

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

49th 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. And ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by the Reverend Frank Jefferson who is the Pastor of the Greater Calvary Baptist Church in Rockford, Illinois. Reverend Jefferson is the guest of and brother of Representative Charles Jefferson."

Reverend Jefferson: "Let us pray. Gracious God our Father, the creator and maker of all mankind, we come thanking You today for the bless..., privilege of life and all that You do to sustain us within it. And we pray Your blessings upon us today, that You would continue being the diligent God that You have shown Yourself to be. Bless these that are within the sound of my voice today. Bless their homes, their families, bless these Representatives as they enter into this Session. Give them the compassion of heart, that they be able to think on those that they are representing and the decisions that they must make on their behalfs. Give them discerning abilities, that they be able to make the tough decisions that are before them. We ask these blessings as well as all blessings, in Jesus' name we pray. Amen."

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

Brady - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands,

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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 Patterson and Rich Bradley are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect all Republicans are present."

Speaker Madigan: "The Clerk shall take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Referred to the House Committee on Rules is House Resolution 384, offered by Representative Ryg. House Resolution 385, offered by Representative Reis."

Speaker Madigan: "Mr. Eddy. Are you seeking recognition?"

Eddy: "Point of personal privilege."

Speaker Madigan: "State your point."

Eddy: "Representatives, I'd like to remind everyone that in the Capitol lobby area, in the rotunda and down the hallways, there are students from schools all over Illinois, demonstrating technology use in Tech 2007. Included in that group is a group from my legislative district and my home high school, Hutsonville High School, if they'd stand up over here. Please welcome them to Springfield."

Speaker Turner: "Representative Turner in the Chair. Lady from Cook, for what reason do you rise?"

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Coulson: "Mr. Speaker, related to my seatmate, it is Roger Eddy's birthday today. He's twenty-nine (29) and counting and counting and counting and we can wish him all a happy birthday."

Speaker Turner: "Happy birthday, Roger. Gentleman from Mc Henry, Representative Tryon, for what reason do you rise?"

Tryon: "Point of personal privilege, Mr. Speaker."

Speaker Turner: "State your point."

Tryon: "I would just like to remind the Ladies and Gentlemen of the House of Representatives that this week is National Children's Mental Health Awareness Week. We will be adopting a Resolution hopefully, shortly in the next couple of days here, proclaiming that week, Illinois week as well. And we probably will see many of our mental health organizations down here this week."

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

Brady: "Point of personal privilege, Mr. Speaker."

Speaker Turner: "State your point."

Brady: "Ladies and Gentlemen of the House, I'd like you to join me in wishing my seatmate, the young, distinguished, Roger Eddy, happy birthday."

Speaker Turner: "One more time, Roger. The Lady from Lake, Representative Ryg, for what reason do you rise?"

Ryg: "Thank you, Mr. Speaker. I'd like to also remind the Members that as we recognize National Children's Mental Health Week, it's important to note that Illinois is truly a leader in the nation in paying attention to children's mental health issues. Our Act, our Children's Mental

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Health Act is a model for other states in the country. And as we go forward discussing our legislative and budgetary initiatives, this is an area where an investment in children's mental health can lead to good things for children, families, communities, and be extremely cost effective in this state. Thank you."

Speaker Turner: "Page 41 of the Calendar, we have House Resolution 290. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Resolution 290.

WHEREAS, Tech 2007 is celebrating its 16th anniversary at the State Capitol in Springfield on May 8, 2007; and

WHEREAS, Students and teachers from nearly 100 schools throughout the State will demonstrate to State legislators and other visitors the vast number of ways that students are using technology to learn; and

WHEREAS, Tech 2007 is a statewide initiative representing every legislative district in Illinois, and supported by a broad range of education and business organizations to increase awareness of the importance of classroom technology; and

WHEREAS, The need continues to provide professional development that empowers Illinois teachers to become 21st century leaders proficient in managing learning which prepares students for a 21st century workforce; and

WHEREAS, Too many of our classrooms lack the infrastructure and the educational technology required to support the learning environments needed for success in a world undergoing exponential change; and

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WHEREAS, The State of Illinois, now more than ever, depends on our schools to prepare the next generation to compete in a globally competitive economy; and

WHEREAS, Administrators, teachers, and students encourage the State of Illinois to provide sufficient technology funding to accomplish the goals and objectives of the State's educational technology plan; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that May 8, 2007 be proclaimed Tech 2007 Day in the State of Illinois."

Speaker Turner: "Representative Rose moves for the adoption of House Resolution 290. All those in favor say 'aye'; all those opposed say 'no'. In they opinion of the Chair, the 'ayes' have it. Representative Rose."

