

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

59th Legislative Day

5/23/2007

Speaker Lyons: "Good afternoon everyone. The hour of 12:00 here, the House shall come to order. Members and guests are asked to please refrain from starting their laptops and turn off all cell phones, pagers, BlackBerries and Members are asked to please be at their desks and guests are asked to rise also for the invocation and the Pledge of Allegiance. We shall be led in prayer today by the Reverend Dr. Beebe who is the Interim Senior Pastor of the Evangelical United Church of Christ in Highland, Illinois. Reverend Beebe is the guest of Representative Ron Stephens."

Reverend Beebe: "Pray with me. Since our God You have set our human life in community, commanded us to respect authority and directed those in authority to govern in justice and in mercy. We seek Your guidance today in the deliberations and decisions of this House of Representatives that they may represent the interests of Your people, that order may be established in Your house, justice administered, compassion demonstrated and vision discovered. Grant that reason may overcome passion, imagination may replace complacency and compassion may temper decision. We pray in Your own holy name amen."

Speaker Lyons: "We'll be led in the Pledge today by Representative Suzanne Bassi."

Bassi-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."

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Speaker Lyons: "Roll Call for Attendance. Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Joe Dunn is excused today and all the rest of us are here and really wanting to do the work and move on."

Speaker Lyons: "Thank you, Representative. Representative Currie."

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

Speaker Lyons: "Thank you Representative. 115 Members answering the Roll Call, a quorum is present. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Committee reports. Representative Osterman, Chairperson from the Committee on Labor, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #5 to House Bill 1631 and House Joint Resolution 49. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to House Bill 2233 and Floor Amendment #4 to House Bill 3170; 'do pass Short Debate' is Senate Bill 122, Senate Bill 143, and Senate Bill 266. Representative Ryg, Chairperson from the Committee on Disability Services, to which the following

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measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1245; 'do pass as amended Short Debate' is Senate Bill 284, Senate Bill 765, Senate Bill 1368, and Senate Bill 1664; 'recommends be adopted' is House Resolution 113. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'do pass Short Debate' is Senate Bill 220, Senate Bill 1007; 'do pass as amended Short Debate' is Senate Bill 169, and Senate Bill 1653. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #1 to Senate Bill 1621; 'do pass Short Debate' is Senate Bill 73, Senate Bill 223, Senate Bill 368, Senate Bill 509, Senate Bill 1047, Senate Bill 1479, and Senate Bill 1575; 'do pass as amended Short Debate' is Senate Bill 1746. Representative Jakobsson, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #2 to House Bill 1826. Representative Fritchey, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the

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following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 319, and Senate Bill 392. Representative Scully, Chairperson from the Committee on Electric Utility Oversight, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #4 to Senate Bill 1366. Representative McCarthy, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 394, and Senate Bill 395. Representative Lang, Chairperson from the Committee on Gaming, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'do pass Short Debate' is Senate Bill 262. Representative Saviano, Chairperson from the Committee on Registration & Regulation, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'do pass Short Debate' is Senate Bill 280. Representative Chapa LaVia, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'do pass Short Debate' is Senate Bill 290; 'do pass as amended Short Debate' is Senate Bill 253, and Senate Bill 1453. Referred to the House Committee on Rules is House Resolution 451, offered by Representative Durkin."

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Speaker Lyons: "Representative Phelps, for what reason do you seek recognition?"

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

Speaker Lyons: "Please proceed, Representative."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Behind me in the gallery, I would like to welcome a couple folks from my district who are dedicated to protecting our Second Amendment rights, Mike and Valinda Roe and some of their friends. Let's give them a warm welcome."

Speaker Hannig: "Representative Harry Osterman, for what purpose do you rise?"

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to bring an issue up to the Members of the Body and we all see strange things that happen down in Springfield. Earlier today downstairs, the group that sells the newspapers, the blind individuals. The stack of newspaper that was taken, conveniently enough it had a story about a young man that was killed in a bank robbery yesterday. So a hundred (100) newspapers from the blind vendors downstairs were taken and I would just like to put a bounty of five hundred dollars (\$500) on any one that has any information about where those papers went missing so that we can make sure that the blind individuals selling the newspapers are not shortchanged. And we're going to try to recoup the loss that was happened today. Thank you."

Speaker Lyons: "Representative Tim Schmitz, for what purpose do you seek recognition?"

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Schmitz: "Thank you, Speaker. I also rise in a personal privilege."

Speaker Lyons: "Please proceed."

Schmitz: "I see... Representative Osterman's still here and maybe if we could have an update 'cause rumors are running rampant through the House chambers right now on injury reports to our softball team."

Speaker Lyons: "Representative Osterman, updated report on softball status."

Osterman: "Apparently there were a lot of self-imposed injuries last evening, but we're going to try and bring some young guys like you out to help some of the older Gentlemen. But we... there will be a good group of people out here tonight and once again that trophy will be here tomorrow morning, but all of us should come out and enjoy the drubbing of the Senate."

