understanding is there's a list for community colleges, which I think is very important, but my question is the projects on the list and I'm... and I'm told that some of the projects on the list are those that have already been completed years ago. And if we find that to be the

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case, would those remain on the list or would the money be given to them retroactively, how would this work?"

Lang: "Let me move on to your next question and I'll get you an answer on this, Representative."

Franks: "That was really my only question."

Lang: "All right. Then... then bear with me a minute."

Franks: "Okay. Yeah, I'm looking at it right now, but maybe you have the answer."

Lang: "So, then part of this is from the recommendations of the Board of Higher Education. The other part comes from a very old list where the program had been suspended and they're going back to pick those up."

Franks: "That... that was my question."

Lang: "You still had a question about retroactive payments."

Franks: "Well, yeah, because some of this... it looks to me like it's a very old list and if some of the stuff had already been done..."

Lang: "So... so, the answer is that this Bill proposes to make those communities... those community colleges whole."

Franks: "Yeah... yes."

Lang: "Yes."

Franks: "And it does do that."

Lang: "Yes."

Franks: "Okay. That's... that was the... and if there's a different understanding, you'll let us know?"

Lang: "Well, probably not in the next 10 minutes, but as soon as I know, you'll know, Sir."

Franks: "Thank you."

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

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

Speaker Turner: "Indicates he will."

Miller: "I have a question and hopefully this wasn't asked in terms of distribution. As you know, we just passed the.. the funding source, how.. how are the.. how will these funds within all of these categories on our analysis: transportation, school construction, maintenance and so on and so forth be distributed and in what priority?"

Lang: "So, each.. each of these areas have their own existing programs for capital. These dollars would just flow into those programs and each of these areas would have their own priority system. As you know, for instance, in the school construction program, we're going to start with those schools, those 24 school districts that were promised in '02 and then they're going to create a priority system for the distribution of the rest of those funds."

Miller: "Well, maybe.. Let me go back to the.. I understand like for higher education there's been a list of capital demands from the.. the Board of Higher Education, it goes down a list, but in terms of supplying the revenue to the Board of Higher Education or the Illinois State Board of Education or whatever, in terms of money coming in, particularly since we don't know revenue source on gaming and some of the others, how is that di.. how is that distributive.. distributed to these entities or how is it anticipated to be distributed?"

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Lang: "Well, today, Representative, each of these areas of government have existing programs for capital. Now, they've been small because we haven't had any Bill like this, but they distribute capital now. And so, these funds would simply flow into existing structures and they would be creating their own priorities."

Miller: "There is no... I'm trying to be very specific here. In terms of some of the things we just voted on, some of the revenue will come in much quicker than others. For instance, some of the fees, some of the taxes... things..."

Lang: "All right. So, I understand your question. So..."

Miller: "And how will that... how... which... which..."

Lang: "Who gets it first?"

Miller: "Who gets it first?"

Lang: "Okay."

Miller: "In what order does it come in?"

Lang: "So, Representative, all these bonds are going to be sold at once."

Miller: "Right."

Lang: "It's going to be a big influx of money. So, there isn't going to be much of an issue about who gets what first."

Miller: "Okay."

Lang: "It's all coming in at the same time..."

Miller: "Okay."

Lang: "...assuming we can sell all the bonds."

Miller: "Okay. And I assume we will be able to. In terms of... we talked about some procurement language earlier and we voted on it earlier today. When these bonds are sold, is

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it the exist... is it... will it be opened up to all entities  
or... or will it be those who may have been..."

Speaker Turner: "Bring your remarks to a close."

Miller: "Once again for your indulgence just in terms of  
specifics on how this was going to work in terms of... of  
procurement for professional services dealing with these  
bonds. In prior years, there's been openings that they  
used a preexisting list, for instance. Is it the intention  
that this will be opened up to those firms or entities to  
be able to sell or people involved in... in these bonds? Is  
there any language that... does this pertain to any of that?"

Lang: "There's nothing in this Bill that deals with that, but I  
believe the procurement Bill we passed earlier today deals  
with, in some manner or form, how... how vendors and  
consultants are selected to do bonding and other contracts  
for the State of Illinois, but I don't have the specific  
details for it."