Rose: "Thank you, Mr. Speaker. Ladies and Gentlemen, and Representative Eddy please to introduce his class, but there are students from all over the State of Illinois here today participating in Tech 2007, this is just... that come down here several years in a row to present their technology improvements. I am privileged today to have students from Charleston Middle School, and if they would stand up here from my district, as well as two (2) of my former teachers, Mrs. Karen Garrett and Mr. Tim McCullum, who were great influences on me in my formative years. I would also like to recognize Terry Sullivan from Shiloh Schools, who's one of our coordinators and... for Tech 2007, and him along with all of the adult volunteers have put together an absolute great program. If you have not had a

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chance to meet with your students, there are hundreds of them here today. They are for two (2) sessions: from 10 to noon, from 10 to noon and noon to 2, I believe. They're great kids with absolutely amazing projects and I would encourage all of us to sneak downstairs and check out what they have to offer. And if you would join me in welcoming all the students to Tech 2007 in Springfield. So, thank you very much."

Speaker Turner: "Welcome to Springfield, students. The Lady from DuPage, Representative Bellock, for what reason do you rise?"

Bellock: "Point of pers... point of personal privilege, Mr. Speaker."

Speaker Turner: "State your point."

Bellock: "Thank you. I just wanted to mention, along with all the other comments about mental health in Illinois, tomorrow will be the mental health rally outside the Capitol at 2:00 by the Lincoln Statue. And any Legislators that would like to come out and join them, they would love to have them. Thank you."

Speaker Turner: "Mr. Clerk, on page 35 of the Calendar, we have House Bill 3496. Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3496, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Hannig: "Yes. Thank you, Mr. Speaker, and Members of the House. This Bill does two (2) things. It deals with the Compensation Review Board's report to the General Assembly, and it, number 1), would provide that that report would be

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filed one month sooner with this Body. Secondly, it would provide that the report becomes final the earlier of the existing law, which says thirty (30) Session days or it would say May 31. So, the idea with this proposal is to say that when we adjourn at the end of May, that, in those years when the Compensation Review Board provides us with the report, that when we... that in those years when we adjourn that, that report would be final. It seems to me, that it is only fair to the people of the State of Illinois and fair to us, that we understand where we stand as we go forward in the summer. And that's what the Bill does. It's a very simple proposal; it received support in committee. And I'd be happy to answer any questions and ask for your favorable vote."

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

Madigan: "Mr. Speaker, and Ladies and Gentlemen of the House, the intent of this Bill is to provide that consideration of reports to the Compensation Review Board would be voted by the Legislature before the General Election. The clear intent of this legislation, when first adopted, was that there would be a report of the Compensation Review Board, but there would be action taken by the Legislature before the General Election so that when voters voted in a General Election, they would know what the salary level would be for those that they were voting for. The last time that this was considered, which was last calendar year, the final vote on the report did not happen until well after the General Election. And so this legislation is corrective in nature, it's designed to provide that the

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work of the Compensation Review Board will be done on a schedule which is consistent with what the intent was when it was first adopted. I would recommend an 'aye' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 3496?' This is final action. All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from McLean, Representative Brady, for what reason do you rise?"

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

Speaker Turner: "State your point."

Brady: "Ladies and Gentlemen of the House, would you please give a nice Illinois General Assembly House of Representatives welcome to the Class 3A State Chess Team, State Champions from Bloomington High School, the Purple Raiders, behind me in the gallery. Congratulations, gentlemen."

Speaker Turner: "Welcome Purple Raiders. On page 30 of the House Calendar, we have House Bill 988. Representative Phelps. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 988, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Turner: "Gentleman from White, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I did the Amendment last week. I think a lot of you

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know this. This is a long, ongoing negotiations. I think that the Fire Chiefs Association is now neutral. I think the only ones that against this Bill is the Municipal League, just because of the principle of the Bill. I want to thank the Firefighters Association of Illinois for all their hard negotiations to get this Bill somewhat in line. And I... this is just a safety Bill. And I ask for your 'aye' vote."

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

Mathias: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Mathias: "Could you explain how Floor Amendment 1 affects the Bill?"

Phelps: "What it does, it just allows minimum standards, local controls, Representative Mathias, for the... how it ex... qualified a firefighter can be. It just gives local control. With that, the Chiefs' Association became neutral on the Bill."

Mathias: "Is it correct, though, that the other fire districts are still vehemently opposed to this Bill, as well as the Illinois Municipal League?"

Phelps: "Not that I'm aware of, on the first one you said, Representative Mathias. And I think there are some individual chiefs around the state that still have a problem with the principle of the Bill, that most everybody had become neutral."

Mathias: "In... in the Bill, though, if you are a... for example, a full-time firefighter in one district and now you want to

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work part-time to supplement your income in another district, would you automatically be able to work in that district to substitute for a full-time, or could you be still held to a higher standard?"

Phelps: "No, you just have to be qualified under the standard of that municipality only. There's not a statewide standard. It goes... it's local control issue, Representative Mathias, something that I agree with."

Mathias: "And in order to be qualified in that community, does that mean they have to take the test and all of the... basically all the requirements to become a full-time firefighter in that community?"

