

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

19th Legislative Day

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Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones, and pagers. We ask our guests in the gallery to rise and join us in the invocation and the Pledge of Allegiance. We shall be led in prayer today by Lee Crawford, the pastor of the Cathedral of Praise Christian Center in Springfield."

Pastor Crawford: "Let us pray. Most gracious and most kind God, who art the author and the finisher of our faith. This day we pray that You will bestow Your precious blessings upon this most august Body. We pray Your blessings upon its Leader as well as all of its Members of that You have chosen to serve here and to serve well. I pray that You will grant them this day wisdom, wisdom to make wise decisions. Grant them knowledge, a knowledge to know You and to know all of Your ways. This we pray, in Your Son's name. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record reflect that Representatives Collins, Patterson and Turner are excused today."

Speaker Madigan: "Mr. Bost."

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Bost: "Thank you, Mr. Speaker. Let the record reflect that to everybody's dismay, I'm sure, Representative Black is excused today."

Speaker Madigan: "Let the record reflect those excused absences. Mr. Clerk, take the record. There being 113 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Committee Report. Representative Dunkin, Chairperson from the Committee on Tourism & Conventions, to which the following measures were referred, action taken on February 22, 2007, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 636. Referred to the House Committee on Rules is House Resolution 134, offered by Representative Molaro. House Resolution 139, offered by Representative Eddy. House Joint Resolution 30, offered by Representative Smith. House Joint Resolution 31, offered by Representative Hernandez. And House Joint Resolution 32, offered by Representative Miller."

Speaker Madigan: "Mr. Clerk, anything further? Okay. Mr. Clerk, on page 8 of the Calendar, on the Order of House Bills-Third Reading, there appears House Bill 351. What is the status of the Bill?"

Clerk Mahoney: "House Bill 351, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Clerk, put that Bill on the Order of Second Reading. Mr. Hannig in the Chair."

Speaker Hannig: "We're going to start on page 7 of the Calendar, under the Order of House Bills-Third Reading and move down the list. So we'll start on House Bill... with House Bill 12."

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Representative Fritchey, you wish us to read this Bill on Third Reading? Out of the record. Representative Osmond on House Bill 32. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 32, a Bill for an Act concerning the Adeline Jay Geo-Karis Illinois Beach Marina. Third Reading of this House Bill."

Speaker Hannig: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. House Bill 32 as amended is dealing with the North Point Marina now known as the Adeline Jay Geo-Karis Illinois Beach Marina, which is the largest marina on the Great Lakes. It was the request of six slip holders who came to my office in September who were concerned about the Governor taking money from the marina account which was set up for the sole purpose of maintaining these facilities and making the necessary repairs. The marina's source of income or revenue is from slip fees, storage, and transit fees. As many of you may recall, this marina was established in 1989 under the direction of the Department of Natural Resources with the understanding that 25 percent of the first two million (2,000,000) revenue and 75 percent of all revenue in excess of two million (2,000,000) would be paid to the General Revenue Fund. As of January 1, 2007, the marina has paid back seventeen million four hundred and forty-five thousand one hundred and seventy-five dollars (\$17,445,175) leaving approximately 13.8 million (13,800,000) left of the 31.2 million (31,200,000) debt. In this legislation, we are looking to restructure the debt to a flat 35 percent, asking that the Governor not be allowed to remove any further funds from

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this account and that the Department of Natural Resources establish a 10-year plan as to the necessary repairs and improvements to keep this marina as nice as it can be. I ask for your support in this endeavor."

Speaker Hannig: "The Lady has moved for the passage of this Bill. Is there anyone who speaks in response? Then... Representative Fritchey, do you wish to speak in response?"

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

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

Fritchey: "Just a quick question. I don't know where you sit anymore. Oh, there you are. I couldn't see you back there. Why is the department against the Bill?"

Osmond: "We worked out some of the... they... Originally the Bill I asked for four hundred and ninety-nine thousand (499,000) that was removed to be placed back in. And we worked that out and I removed that out of the Bill. Right now, that they have a little bit of a problem with the hold on this fund. Everything else is agreed upon."

Fritchey: "All right. Thank you."

Speaker Hannig: "Is there any further discussion? Then, Representative Osmond, do you wish to close?"

Osmond: "I appreciate an 'aye' vote on this issue."

Speaker Hannig: "So, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pritchard and Rita, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed. Representative Fritchey, we're gonna return to... to House Bill 12. So, Mr. Clerk, would you read that Bill."

Clerk Mahoney: "House Bill 12, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker. This is an initiative of the firefighters who are seeking to clarify a Home Rule issue that would allow veterans who are returning to get a higher level of compensation in Home Rule municipalities. This would only affect the City of Chicago. I'd be happy to answer any questions."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cultra, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 7 in the Calendar is House Bill 38. Representative Cross. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 38, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that originated of a... because of a problem in my district and Senator Wilhelmi is the Senate Sponsor of this Bill, assuming it

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passes. Hopefully, it will. And it's a Bill that's supported by the IEA, IFT, LEND, SCOPE, and EDRED. We had a situation in our district where a student threatened online a teacher, or I think it was a principal, threatened to kill him. And the law enforcement act... wanted to take action and did with a criminal offense... charging him with the criminal offense. The school board was unsure, because of the way the statute was written, whether or not they could take action with either a suspension or an expulsion. This Bill would allow a suspension or expulsion with a very... it would have to be an explicit threat made to a student or a teacher online. I would appreciate an 'aye' vote and be glad certainly to answer any questions if you have any."

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

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

Cross: "Yes, of course."

Davis, M.: "Representative, how will you know who really put the threat on the Internet? How will you know?"

Cross: "Well, Representative, and I'm not a law enforcement officer, but clearly, just like with a criminal offense, you would have to prove like you would in court that connection between the person that committed the alleged offense against the person that received it. So, I guess it could be a matter an admission; it could be a matter of the student or somebody talking about it. There could bay... be a connection from an e-mail or Internet to Internet. But it can't happen without sufficient proof, just like in a

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criminal case, whether or not that person did it. It's a good question."

Davis, M.: "Let me give you an example of my concern, Representative. I was invited to a meeting, and my thought was I will attend. But someone e-mailed the host who had invited me, and they said to the host, 'I'm sorry, I will not be able to attend the meeting.' And they e-mailed it to the host who had invited me. And it wasn't from me at all. It wasn't true. It wasn't from me."

Cross: "Yeah."

Davis, M.: "And I didn't send that e-mail. So, I... I know you are well-intentioned, but I do believe there is so much about the Internet..."

Cross: "Yeah."

Davis, M.: "...that we are still learning."

Cross: "Right."

Davis, M.: "Until, I would hesitate to attempt to penalize someone who may be totally innocent."

Cross: "Okay."

Davis, M.: "An older brother or sister could use your computer..."

Cross: "Right."

Davis, M.: "...and put a threat on. And they may not even be enrolled in a school. A friend who comes to visit you could put a threat on the e-mail. And I would just be very concerned that once again innocent people will be convicted of something they actually did not do."

Cross: "And you make a very good point about the day and age we live in, Representative. There is a very... there is a due process, process in this Bill in the event of school board

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attempts to expel or suspend. So, it's not something the school board just says, oh, we're gonna do it. They are required to prove it. I... I... I would... Just like in a criminal case, you've gotta prove that it occurred and there was intent there. And I... That needs to happen. My only point, and I... and I don't at all quarrel with what your... your observations or concerns about the Internet. I would suggest that, assuming school districts and law enforcement are talking, this might be a better way to go sometimes for a child to have the school handle it than giving the child a... a criminal record. And so the school district may talk to the law enforcement agency and say, we can have an in-house suspension or a suspension for three days. That would be better for this child than you charging the child with a criminal offense and giving that child a criminal record. Right now that's not available under the statute. So, and now that means they have to... to talk. And I'm not being completely responsive to your question because you brought up an Internet issue, but my point is 1) we've got due process in here; and 2) in this case, the law enforcement authorities charged the child and were able to successfully convict him."

Davis, M.: "Are you asking that the child is suspended or expelled from school?"

Cross: "The... the... the Bill provides... that's the current law that on some instances the child could be suspended or expelled and that has not been changed. This is just an offense for which a child can be suspended or expelled."



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Davis, M.: "And... and that offense is if a child makes a threat of...?"

Cross: "It is an... it's being an explicit threat with respect to the life or safety of a... of a school personnel or a death threat. We happened to have a death threat in our particular community. So, it's... we've tried... we've tried to limit it to very, very narrow area, Representative."

Davis, M.: "So, if a... let's say a young person is angry about something. He's really angry, and he decides to... this threat has to be made on the Internet, is that correct? Okay. So he decides he's really angry with someone, someone he's friends with, but all of a sudden, he makes this threat. What will the process be after that?"

Cross: "Well, assuming it's an explicit threat to a current school employee, principal, a teacher, assuming you can prove that the student made the threat, make the connect from the student that did it on the Internet and go through those requirements. You've got two options, assuming this Bill passed. You could charge that person with a criminal offense, which I think is a felony if I'm not mistaken or you could... or you could expel or suspend from school, assuming this Bill passed."

Davis, M.: "So, what kind... what method would be used, Representative, to prove that this is the individual who did... made the threat? How could you prove it?"

Cross: "Well, again, and I don't know how law enforcement does it 'cause they would have to be included. You would have to... it could be connecting the... and I don't know the mechanics of this, Representative, but you could connect...