Miller: "And then the last question. In regards to that, and  
since we're fumigating or fumigated some of these existing,  
is there any language in this that will open up the process  
or will... that indicate there will be a competitive bid  
process or some type of bidding process to participate in  
these... in this... in this program?"

Lang: "Representative, this Bill is an appropriations Bill."

Miller: "I understand that."

Lang: "This is not talking about how we sell the bonds. This  
is what we're going to do with the bond proceeds when we  
get them."

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Miller: "Okay. I just wanted to make sure that at least we're thinking about it and looking at it in terms of as we move forward and try to have clean, open, honest, transparent government."

Lang: "And I would share your view and I know that Leadership shares your view that that needs to be open and it needs to include everyone."

Miller: "Okay. Thank you. I'm also in Leadership, too."

Lang: "Well, I..."

Miller: "Who did you think..."

Lang: "Yes, you are. I'm sorry. I didn't mean to slight you, Sir. I just meant in the meetings that I've been at."

Miller: "No, I understand."

Lang: "Thank you."

Miller: "Thank you, Representative. Thank you, Mr. Speaker."

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

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

Speaker Turner: "Indicates he will."

Black: "Shhh. Representative, have you been at meetings to discuss this? You've been to some meetings?"

Lang: "I go to a lot of meetings in this building, Sir."

Black: "I'll be darned. Maybe you could get me an invitation someday."

Lang: "I'll be glad to invite you..."

Black: "Thank you. I'd appreciate that."

Lang: "...to any meeting I'm going to, Sir."

Black: "I understand. It doesn't mean I would accept. Let me ask you a question. It's very hard to find out sometimes."

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Is there any money in the IDOT statewide budget, particularly under airports or aeronautics? Any idea that you know of to perhaps purchase a new airplane for the Air Illinois executive fleet at a price of about \$6.2 million?"

Lang: "Not that we're aware, Sir. Do you have some information you want to tell me about?"

Black: "I... I have some information who may request to be protected under the whistleblower program. He was under the impression that we were in the market to buy a new airplane for the Air Illinois fleet and I hope you're right, I hope it isn't in there. Let me ask you a question about AMTRAK, a hundred and fifty million. Is any of that set aside for high-speed rail?"

Lang: "There's no... none of that 150 million is set aside for high-speed rail."

Black: "Is there anything that you know of that could be used for the high-speed rail study, whatever?"

Lang: "Well, I believe in some of the dollars that were there... available after we passed this Bill and the next Bill, there would be an opportunity to find some money to do that."

Black: "Would it be state money or mostly federal money, not that it's free, I mean, it's all tax money."

Lang: "I don't think I have the answer, but..."

Black: "Okay."

Lang: "...I believe it's federal money, Sir."

Black: "All right. Do you have any idea how much time is shaved off from Chicago to St. Louis, if we were to initiate high-speed rail?"

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Lang: "A significant amount of time and I support shaving off that amount of time."

Black: "Yeah. I... The last study I read says we can shave 17 minutes if we go to high-speed rail. Seventeen minutes, wowee, wowee, zowee. Do you know how many state employees use AMTRAK to commute back and forth from Springfield to Chicago?"

Lang: "Apparently, there was a study done on this issue, but I don't have it in front of me, but I'll bet you you do."

Black: "Well, not very many. As long as we operate an air fleet, why would anybody want to take AMTRAK? Is there anything in here that changes the traditional formula for IDOT money from the current 55 percent downstate to the 45 percent District 1? There's been a lot of talk about that in the Senate."

Lang: "This Bill maintains the usual..."

Black: "Percentage."

Lang: "...formula."