Phelps: "All they have to do... Representative Mathias, you can use on-call, you can use paid-on-call, you can use part-time, they can... they can be... they can be on the fire force. All they have to do is meet the qualifications. Because what was happening is you were having qualified full-time firefighters that were getting fire call, and God forbid, that someone didn't qualify, it became a safety issue. Those full-time firefighters didn't want somebody that was not qualified to be there with them. So, all this says, is just the local municipality and the firefighters will get together and do a qualification, a standard. And it's different around the state."

Mathias: "So, are you saying that, under this Bill, the local communities can set a different standard for part-time qualifications than from full-time qualifications?"

Phelps: "No, just qualifications for a firefighter, period."

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Mathias: "And part of the qualifications to be a firefighter is to take tests, whatever those tests, written tests, interviews, they have to be approved by the local fire and police board. Isn't that correct, in order to become a full-time firefighter?"

Phelps: "It... not... just a firefighter, it doesn't have to be even full-time. I mean, there's qualifications as you said. There's a physical exam, there's a written test, it's different from city to city."

Mathias: "Right, but it's the same requirements as the full-time. Does it include then that you have to meet all the requirements to actually be on the list to become a full-time firefighter?"

Phelps: "Right. Yes, yes, Sir. And I don't blame them, Representative Mathias, because if I'm in... if I... God forbid, if my house is on fire... fire and my family's in jeopardy, I would want someone to be qualified and I think you would too. That's what this Bill does. It's a safety issue."

Mathias: "Yeah, but this Bill only deals with firefighters that are substituting for full-time firefighters. Is that correct?"

Phelps: "This is for... right, right. So what was happening, you'd have a full..."

Mathias: "No but what I'm saying is if you're a part-time firefighter today and you're just working in the department, you're not substituting for anybody, you don't have to meet any of these qualifications, but yet you're still..., you're good enough for that community to still be

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working on an engine, wherever they're working, but yet they're not good enough to substitute for a full-time firefighter. I... I mean, I understand if you want to do some sort of statewide requirement for part-time, that's one thing, but... but you're really setting up different standards for a part-time in a district and a part-time for a district that needs them as a substitute firefighter."

Phelps: "Representative Mathias, most of these people are already qualified. All we're saying is that it should be up to the municipality local control. I don't think us as a state should set a standard. I think it should be agreed to, city by city."

Mathias: "Yeah, but... but the cities' standards for full-time firefighter includes tests, being put on the list. If you are a part-time firefighter in one community, you don't want to be put on a list in another community. That sends a message out to your full-time job, as well. In order to get to work there, I need to be put on a list, therefore, maybe I'm leaving. I think it's sending a wrong message out."

Phelps: "Well, Representative Mathias, I guess we can agree to disagree, because I'm going to tell you right now, if I'm a firefighter, I'm going to want someone standing side by side with me that's qualified. And I think everybody would if their house was on fire with their family. That's all this says."

Mathias: "Yeah, but this Bill doesn't do that, because you can still work as a part-time firefighter, as long as you're

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not substituting for a full-time firefighter. You're still not meeting the same standards in that community."

Phelps: "You just got to meet the qualifications, Representative Mathias. That's what this Bill says. They have to be qualified, if they want to go in an substitute for that, and I think that's nothing wrong with that whatsoever."

Mathias: "Also, doesn't your Bill say that this could be a bargaining issue between the communities?"

Phelps: "Representative Mathias, another thing, too, real quick. Fire chiefs are not going to hire people that are unqualified. They're not going to put themselves out on a limb either. So, I mean this just gives them local control to find out who's going to be qualified under what standard."

Mathias: "Well, I agree with you, that fire chiefs aren't going to hire somebody unqualified. Then why do you need this Bill?"

Phelps: "Because of what the firefighters had come to me that some of them had been unqualified. This is a safety net. We just want to make sure that they are."

Mathias: "Getting back to the up..."

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

Mathias: "Yeah. There is an issue about bargaining in here, is that correct?"

Phelps: "Yes, Representative Mathias. What is happening is cities are refusing to bargain, and this is becoming more apparent that the... they're trying to put some unqualified people in. And this just makes them bargain. And..."

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Mathias: "Except, your Bill states that you can only bargain if the union agrees to bargain, if the union does not agree to bargain this issue, then the fire chiefs have to live with your Bill, and it can't be bargained. Is that correct?"

Phelps: "Most of the time, if they were bargaining, but the cities have been refusing to bargain... and this Bi..

Mathias: "No, but that's not what I'm asking you."

Speaker Turner: "Representative Mathias..."

Phelps: "This Bill just urges them to bargain, Representative Mathias."

Speaker Turner: "...your time is up."

Mathias: "I ask hopefully... and to this Bill. And I ask for a 'no' vote. This will... this Bill will cost your communities a lot of dollars to hire and to qualify these firemen for part-time basis."

Speaker Turner: "The Lady from Kankakee, Representative Dugan."

Dugan: "Yes, Speaker, will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Dugan: "Representative?"

Phelps: "Yes, I'm here."