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look at e-mails from one student to another or one student to the teacher. You could... you might have a... you might have a discussion with a student where he/she admits it to law enforcement. You might have a discussion where the student brags about it to another student. You might have a student that puts it on a MySpace site that says, 'I made this threat.' But you clearly, and you make a good point, you have to prove that he or she did it, just like you would in a criminal offense. Just like you would have to... in a criminal case. You gotta make that connection."

Davis, M.: "Representative, you'd be surprised at the number of young people that I know who have come to my office with their parent who were accused, not proven, but expelled from school and denied an opportunity to get a high school diploma, denied an opportunity to go on to college, denied an opportunity many times because their parent didn't have the money to pay for an attorney. Now, sometimes if a student is accused, and the proof is not in the pudding, and that parent cannot afford an attorney, that poor student is usually just dismissed from our educational systems. A student who needs it more than any other is just placed into society without the supervisory arm of educators."

Cross: "That's not good. I agree with that."

Davis, M.: "So, I know that is not what you intend to happen."

Cross: "Correct."

Davis, M.: "But I think based upon our inability to prove who... who actually wrote an e-mail or our inability to prove, unless that child is actually seen doing it, if that child is visibly seen doing it, that is the proof that we have."

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Otherwise, it is someone's supposition or maybe even, what are they called, circumstantial evidence?"

Cross: "Correct."

Davis, M.: "I know you're well intended, Representative, but to the Bill, Mr. Speaker. I know that this is a Representative who is truly concerned with the education of all children, but I, too, as a former educator, I'm very concerned with Bills that deny children an opportunity to become productive citizens in society perhaps because of one mistake or perhaps because of mistaken identity. The Internet is a new venue that we haven't truly wrapped our arms around at this time. Anybody can send anyone else an e-mail on the Internet, sign someone else's name, use someone else's computer, sit at someone else's desk, and you would have a very difficult time proving who actually is the culprit. Surely, we know that any threats to children, any threats to buildings, any threats to staff, these are seriously important events. But it is also important if this is occurring to educate that child, to educate that person as to the harm they may cause or may have caused. Fortunately, in the State of Illinois we have not had any big school shootings or I don't even think we've had any major bomb threats from students. I believe the worst we've had is the pulling of a fire alarm. I cannot in good conscience support legislation that has the ability to suspend or expel an innocent student and deny him or her an educational opportunity that may benefit the whole of society. Now, I know we have a Leader who is presenting this Bill. I know he's well respected. I know he's highly regarded. But I

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believe the future of the children in the State of Illinois must be protected. We know... we know that all police officials who are making investigations are not necessarily making them fairly or justly or even accurately. I have great fear when I think of a young person who is being accused... being accused perhaps without benefit of, what do they call it, due process, because someone is accusing him or her of doing something that anyone in that building could have done. Internet is not... it is not perfected yet. It's not like the DNA that we get from a person or a fingerprint. Anybody can use a computer. Anybody can sign your name to an e-mail. And we should not subject our children to possibly being accused of something they did not do and denying them their future education, saying to them, 'you're expelled from school'. When in reality, if they did it, they're the ones we really need to educate. I really urge a 'present' vote or a 'no' vote. Thank you."

Speaker Hannig: "We're gonna move this to the Order of Standard Debate to accommodate some Members who wish to speak on this Bill. Representative Lang, you're recognized for 5 minutes."

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

Cross: "Sure, of course."

Speaker Hannig: "The Sponsor will yield."

Lang: "Thank you. Representative, I support where you're going with this Bill. I have firsthand knowledge of the use of the Internet and how kids can be harassed. As you know, I have a Bill or two regarding bullying in school. I think this is an extension of that, frankly, because this is

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insidious what kids do to each other on MySpace and Facebook and all of those sites is appalling and dangerous. So, I support your Bill, but I... I do have at least one or two of the same concerns that the previous speaker had. So, let me just ask you what due process provisions for protection you have in this legislation."

Cross: "Well, there's language that says, 'expulsion shall take place only after the parents have been requested to appear at a meeting of the board or with the hearing officer appointed by it to discuss their child's behavior. Such requests shall be made by registered certified mail. The board or hearing... its... the board or a hearing officer at such a meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed, he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereof as it finds appropriate.' And now, Representative, in this situation... and... and again, as I said to the previous speaker, I... I understand the concern. This is one where actually the child was charged criminally and... and convicted. So, the evidence in that case was pretty clear, at least to the law enforcement and to the court system."

Lang: "So, my concern would be an allegation where someone may have borrowed someone else's computer. Happens all the time. My fifteen-year-old daughter has friends. Eight or ten of them sit around the computer. I'm not sure what they're doing. I hope my daughter's not involved in any of that, but who knows what her friends are doing on her

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computer in my home. And so I have concern about making sure that when the school is doing whatever they need to do to promote the goals of House Bill 38, that they're following every possible due process requirement. And I know you would share that view."

Cross: "Right. Of course."

Lang: "I would just... let me ask this."

Cross: "Let me... well, Lou, can I just make... Representative..."

Lang: "Sure."

Cross: "We already... the school districts already have the ability to do this if someone brings a weapon to school. And... and so... and for the same reasons we would want to make sure that due process is allowed to a student in that situation. So, this... this provision or this arena is not new territory. We already are required to... or school districts have the ability to suspend or expel in a weapon situation. So, it's not, as I said, not new territory."

Lang: "So, I... I think this is a very important piece of legislation and I'm going to support it. I... I would just simply ask this, if it hasn't been done already, if you would run your due process language by some kind of a constitutional or due process or criminal law expert to make sure that this... as it goes through the Senate, if it needs Amendment to make sure that due process is solid, that we get that. If you would commit to do that, I think that'd be a good idea."

Cross: "Yeah. Representative, I'll talk to Senator Wilhelmi and... and let him know your concerns. My only... just again, I wanna emphasize this, and I don't know how long it's been in

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effect, but the law currently applies in weapons cases. I... I assume that if kids have been expelled or suspended for bringing a weapon to school, a lot of those areas have been pushed on the due process, but I will certainly have A. J. and we'll help explore that area."

Lang: "I appreciate that. But there was one difference. Kid brings a weapon to school, there's the weapon. It's in his hand."

Cross: "Well... well, not necessarily. I had a situation in my district a couple months ago where there was a... a weapon found in a pa... a wastebasket. A student took it to the... after some time, took it to the principal. Now, he said he didn't bring it in. Well, then we got into the issue of the student having the weapon in his possession. Did he bring it in or did he... did he... did he get caught and then he said, 'I found it'? So, you always have those kind of issues."

Lang: "Right."

Cross: "And so, there... there are always due process issues."

Lang: "This is a... in my view, a growing problem, a critical Bill and I'm gonna support your Bill, Representative."

Cross: "Thank you."

Speaker Hannig: "Representative Gordon."

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

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

Cross: "Certainly."

Gordon: "Thank you. Leader Cross, would... would you say that... I guess would a fair representation of what you're doing by adding this section to... to the School Code be creating a virtual assault? We have... we have assault in the Criminal

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Code which is, ya know, that without lawful authority you engage in conduct that would place another person in reasonable apprehension of receiving a battery."

Cross: "I'm not... Representative, you ask a... I think, a good question. But I'm not amending the Criminal Code."

Gordon: "No, no, no, no."

Cross: "But this is..."

Gordon: "I understand that."

Cross: "I'm not sure... I'm not sure whether... I'm not sure what your question is. I... if you want to call it a..."

Gordon: "Okay. Okay. No. My question is, by saying that you're making a threat against the school employee or... or someone, you know, working at the school, and how you've got it defined in Section d-5, that that threat... does that have to go as far as what we... would be considered an assault? That they're in reasonable apprehension of that act being committed against them or the simple act of the threat being made is enough for this... statute for this potentially this suspension or this expulsion proceedings to begin?"

Cross: "I think I... I apologize. I understand what you're saying..."

Gordon: "Okay."

Cross: "...right now, I think. Let me just make sure I get the language so I read it correctly. Hold on a second. Representative, it... it has to be an explicit threat on the Internet against a certain individual, so and that's what the language says. I don't know how you wanna define that, but an explicit threat... and in our case it was a specific



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death threat against... it was a principal, if I'm not mistaken."

Gordon: "So... and I hate to throw out hypothetical situations. So, I mean, potentially... and this would be subjective by school board, by school district. It could be, you know, a student getting mad at a teacher, the student gets a bad grade on a test, or getting mad at a teacher and saying, you know what, I am putting it on their Web site, their MySpace page. I am going to kill Mr. Smith. He is going down. That... that man is done. Is that the... a type of explicit threat that you're talking about?"

Cross: "Well, I guess in any situation, Representative, and you know this as a prosecutor, former prosecutor, that's gonna be determined on a case-by-case basis. In this particular situation, the... the... And I understand what you're saying how kids act. But in this particular situation, the evidence was there to support a conviction on... on the... the underlying criminal charge. And, ya know, it's gonna be up, ya know, for a school board or a hearing officer to determine on this case. Just like, and I was explaining to Representative Lang, we had a situation in the Troy schools where a student found a gun and said he found it. And the question was whether or not he brought it. And... and they had a... a rather lengthy discussion and debate about how to handle that situation. So, it's just gonna depend on... on the particular case."