Speaker Lyons: "Representative Holbrook, for what purpose do you seek recognition?"

Holbrook: "Thank you, Speaker. I have an announcement also today. Today happens to be my colleague, Representative Smith's birthday. Now we wanted to have cookies and cake but there are new rules so he just sends everyone his best wishes and he's willing to buy anybody a full meal tonight out if they happen to catch him at the restaurant. Thank you."

Speaker Lyons: "Happy birthday, Mike. Mr. Clerk, on page 29 of the Calendar Representative D'Amico has Senate Bill 172. Read the Bill, Mr. Clerk."

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

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

D'Amico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 172 is the result of a task force that was put together by Secretary Jesse White. We had meetings throughout the state all summer long, part of this task force we had judges on the task force, State Police, State Representatives, Senators and this Bill that we're bringing forward today has part of those recommendations. And one of the key parts in this legislation is it triples the time that a teenager can have his permit or her permit from three (3) months to nine (9) months. I think this is good legislation that is going to increase more time behind the wheel for our young drivers, make the roads safer. Some of the other... there's nine (9) points to this Bill, some of the other points; we're trying to cut down on the curfew and we're going to bring that down one (1) hour during the week and on the weekends because the fatality rate between 9:00, 10:00, 11:00, 12:00 at night just continues to skyrocket. There are other points to this legislation as well and I'll be free to answer any questions. So, go ahead, any questions."

Speaker Lyons: "The Chair recognizes the Gentleman from Jackson, Representative Mike Bost."

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

Speaker Lyons: "He indicates he will."

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Bost: "Representative, as we start dealing with the nine (9) points, you say there's been a skyrocketing on the age. What statistics show that and... on the curfew is what I'm talking about. Right now... right now, under existing law what is it?"

D'Amico: "Existing law right now is 12:00."

Bost: "On the weekends?"

D'Amico: "On the weekends and 11:00 on the weekdays. So we're just going to bring it down one (1) hour, 11:00 on the weekends and 10:00 on the weekdays."

Bost: "Okay. The only concern that I do have, when you start talking about that issue on the Bill, is what about employment purposes. Quite often, you know, with your fast food, convenience stores, those type things that children this age might be working at. Are they exempt during that time?"

D'Amico: "There is an exemption for that if they are working or even if their parents gave them permission to go and run a errand or, you know, they were at a school event. There's exemptions for that."

Bost: "Okay. That's what I wanted to be sure of that there was something in that... with that effect. Now, in the three (3) month going out to nine (9) month, right now we only allow... say, a person's going to be sixteen (16) when they get their license."

D'Amico: "Yes."

Bost: "So three (3) months prior to that is when they've issued the learner's permit. Didn't that used to be an area... I'm just trying to remember from my time whenever... wasn't that..."



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you got your learner's permit as soon as you finished your driver's education course or... and we changed that there were... had to be three (3) months prior or..."

D'Amico: "Right. No, you... the way I understand it, you get your driver's permit when you finish your driver's education course and what they want to do by making it nine (9) months long they want to give the kids a chance to see all kinds of weather."

Bost: "So... so, you're..."

D'Amico: "You know, right now, if you get your permit for three (3) months let's just say, for example, in June, July, and August, the young teenager really didn't have a chance to see very bad weather."

Bost: "So, does this say they have to have their permit for nine (9) months..."

D'Amico: "Yes."

Bost: "...so it goes past that? Well, what if... here's a concern I have. What about the school that maybe can't get that student into a driver's education course early enough so that then they receive that in time so that when they get there license they are sixteen. So basically, what we're telling... my big fear is is that we're going to be telling some student that seriously is doing a good job, wants to have their license, oh, I'm sorry, your school didn't have enough time or coordinated the time so therefore you're going to be sixteen and half or sixteen years, nine months before you get your license?"

D'Amico: "Well, for one, it's a safety issue. I mean, we want to make sure that our kids have all the time possible

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behind the wheel and get the proper training and I don't understand why... why would a school not be able to get a teenager in their class?"

Bost: "Well, quite often, what we find, even right now, is that... that there are so many students and as rapid growth occurs in school, as those things happen, educators have come to me and said, 'you know, we're having trouble covering the workload that we have to get students through fast enough of the larger classes."

D'Amico: "You know... and I was... I..."

Bost: "And I agree with the safety issue, I'm just trying to..."

D'Amico: "Right. And this was brought to my attention, as well. But I will... I do want to say that part of this task force, the driver's ed association, the teachers association, the school superintendents were all part of this task force that drew up this legislation. So it's based on their recommendations."

Bost: "Okay. My... but... and you know, I've been around this place for a few years now and sometimes the people who are in the negotiations aren't the real people that are actually having to implement this, especially with that person that is giving you that advice may be from whatever county and that's not from my county and the concerns that they have and that doesn't necessarily get into a lot of negotiation."