Black: "Okay. Thank you very much, Mr. Speaker. I do appreciate your indulgent... indulgence. To the Bill. Once again we're in a situation where the first Bill passes and then the others almost have to pass afterwards. To my good friends from Chicago who have gotten a lot of press and ink and television time lately about the unfair IDOT distribution. If you want to go through the list with me, I'll show you some things that are unfair. Just took... take a look at mass transit, \$1.4 billion for RTA, CTA, PACE, and Metra; 200 million for all of the downstate mass transit districts; \$150 million for AMTRAK. Something

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tells me the bulk of that will be spent in the northern part of the state. Three hundred million for CREATE, which is simply a Chicago rail efficiency project and I could go on and on and on and on. So, I hope we've seen the last of the earned media on the... the dramatic impact that District 1 is taking with this budget. The fact is my hi... my IDOT district in central Illinois, IDOT 5, I think is the lowest IDOT district in the state on the appropriation. District 1 got \$1.6 billion, District 5, with more roads than District 1, got less than 10 million. Now, if there is some fairness and equity in that, before we leave next week, I would hope somebody from the Chicago area could point out that discrepancy 'cause this poor old downstater doesn't see where we are gaining anything downstate at the expense of IDOT District 1."

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

May: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

May: "Yes. Can you just tell me with all of these millions and billions, what's the ratio of roads to transit in this Bill? I didn't bring my calculator here so..."

Lang: "I'm hearing it's a 3 billion roads, 2 billion transit in new money."

May: "In new money. So, we don't come near the 1 to 1 ratio that... no. Okay, okay, okay. Fine. And..."

Lang: "The traditional formula has been 2 to 1, this is 3 to 2."

May: "Okay."

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Lang: "It's a better formula."

May: "Okay. Thank you. Of the 150 million for parks, is that for open space or for development?"

Lang: "No."

May: "No, no. I think..."

Lang: "No... no, it's not. I'm sorry. No, it's not for open space."

May: "It's for development. They can use it just for building parks and making them handicapped accessible. Okay."

Lang: "Yes."

May: "Is there any open space money in this? None, zero."

Lang: "No."

May: "Zero, okay. Is there any diesel retrofit money in this?"

Lang: "So... so, the reason is is this Bill's about job creation. Open space does not create jobs."

May: "Ah, okay. Is... retrofitting our diesels create jobs? Is there any diesel retrofit money? No, okay."

Lang: "No."

May: "I'm just asking. I know that there's... there's a huge pot of federal money there we could access about a 4 to 1 ratio on diesel retrofit. And for the... there are a couple line items on the wall... Water Revolving Loan Fund. Do we anticipate any of this will be used to clean up our fine rivers and lakes or Lake Michigan or is it for water and sewer projects?"

Lang: "This is for water and sewer projects, Representative."

May: "Okay. Thank you."

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

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Dugan: "Yes, Speaker. Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Dugan: "Representative Lang, I just want to check and I... this may have been asked before, but when they came up with the Board of Higher Ed, as far as the projects for some of the universities, how... how did they come to you... I'd heard you say something about they recommended some of the projects that... Was there some kind of a... was there projects that had been on there for a long time and..."

Lang: "So, the Board of Higher Ed had recommended projects, they had a list, for the public universities and the community colleges. So, we start with that list."

Dugan: "Okay. So... but I'm assuming we don't... Like if something's been on that list, approved by the Board of Higher Ed, for many years and it's not on there, can we assume maybe it was just overlooked or..."

Lang: "They're going to start with those projects."

Dugan: "Okay. So, if one's not on there, can we assume maybe it was overlooked. That's... I guess that's my question."

Lang: "Well, I would... I think you have to go back to them and find out if it was overlooked, if it was approved them left off the list..."

Dugan: "Okay."

Lang: "...or any of the other options."

Dugan: "I appreciate that. Thank you."

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

Davis, W.: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

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Davis, M.: "Representative, I've got a couple of questions based on the analysis. Earlier you mentioned that there was money for environment/water projects. And you mentioned that those were road... water and sewer projects, correct?"

Lang: "Correct."

Davis, W.: "Is there a list that exists that expi... identifies what those projects are?"

Lang: "This should... these projects would be granted by application, so there is no list. So, you've heard a couple of other areas where there are lists, but here there are no lists. There are no pending projects that have been approved. These projects will all be approved subsequent to the passage of this Bill."

Davis, W.: "So, these will be... This is a grant program that'll be administered by EPA, presumably?"

Lang: "They will create a... an application process. Folks will come in and apply and they'll create their own priority list."