Dugan: "I just wanted to check to make sure again we clarify, 'cause I know we have been having a lot of discussions over this Bill as far as to what it actually does. It seems to be that people are concerned about the part-time portions of firefighters throughout the district, you know, throughout our communities all over the state. And this, in fact, does not address or change local municipalities' ability to hire part-time firefighters, nor does it

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prohibit part-time firefighters from working at any department that they want to work on. Correct?"

Phelps: "Correct? All they have to be is qualified under that local's standards... qualifications, right."

Dugan: "And... and so I think what this Bill is addressing is local fire departments who have... local communities who have decided to hire full-time firefighters. They for one reason or another, it doesn't affect part-time volunteer fire departments at all, it doesn't affect part-time firefighters from working at any department. What it does do is when a community has decided that they want to hire full-time firefighters, those communities have a police and fire commission, that that community then decides what the qualifications have to be of a firefighter in order to be hired as a full-time firefighter, correct?"

Phelps: "Right."

Dugan: "And part-time firefighters throughout the State of Illinois because there is no general qualifications to be a firefighter per se, that everybody follows each community on their own can determine what tests need to be taken to qualify yourself as a full-time firefighter. Correct?"

Phelps: "Correct."

Dugan: "And any part-time firefighter can take that test and qualify him- or herself as a full-time firefighter candidate."

Phelps: "Right."

Dugan: "Correct? To the Bill, Speaker. Again, I just want to make sure, and we all here in this chamber, of course, certainly support our fire service, whether it be our fire

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chiefs or our firefighters. This particular Bill addresses an issue where there are some communities who have determined or some fire service that has determined that they hire or substitute a part-time firefighter for a full-time position regardless of the fact that a particular community all over the state has different qualifications for full-time firefighters. The only thing this Bill does, is say that if a community and a fire chief wants to hire a full-time and substitute for a full-time firefighter, that firefighter has to have the same qualifications that the full-time firefighters that are on the force already have, and it is determined by the local municipality. So all this does as we say, if you want full-time firefighter qualifications that you have set, you need to follow those same qualifications whenever you want to put someone in a full-time position. So, therefore, I know there's been a lot of confusion on this Bill. I've talked to many fire chiefs throughout this state and I believe the Amendment did address many of their concerns and that's why the fire chiefs are neutral now on this Bill, even though they were opposed. So, I would ask for a favorable vote and for an 'aye' vote on this particular issue. It only allows the local municipalities to put into place full-time firefighters that meet their qualifications, not the State of Illinois qualifications, the qualifications of that local department. Thank you."

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

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

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Speaker Turner: "He indicates he will."

Black: "Representative, the previous speaker said we want to support the fire service and that obviously is true but there's is a great deal of opposition to this Bill within the fire service. The Illinois Firefighter's Association, which represents volunteers and the Illinois Association of Fire Protection Districts have some problems with the Bill. Now on the 10:00 news last night, here in Springfield, they interviewed two (2) fire protection district chiefs from my district one in Georgetown, and one in Catlin. And what is happening in many volunteer districts, they no longer are able to attract enough people to operate. Georgetown Fire Protection District, I think, if I heard the gentleman correctly, the chief, membership is at an all-time... practically a record low. And they sometimes have to make three (3) and four (4) pages to get enough people, volunteers, to staff the... the truck. Now... now what... what does... how does this Bill help a volunteer fire department?"

Phelps: "Representative Black, in all matter of respect, this... this Bill does not even tempt to try to go into a volunteer, part-time, paid on call, contractual fire department whatsoever. This Bill only covers fire departments that employ full-time firefighters and are subject to a collective bargaining agreement only."

Black: "But what if volunteer fire departments want to use substitutes? If... if they don't have enough volunteers, then they're going to reach out to other departments because they usually work twenty-four (24) on and forty-eight (48) off, and ask them if they can help on their days

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off on volunteer districts? Now, what happens in that case?"

Phelps: "They... they can, Representative Black, as long as they meet the local control standards of being a firefighter. This... this Bill only pertains... and I know you know this... the... only full-time and collective bargaining agreement fire departments only."

Black: "Well, the... the Amendment that deals with collective bargaining I find very interesting, as well. And I think the previous... I think it was Representative Mathias, clearly pointed out the collective bargaining portion of the Amendment is... it's kind of ephemeral. It only... it will only come into play if it's chosen to be put on the collective bargaining agenda, and if the union rejects that, then the... the whole Amendment is in default, and there will be no bargaining."

Phelps: "Right. And Representative Black, that... that's why I think the associated firefighter wanted to do and have a safety net, because there's too much right now that people are... qualified fire departments are using unqualified fire departments and they're having trouble. If, God forbid, your house was on fire, they just want someone that's going to cover their back to be qualified. Plain and simple. It's just a safety precaution and that's why the associated firefighters are wanting this Bill."