Gordon: "Right. Now, but I think the distinguishing factor with... with a gun case is that bringing a gun to school is an actual overt act with physical evidence. And... and what

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concerns me, I guess, is that what we're doing here is that you're saying that a threat is... is being made, but there doesn't have to be any intention of the threat being carried out... being carried out. That we're not holding it, and I... I realize that we're not beyond a reasonable doubt, we're not in the Criminal Code or anything like that. But we're not putting it at the same, ya know, putting it at the... even at the same standard of that person saying, 'this is actually going to happen to me.' It's just the person simply putting it out there and... and then this kid is going to be, ya know, brought before the school board and potentially expelled for... for some sixteen-year-old popping off."

Cross: "Well, do you think, Representative, a teacher, or a principal, or a school superintendent needs to be the recipient of an explicit threat that says, 'I'm going to kill you.'? Now, it may be made in... in a context that maybe the kid's gonna say, 'I was kidding.' But I don't think a school... school personnel should have to be subject to an explicit threat. In this day and age we've got a different means of communication. At our age, it may've been written on the side of a school building. But right now... right now in this case, 'I am gonna have you... I'm gonna kill you', that's pretty explicit. And it was sufficient enough to warrant a criminal prosecution."

Gordon: "Right. And... and just and two more quick things 'cause I only have about 20 seconds. That brings me to my next point is, 1) I'm concerned that we're taking away some parental responsibility, here, toward that child."

Cross: "No question."

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Gordon: "And finally... and finally, I don't know if you want in Section d-5, the way you have it written, Section... lowercase 'i' comma and then 'ii', and then it's an 'or'. I don't know if you need to have an 'and'."

Speaker Hannig: "Representative, your... your time is expired. So, this is on Standard Debate. We've now had two speak in favor and two in response. We're gonna recognize one more on each side. So, the next one seeking recognition is Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. To the Bill. Just quickly on a clarification. So good... good debate, good discussion regarding this Bill. I want to bring it from a different angle. I...I'll tell ya, students today need to know what their parameters are. And this is simply extending the same type of... of behavior standard to a... a electronic means that we currently have for verbal means. And... and I... and I understand the burden of proof is gonna be different because you have to prove that they actually are the one that made the threat over the computer or the BlackBerry or whatever it was. But there... there are protections already in law regarding that that school districts have to observe and the due process is very clear. I see this as a way to inform students in a meaningful way that those issues related to threats, other type of disruptive behavior that... that cause school districts to... to in the same way verbal threats would be disruptive, have anarchy, all we're doing is extending that to a new means in... in a new age and... and it's something that I think will help students understand. There is substantial case law

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regarding this issue. Substantial number of times where students have felt already that their... their threat or... or whatever it was they were being suspended or expelled for was... was not something that was reasonable and it overstepped. In all those cases, explicit threats against school personnel or other students are one of the standards. This is simply clarifying it, putting it in statute. We're not changing any of the due process or the protections that students have. This is making it clear. It's a good Bill. This is good for... good for everyone. And I... I... think if you look at it that way you'll actually see this as something that... that for students will actually clarify their behavior. Please vote 'yes'."

Speaker Hannig: "We've had three speak in favor, and two in response. One more in response. Representative Graham, are you in response?"

Graham: "Yes."

Speaker Hannig: "Okay."

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

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

Graham: "Leader Cross, last week we had some conversation on children being expelled and being on the property after they had been exp... suspended from school and I'm sure you heard some of the concern from the Members of the Black Caucus last week. I agree with you that we should make every effort to make sure that school employees are safe on school premises. I do need... do believe we need to deal with the behavior of our children. But last week I made some

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comments regarding some of the schools in my district. Some of the schools in my district feel that the suspension policies of the school are not fair to the children there. And one of the major complaints that came out of some of the conversations that I've had is there's not enough funding for counselors in the school. In other words, there's one counselor that floats around to maybe four or five different schools dealing with however many number of kids in each school. I would really hope that we would really think about ways to save our kids from going into mishaps and possibly being misunderstood or handing out threats, which some kids do. I... I totally agree that some kids cross the line and say things that they shouldn't say. Sometimes they mean what they say, and then sometimes they don't. Sometimes kids bluff and they just happen to get themselves in a world of trouble. So, I agree. I don't want to minimize the concern, but I really would hope that we would look into putting some finances into our schools to make sure that we have adequate counseling for the children in the school so they can get the attention that they need. Some kids come from homeless shelters; they come from all different environments. And sometimes crises at homes, kids going through situations where their parents are divorcing, and they come to school hostile and mad as all get-out. But they're not really mad at the people at the school, but they take it out at... with the people on the... at the school. So I would really hope, Representative... Leader Cross, that we will really focus and put our energy on making sure we have

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adequate counseling in our schools for our children so they don't get caught in nets such as this."

Cross: "I... you raise some very valid points from a policy standpoint about what we should or shouldn't do. And I don't disagree with those, Representative. Thank you."

Graham: "One other... actually those... that was a statement. Just one question. I didn't hear the very beginning of your presentation of this leg... of this piece of legislation. What was the genesis of this?"

Cross: "We had a... a principal's life threatened. A student threatened to kill him."

Graham: "Okay."

Cross: "And he was... and he was charged criminally."

Graham: "Okay. Okay."

Cross: "And the school board couldn't do anything about it."

Graham: "Okay. All right. Well, I... I do... I do agree that we need to keep our... our school officials safe, 'cause we do want our children educated. But I... I would hope that we could find other measures like sending the kid to counseling, maybe some outside counseling before we go through some measures such as this."

Cross: "And... and... and ya know, Representative, nothing in this Bill prohibits that."

Graham: "Okay."

Cross: "I don't think that in some... In fact, and I said this early on, I would rather in the right situation, the school district handle it internally than having a child get a criminal charge. It's not always the right thing to just charge someone with a criminal offense. This... in this case,

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the school district said, 'we can't do anything 'cause the law keeps our hands tied.' So law enforcement said, 'we'll charge this person.' And maybe that was the appropriate case. But I think if law enforcement and schools talk like they should, you might in your kids' situation say, this isn't as bad as we think. Let's do counseling, but let's not charge the kid. Or let... we may have to do a suspension, let's not... let's not give... You don't always wanna give a kid a criminal record. I think you and I would agree on that."

Graham: "Right. Right."

Cross: "So, the more tools the school has, it gives greater opportunity to not always just go to that Criminal Code."

Graham: "Yeah. Well, thank you, Leader."

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

Cross: "Just... just... And... and I... I appreciate what people are saying and... and they... they raise some good points. But... and a couple of things, 1) this provision in the statute it currently exists in the School Code to allow school districts to expel or suspend. We don't want them to always do that, I'll admit, but they need to make those decisions on a local level. Due process does exist, right now with weapons charges from guns to knives to billy clubs, the authority exists. The threat issue that a Representative brought up, the... the Criminal Code doesn't even define 'threat'. As... as Jim Durkin says, 'it's... you know it when you see it or you know it when you hear it.' Clearly, you have to make the connection to the person that did the

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alleged offense. The... the IEA, the IFT, all the other school groups support this. I don't think that we as a General Assembly, while we have some concerns, would ever support students in any way or any capacity threatening the lives of teachers, principals, school superintendents, whatever the case may be. And perhaps, if we catch a situation where it's just done over the Internet, we can keep it from escalating to a greater level. I would appreciate an 'aye' vote. I mean, I appreciate your patience in the debate."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Flowers and Representative Joyce, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 98 voting 'yes', and 8 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 137."

Clerk Mahoney: "House Bill 137, a Bill for an Act concerning the General Assembly. Third Reading of this House Bill."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This would change the date for the sale of old chairs of the Illinois House and of the Illinois Senate so the Clerks in each chamber would be able to sell those old blue chairs to Members of the Assembly. The price would be set at the price of the chair when new. I know of no opposition. And I'd appreciate your support for passage of the Bill."



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

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

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

Brady: "Thank you. Leader Currie, in committee there was some discussion regarding this. And at the time, you were still kind of in the process of learning more of the actual procedure of choosing these chairs. Has anything changed from the... from the aspect of what kind of procedure is going to be used? In other words, there are some questions about will I get actually what was my chair? Or if I'm not there on time will I be down to the last man/woman on the totem pole and get the crummiest thing left over?"

Currie: "My impression is that it may be possible to identify what was your chair. And in that event, you would have first crack at buying it."

Brady: "Okay. Thank you. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Currie to close."

Currie: "Thank you, Speaker. Please... please vote 'yes'."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bradley and Smith, do you wish to be recorded? Representative Smith. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Cross, you have House Bill 138. Out of the record. Representative Nekritz, you have

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House Bill 148. Do you wish us... do you wish us to read that Bill? Out of the record. Representative John Bradley on 228. Do you wish us to read that Bill? Out of the record. Representative Wait on 272. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 272, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Hannig: "Representative Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 272 would create a reservist National Guard homebuyers' assistance program. As we know, the National Guard no longer is just weekend warriors. They're over in Afghanistan and Iraq. And this would simply allow them a grant program to... to buy a house. I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 272. Is there any discussion? Then all in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Fortner, do you wish to be recorded? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Colvin on House Bill 295. Representative Colvin. Representative Holbrook on House Bill 316. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 316, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Hannig: "Representative Holbrook."