Davis, W.: "Okay. Simple enough. I want to go back to the community college issue 'cause I heard you discussing that. The challenge with the community college list here. In the analysis it says, 353 million for capital projects at community colleges. Well, the problem that exists is that the list that I have here provided by the Illinois Community College Board for fiscal year 2010 has approximately 56 projects on it. Now, it was pointed out to me that, at least on three occasions, projects that are on this list, the universities went out to referendum or

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sold bonds to actually do the project. So, my question to you is is that, if that project's already done, will that college or university, once that project is reached on this list, still get that same allocation of resources?"

Lang: "Well, that'll be up to, I presume, the Board of Higher Education that set up the rules of how they're going to do that. It would be my view..."

Davis, W.: "So, wouldn't that be like double..."

Lang: "...it would be..."

Davis, W.: "...wouldn't that be like double dipping?"

Lang: "I'm sorry, Sir?"

Davis, W.: "Wouldn't that be like double dipping? If it's a referendum that pays for the project, and if it doesn't come off the list..."

Lang: "Well, in most of those cases those... those school districts went to referendum because they were on the list, but the project never got funded."

Davis, W.: "I'm not... I'm not questioning that."

Lang: "And so, they might fairly argue that if the money had been available when the list was created, they'd had gotten it from the state and they would have never had to go out to referendum."

Davis, W.: "True."

Lang: "So, they would argue that they're just being repaid for a project that they've... that they were promised, never got the funding for and you're just paying them back."

Davis, W.: "But if they went to referendum, that means the taxpayers paid for that project. So, are the taxpayers going to get money refunded back to them?"

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Lang: "Well, that would be up to the school district, I presume."

Davis, W.: "Oh, it would be up to the school district. Okay. Well, is there anyway, as this process moves forward, that we can incorporate some guarantee that if that is indeed the case, that they... that project will come off this list?"

Lang: "Well, I don't have an answer to that question. I suppose that could be handled with a trailer Bill. It could be handled by going to the Board of Higher Education and finding out what their plan will be as to how to handle these matters, but I don't have an an... specific answer today for you as to what to do with that issue."

Davis, W.: "You don't have a... Well, I've heard you say that you really don't have an answer, but I deemed it necessary to have this conversation on the record as we're debating how these... how these funds are being expended. So, let me move on to something else that was on the list. It was mentioned earlier that there is approximately \$300 million for the CREATE program. Can you please tell me how many jobs will come as a result of that?"

Lang: "This is a program that should create a substantial number of jobs, but I don't have a number for you. It is a project involving the City of Chicago and I'm sure they're listening to the sound of our voices now and I'm sure they'll come scurrying to your office later to tell you how many jobs it will create, but I don't know, Sir."

Davis, W.: "Well, okay. Personally, I don't care if they're listening or not, I'm just trying to understand, because I'm told that this is a jobs Bill. So, I just thought I'd

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ask to see how many jobs are going to be created by the  
CREATE project."

Lang: "Oh..."

Davis, W.: "Or for that matter how many are going to be created  
with the \$150 million that's going to AMTRAK?"

Lang: "It's a fair question. I don't have the answer."

Davis, W.: "Okay. So, for all we know there could be no jobs  
created."

Lang: "For all we know what, Sir?"

Davis, W.: "There could be no jobs created."

Lang: "Well, that's..."

Speaker Turner: "Could you bring your remarks to a close,  
please."

Lang: "It's certainly not the case that we're going to create  
no jobs. We're going to create thousands of jobs with  
these Bills, thousands of jobs."

Davis, W.: "Okay. And my last question, as I bring my comments  
to a close, there's \$20 million for airports. What exactly  
is that for?"

Lang: "It's a match of federal money for airports..."

Davis, W.: "I'm sorry?"

Lang: "...for capital improvements at airports, there's a federal  
match. So, we did this partially to capture some federal  
money and these are for airports all over the state."

Davis, W.: "All over the state. So, do we know how... how that  
will be distributed, as well? Do we have a list for that  
one? The list is in the gallery."

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Lang: "The... the director is in the gallery. You can wave, director. The director is waving and she'll be glad to supply you with her list."