Black: "Well, I know that in... in many parts of my district, and... and we have done this pursuant to State Law, if a high school senior can meet basic training requirements they can serve on a volunteer fire department. I remember the hue

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and cry of a few years ago, as more and more male members of the volunteer fire department were working at jobs thirty (30) and forty (40) miles away from their hometown, they we had to start absorbing housewives and women who were home as part of the volunteer fire department. Now, they certainly go through a modicum of training, nobody wants to send them in without some kind of training but I think the bigger... the bigger concern than this Bill, are the declining number of people who are willing to serve on volunteer fire departments. And I only have one full-time, paid fire department in my entire legislative district."

Phelps: "Right."

Black: "Everything else is a volunteer."

Phelps: "Right."

Black: "And I'm still trying to figure out what the impact is, if we want to use part-timers to fill in for volunteers, or a firefighter from a different municipality on their days off, whether or not this Bill would have any impact on that"

Phelps: "Representative Black, like I said, I... I think they already probably have a qualify a qualification standard that they had to do. And like I said, this is no attempt at all to affect volunteer, part-time, paid-on-call, or contractual fire department whatsoever."

Black: "Okay."

Phelps: "They can probably do that already."

Black: "Well, I... I... I hope you're right. I... I appreciate your answers. Mr. Speaker, should this Bill get the requisite number for passage, I would request a verification."

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Speaker Turner: "The Gentleman has requested a verification. We've heard two (2) speaking against, one (1) speaking for, and no one else seeking recognition at this point. Representative Phelps to close."

Phelps: "Thank you, Mr. Speakers and Ladies and Gentlemen of the House. This is one of the #1 Bills that the Associated Firefighters of Illinois had this Session. House Bill 988 just protects the safety of firefighters and the citizens in Illinois by ensuring that only qualified firefighters have passed the initial application requirement of the jurisdiction are used to substitute for certified members. This is a safety issue only. This does not bother your volunteer, your paid, part-time fire departments. It's only full-time fire departments. And I ask for your 'aye' vote."

Speaker Turner: "This Bills's on the Order of Third Reading. Question is, 'Shall the House pass House Bill 988?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. I want to remind the Members that there have been a request for a verification. So you are to punch your own button, your button only. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 71 voting 'aye', 43 voting 'no', 1 voting present and Representative Black."

Black: "Mr. Speaker, I... I could verify all the Republican votes, but that would be rather foolish. Since the Republicans passed the Bill, I withdraw my request."

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Speaker Turner: "The Gentleman withdraws his request. And on this Bill, there are 71 'ayes', 43 'noes', 1 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 31 of the Calendar, Representative Bellock, we have House Bill 1104. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1104, a Bill for an Act concerning forest preserve districts. Third Reading of this House Bill."

Bellock: "Thank you very much, Mr. Speaker. House Bill 1104 amends the Downstate Forest Preserve District Act and it provides that any district lands that were incorporated into a municipality organized after January 1, 2007, shall be deemed disconnected from the municipality unless the district gives its expressed consent within ninety (90) days. I don't know of any opponents."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass House Bill 1104?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 29 of the Calendar, we have Representative Meyer. Not there. Representative Bill Mitchell on House Bill 308, page 28 of the Calendar. Representative Bill Mitchell. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 308, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

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Mitchell, B.: "Thank you... thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 308 amends the Criminal Code in a section pertaining to burglary. Provides that it is a Class I felony for a burglary to occur in a facility that stores the necessities of life; food, clothing and other tangibles for free distribution of the economically disadvantaged. I have... don't know of any opposition to the Bill."

Speaker Turner: "Being no quest... Representative Monique Davis, the Lady from Cook, for what reason do you rise?"

Davis, M.: "I rise, Mr. Speaker, because my computer won't come on. And I'd like to hear from Representative Mitchell, what his Bill does?"

Mitchell, B.: "What it does, it... Okay. It... what... the background of it. Representative, I apologize my voice is going. We had a food pantry in Decatur that was burglarized and they took things. What this does, it raises the penalties and to the same in order for instance if someone burglarizes a church or a school, so this raises it to the threshold of if you burglarize a pantry, a food pantry, that helps people economically disadvantaged, raises it to that threshold from a Class II to a Class I felony."

Davis, M.: "And a Class II felony is what kind of penalty and a Class IV felony gives what kind of penalty?"

Mitchell, B.: "A Class II is three (3) to seven (7) years in IDOC, a Class I is four (4) to fifteen (15) years."

Davis, M.: "But you said you're raising this to a what?"

Mitchell, B.: "Excus... I Beg your pardon? A Class I felony."

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Davis, M.: "You're raising it to a one (1) which would give them how many years in prison?"

Mitchell, B.: "A possible four (4) to fifteen (15), from three (3) to seven (7)."

Davis, M.: "And what could they possibly take from a food pantry?"

Mitchell, B.: "Well, they take food."

Davis, M.: "Well, usually the food is donated. Usually the food in a food pantry is donated."