D'Amico: "I understand what you're saying there, but I mean once again I mean we had school superintendents from across the state, the drivers' ed association, we had teacher from across the state that were a part of this task force."

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Bost: "Representative, let me tell you, I know that you have done a lot of hard work on this. I don't know how I'm going to vote on this. I am concerned. I do want to make sure that there are not students that all of a sudden reached their sixteenth (16) birthday and we just simply tell them, oh, I'm sorry with this new State Law you're almost going to be seventeen (17) before we sign off on it, because the driver's license in the rural area for a person of (16) sixteen is awful important. Single moms needing the help of their older... older child with younger siblings, help around the farm, all of these issues are very important and I want to make sure that we don't put anything in place that stops that from occurring."

D'Amico: "And I agree with you a hundred percent, because, you know, a year... two (2) years ago was when I introduced legislation to raise the driving age to 18 and I understood and I worked with the downstaters to try and do something about that. I realized we could not get that passed, but the one thing we could do..."

Speaker Lyons: "Representative Bost, your time is up. If you could conclude your questions so we can move on."

Bost: "Yes, thank..."

Speaker Lyons: "There's several speakers seeking recognition."

Bost: "...sometime during debate, if you could, Representative, the other thing I would like... you know, you said the statement that the death toll has continued to rise. Actually, I think our numbers show that it hasn't, so we're being very effective. The legislation you passed before

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has done very well, it has actually reduced. So... and I'd like to actually hear those numbers if you've got them."

D'Amico: "Thank you, Representative."

Speaker Lyons: "Ladies and Gentlemen, there's about six (6) speakers seeking recognition, all on the Republican side. So, I'll start with Leader Tom Cross."

Cross: "Thank you, Mr. Speaker. Just a comment, I want to say thank..."

Speaker Lyons: "Tom, before you start. Ladies and Gentlemen, it's awfully loud in the chamber. Ladies and Gentlemen, it's a very serious Bill, a lot of questions to be asked, so if we could just bring the noise level down slightly we'd appreciate it. Representative Cross."

Cross: "Thank you. I want to say thank you to Representative D'Amico for taking the lead on a issue that, whether we like it or not, had to be addressed. I also want to thank Secretary of State Jesse White for his leadership role. We unfortunately, I think... many of us in this chamber have had accidents and incidents in our communities where we've lost young people. I represent Plainfield, Illinois, we've had several accidents where teenage drivers have lost their lives. I live in Oswego in an area I represent, a community I represent, where just recently we lost five (5) kids. Time and time again throughout the state we are seeing incidents where we are having these horrific accidents involving teenagers and the sad reality is oftentimes teenagers... I think the general rule is they're rather immature and make bad judgments and make bad decisions behind the wheels of cars that weigh 2,000,

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3,000, and 4,000 thousand pounds and the results are not good. So, a lot of effort has been put into this through Representative D'Amico and Jesse White and I want to say thank you. I want to say thank you as a State Representative. I want say thank you as a father who's got two (2) kids that will be driving sooner than I'd like, to be blunt. And I want to say thank you on behalf of all the parents of kids in this state and also those of us that are driving on the road that we're going to confront... where we will confront young people driving. So thank you, John, for all you've done and also please convey my thanks to Secretary White for a lot of time, a lot of energy, a lot of negotiation on a topic that is something we... we can ignore no longer. So with that, I again say thanks and will be voting 'yes'. Thank you, Representative."

Speaker Lyons: "Ladies and Gentlemen, we'd like to recognize former Member of the House of Representatives, our Secretary of State, Jesse White. The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "He indicates he will."

Black: "Representative, again thank you for reaching out to downstaters where you recognize the diversity of this state and I appreciate that. I've asked you this question, I want to make sure we get it on the record. If a fifteen or sixteen-year-old on a permit is driving a implement of husbandry, a tractor, and his father or mother is harvesting beans or corn in the fall and they unload the

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combine into a farm wagon you really don't need a driver's license to work an implement of husbandry but let's say he's taking that corn back to the bin on the farm at midnight. He is not going to be pulled over. In other words, he's... he's working at the behest of his parents..."

D'Amico: "Right..."

Black: "...and... and there is basically an agricultural exemption in here anyway, right?"

D'Amico: "The way I understand it, there is an exemption in place like that as long as they have parents' permission."

Black: "Okay. And we really... we thank you for that because we think it's a... it still is an important aspect of where some kids still, not as many as used to unfortunately, but some kids still do work on the family farm. The other exemptions you have in the Bill... if it's a single-parent household and the prescription ran out, the mother isn't feeling well, the child needs to go to Walgreen's and get this prescription refilled... and many of them are twenty-four (24) hours... if the child goes to Walgreen's with a prescription, and can show proof, that if he or she is pulled over, that's an exemption? They would not receive a ticket for driving?"