Davis, W.: "Great, great. I appreciate that. You talked a lot about formula dollars for these things and I appreciate that, but the next Bill that we're going to debate is a Bill that may have projects in there for Members. And because of the air of transparency and all of this reform stuff that we're doing, our projects are going to have to be identified line by line in a Bill and I don't see any reason why these projects can't be or should not be identified in the Bill. And so I would ask if there's any way that those projects, as they're identified here and we don't know what they are, can be identified in a Bill that moves forward. I think that would be appropriate since we're being asked to do the same."

Lang: "I can't argue your point, Representative, but I'm not in a position to provide you what you want at this time."

Davis, W.: "You're the Sponsor of the Bill, though?"

Lang: "I am, Sir."

Davis, W.: "You could actually pull it out of the record, if you wanted to."

Lang: "This is not my first Bill, Sir."

Davis, W.: "I know, but you could pull it out of the record so we can work on it. Isn't that what we do here when there are challenges with Bills?"

Lang: "I could do that, but that won't be the case on this Bill."

Davis, W.: "But..."

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Lang: "That was an excellent effort."

Davis, W.: "I'm sure it won't be. Thank you very much, though, Representative."

Lang: "Thank you."

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

Feigenholtz: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Feigenholtz: "Representative Lang, how you doing today?"

Lang: "I'm doing fine."

Feigenholtz: "You're doing a great job."

Lang: "Great tie, thank you."

Feigenholtz: "Thanks. Representative Lang, in the Governor's introduced budget in the veterans' budget, there was an appropriation for a veterans' home in the City of Chicago. There were two numbers: 2 million for a study or for the initial architectural drawings to be done and another 14 million to actually build it. It was coupled with a... a building for Post-traumatic stress disorder, a small community center and a mental health facility and I'd like to know if it's in this budget."

Lang: "My answer is I believe it's in the Bill."

Feigenholtz: "I would like for that to be, if you could... I would like an answer to that if you could, you know, have staff take a look at it."

Lang: "We'll have someone come around and find it for you, Representative."

Feigenholtz: "Thank you. Yes or no. Yes or no."

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

Osterman: "Will the Sponsor yield? A quick question."

Speaker Turner: "Indicates he will."

Osterman: "Representative Lang, just a question about that 166 million for water projects and environment. Many of us have tried to put some money towards window replacement and creating jobs to do that window replacement to get the lead out of homes that have lead. Would any of this be able to be used for the environmental part of that \$166 million? And if we don't know, could we find out?"

Lang: "It sounds like a reasonable question to me and it sounds like to me like it ought to, but I just don't know."

Osterman: "Okay. Well, I'd like to work with you on that as we move forward."

Lang: "Right. And we do have a trailer Bill coming or another Bill coming on the issue of capital and maybe we can use that to help define some of these issues."

Osterman: "Well, as the Sponsor of this Bill, I'm going to support this and I'd like to work with you on that trailer Bill to try to address that other issue. Thank you."

Lang: "Thank you, Sir."

Speaker Turner: "Representative Lang to close."

Lang: "Ask for you 'aye' votes."

Speaker Turner: "And so the question is, 'Shall the House concur in Senate Amendments 1 and 2 on House Bill 312?' This is final action. And all those in favor should signify by voting 'aye'; those opposed by voting 'nay'. And the voting is now open. Have all voted who wish? Have

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all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. I should say, on this question, there are 117 voting 'aye'. And the House does concur in Senate Amendments 1 and 2 to House Bill 312. And this Bill, having received the Constitutional Majority, is hereby declared passed. This is the last Bill of the night; we're about to discuss it. Just want to let you know. Mr. Clerk, on the Order of Concurrences, we have House Bill 2400. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Speaker, Ladies and Gentlemen. House Bill 2400 I would move to concur with Senate Amendments 1 and 2. This is the bond authorization. It would allow the Governor to sell \$2.8 billion in GO bonds and a little over \$800 million in Build Illinois bonds for capital purposes. I would ask your support."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House... I'm sorry. The Gentleman... the Gentleman from Vermilion, Representative Black. I apologize. The light was covered."

Black: "Yes. As well you should, Mr. Speaker."

Speaker Turner: "Give the Gentleman..."

Black: "Yes."

Speaker Turner: "...some order in the chamber."

Black: "When you try to sneak something through like this, I get a little nervous. What are we on here, the Order of Lou Lang? We've been on Lou Lang for two hours."