Mitchell, B.: "That's... that's correct, but for the people, for instance in this situation, it was right before Thanksgiving, so this food pantry had a lot of turkeys, okay, to go to the people who have no Thanksgiving. The people that burglarized it, of course, they didn't eat those turkeys, they sold them for drugs. But there are a lot of families in this community that could not celebrate Thanksgiving because someone wanted to sell their turkey for drugs."

Davis, M.: "So, wouldn't the community, your community come to their aid? Wouldn't your community say to them, that each of us will purchase turkeys for the people who are..."

Mitchell, B.: "In the community... Yes, that's a good idea and that's what they... well, that's what they did."

Davis, M.: "That's what we do in our community, we... we buy turkeys for people. We donate them to them. We don't just depend on the food pantry. We realize that all of us are responsible to provide charitable acts..."

Mitchell, B.: "Let me state..."

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Davis, M.: "...and we know that if a crime is committed and it means people won't have a Thanksgiving dinner, we would in no way allow them to go without a Thanksgiving dinner. Short of inviting them to our homes, we would surv... supply them with food."

Mitchell, B.: "I... I certainly, the community..."

Davis, M.: "To the Bill, to the Bill, to the Bill, Mr. Speaker, to the Bill. I believe..."

Mitchell, B. "I guess you don't want a response, Ma'am?"

Davis, M.: "No, Sir. To the Bill."

Speaker Turner: "...Bill."

Davis, M.: "I believe with all my heart that is Gentleman has the right intentions. However, I do not want to see the State of Illinois have to pay to incarcerate someone for fifteen (15) years, up to fifteen (15) years because they did... they stole things to feed a drug habit. Do we condone drug abuse? Certainly not, that's why the Governor has a drug court and a drug ... a penalty place in place today, so that these people will get treatment. But to say to the taxpayers of the State of Illinois, to say to the taxpayers, we're now going to incarcerate these people instead of one (1) to three (3) years, or one (1) to four (4), it's going to be fifteen (15) years. So a man who is, say eighteen (18), he comes out of prison when he's, what, over thirty (30) years old for some stupid act when he was a little above a teenager. I do believe in punishing criminals, but I don't believe in punishing taxpayers. I do not think this Bill should pass because it is so

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important as we watch our tax dollars, that we don't just give it away to the prison, give it away to the prison. Increase these penalties, increase those penalties. Does it stop the crime? No. Does it stop the drug abuse? No. Does it continue to pick the pocket of the taxpayer? Yes."

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

Davis, M.: "No vote, I urge a 'no' vote."

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

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

Speaker Turner: "Indicates he will."

Fritchey: "Representative, I... I've had a concern for a while, as I think a number of folks have, about us ratcheting up penalties on various subprovisions in crimes. You know, aggravated battery is a good example. We start by protecting one class, then another, then another, then another. So, that's just one thing I want to put out there, just in general terms. Specifically, let me ask you a question. Right now, there are heightened penalties for burglary when it is committed in a school or place of worship, and then those so from Class II to a Class I. And I guess what I'm looking at is this, if you break into a school, you're put... you know, that you are breaking into a school. If you break into a house of worship, you know that it's a church or a synagogue, et cetera. My concern really is, I don't see a provision that this offense is being committed knowingly. They could be breaking... for example, I have a couple pantries in my district. You would not know that they are pantries necessarily by

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looking at them from the outside. So, I guess what I'm wondering is, don't you think there should be some type of knowing provision here, if you're going to ratchet this from a Class II to a Class I. Should there be a provision that they know that they are breaking into this type of facility? I think... they could be breaking into what they think is a warehouse of some type or a... just a commercial building that just happens to be a food pantry."

Mitchell, B.: "Certainly, Representative, you've been consistent. This was a Bill that I sponsored last year and you voted 'present', so you've been consistent. The previous speaker, she supported my same Bill last year. To your point, you know, these people, they knew it was a food pantry. I mean, in downstate Illinois and I'm presuming the City of Chicago, you know that this establishment is a food pantry to help people that are disadvantaged. Now, of course you can, you... there's an assumption in terms of what your previous point, that a church there, are some churches that you would not know. It doesn't have a steeple and you wouldn't commonly assume is a church; however, there are aggravating of penalties. This just says that, you know, when you take advantage of people and then..."

Fritchey: "Yeah. And I think you and I are on the same page and despite my reticence in the past, you know... I can see why we would want stiffer penalties for somebody that is breaking into a facility that is intended to help the disadvantaged. I... Let me put it to you this way. Would you be amenable to committing to simply adding one word over in the Senate, and that is the word 'knowingly'. So..."

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Mitchell, B.: "Absolutely."

Fritchey: "Okay. If... if you'll commit to doing that, I'm good.

I... I think that allows you to achieve your result without us getting an unattended consequence at the same time. I appre... I..."

Mitchell, B.: "Representative Fritchey, I thought that... that's an excellent point and I appreciate you bringing it up, and I'll do it."

Fritchey: "Thank you. I respect the cooperation."