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Holbrook: "Thank you, Speaker. House Bill 316 is a fairly simple Bill. It says when someone goes to site a landfill, that the government that has jurisdiction over it at the time of the siting is the governmental body that will hear and handle the... the siting issue itself at the IEPA hearings. I also have some legislative intent I'd like to read into the record to start with on this on House Bill 316. With a respect to the language amending Section 39(c) of the Illinois Environmental Protection Act and for the purposes of legislative intent, the sole purpose of this provision is to clarify which local governmental body, county, or municipality, has jurisdiction and is the correct siting authority. The language makes clear that if in... on the date of the siting application is filed, the subject pollution control facility is located in an unincorporated area, it is the county board that is the appropriate siting authority. And if on the date of siting application is filed, if the subject pollution control facility is located in an unincorporated area, it... it is the municipality that is the appropriate... incorporated area is the municipality that is the appropriate siting authority. In inventory language to Section 39(c) also makes clear that any annexations or changes in municipal boundaries subsequent to the filing of the siting application did not defeat that jurisdictional siting authority. House Bill 316 is not intended to and shall not be construed to make changes to the siting process, to the siting criteria, to the notice provisions, nor to modifying in any way the rights, powers and duties granted to the appropriate siting authority under

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current law. Finally, nothing in this legislation and nothing in Section 22.14 of the Environmental Protection Act shall be construed to apply retroactive to any existing and currently permitted pollution control facilities operated as a garbage transfer station for which siting approval pursuant to Section 39.2 was not required because it was in operation and permitted before the enactment of the siting process. This is real simple, this Bill. Whoever has control of the facility, incorporated or unincorporated, is gonna have the hearing. I would be glad to take any questions."

Speaker Hannig: "We've got a number of Members wishing to speak on this Bill. So, we are gonna put this on the Order of Standard Debate. And... and we're gonna run the timer. So, the first one wishing recognition is Representative Durkin."

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

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

Durkin: "Representative Holbrook, the question I had in committee was the fees that are basically that are filed for these types of applications at these local level. What are the... what's the ballpark range of a filing fee for someone who's seeking a transfer station at the county level or within a municipality or in unincorporated areas?"

Holbrook: "It's approximately a quarter of a million dollars (\$250,000)."

Durkin: "Okay. My history is it shows is not only is there an approximately quarter million dollar (\$250,000) fee which must be placed up front, but there... we're talking significant amount of legal fees that are put into just

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preparing the application. And also, the county... counties generally are required reimbursement agreements from the developer... or not from the developer, from the petitioner to reimburse the county for the fees. So, it could... invariably these... these petitions could... just to get into the... the ballpark, just to get at the batter's box, we're talking anywhere from a half million (\$500,000) to seven hundred and fifty thousand dollars (\$750,000), the fees. Now, are those refundable by the county if the prop... let's hypothetically say that this property was annexed and this law did not... this Bill did not become law, does the county reimburse the... the petitioner for the fees and the moneys which he's put in when he is now no longer gonna have that venue of the county board?"

Holbrook: "No, they would be refunded."

Durkin: "Okay. Thank you. I... I speak and I... I strongly support this legislation. They'll be a few people talking about this, but I think it's fair that we shouldn't change the rules of the game for someone who has made a significant investment into asking for a public hearing. And when the situation arises where property is annexed in, we aren't changing the rules of the game and I think that's fundamentally unfair. And I would ask all my colleagues to vote in favor of this legislation. It's common sense. But also, as I said earlier, it's a... it's a... it's a question of fairness. And when you think about what the fees in which people have to put up front, I think it's... it sets a bad precedent that we are not gonna allow them to recoup their..."

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their fees... investment that they've had in the property and the project. So, again, I ask everybody to support this."

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

Fortner: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Hannig: "Indicates he'll yield."

Fortner: "Thank you. And I wanna thank the Sponsor for that legislative intent. I'd like to further clarify with a question. There are specific cases where there is an existing sited facility that is subsequently annexed by a municipality. Now, there are cases where there's not a need for a full siting petition, particularly if various parts are changed. For instance, if you had a waste transfer facility that requested a tonnage increase but no change in the footprint, that would not require a siting... any new siting petition, as I understand it."

Holbrook: "Correct."

Fortner: "Well, if that happens and then there's a subsequent annexation of that facility by the municipality, is it the intent of this Bill that the county, being the original siting authority in that case, would they... would they have to revert back to that for getting local approval... if the IEPA was seeking local approval from that facility, do they have to go back to the county or is it the intent that that would be with a municipality which is the way the IEPA currently interprets it, even though no siting application has been presented?"

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Holbrook: "The intent of this legislation is to do just what the IEPA currently says... is the current practice that if it is annexed into a jurisdiction, a municipality, then they would become, after the fact... after the siting for all other issues, the... the governing body. And I have a letter from... dated February 23 from the IEPA from John Cross, the head of intergovernmental affairs stating just that. And it's a very long letter, but I think what really is the final line is its conclusion under item four which states, 'It is not the intent of the Illinois EPA to change its long-standing policy in that matter. And to avoid... remove any confusion regarding this matter, the agency would recommend making a statement of legislative intent to reflect this conclusion.' And I think that's what I did at the beginning of this Bill, at my introduction."

Fortner: "I thank you for that intent, as I said; however, I have to still oppose this Bill. I think... and I support cleaning up the language so that during the siting process there's only one... one manager, there's only one unit of local government controlling that. But in cleaning up that language, the... the very nature that we have to go to this letter from the IEPA means that we still have left some vagueness in the language and in cases like... is the case in one of the municipalities in my district where there is such a facility, I think this Bill would be better served to have language that also explicitly clears that up. And for that reason I must oppose. Thank you."

Holbrook: "Thank you, Representative."

Speaker Hannig: "Representative Dugan."

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Dugan: "Yes. Will the Sponsor yield? Representative..."

Speaker Hannig: "Indicates he'll yield."

Dugan: "I... I just, of course, caught part of the intent when I was coming back in and I know we... we've talked about this because, of course, one of the oppositions, or I think the only opposition to this Bill is the City of Kankakee which, of course, is my district. I've talked to the mayor of the City of Kankakee and explained that we had met and there'd been some changes done. And so, the opposition that may still exist with the City of Kankakee really has nothing to do with your Bill. It's an issue between them and Waste Management. But I did want to make sure that, again, the intent stated as I'm sure it does. My concern and my... originally was the fact that... that Waste Management did have a siting application for an expansion of a landfill. Since that time, and that was turned down by the county of Kankakee, since that's happened, there was a little group of people that started their own town right next to the landfill called Sammons Point. And so if that expansion, and I wanna make sure it's the intent, if that expansion comes back and Waste Management wants to go back to see about expanding it again. It will come in front of Sammons Point which is what my concern is, that it would not go back in front of the county. It will go in front of Sammons Point, correct?"

Holbrook: "Correct. And that's what my intent letter just... just... just stated."

Dugan: "Okay. And then the only other one was the transfer station. The transfer station in Bradley been operating but



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did not have a siting. They were granted the operation based on zoning."

Holbrook: "Zoning."

Dugan: "And so, I just wanna make sure, and you've clarified this and so has the IEPA that that particular transfer station no matter what may happen in the future cannot be changed because they were permitted to operate under the zoning classification, even though your legislation says siting."

Holbrook: "Right. Correct. And I... legislative intent directly addressed the garbage transfer stations as you requested."

Dugan: "Okay. So, again, since I am the Representative that represents the City of Kankakee who it is showing on the analysis is opposed, I will be voting for this Bill. Thank you."

Holbrook: "Thank you. Thank you, Representative Dugan."

Speaker Hannig: "Representative Tryon."

Tryon: "Thank you, Mr. Speaker. I would like to speak to the Bill. Will the Sponsor yield?"

Speaker Hannig: "The Sponsor will yield."

Tryon: "I think when Representative Holbrook brought this Bill to the committee, it solves, I... I believe, a very important problem. And one of the problems with Senate Bill 172 siting process is the minute the application is filed, the hearing body turns into a quasi-judicial body. It can no longer take any ex parte communication from anybody. It can't speak to any of its constituents directly about it, it can't speak to any objectors, it can't speak to neighboring communities. It officially becomes a hearing body. When

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you get into that process, by the time that happens, you're well into the fact that there's gonna be a waste transfer station, or... or a landfill, or a pollution facility sited there. If a municipality comes in and suddenly annexes that, you're interrupting the due process that the petitioner had and putting it into the hands of another body that would obviously have been receiving some part of ex parte communications which creates, I believe, a tremendous problem to the public, to the petitioner, to the unit of government that started the hearing, and potentially, to the unit of government that may annex it. So, I think this makes the in... the intent clear that once the siting process starts, the hearing body stays the same, the due process concerns stay the same, and... and the... and the facility will be sited by the hearing body that first starts the hearing. So, I support this Bill. I urge all of my colleagues to support it. I think it's a good piece of legislation."

Speaker Hannig: "Representative Holbrook to close."

Holbrook: "Thank you. It's the right thing to do. It's a good Bill. I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Fritchey, do you wish to rise for a recognition? Representative Fritchey."

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Fritchey: "Not for personal recognition, Speaker, but for purpose of an announcement. The House Civil Judiciary Committee meeting for tomorrow will moved from 8 a.m. to 9 a.m. Thank you."