D'Amico: "Yes, you're correct. It says right here, 'performing a chore...'"

Black: "Okay."

D'Amico: "...at the direction of a parent.'"

Black: "All right. Just two other questions. If the learner... if the driver on a learner permit, and you do have the exemption for after school activities and again, we thank

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you for that, but if the driver is coming back from basketball practice or let's say a basketball game that was in another town, the school bus didn't get back to his home high school until 11:30 and he's driving home at 12:15 a.m. and gets pulled over. The question comes up, is that driver then driving without a license because he only has the learner's permit? And if he's driving without a license, is the automobile insurance valid?"

D'Amico: "If he has a learner's permit, he doesn't have a driver's license in the first place."

Black: "Right, right. But in that case, where he's coming from a athletic event at a school and he's on a learner's permit, can he drive alone?"

D'Amico: "No, you can't do that now."

Black: "Okay. Okay. So, he would have to have a parent or an older sibling meet him?"

D'Amico: "Right, twenty-one (21) years or older."

Black: "Okay. All right. And then the street racing language, now that is what I think it means 'street racing', if you're participating in a sanctioned drag racing event, that doesn't count against you, right?"

D'Amico: "No, that doesn't apply."

Black: "Okay. Fine. Thank you very much, Representative. And I do appreciate the fact that you have been very accessible and very amenable to working with downstaters on some issues that are important to us, particularly the agricultural exemption. Thank you very much."

D'Amico: "Thank you."

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

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Indicates he will."

Durkin: "Representative D'Amico, does this... right now under the law I have a seven... a sixteen-year-old and she's going through the training. We have to spend thirty (30) hours behind the wheel, the adult, with the child, before they can pass their driver's ed class. Have we raised the hours behind the wheel with the adult or is it still at thirty (30)?"

D'Amico: "No, we raised it last... last year we raised it to fifty (50)."

Durkin: "Well, I guess I should've been paying more attention and I won't identify the school that my daughter goes to, so we can... okay, fifty (50), my mistake. But we have not increased the fifty (50), we're still staying at fifty (50), correct?"

D'Amico: "We are still staying at fifty (50)."

Durkin: "Okay. One of the other things which I saw in here, it states... correct me if I'm wrong, 'cause I... obviously I've misstated already, that if a child under the age of eighteen (18) does have a traffic violation, and they are seeking supervision before a court, that they must have a parent present if they are going to seek supervision. Is that what this Bill contains?"

D'Amico: "Yes, it does, because what was happening in some cases a teenager would get a ticket, go to court, get supervision and the parent was... would never be notified of



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this. So, what we... this is just one way to help our parents get involved with their kids, have them go to court with their drivers."

Durkin: "Can... if the parents work, which we do have more so these days, both parents work, court hours are during the day, in the morning and in the afternoon and a parent say that we cannot attend but we will... we have retained an attorney to go to court with our child. Would that satisfy the requirements under this legislation?"

D'Amico: "They way I understand it, yes, if the parent signs off, that an attorney can do that."

Durkin: "Okay. Just 'cause I think it's important 'cause that will be a situation which I think will be..."

D'Amico: "Yes."

Durkin: "...that if they sign some type of letter authorizing the attorney to stand in their place and to satisfy this requirement that would... you would... that would be acceptable, correct?"

D'Amico: "Yes."

Durkin: "Okay. Now, the only other thing... sometimes children, they... they... yes, they will not tell their parents about it, but if they're not seeking supervision they could probably go in and just plead guilty I imagine, correct?"

D'Amico: "Oh. And I was just told, too, they can do it by affidavit without having to hire an attorney, as well."

Durkin: "So, they can..."

D'Amico: "So they save some money."

Durkin: "So, they would be able to just attend without any... without the parents or an attorney?"

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D'Amico: "As long as they have a signed affidavit."

Durkin: "Okay. And that is... is that current law? I mean, I know you..."

D'Amico: "No, right... no, right..."

Durkin: "...have an outstanding attorney over there just whispered in your ear."

D'Amico: "It's... it's... I don't think it's current law right now..."

Durkin: "Okay."

D'Amico: "...because I don't think the parent has to attend with you, right now."

Durkin: "Okay. All right. But if a child decides to just plead guilty without seeking supervision, that still would... I mean, maybe this is something we could think... I'm... I'm supporting your Bill... but maybe something we could think about 'cause a lot of times the children are going to be embarrassed to tell their parents about, you know, the situation that they're in and they'd rather not... avoid the consequences of having... again, telling their parents about this traffic violation, they just go plead guilty, they take the conviction, they don't get supervision. So that's something I think next year we can... we can think about."

D'Amico: "Right. Well, and... then it's on their record, their insurance goes up and their parents are notified anyways. And... and..."

Durkin: "It's after the fact, though, that's the only thing, it's after the fact."