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

Rose: "The Representative was rudely cut off a moment ago in mid-sentence, and I thought I might give him a chance to finish his thought if he'd like."

Mitchell, B.: "That... that was a second ago, and I forgot."

Rose: "Very good, never mind."

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

Flider: In... in support of the Bill, Mr. Speaker. You know, I... the food pantry which prompted this legislation to be introduced was in Decatur. And ya know, if you could imagine, I think so many people who during times, you know, when they're facing tough times, depend on food shelters and surely most of us have visited churches where there's a pantry where people dutifully bring in their extra goods and many of the people in those churches or other agencies where food is collected, you know, this is something that actually is a very important component of life, which is food and you know, people are depending on this food to

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survive during some of the most difficult and challenging times of their lives. And you know, not very many people want to be able to have to say that they depend on a food pantry, but a food pantry is certainly something that can get people by. And I think this legislation sends a very, very strong signal that this really should not be tolerated. Now, if there are certain kinds of extenuating circumstances, certainly those kinds of things can be dealt with in a plea bargain, or what have you. But the fact of the matter is, we're dealing with people's lives here. When you steal food from a food pantry, you are probably committing as bad a crime as possibly can be committed against other families who are depending on that for their life and to get by. So, I applaud the Representative for bringing this legislation forward. It's certainly something that has provoked significant debate for a lot of good reasons, but the bottom line is, we need to send a strong signal. Thank you."

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

Molaro: "Thank you. The Sponsor yield?"

Speaker Turner: "He indicates he will."

Molaro: "Just quickly, you know I voted 'no' in committee. I'm not for enhancements, but I'm not standing in the way of any train here so I'll probably even vote 'yes' on the Bill. But I just want to, for legislative intent, Class I felonies, every Class I felony is probationable unless you state otherwise in the Bill. So even though now you could

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get up to twelve (12) or fourteen (14) years of Class I, you know..."

Mitchell, B.: "This is probationable."

Molaro: "You can. This is probationable, that's good. Then, I guess, we're raising it to a Class I because a Class II is six (6) years, and I guess that's not enough, right?"

Mitchell, B.: "I'm sorry, Representative, I couldn't hear you."

Molaro: "Well, really, I was talking to myself. So, it doesn't matter. But anyway, thank you."

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

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

Speaker Turner: "Indicates he will."

Jefferson: "Thank you. Representative, according to what I'm reading on your Bill analysis, this Bill is to penalize individuals that would break into a... a hunger connection that are giving people food, who... which is stored for people who otherwise might not have food. Is that correct?"

Mitchell, B.: "That's correct."

Jefferson: "And the genesis of this Bill from what I'm understanding is that someone broke in and stole the turkeys that were going to be beneficial for Easter dinner for homeless families."

Mitchell, B.: "And more than that..."

Jefferson: "Okay."

Mitchell, B.: "... other commodities, too."

Jefferson: "Well, I guess the penalty would apply to anyone at this point that broke into a homeless shelter, or broke

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into a pantry, I'm sorry. This same penalty would apply to a family that was maybe hungry, knowing that there was food there, break into this facility simply because they were hungry. Would this apply to them, also?"

Mitchell, B.: "Okay. And I don't know if I understood you correctly, it's hard for me to hear over here. Did you say if someone broke into someone's residence for food?"

Jefferson: "No, if someone broke into this facility, stealing food simply because they knew there was food there and they were hungry, they were trying to feed their family because the family was hungry. Would this same penalty apply to them?"

Mitchell, B.: "It..., it would and I would suggest to those people who break in that they could go during normal operating hours, and that place would be happy to provide food for them, that's what it's there for."

Jefferson: "Well, I guess the point is that the food is donated to begin with for people that are hungry, and the fact that they break in is not the proper way to do it. But if they're hungry at that precise moment maybe they feel like they don't want to wait until they could arrange to get food at the later date. So..."

Mitchell, B.: "The situation and I appreciate your point, Sir, stealing is stealing, that's what happened here. The people that did burglarize this food pantry, did not do it because they are hungry. They had a drug habit. They stole those they took food out of needy people's mouths because they had a drug habit. That's what happened, not because they were hungry, but because they had a drug habit

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and they didn't give a hoot if these people were going to go hungry for Thanksgiving."

Jefferson: "And I..., I appreciate that, but you're penalizing a group of individuals who would be caught into this for one (1) act by a person that stole the turkeys for personal gain to feed a drug habit or whatever. But in the meantime, all the other people that might come along afterwards and commit the same act simply because they're hungry, or they're trying to feed their families, they would be subject to these same penalties as you put in place for this gentleman who stole the turkeys for personal gain."

Mitchell, B.: It... and you know, you're entitled to your point of view, but if someone is hungry and burglarized my house, they would still be thieves."