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Speaker Turner: "Lou Lang, Lou Lang, Lou Lang."

Black: "That's right. Hey. I'm sorry, Mr. Speaker. I didn't hear you earlier. Is this the last Bill?"

Speaker Turner: "It's the last Bill of the day."

Black: "I have no further questions."

Speaker Turner: "So, the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 2400?' This is final action. And all those in favor should signify by voting 'aye'; those opposed vote 'no'. The voting is now open. This Bill requires 71 votes. Have all voted who wish? The Clerk shall take the record. On this question, there are 117 'ayes', 0 'nays', 0 'presents'. And the House does concur in Senate Amendments 1 and 2 to House Bill 2400. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from McHenry, Representative Franks, for what reason do you rise?"

Franks: "For an announcement. State..."

Speaker Turner: "State your announcement."

Franks: "State Government Administration won't be meeting this evening. And we'll get to it next week, I think."

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

DeLuca: "Personal privilege."

Speaker Turner: "State your point."

DeLuca: "Real quickly, here. If everyone can welcome, Judge Scully is here, my predecessor who was my State Rep for many years. Great to see you here, Judge."

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Speaker Turner: "Judge Scully, welcome, Judge. Welcome back. The Gentleman from St. Clair, Representative Holbrook, for what reason do you rise?"

Holbrook: "Environment & Energy Committee will not meet today."

Speaker Turner: "Right. The Gentleman... The Lady from Lake, Representative Ryg, for what reason do you rise?"

Ryg: "Thank you, Mr. Speaker. I request to posting... to waive the posting requirement for House Joint Resolution 28."

Speaker Turner: "The Lady asks leave to waive the posting requirements on HJR28. Seeing no objections, leave is granted. Representative Zalewski, for what reason do you rise?"

Zalewski: "Mr. Speaker, thank you. I ask to waive the posting requirement for Senate Bill 337."

Speaker Turner: "The Gentleman asks leave to suspend the posting requirements..."

Zalewski: "I spoke with... Mr. Speaker, I spoke with Representative Ramey who's the Republican spokesperson for that committee."

Speaker Turner: "Leave is granted. Mr. Black. Leave is granted. The Gentleman from White, Representative Phelps, for what reason do you rise?"

Phelps: "For an announcement."

Speaker Turner: "State your announcement."

Phelps: "The... keep the tractors back in the barn, the House Ag & Conservation is canceled."

Speaker Turner: "Are there any committees that are going to be going on tonight? The Gentleman... So for all the speakers that have... if can I have your attention? Everybody that

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has a speak button on right now if you are announcing... if your propose is to announce a committee, whatever the status is if you want we will pass out a written sheet that will tell you whether that committee is going to be heard tonight or when it will be heard. There was at least seven more, so if you just wait one minute we will pass a sheet around telling you what committees are meeting and when. Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 432, offered by Representative Berrios House Resolution 433, offered by Representative Rose. House Resolution 434, offered by Representative Rose. House Resolution 435, offered by Representative Turner. House Resolution 436, offered by Representative Berrios. House Resolution 438, offered by Representative Ryg. House Resolution 439, offered by Representative Bill Mitchell. House Resolution 440, offered by Representative Bill Mitchell, and House Resolution 441, offered by Representative Bill Mitchell."

Speaker Turner: "Representative Currie, moves for the adoption of the Agreed Resolutions. All those in favor should say, 'aye'; those opposed say 'no'. The opinion of the Chairs and the Agreed Resolutions are adopted. Ladies and Gentlemen, if I can share with you the schedule for the next couple of days. We will be coming in tomorrow morning at 10:00. We're going to work 'til late tomorrow evening. So, we'll be here... Late afternoon. And then we will return on Tuesday at 12:00. So, there'll be no Session Saturday, no Session Sunday, Monday's a holiday. We'll be

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back at 12:00 on Tuesday. And if you just wait just another moment or two, we will give you the committee schedule for this evening and tomorrow. Mr. Clerk, committee announcements. If everyone would give us their attention."