Speaker Hannig: "Representative Leitch, you have House Bill 320. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 320, a Bill for an Act concerning wildlife. Third Reading of this House Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 320 simply extends the hours for deer hunting to a half hour after sunset, 39 other states do this. All the surrounding states do this. Bow hunters in Illinois have the opportunity to do this presently. I know of no opposition to this idea and I would ask for your approval."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 320. This is on the Order of Short Debate. And in response, Representative Chapa LaVia."

Chapa LaVia: "Representative, what does the Bill do again? I didn't hear."

Leitch: "The Bill extends for shotgun hunting season, during deer season, it extends the period of time allowed for hunting to a half an hour after sunset. Right now, it's a half hour before sunset to sunset. This, like the 39 other states I mentioned, extends the period to a half an hour after sunset."

Chapa LaVia: "Do our bordering states have those... those... that piece of legislation in place?"

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Leitch: "Yes."

Chapa LaVia: "Okay. So, this will just keep the deer from coming into Illinois?"

Leitch: "I think... I think we have..."

Chapa LaVia: "Like the drinking Bill."

Leitch: "...a few problems."

Chapa LaVia: "Thanks a lot."

Leitch: "Yeah, unless they're swimming."

Speaker Hannig: "Representative Leitch to close."

Leitch: "I'd ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Currie, Krause, and Osterman, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Miller, you have House Bill 330. Representative Miller. Representative Holbrook... Representative May, for what reason do you rise?"

May: "Yes, for an announcement. Environmental Health is canceled for this afternoon."

Speaker Hannig: "Representative Holbrook wishes to move House Bill 351, Mr. Clerk, back to the Order of Second Reading. Is that correct? Representative Holbrook."

Holbrook: "The Speaker moved that to Second this morning, first item."

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Speaker Hannig: "Okay. Thank you, Representative. That was my mistake. Is that... Representative Boland, for what reason do you rise? Representative Boland. Representative Boland. Seeking recognition, Representative? Can you... Apparently your microphone's not working. Maybe you wanna... Representative Franks, for what reason do you rise?"

Franks: "Financial Institutions... for purpose of an announcement. Financial Institutions will be canceled."

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

Flider: "It's a point of personal privilege, Mr. Speaker."

Speaker Hannig: "State your point."

Flider: "Yes, I just wanted to acknowledge and thank the Members of the Black Caucus for the gift again this year of our lapel pins. Each term they provide us with a new lapel pin and wear it daily here and very proud to wear it. So, I just wanna thank you for that and just mention to you publicly just how much I appreciate that. Thank you."

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

Beiser: "For purpose of announcement."

Speaker Hannig: "What's your announcement?"

Beiser: "The DCFS Oversight Committee meeting is canceled for this week."

Speaker Hannig: "Okay. Thank you, Representative. On page 8 of the Calendar, under House Bills-Third Reading, is House Bill 369. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 369, a Bill for an Act concerning business. Third Reading of this House Bill."

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Speaker Hannig: "Representative Franks."

Franks: "Thank you, Mr. Speaker. Boy, this is loud. I come before you with House Bill 369 which is identical to House Bill 4205 which we passed unanimously, 113 to 0, in the last General Assembly. What this Bill will do is have Illinois join 17 other states that do not allow expiration fees on gift cards, nor will we allow them to charge fees on these gift cards. I'd be glad to answer any questions that you may have."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 369. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, we're gonna return to House Bill 330. I didn't see Representative Miller, but he's here and in his seat. And Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 330, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 330 amends the Higher Education assit... Student Assistant Act with the respect to the Monetary Award Program, better known as the MAP Program. This legislation is aimed at addressing a population of the independent student in our... Independent student is classified by the

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federal... federal law as a student who's born... who was born before January, 1 1984, a student who's married as a date of application of financial aid, a student who has children who receive more than one half of the support from... from them, a student who has dependants that live with them and receive more than one half the support from the student, a student whose parents are both deceased, or a student who is aimed at the... who is a veteran of the armed forces. We know that... that the college student is not typically these days those who go from high school straight to college. And those students who do take some time out for whatever reasons who wish to go back to... back to school, this would help them become more school... college to become more affordable and really try to address the untapped need in the State of Illinois. I would ask for a favorable vote."

Speaker Hannig: "We have a number of people who wish to speak on this. So, we are gonna put it on the Order of Standard Debate. And we're gonna run the clock. Representative Eddy, you're recognized for 5 minutes."

Eddy: "Thank you, Mr. Speaker. The Representative, yield for a question or two?"

Speaker Hannig: "Indicates he'll yield."

Eddy: "Representative, there was some discussion in committee regarding this and I wanted to make sure people understand this is... this is not subject to an appropriation."

Miller: "That's correct."

Eddy: "So, the net effect of this would be that the pool of money that now exists for distribution would... would... would have this particular type of scholarship award competing for

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the same number of dollars. Now, I'm not saying that's a bad thing. I'm just saying, is that the net effect of this?"

Miller: "Possibly. The... the... the goal... That's a great question and one we talked about in committee and I think it really gets down to the intention. One thing I've learned is the fact that if we don't try to present issues that face the State of Illinois right now, then they just sort of get lost in the mix. And so, there's... this is a very specific population that affects all our districts in the state. And granted the fact that if there's not more funds allocated to this, there's a potential of funds being received less to those students who are currently MAP... MAP eligible. However, without trying to raise this point with these... with these individuals, then they... they potentially will never be addressed. So, the intention is to sort of move this along and then ultimately at some point in time, hopefully, that during the budget negotiations, during further discussions is that this... this population of student, the independent student, is raised in... in terms of their needs too."

Eddy: "And I... and I appreciate the intent. And I think the sentiment in committee that day was that really everybody could see the need. Our problem with it is and continues to be the fact that there is no specific appropriation. And... and I would just suggest... Now, I'm not gonna be able to support it in its current form because it could possibly cause that to dwindle. And maybe it isn't going to later. But the budget process is a long way down the road. We're not sure what kind of money's gonna be allocated in that



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fund. And if you vote for this, you... and this goes through as it is and the... and the... there's no change in the appropriation amount, the net effect is for all of those people who have scholarships, we could be affecting that and I'm just not comfortable doing that. I would be comfortable if this were subject to a specific appropriation for this purpose. And I... I don't know if you've given any consideration to... to possibly looking at that as an Amendment to this Bill."

Miller: "Well... well, that's a possibility it'd be amended in the Senate. I just know that we pass legislation all the time saying subject to the appropriation. There's no teeth in it, especially as it goes up the chain in regards to... to the administration. And I think that's what we're trying to look at. The part is we are... and I think everybody in this Body is not interested in hurting students who are... who are MAP eligible. I do know that... that we created a program last year called MAP Plus. And in some districts and some communities that's a good thing. But I would argue that five hundred dollars (\$500) isn't gonna really make a difference for those whose incomes are a hundred thousand dollars (\$100,000) or above. And yes, it does add something to those who are taxpaying citizens. However, somebody making twenty-one thousand dollars (\$21,000) a year who takes the energy and effort, who's an independent student, who decides to further their education... and we all know what the benefits of that in our society, to their person, to their family, five hundred dollars (\$500) may... may make a difference to that person. If we don't have an alternate

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program, if we don't have something that's out there for those students who really, truly need it, who are by themselves, who need the support, who are possibly veterans, then I think this at least it..."

Eddy: "And... and I'm not gonna argue that with ya."

Miller: "...it makes the equation better."

Eddy: "I've only got a minute. I'm on a timer here. So, I'm gonna... I'm gonna just skip to the other questions I have."

Miller: "I apologize."

Eddy: "I don't argue that with you. I'm just saying the net effect of this concerns me because of what it could do to all of those other people. Is there a dollar amount estimate on what this would... what pressure this would bring to the appropriation line item?"

Miller: "According to the fiscal note it's fifteen million (\$15,000,000)."

Eddy: "Fifteen million (\$15,000,000)?"

Miller: "Yes. Yes."

Eddy: "So, this... this would, if it were a subject to appropriation, the appropriation amount would be sixteen million (\$16,000,000) to... to fulfill your... your objective. If it doesn't become subject to appropriation, it adds fifteen million dollars (\$15,000,000) to a pool that I think everybody in here would already say is strained and we'd like to see more. And... and I understand what you're doing. But I just want folks to understand that that's the net effect of this. Vote it the way they wanna vote it. I can't vote for it because of the concern I have about the net effect. And as I stated in committee, the concept's not

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a bad one. Without the money, it's hard to vote 'yes' at this time. Thank you."

Speaker Hannig: "Representative Myers."

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

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

Myers: "David, we've always had a very good working relationship and I think for the most part you and I are always on the same page when it comes to helping students in need and certainly students with the MAP Program and making sure the funding is there. We have also increased the MAP funding over the last several years, but to your knowledge are the needs being met by the MAP Program, currently?"

Miller: "To... I guess to answer that I... I would think not, not fully because, as you know, that the... the cutoff date is always adjusted. A lot of these students are... are part of the community college system. They may apply or get accepted at the last minute. And so, it's hard to say that, ya know, are... are we fully meeting? So, I would say... I would say no."

Myers: "So, over the years as we have increased the funding for the MAP Program, haven't we also seen a decline in the number of individuals that are served or the contribution to those individuals served?"

Miller: "Yeah."

Myers: "Am I... would you agree to that?"

Miller: "I think... The contribution levels have not kept pace with the increase in tuition and... and the cost of higher education."