Jefferson: "And I understand that, but we also have to look at the bigger picture and we know that we've got a homeless situation here in the State of Illinois and it's growing bigger and bigger and greater and greater every day. These people are going to do what they need to do to make sure that they don't go hungry, and to penalize them, to put them in jail for fifteen (15) or twenty (20) years, simply because they were trying to feed themselves, I think is totally unconstitutional to me. So, to the Bill, Mr. Speaker. I think this is not a good Bill. I understand what the Representative is trying to do. I think he is taking the wrong approach in the penalties he's laid out. I don't agree with the Bill and the penalties attached to the Bill. I certainly understand his intent, but I think this

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is a bad Bill. I think we need to take a different approach to this and I would ask for us not to support this Bill because it's terribly a bad.. truly a bad Bill. Thank you."

Speaker Turner: "Ladies and Gentlemen, I'd like to remind you that this Bill was on Short Debate. We've heard from three (3) people for and two (2) people opposed. With that, I'm prepared to close. Give Representative Mitchell the ability to close. Representative Mitchell to close."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I sure appreciate all the questions on this Bill. I would also appreciate an 'aye' vote."

Speaker Turner: "This Bill's on Third Reading. The question is, 'Shall the House pass House Bill 308?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Representative Jakobsson. The Clerk shall take the record. On this question, there are 96 voting 'aye', 14 voting 'no', 5 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. We are going to run through the Order of Second Readings. Representative Golar on House Bill 1398, page 11 of the Calendar. Out of the record. Representative McCarthy on House Bill 2632. Bill's on Second Reading. Do you want me to move it the Third? Out of the record. Representative Cultra on House Bill 1736. Cultra. Out of the record. Representative Kosel on House Bill 2007. Representative Kosel. Out of the record. Representative Reboletti on House Bill 3662. Reboletti.

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Out of the record. Representative Lindner on House Bill 3010. Out of the record. Representative Mathias on House Bill 1613. Out of the record. Representative Mathias on House Bill 1614. Out of the record. On the Order of Resolutions, we have House Resolution 265, Representative Acevedo. Read the Bill, Mr. Clerk. Read the Resolution."

Clerk Bolin: "House Resolution 265, designates March 25, 2007, as Greek Independence Day."

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

Acevedo: "Thank you, Mis... Thank you, Mr. Speaker. I ask for the adoption of House Resolution 265. It honors Greek Independence Day which was celebrated on March 25. This is an important religious and ethnic holiday in the Greek culture. It celebrates the religious Feast of Annunciation of the Virgin Mary in the Greek Orthodox faith. And that was the day the Greeks chose to begin their eight (8) year war of independence of 1821, to free themselves from three hundred seventy years of Ottoman rule. I would be happy to answer any questions."

Speaker Turner: "Seeing no questions, the Gentleman asks leave for the adoption of House Resolution 265. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution's adopted. The Gentleman from St. Clair, Representative Holbrook, for what reason do you rise?"

Holbrook: "Thank you, Speaker. The Public Utilities Committee today is canceled. Neither of the Sponsors are going to be

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calling their Bills, so if you are on Public Utilities and were meeting today, the meeting is canceled. Thank you."

Speaker Turner: "Public Utilities Committee is canceled, for all of the Members edification. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 376 and 377, offered by Representative Cross. House Resolution 378, offered by Representative Colvin. House Resolution 379, offered by Representative Munson. House Resolutions 380 and 381, offered by Representative Kosel. House Resolution 382, offered by Representative Ryg. House Resolution 383, offered by Representative Will Davis. House Resolution 386, offered by Representative Mulligan. House Resolution 387, offered by Representative Burke. And House Resolution 388, offered by Representative Yarbrough."

Speaker Turner: "Representative Currie moves for the adoption of Agreed Resolutions. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. The Gentleman from Cook, Representative Lyons, for what reason do you rise?"

Lyons: "Speaker, I rise... I want to make a personal statement and a little apology. Last week when the Emerald Society came in, I inadvertently hit the switch that we worked up at the Calendar... up at the podium. So, I wanted to apologize the Representative Dan Burke for accidentally cutting him off when he was doing the introduction of the Emerald Society. Danny, sorry about that."

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

Burke: "Excuse me, if Mr. Mapes won't cut me off this time, I'll respond to Representative Lyons. There's no apology necessary, Joe. I understand there's quite a bit of activity going on at the Speaker's rostrum and certainly the Emerald Society understood. No problem. Thank you."

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

Feigenholtz: "Thank you, Mr. Speaker. Today is the performance of Capitol Capers over at the Crowne Plaza this evening. And we're looking forward to it, but I would like to announce that everyone who is in the show or working on the show should be in the Grand Ballroom for a final run through at 5 p.m., 5 p.m. at the Crown Plaza. Thank you."

Speaker Turner: "What time is the show, Representative?"

Feigenholtz: "7 p.m."

Speaker Turner: "Thank you. And now, allowing perfunctory time for the Clerk, Representative Lang moves that the House stands adjourned 'til Wednesday, 9 a.m., where we will meet as a Committee of the Whole. The adjournment is 'til Wednesday, 9 a.m., where the House will meet as a Committee of the Whole. And the House now stands adjourned."