D'Amico: "And this was one of the recommendations made by one of the judges that was on the task force because he was

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seeing this happening time and time again and, you know, when we were drafting this legislation we had to come up with something that has some teeth in it to try and help our young drivers and this is just one of those steps."

Durkin: "Absolutely. I think it's great and I think that it's just some food for thought for down the road because I can see... as I said earlier, some children are just going to avoid telling their parents, their parents will find out after... as I said, after the fact..."

D'Amico: "Right."

Durkin: "...when it's notified... their insurance company is notified of this and it goes on their driver's abstract. But you know, I think this is a great Bill. I had the opportunity to sit with Jesse White a few weeks back, he was discussing this. This is prom season and this is when... you know, I've got daughters and they jump in the car and, you know, you pray that they're going to come home safe but he said prom means something else in his world... it means 'please return on Monday' and I think that that really meant a lot to me because I do have children, a lot of us in this room have children and that is why I am supporting this wholeheartedly and I appreciate the efforts that you have put into this, Representative D'Amico, and also the Secretary of State. Thank you."

D'Amico: "Thank you."

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

Eddy: "Thank you very much. Would the Sponsor yield for a couple questions?"

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Speaker Lyons: "Indicates he will."

Eddy: "Representative, I want to make sure... earlier the question came up as to how school districts might be able to plan, regarding the implementation of the nine (9) month rather than the (3) three month. My understanding is that the effective date of this is July of '08."

D'Amico: "Yes, that's correct."

Eddy: "So, in practical terms, if this is signed quickly, and I hope that it is because I... I think there is a lot of good components in the Bill, school districts would have the fall schedule season for students that would be receiving the nine-month... the new nine-month mandate so that they could attempt to get those students that are going to be sixteen (16) by July 1 of '08 through in time for that nine (9) months?"

D'Amico: "Yes."

Eddy: "The next question, does this... does this... obviously, this mandate applies in situations where the public school isn't offering driver's education but it's being done through a driving school or... or some type of private facility, these same types of restrictions are going to apply no matter where the... the young person obtains...?"

D'Amico: "Absolutely, this Bill is about the safety of sixteen-year-old drivers everywhere throughout the State of Illinois, whether they attend a private school or a public school."

Eddy: "Okay. I want to reiterate my original point, though, that there seems to be time because of the effective date so that the nine-month period can... can be used from the

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time you get your permit until the time that... that a person actually is going to get there driver's license. That full year before the effective date does give that planning time to school districts and I know that was a point that was brought up earlier and I wanted to clarify that I think the Bill does contain that."

D'Amico: "Yes, it does."

Eddy: "Okay. The last thing is, the part of this Bill that... you know I... I'm concerned about mandates. I know unfunded mandates are difficult on school districts. This is something because the proficiency examination for driver's education is eliminated, there could be actually an increase in the... the amount of time necessary for driving students, and therefore an increase cost to school districts related to the behind the wheel driving time."

D'Amico: "Right. Those six (6) hours that you're talking about are already... they're already a requirement. What they used to do was put three (3) hours with the instructor behind the wheel and three (3) hours in a simulator. Now were we... we're going to require that the six (6) hours be on the road driving with the instructor in the car."

Eddy: "There... there was a proficiency examination..."

D'Amico: "And the proficiency exam."

Eddy: "That's being eliminated. I guess my only point is as we look at his, and I hope you join me in recommending to the State Board of Education the line item necessary to fund driver's education and the hiring of teachers to make up for that additional time, we try to get that into that budget. That's my only point. I'm not opposed to it I... I

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really think that the additional time with the... the... the professional driver's education teacher is a good thing but it's going to cost money."

D'Amico: "I... I agree with you and I will support you on that and I am told that Secretary White will be able to come forward and ask us for an appropriation for that as well."

Eddy: "I appreciate that and I appreciate Secretary White's support because I know he understands school districts are under some financial strain and the additional time might cost money and if we could get his support on that line item, as a state board budget is crafted, I would certainly appreciate it. Thank you very much."

D'Amico: "That's right. But the big question is should we spend a little bit now or a lot more later?"

Eddy: "And I... I... you know what, I don't disagree with what you're saying."

D'Amico: "Term... terms of loss of life."

Eddy: "Yeah. I... look, I've been a high school principal and had to go to the scene of accidents and I understand exactly what we're trying to do and I support it a 100 percent. I just want us to go on the record to put our money where our mouth is and if we're going to require these things of school districts, work together to get that funding as well."

D'Amico: "Thank you."

Speaker Lyons: "The Gentleman from Champaign, Representative Rose."

Rose: "Thanks. Will the Sponsor yield for a quick question?"

Speaker Lyons: "Indicates he will."