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Myers: "Okay. I guess the reason I was asking those questions is to get to my point. I pretty much agree with Representative Eddy and his comments. Ya know, I applaud Women Employed. They're doing a good thing by promoting this particular addition to ISAC recipients. And I don't think anybody can argue that. With the exception that we continually erode the ability to... for the ISAC program to really address the full needs of our students in the State of Illinois currently. As tuition continues to increase, we don't see a commensurate increase in the ISAC program to meet the tuition needs of those students. And I would feel much more comfortable if there was a specific appropriation for this. I know it may be three hundred (\$300)... or it may be fifteen million (\$15,000,000) out of well over three hundred million (\$300,000,000) budget for ISAC, but still it's another erosion of the ability to meet... completely meet the needs of the students that are currently seeking the program. I... I just wish there was another way that we could assist these independent students in... in seeking this assistance. And I would like to work with you... ya know, we addressed this issue in committee and we'll work with you in any way we can to do that without the continual erosion. It's a difficult issue, Representative Miller. And I applaud you for trying to take care of these individuals as they need to be taken care of and assisted. But I do think we have some problems. And at this point, I'm not sure which way I'm gonna vote. Thank you."

Miller: "Th... thank you."

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Speaker Hannig: "We've had one in support and two in response.  
Representative Bost."

Bost: "Thank you, Mr. Speaker. Just to the Bill. I know that the Representative is trying to do something that is... that is very good. However, the problem is is that without the appropriation of an extra fifteen million dollars (\$15,000,000), all we're doing is taking from one group and giving to another in a program that is already underfunded. I wish that the Members of this House would now listen because... understand what... if this comes to fruition what you're gonna be facing. You may have to explain to one of your constituents why it is that they are not receiving a MAP grant or a larger amount of the MAP grant for their case when they feel that they're very much due this help as well. By tweaking this and changing it in this direction without providing the funding, you are going to have to answer to your constituents that don't receive the funding why it is that the MAP grant continues to be eroded and why it is that fewer and fewer people are eligible to receive it that were ineligible to receive it before. I know that each one of us are kind of focused on our own little conferences around our desk. And I always love this process when it gets to this point. Hey, wake up. Hey. Ladies and Gentlemen, I want you to hear this. As... as... as well meaning as this Representative is, and he's a great Legislator, this is going to have to take from someone to provide for this particular group. And you're telling, by voting 'yes', you're gonna be saying that... that those people are worth more than the others and that's not the way we wanna go with

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this. I believe that we should work with this Legislator. He should pull this out of the record. We go back, we try to find some funding sources if we can to add more money to the MAP grant, and then implement this. I don't think it's a good vote. I think it's a good... I think he's trying to do well, but I don't believe that this is the proper way to do it."

Speaker Hannig: "We've now had one in favor and three in opposition. Representative Dugan, there's room for two more in support. Do you wish to speak in support? Okay. Representative Dugan."

Dugan: "Yes. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Dugan: "Representative Miller, I think, of course, it's pretty clear as to those people that you're trying to help. And... and even though I know that you understand as far as the fact that maybe we're not even able to address it... but I think the comment has been made that we need to help those that are in the program now that need help. I think your legislation is trying to show the State of Illinois the many that are out there that also need the help that unfortunately cannot get it because of the way that this program is set up. Is that correct?"

Miller: "Th... that's correct."

Dugan: "And... and so, just to the Bill. I, too, have a concern and we all have a concern about the fact that we are not, as a state, providing funding that is needed. But to say that we should only take care of... care of those that are in the program now and not understand that we need to know that

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there are others that also need the help, that as much as I also would like to see the appropriations or have the money available, I think Representative Miller makes a good point. And the point is this, that we know we're not helping everyone. We know there are additional people out there in this type of group that are trying to better themselves through an education. And so therefore, it puts the state and puts us as Representatives, I think, in a position to say we need to address it. And so, I don't wanna take away from anyone in my district that is now getting the MAP Program or have them get less. However, I do have many in my district that can't get anything and can't go to school because of this particular issue. So, I stand in support of this Bill to make sure that we help everyone that needs to be able to get an education to make their life better. Representative, I applaud you for bringing forth this legislation. Thank you."

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

Miller: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. And thanks for what I think a great debate on an issue that needs to be highlighted. It was mentioned in what we talked about the average student. This Bill addresses the average student in the State of Illinois. The average student is no longer 18. The average student doesn't take 4 years to graduate. What this does is try to eliminate the work penalty that these independent students face. Right now, currently under federal legislation State Law is the fact that they are expected to kick in 50 percent

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of their income towards their educational needs, 50 percent. So, if someone is making twenty-six thousand (\$26,000), thirty thousand (\$30,000) a year, they are expected to put in fifteen thousand dollars (\$15,000) on their income. People, that is unrealistic in today's climate of... of higher education. This Bill is a response to the today student and the fact that it's realistically... folks cannot try to achieve an education putting half their income in. What this law does or this Bill does is to try to address and try to make those students more eligible to be... to be able to receive higher financial assistance. It makes common sense. I understand the concerns, but this also highlights a need and a problem in the State of Illinois. As everybody in this Body knows that if this pressure is not applied to those whom... who are ultimately in the decision-making process, this will... this will maybe not be addressed. This... this affects all the students, all the students across all our districts in the state. I would ask for a favorable vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Feigenholtz, May, and Bradley, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 65 voting 'yes' and 40 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 376. ...me. Representative Mitchell, for what reason do you rise?"



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Mitchell, J.: "Thank you, Mr. Speaker. I have an announcement."

Speaker Hannig: "Proceed."

Mitchell, J.: "Republican Members of the Elementary & Secondary Education Committee, there'll be a brief meeting in Jack Kubik's office, immediately following Session. I know some of you have committee, but it won't take long. Thank you."

Speaker Hannig: "Representative D'Amico, for what reason do you rise?"

D'Amico: "Purpose of an announcement, Mr. Speaker. Drivers Education and Committee meeting tomorrow morning will be canceled. Thank you."

Speaker Hannig: "Mr. Clerk, read House Bill 376."

Clerk Mahoney: "House Bill 376, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Hannig: "Representative Franks."

Franks: "Thank you, Mr. Speaker. This is a Bill that's a long time coming. I'm not the first person who came up with this idea. Hopefully, I will be the last. This was Representative Burke's idea. And this... and it's a good Bill. And we had it up last week in committee. And Treasurer Giannoulis came and testified on this. Originally, the Bill had come from Treasurer Topinka. And the idea here is to allow tax breaks for people who are putting money away in 529 plans for schools. What this Bill will do will allow Illinois residents should they wish to invest in 529 plans which is a... it's a federal plan to save money for college education. But those distributions would now be made tax free. So, that way it could grow tax free and it would save our citizens money and help them pay for

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school. We also made a technical change where we tied this into the IRS schedules and how much can be given instead of having this each State Treasurer make their own determination, we're gonna go to the IRS schedules. I'd be glad to answer any questions."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Boland, McGuire, and Rose, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Verschoore, shall we read 405? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 405, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Verschoore."

Verschoore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What my Bill does is we have a zoo in my area called Niabi Zoo. It's the third largest zoo in the state. And currently, law allows the forest preserve to tax up to one tenth of one percent for construction, maintenance, and caring for the zoo. The tax rate was passed in '89 and has not been increased since... despite the growth of the zoo since '89. The operating costs then were three hundred and eighty-nine thousand (\$389,000); the zoo costs now are nine hundred thousand (\$900,000). What this does is require the

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forest preserve general fund to kick in an extra hundred and fifty thousand (\$150,000). And what this Bill would do would be allow the county, under referendum, to change that one tenth of one percent up to one sixth of one percent. It affects no other zoo in the country.. or in the state. I just would like to mention that our zoo is a national accredited zoo now, they can have any animal that's allowed to be kept in zoos. It's a great zoo and I'd be ha... I'd ask for an 'aye' vote, but I'd appreciate answering any questions."

Speaker Hannig: "This is on the Order of Short Debate. And in res... Well, there's... there's a couple of Gentlemen wishing to respond, Representative. So, we're gonna move this to Standard Debate. So, Representative Bost, you're recognized for 5 minutes."

Bost: "Will the Sponsor yield?"

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

Bost: "Just a quick question, Representative. In... in the Rock Island Zoo, do they have elephants?"

Verschoore: "Pardon me?"

Bost: "Do you know? Do they have elephants?"

Verschoore: "Yes."

Bost: "They do? Okay. 'Cause there's quite a scandal about how elephants are being taken care of around the nation and everything like that. I don't know if you know that or not. St. Louis, they're protesting and I just wanna make sure they're being taken care of well."

Verschoore: "They are."

Bost: "Have you, yourself, ever carried water for the elephant?"

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Verschoore: "Pardon me?"

Bost: "Have you ever carried water for the elephants?"

Verschoore: "No, I haven't, but I'm sure I could."

Bost: "Okay. All right. We'd love to see that, but it sounds like a good Bill. I'll support it."

Verschoore: "Thank you."

Speaker Hannig: "Representative Moffitt."

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

Speaker Hannig: "Indicate he'll yield."

Moffitt: "Representative, you've already pointed out this is a front door referendum. It's given the choice to the voters. Is that correct?"

Verschoore: "Yes, it is."