Clerk Mahoney: "Committee announcements. Immediately following Session in Room 115 Counties & Townships will meet. Immediately in C-1 Disability Services in Room 114. The Joint Committee on Elementary & Secondary Education-Appropriations and Elementary & Secondary Education will meet in Room 114. The Joint hearing in Room 114. Health & Healthcare Disparities will meet in Room D-1 immediately after Session. Veterans' Affairs will meet in Room 118 immediately after Session. And Adoption will meet in Room 122B immediately after Session. A half hour following Session Human Services meets in D-1, International Trade & Commerce meets in Room 115, Judiciary-Criminal Law meets in C-1, Youth and Family meets in Room 118 and Revenue & Finance in Room 122B."

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

Black: "Mr. Speaker, I have an inquiry of the Chair."

Speaker Turner: "State your inquiry."

Black: "Regarding the cancelation of State Government Administration, I was told by the chairman of that committee and by a group of lobbyists working on that definitional problem of manufactured, housing and privilege tax that that Bill would, in fact, come out of committee with my promise. It's a Senator Clayborne Bill in the

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Senate. We were told that we could have that Bill out this summer so we could negotiate those definitional problems. Did that change? If it changed, no one bothered to tell me."

Speaker Turner: "Mr. Black, it's my understanding that the items that are not listed on the committee schedule for the... today and there is none tomorrow, will be posted on Tuesday of next week."

Black: "All right. So, it will be posted because that's what I was told. So, I assume I have not... I have not been lied to. I assume that that's an operative statement."

Speaker Turner: "I'm making the same assumption..."

Black: "Thank you. All right."

Speaker Turner: "...that you are, Representative."

Black: "I... I appreciate that. We'll check next Tuesday."

Speaker Turner: "And now, Representative Currie moves that the House stands adjourned until Friday, May 22, at the hour of 10 a.m., allowing perfunctory time for the Clerk. The House will stand adjourned 'til Friday, May 22, at the hour of 10 a.m. And the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Will Davis, Chairperson from the Committee on Health & Healthcare Disparities, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is House Resolution 391. Representative Jakobsson, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on

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May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is Senate Joint Resolution 3, Senate Joint Resolution 31, Senate Joint Resolution 7; Floor Amendment #1 to Senate Bill 807, Floor Amendment #2 to Senate Bill 2043; a Motion to Concur in Senate Amendment #1 to House Bill 746. Representative Howard, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is Senate Joint Resolution 6; and a Motion to Concur in Senate Amendment #1 to House Bill 3717. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is House Joint Resolution 53. Representative Verschoore, Chairperson from the Committee on Counties & Townships, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 337; 'recommends be adopted' is Floor Amendment #2 to Senate Bill 1995, House Resolution 352; and a Motion to Concur with Senate Amendment #1 to House Bill 330... Correction. House Bill 883. Representative Ryg, Chairperson from the Committee on Disability Services, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s:

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'recommends be adopted' is Senate Joint Resolution 54; 'recommends be adopted as amended' is House Joint Resolution 28. Representative Mendoza, Chairperson from the Committee on International Trade & Commerce, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is House Resolution 339. Representative Feigenholtz, Chairperson from the Committee on Adoption Reform, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is a Motion to Concur in Senate Amendment #1 and Senate Amendment #2 to House Bill 2405. Representative Bradley, Chairperson from the Committee on Revenue & Finance, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #2 to Senate Bill 450. Representative McAuliffe, Chairperson from the Committee on Veterans' Affairs, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is House Resolution 379. Representative Harris, Chairperson from the Committee on Youth and Family, to which the following measure/s was/were referred, action taken on May 21, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is a Motion to Concur in Senate Amendment #1 to House Bill 529. Introduction and reading of House Bills-

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First Reading. House Bill 4567, offered by Representative Moffitt, a Bill for an Act concerning education. And House Bill 4568, offered by Representative Tryon, a Bill for an Act concerning State Government. Introduction and reading of Senate Bills. Correction. Introduction and reading of Senate Joint Resolution #4, offered by Representative Fortner. On the Order of Senate Bills-Second Reading is Senate Bill 337, a Bill for an Act concerning government. Second Reading of this Senate Bill. This Bill will be held on the Order of Senate Bills-Second Reading. There being no further business, the House Perfunctory Session will stand adjourned."