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Rose: "The going from three (3) months to nine (9) months, let's assume that the student starts in second semester or January, do they then... would the school district then have a teacher available all summer for the remaining three (3) months of the period? And if you go from January to June, within the normal school year, your nine-month period would run 'til end of the year or 'til the following August or September, I'm sorry."

D'Amico: "There's a lot of school districts that do have summer driver's ed."

Rose: "Right, but I have sixteen (16) school districts and I don't know that any of mine do. To be truthful, I don't know that they don't, but I know that when I took driver's ed it was fall semester, spring semester and my question is, if you are in spring semester driver's ed, that period would run the following September or October. Who's going to watch that during the summer with... with a... what happens if summer jobs, summer school, summer camp, family vacations during that June, July, August period?"

D'Amico: "I think that would be an administrative decision whether they want and each school district wants to have class throughout the summer. I know school districts that have class throughout the summer. And this is not just about getting your license at sixteen (16), it's about creating safety for all our kids."

Rose: "I don't dispute that, I think everybody... everybody's for safe drivers. I'm just talking about a very practical reality that when that last school bell rings in early June and kids leave for the summer, how is it they're going to

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continue the extra (3) three months of class under your Bill? Or would they have to take the summer off and come back the next fall?"

D'Amico: "You don't do class. This is a permit just like it is today when you... when you've completed you driver's ed class you get your driver's permit. Now, we're saying that your driver's permit, you have to hold it for nine (9) months before you go take your test for drive... your driver's license."

Rose: "So then presumably, you're with a parent then?"

D'Amico: "Yes, always."

Rose: "So that the academic portion where you're driving with a teacher is over."

D'Amico: "Yes."

Rose: "And that part does not continue through the whole nine (9) months?"

D'Amico: "No."

Rose: "Okay. How long does... how long would you be required to be driving under the auspice of a teacher?"

D'Amico: "Six (6) hours."

Rose: "Six (6) hours. Okay. Thank you, Representative."

D'Amico: "You're welcome."

Speaker Lyons: "The Lady from Cook, Representative Mary Flowers. Representative D'Amico to close."

D'Amico: "Thank you, Mr. Speaker. I think this Bill is something that has been long overdue, something we need... we need to pass. Traffic crashes are the leading cause of death amongst our young drivers and I think with this legislation that we're going to pass here today, we are



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going to see a lot of states throughout the... our country duplicate what we've done. This is going to be the best GDL in the country and I want to commend Jesse White for putting together this task force that we met on all summer and to all the members of the task force for coming up with this legislation. I encourage a 'aye' vote. Thank you."

Speaker Lyons: The question is, Ladies and Gentlemen, 'Shall Senate Bill 172 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Yarbrough, Representative Yarbrough. Mr. Clerk, take the record. On this Bill, there are 115 Members voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Tracy, for what purpose do you seek recognition?"

Tracy: "Thank you, Mr. Speaker, point of personal privilege."

Speaker Lyons: "Please proceed, Representative."

Tracy: "Today, I would like to extend a warm Springfield welcome to Region 5 our Regional Office of Education from the southern most part of the state, Ullin, Anna and the like, Representative Bost and Representative Phelps, there's some kids, teenagers, young men from the workmen's... Work Investment Force. If you all would stand up so we could recognize you, please."

Speaker Lyons: "Welcome to Springfield."

Tracy: "And Sandy Miller is their teacher."

Speaker Lyons: "Representative Molaro."

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Molaro: "Well, thank you. While the Secretary's still here. I got this little ticket from... I guess, we're going to be having Poe's fried chicken and it's going to be at the Secretary of State's of... then I notice in the fine print, it's for tomorrow. Now I got this taste in my mouth. They were rude enough to pass it out today. I haven't eaten lunch. What am I supposed to do? I really can't wait 'til tomorrow, so I think Representative Poe, you owe me lunch today."

Speaker Lyons: "Mr. Clerk, what is the status of Senate Bill 345?"

Clerk Mahoney: "Senate Bill 345 is on the Order of Senate Bills-Third Reading."

Speaker Lyons: "At the request of the Sponsor, move that Bill back to Second Reading. Mr. Clerk, what is the status of Senate Bill 149?"

Clerk Mahoney: "Senate Bill 149 is on the Order of Senate Bills-Third Reading."

Speaker Lyons: "At the request of the Sponsor, please move that Bill back to Second Reading. Ladies and Gentlemen, if I could get your attention, please. There will be a immediate caucus for all Democrats in Room 114. We will stand to the call of the Chair. Republicans enjoy your lunch, but we will be meeting in 18... 114, Democrats immediately. Reconvening to the call of the Chair. Thank you, Ladies and Gentlemen. We stand at ease. Ladies and Gentlemen, we're going to start with Senate Bills-Third Readings on page 30. Pick up where we left off from

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yesterday and the first Bill that we'll call, Mr. Clerk, will be Senate Bill 340. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 340, a Bill for an Act concerning aging. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Lake, Representative Sid Mathias. Mr. Clerk, take that Bill out of the record. Representative Mathias, Senate Bill 34... Representative Davis. Representative Will Davis. Mr. Clerk, on page 30 of the Calendar, under Third Readings, is Senate Bill 387. Representative Beiser. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 387, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Madison, Representative Beiser."