Moffitt: "Well, I just wanna say, although I live in a neighboring county, this is truly a regional zoo. It attracts people from miles and miles away. Ya know, tourism is our second largest industry in the State of Illinois and it's attractions like this that help keep us at the forefront of tourism. It brings people to the county, to that community. They go to other sights while they're there. So, it really brings revenue back into that whole region. It's a real asset. A lot of school trips are taken to the Niabi Zoo. And so, I just think that it's an excellent piece of legislation. It's a way we keep a first-class zoo as a first-class zoo. And anyone who's sponsoring the Bill that'll help protect elephants we know is a good Bill. Thank you for helping carry water for them. So, I certainly stand in strong support of this. It's a front door referendum encourages that number one industry in the

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State of Illinois... or the second largest industry... ag number one and tourism number two, in the State of Illinois. Urge a 'yes' vote."

Verschoore: "Thank you."

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

Verschoore: "All right. Thank you very much for the kind comments and we also have donkeys, we have giraffes, we have everything. So, I would ask for an 'aye' vote. Thank you."

Speaker Hannig: "The question is... the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Okay. Mr. Clerk, take the record. On this question, there are 67 voting 'yes' and 47 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, we're gonna return to the Order of House Bill 328. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 328, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Rose."

Rose: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 328 is a very simple Bill. It simply includes slaw... sworn law enforcement or peace officer within the definition of 'public official'. It's identical to Senate Bill 2966 which passed the Senate 55 to 0, but then during the Veto Session... but then sort of got timed out during the Veto Session. So,

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we've reintroduced it. All the law enforcement groups are in favor of it. And I am aware of no opposition to it."

Speaker Hannig: "...on the Order of Short Debate. And in response, Representative Scully. Okay. The Gentleman does not wish to speak. So, is there anyone who wishes to stand in opposition? And if not, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Saviano. Okay. Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Scully, are you seeking recognition?"

Scully: "Yes, Mr. Speaker. For the purpose of an announcement. The Electric Utility Oversight Committee which is scheduled to meet at 8:00 tomorrow morning will be postponed until 9:00 in the morning. We do have a lot of business to address, but I'm very confident that we can address those Bills in the allotted time. Thank you."

Speaker Hannig: "On page 9 of the Calendar, under the Order of House Bills-Third Reading, is House Bill 408. Representative Leitch, do you wish us to read this Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 408, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you very much, Mr. Chairman, and Ladies and Gentlemen of the House. This House Bill comes to us from a

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constituent in my district who spent time overseas in Ireland, the United Kingdom, and elsewhere around the world where in order to provide more safety and protection to young people who are driving, and especially those who are just learning to drive. The... those countries and communities prescribe that those drivers identify that they are new drivers so that the driver themselves know that other motorists are looking out for them and that the other motorists have an opportunity to know that an in... an inexperienced driver is on the road. This measure makes inordinate good sense in my view. Just in Tazewell County alone, over 15 young people were killed within the last year in teenage accidents. And anything that we can do to make our roads safer for our young people who too often are filled with invincibility, as we all would recall at that age, is an important measure to adopt. And I would ask for your support."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 74 voting 'yes' and 39 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Leitch, you have House Bill 421. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 421, a Bill for an Act concerning children. Third Reading of this House Bill."

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Speaker Hannig: "Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. This is the same Bill that we passed unanimously in the House last year. It provides that in cases of serious injuries reported to the DCFS hotline that the hotline be required to also notify the appropriate law enforcement authorities in that area. This is brought to my attention by Sergeant Mike Eddlemon who is in the Peoria Police Department working in the juvenile division for over 10 years and is another important protection for children who are too often showing up in our hospitals and emergency rooms as a result of abuse and even death. I ask for your approval."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Acevedo, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Pritchard, shall we read House Bill 438? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 438, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Pritchard."

Pritchard: "Yes, Mr. Speaker. I bring before you an idea that I saw Representative Lang introduce a year or so ago dealing with bullying. And I said, we've got problems with gang and



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gang recruitment. We need to give young children some tools to resist some of that gang recruitment that's going on. This leg... legislation is not a mandate. It allows school districts to begin and expand their bullying program to also include gang recruitment. And it's patterned after a number of states that have successfully modeled this program, California, Colorado, and Arizona among them. But most importantly, besides giving young people some tools to resist gangs, it allows local school districts to access some two mil... or twenty million dollars (\$20,000,000) in federal funding for gang recruitment prevention. So, it's a win-win situation for local communities. It's voluntary and yet it gives them some tools to use in helping their young people. I move for the Body's support."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Joyce and McCarthy, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 458."

Clerk Mahoney: "House Bill 458, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Bradley."

Bradley, J.: "Thank you, Mr. Speaker. This is the Southern Illinois Aggregate for Viable Energy Solutions. It is an

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aggregation program which provides for regional aggregation. Municipalities are able to bring in their people by virtue of an ordinance and then individuals would have the ability to opt-out. Unincorporated areas of counties which are not serviced by the REA would also be able to be brought in by county boards through ordinance with an individual opt-out as well. It's our hope that we could create a large enough buying unit in southern Illinois for the purpose of acquiring wholesale power that we could go out into the open market and hopefully, find power at a cheaper rate. Now, there's no guarantees. We're not overselling this. But as you all know from testimony you heard yesterday in the situation that's occurring in the state, that we have to... we have to go forward, look at, and attempt to provide relief in any and all available avenues and I think this is one of them. This is a bipartisan effort and is supported by the communities of southern Illinois. I think we already have over a hundred (100) communities... somewhere between a hundred (100) and two hundred (200) communities which are involved in this, which believe in the concept, which believe in what we're trying to do. Representative Reis, Representative Bost, Representative Phelps, Representative Granberg, Representative Reitz, myself have been working together trying to put this together and we're on the verge of it. I'd ask for your 'aye' vote."

Speaker Hannig: "We're gonna remove this from Short Debate to accommodate some Members who wish to speak. Representative Bost, you're recognized for 5 minutes."

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

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Speaker Hannig: "Indicates he'll yield."

Bost: "John, do you think that... that by doing this, we'll have the opportunity to allow our communities to do what it was, I guess, that the freeze was originally talking about in the first place which is that opportunity to... to truly wheel with some authority or...?"

Bradley, J.: "Yeah. I hope... I hope so. I... I hope with it we create competition in the wholesale market and also break the monopoly that we're suffering under now."

Bost: "It... By putting us all together, do you know what kind of... of kilowatt usage we can... we can negotiate for?"

Bradley, J.: "Well..."

Bost: "What kind of buying power does it give us?"

Bradley, J.: "Yeah, the... and it's grown a little bit because Representative Reis asked that his group be brought into it. The estimates I've heard for I-64 South, excluding the Metro East, would be anywhere between six hundred (600) and fifteen hundred (1500) megawatts of powers, a substantial buy."

Bost: "So... so, we believe that... and I know we can't do that until go out for bids and have... have this group do that. Do... do we have any guess of what we think we could reduce the rates by?"

Bradley, J.: "No. We've had different energy suppliers that've contacted us that are interested in selling to us at rates lower than what we're being charged for it now by Ameren. But to give a definite value on that, that's difficult to do at this time."

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Bost: "And... and... and the other question I have and then I'll... I'll just... you know that I agree with the Bill, but my... the other question I do have is, is that as this moves forward, exactly how does... now... now we make the purchase as this group and then... then Ameren is required to carry this through the lines and... and distribute it to the individual customers all throughout that area. Is that correct?"

Bradley, J.: "Yeah. The distribution fees are set by the ICC. And Ameren has told us repeatedly that all they're doin' is delivering power. Well, fine, deliver power. You can deliver our power."

Bost: "That's... that's right. And... and... and those... those people in that area would benefit from the cheaper rate that we'd be able to..."

Bradley, J.: "That is hopefully what we would accomplish."

Bost: "And... and that is the idea and intent."

Bradley, J.: "Yeah."

Bost: "I do support the legislation. I wanna commend the Sponsor on the job that he's done in bringing communities together to try to work to achieve this. It is my hope that... that this is just one step in... in many of trying to straighten out this problem. Thank you."

Speaker Hannig: "We got now two in support. And Representative Hamos, you're recognized for 5 minutes."

Hamos: "Thank you. Ladies and Gentlemen, I rise in support of this Bill, but I want to say to the people who don't live in these southern Illinois counties that are the subject of this that there is something that I consider a companion Bill and that's House Bill 351 sponsored by Representative

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Holbrook. This concept and this tool of municipal, or regional, or county-wide aggregation has meaning for all of us because this is an opportunity to really have... develop that kind of leverage to be able to negotiate a better price for our constituents. So, even if you don't think that this particular Bill is applicable to us on the north... northern end of the state, actually there's another Bill coming along that will help all of us as well. And... and I think this concept is a... is a... is an issue whose time has come. Thank you."

Speaker Hannig: "We've had three speak in favor. The rules would provide that three can speak in response. Does anyone wish to speak in response? Representative Rose."

Rose: "Thank you, Mr. Speaker. I wanna just clarify my... what's gonna be my vote. And I appreciate what the Sponsor's trying to do. Representative Holbrook has a separate Bill, House Bill 351, which covers all counties on a permanent basis. It's not a pilot project. I... I... ya know, there's no doubt after yesterday's hearing that action is necessary, but I intend to vote for Representative Holbrook's Bill, House Bill 351, which covers all customers on a permanent basis. And at this time I will not be voting for this Bill. And I just wanted to put that on the record. Thank you."

Bradley, J.: "May... may I respond to that?"

Speaker Hannig: "I don't think that was a question, Representative. So, he just wished to make a statement. So, Representative Krause, do you wish to speak in response?"

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Krause: "Thank you, Mr. Speaker. Just briefly, I rise in support of this legislation. It was presented in the Electric Oversight. We reported it out unanimously. I think all efforts in aggregation should.. should move forward. I think there's possibilities in this legislation and join with others in support."

Speaker Hannig: "One more can speak in response. Representative Reis, do you wish to speak in response? We've had three already in favor. We're looking for somebody in response. Representative Phelps? No. Okay, now Representative Bradley, you're recognized to close and you can address whatever arguments you wish."

Bradley, J.: "Thank you. This... this is designed to be a permanent program. It's... it's a program that would provide hopefully some relief for the people of southern Illinois. If this works in southern Illinois, then it sets an example of regional aggregation which, to my knowledge, has not been attempted in this form in other places. And we're desperately in need of help. And I hope that this serves as a beacon for other areas at some point. And I support Representative Holbrook's Bill as well. And I think that this is part, perhaps, of an overall long-term energy solution in the State of Illinois. And I ask for an 'aye' vote."

Speaker Hannig: "So, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Riley, do you wish to be recorded? Mr. Clerk, take the

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record. On this question, there are 113 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. I believe there are some announcements. Representative Hamos, did you have an announcement to make?"

Hamos: "Yes. Thank you. Ladies and Gentlemen, I want to just remind you about an invitation we all received organized by the Institute of Government and Public Affairs, the University of Illinois, called School's Out. It's an after school programs and policies that work. It's going to be at the State House Inn beginning at 4 p.m. There will be several panels of people brought in from all over the country to talk about what after school programs really are effective. And everybody is invited. State House Inn today, 4 p.m. on. Four to six. Thank you."

Speaker Hannig: "Representative McCarthy, you're recognized for an announcement."

McCarthy: "Thank you, Mr. Speaker. I wanted to remind everyone in the Body, we talked about this last week, about a higher education legislative briefing that'll be held in the Sangamo Club from 4:00 tonight. The presentation will run from about 4:15 to 5:45. And then we'll have a little reception afterwards. We have Julie Davis Bell who's the director of educational programs for the NCSL coming in. I've been told that she is an excellent speaker and will have a lot of information for us talking about the changing demographics of Illinois, higher education climate, and the importance of educational attainment for all of our citizens. I know some people have 4:00 committees, but if

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you do have a chance to stop by I think the information will be very informative and very valuable. So, please try to join us at the Sangamo at 4:00."

Speaker Hannig: "Are there any other announcements before we adjourn for the day? Representative Bost."

Bost: "Just an... just an inquiry of the Chair. I noticed that we got the rule book and... and ya know, I'm glad to have it. I notice it's a little lighter. I was wondering if that was so it doesn't fly as far in the newly decorated chamber? Is... is that the way it was designed? And if so, I think it was a wonderful idea."

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

Gordon: "For purposes of an announcement, Mr. Speaker."

Speaker Hannig: "Proceed."

Gordon: "The Smart Growth and Regional Planning Committee will not meet today."

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

Schock: "Thank you, Mr. Speaker. I just want to make sure that all of my House colleagues are aware of somebody's birthday today. As the youngest Member of the House, it's my pleasure to wish a very heartfelt happy birthday to another younger Member of the House, LaShawn Ford, who turns 35 today. So, let's all congratulate LaShawn on 35 years old."

Speaker Hannig: "Representative Bellock, for reason do you rise?"

Bellock: "Point of personal privilege."

Speaker Hannig: "State your point."



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Bellock: "Thank you very much. I would just like to honor a couple of other younger Members of the House of Representatives on their birthday. That would be Representative Bassi, Representative Tracy, and Representative Munson. Happy birthday."

Speaker Hannig: "Are there any other announcements? Then, Mr. Clerk, read the Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 129, offered by Representative Black. House Resolution 130, offered by Representative McAuliffe. House Resolution 131, offered by Representative Sacia. House Resolution 132, offered by Representative Coladipietro. House Resolution 133, offered by Representative Coladipietro. House Resolution 135, offered by Representative Joyce. House Resolution 136, offered by Representative Joyce. House Resolution 137, offered by Representative Flowers. House Resolution 138, offered by Representative Turner. House Resolution 140, offered by Representative Granberg. House Resolution 141, offered by Representative Biggins. House Resolution 142, offered by Representative Bill Mitchell. House Resolution 143, offered by Representative Bill Mitchell. House Resolution 144, offered by Representative Rose. House Resolution 145, offered by Representative Younge. House Resolution 148, offered by Representative Granberg. House Resolution 146, offered by Representative Granberg. House Resolution 147, offered by Representative Currie and House Resolution 148, offered by Representative Granberg."

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Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. Representative Currie now moves that the House stands adjourned, allowing perfunctory time for the Clerk, 'til Thursday, March 1 at the hour of 1 p.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of Senate Bills-First Reading. Senate Bill 154, offered by Representative Washington, a Bill for an Act concerning safety. Senate Bill 186, offered by Representative Chapa LaVia, a Bill for an Act concerning local government. Introduction and reading of House Joint Resolution Constitutional Amendments-First Reading.

HOUSE JOINT RESOLUTION  
CONSTITUTIONAL AMENDMENT 20

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article IX of the Illinois Constitution by adding Section 9.1 as follows:

ARTICLE IX  
REVENUE

SECTION 1.5. LIMITATION OF ISSUANCE OF GENERAL OBLIGATION BONDS

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- (a) Except as provided in subsection (b), no bonds or other evidences of indebtedness that are secured by the full faith and credit of the State may be issued if, after the issuance, in the next State fiscal year after the issuance of the bonds, the amount of debt service (including principal, whether payable at maturity or pursuant to mandatory sinking fund installments, and interest) on all then-outstanding bonds would exceed 7% of the aggregate appropriations of (1) the general funds of the State and (2) moneys derived from fees, excises, or license taxes relating to registration, titles, operation, or use of vehicles on public highways or relating to fuels used for propelling those vehicles, including bond proceeds for the fiscal year immediately prior to the fiscal year of the issuance.
- (b) If the Comptroller and Treasurer each consent in writing, bonds may be issued even if the issuance does not comply with subsection (a).

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 21

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the

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adoption of this resolution a proposition to amend Section 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population.

(b) By April 15 of the year following each Federal decennial census year, the State Board of Elections, by a record vote of a majority of the total number of members authorized by law as provided in Section 5 of Article III, shall designate a computer program for redistricting the Legislative Districts and Representative Districts that meets the requirements of this Section. The designation shall include detailed specifications of the computer program. Any computer program designated by the State Board of Elections under this Section shall embody the following standards and criteria, as defined by Common Law, in this order of priority:

- (1) contiguity;
- (2) substantial equality of population;
- (3) compactness;
- (4) minimization of the number of districts that cross county or municipal boundaries; and
- (5) a fair reflection of minority voting strength.

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Any computer program designated by the State Board of Elections under this Section shall not consider the following data:

- (1) residency of incumbent legislators;
- (2) political affiliations of registered voters;
- (3) previous election results; and

(4) demographic information not required to be used by this Section or by the United States Constitution or federal law. Except as specified in this Section, the computer program shall produce districts in a random manner.

(c) In the year following each Federal decennial census year, the State Board of Elections shall redistrict the Legislative Districts and the Representative Districts using the computer program designated under subsection (b). The State Board of Elections shall approve a redistricting plan by a record vote of a majority of the total number of members authorized by law as provided in Section 5 of Article III, and the Board shall file that plan with the Secretary of State no later than June 1 of the year following the Federal decennial census year.

(d) The State Board of Elections shall designate a computer program under subsection (b) and shall approve a plan under subsection (c) at public meetings. The Board shall give reasonable and adequate advance notice of those meetings.

(e) An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

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(f)The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General. The foregoing House and Joint Resolution Constitutional Amendment 21 was taken up, read in first full time, ordered printed and planned... in the Committee on Rules.

SCHEDULE

This Constitutional Amendment takes effect beginning with redistricting in 2011 and applies to the election of members of the General Assembly in 2012 and thereafter.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 22

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 2 and 5 of Article IV of the Illinois Constitution:

ARTICLE IV

THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

(a)One Senator shall be elected from each Legislative District. Senators elected in 2008 shall serve four-year terms. Senators elected in 2010 shall serve two-year terms. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into two groups. During

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each ten-year period, beginning with the general election in 2012, Senators from one group shall first be elected for terms of six years and then for terms of four years and Senators from the other group shall first be elected for terms of four years and then for terms of six years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) Each Legislative District shall be divided into two Representative Districts. One Representative shall be elected from each Representative District. Representatives elected in 2008 shall serve terms of four years. During each ten-year period, beginning with the general election in 2012, Representatives shall first be elected for terms of four years, then for terms of two years, and then for terms of four years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial or Representative office with more than twenty-eight months remaining in the term, the appointed

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Senator or Representative shall serve until the next general election, at which time a Senator or Representative shall be elected to serve for the remainder of the term. If the vacancy is in any other Senatorial or Representative office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly. No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

SECTION 5. SESSIONS

(a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body for a period beginning and ending at noon on the second Wednesday of January of consecutive odd-numbered years.

(b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation



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of the presiding officers of both houses, issued as provided by law.

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to the election of members of the General Assembly in 2008 and thereafter. There being no further business, the House Perfunctory Session will stand adjourned."