Beiser: "Thank you, Mr. Speaker, Members of the House. Senate Bill 387 creates the Loan Repayment Assistant (Sic-Assistance) Act for dentists. It requires the Department of Public Health to establish a program to assist dentists in repaying there educational loans if they practice in a designated shortage area and accept payment under the Medical Assistance Article of the Illinois Public Code. This is subject to appropriation. And I'd be happy to answer any questions and ask for an 'aye' vote if... if none."

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

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

Speaker Lyons: "Indicates he will."

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Franks: "Representative, why do we need this Bill?"

Beiser: "There is a there is a shortage of dentists in spe... specifically in... in certain areas. In Illinois, we're down to two (2) dental schools. I happen to be fortunate to represent one of them, and we just can't get enough and one of the big things, Jack, is... is the cost. And we're hoping that if this passes that we can entice some dentists to relocate, stay in Illinois, to those areas that desperately need them. That's the intent to this."

Franks: "Do we have any specific areas that have already been recognized that would fall within the definition of this Bill?"

Beiser: "Well, I... I just know from my past years when we have our dental fairs, for those that do not have the ability to get to a dentist, southern Illinois is... deeper southern Illinois is definitely one of those areas, but I could not speak to specific areas, no."

Franks: "Thank you."

Beiser: "You're welcome."

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

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

Speaker Lyons: "Indicates he will."

Davis, W.: "Representative, do you know if this speaks in any way to repaying the loans of dentists that would then serve in underprivileged or underserved areas?"

Beiser: "I'm sorry, Will, I didn't hear that. I was..."

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Davis, W.: "Do you know whether or not this speaks to loan repayment assistance if the dentist will agree to serve in a underserved area?"

Beiser: "Yes."

Davis, W.: "It does?"

Beiser: "Yes."

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

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

Miller: "Thank you, Mr. Speaker. To the Bill. I want to thank the Sponsor for bringing this very important issue to light. As you know, there's been talk about access to health care providers. Generally and specifically what this legislation does is deal with, of course, dentistry. In southern Illinois there are those who have a long time to see a dentist and have to travel a great deal of distance. In conjunction, the average student loan debt for those who attended dental school have increased when I was in dental school and graduated in 1988, to about sixty thousand dollars (\$60,000) to over a hundred and fifty thousand (\$150,000) to almost, you hear, two hundred thousand dollars (\$200,000) when it's all said and done. This solves two (2) problems. It gets the young practitioner into different settings and to be able to increase their abilities, but also it provides in much needed services in areas that may be overlooked. And I would argue that many of these communities the dentist may eventually locate there as my classmates have... attended

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University of Illinois and have moved back to their respective homes. I ask for favorable votes."

Speaker Lyons: "Representative Beiser to close."

Beiser: "Thank you, Mr. Speaker. I'd just like to make the comment that this program is similar to the Loan Repayment Assistance for Physicians Act. And with that, I'd be... I'd love to ask for a 'aye' vote on this legislation. Thank you."

Speaker Lyons: "The question is, 'Should Senate Bill 387 pass? All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 30 of the Calendar, Representative Feigenholtz has Senate Bill 390. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 390, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lyons: "Recognize the Lady from Cook, Representative Sara Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 390 is a initiative of the Department of Aging, AARP, and the Association of Community Care... Home Care Providers. It simply replaces the term 'homemakers' with the phrase 'home care aides' throughout various sections of the Aging Act so that it is a better reflection of the duties performed of these individuals. I'd be glad to answer any questions."

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Speaker Lyons: "Any discussion? Seeing none, the question is, 'Should Senate Bill 390 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Biggins. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 30 of the Calendar, Representative Lang has Senate Bill 398. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 398, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Lang: "One moment please, Mr. Speaker. Thank you very much. Thank you. Mr. Speaker, Ladies and Gentlemen, Senate Bill 398 would amend the School Code to be... permit school districts to be fully reimbursed for eligible costs for educating disabled students who are residentially placed by a state agency or by the courts. That's what the Bill does. The purpose is to reimburse school districts for the high cost of educating disabled students. The reimbursement is for special ed students who have legal guardians. School districts currently, normally, only receive full reimbursement for students who are wards of the state. This would expand that slightly. It's supported by most of the advocacy groups and would ask your support."

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Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 398 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Feigenholtz and Flowers, Mary Flowers. Mr. Clerk, take the record. On this Bill, there's 114 members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Osmond has Senate Bill 404. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 404, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons: "The Lady from Lake, Representative Osmond."

Osmond: "Thank you, Mr. Speaker. Senate Bill 404 is an agreed Bill between the Illinois Travelers Association, the Med Society and the American Heart Association. It amends the Emergency Medical Service Systems Act to provide immunity for civil liability to the state and local government, as well as public and private entities as a sponsor for AEDs. It changes the word... words 'automatic external defibrillator' to 'automated external defibrillator'. And I'll be happy to answer any questions."

Speaker Lyons: "Is there any discussion on Senate Bill 404? Seeing none, the question is, 'Should it pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 113 Members voting



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'yes', 0 voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Watson has Senate Bill 429. Read the Bill, Mr. Clerk. 426, Senate Bill 426."

Clerk Mahoney: "Senate Bill 426, a Bill for an Act concerning state funds. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes Representative Watson."

Watson: "Thank you, Mr. Speaker Ladies and Gentlemen of the House. This is an initiative of the Illinois State Police and it simply clarifies where the funding in the Sex Offender Registration Fund will go. I'd be more than happy to answer any questions."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 426 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this issue, 114 Members are voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 30 of the Calendar, Representative Fortner has Senate Bill 436. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 436, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from DuPage, Representative Mike Fortner."

Fortner: "Thank you, Mr. Speaker and Members of the House. Senate Bill 436 raises the minimum bid limit for certain

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construction contracts for townships from currently twenty-five hundred dollars (\$2500) to twenty thousand dollars (\$20,000). That brings it consistent with the changes that the 94th General Assembly made elsewhere in the Township Code. I'm available for any questions. And would ask for your affirmative vote."

Speaker Lyons: "Any discussion? Seeing none, the question is, 'Should Senate Bill 436 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Brauer, Lindner, Schmitz. Representative Lindner, Pat Lindner. Mr. Clerk, take the record. On this Bill, there are 74 Members voting 'yes', 38 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 30 of the Calendar, Representative Joyce has Senate Bill 438. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 438, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Lyons: "Recognize the Gentleman from Cook, Representative Joyce."

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 438 is an initiative of the City of Chicago and it would allow fire departments to get salvage certificates. The need of the Chicago Fire Department comes from their need to obtain vehicles from the Chicago police pound... auto pound and this would simply allow them to do that. They use these vehicles in investigations. They use them in their internal affairs division trying to

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investigate hiring, alleged medical abuse and supplemental drug testing. And the majority of these vehicles that they are going to take... use salvage certificates for are used... are... come from drug forfeiture cases as they were confiscated by the Chicago Police Department. And I'd be happy to answer any questions. I know that there's no opponents to this legislation."

Speaker Lyons: "Any discussion? Seeing none, the question is, 'Should Senate Bill 438 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Dugan, Gordon. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Page 30 of the Calendar, Representative Sid Mathias has Senate Bill 441. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 441, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

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

Mathias: "Thank you, Mr. Speaker. Senate Bill 441 creates the offense of failing to stop or yield the right of way to a pedestrian in a... in a crosswalk in a school zone on a school day when school children are present. It basically mimics the same type of offense we have right now for speeding in a school zone and it... it shows that this offense is a little more elevated than the normal offense

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and I... and because it's involving school children in a school zone. So, I ask for your 'aye' vote."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 441 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Feigenholtz, Hernandez. Sara. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on the bottom of page 30, Representative Moffitt has Senate Bill 448. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 448, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Knox, Representative Don Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 448 is an agreed Bill. It would allow the Department of Financial and Professional Regulation to set the renewal cycles by rule rather than by statute. And it makes this Act consistent with other practice Acts and gives the department more flexibility when issuing a license. One of the things in the past has been that all of the licenses, is my understanding, came due June 30. That's a busy time for roofers. This would give them some flexibility so that the renewal's not at that time. It also makes it consistent with the fine that can be charged for noncompliance. Every Act that's been renewed has set

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the same fine, so we're making this consistent with the others. This Bill is supported by the Chicago Roofing Contractors Association and the Downstate Illinois Roofing Contractors Association. I'm aware of no opposition."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. I rise in support of this. I commend the Chief Sponsor on his work on this and I appreciate the help in the Reg & Reg Committee with Representative Moffitt putting this Bill together. And I would appreciate an 'aye' vote. Thank you."

Speaker Lyons: "The Gentleman from Jasper, Representative David Reis."

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

Speaker Lyons: "Indicates he will."

Reis: "Representative, these licenses are only given to companies or is each individual worker that works in that company licensed?"

Moffitt: "It's the company is my understanding..."

Reis: "So, it's just the company?"

Moffitt: "...like the roofing contractor."

Reis: "And who... who enforces this at the local level?"

Moffitt: "Well, there might be local ordinances, but I mean, the state agency's Department of Professional Regulation and Registration."

Reis: "We get a lot of calls into our office where carpenters of two (2) or three (3) people are putting on roofs and are

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not licensed and the people who are licensed complain about that. Where would they go to see that this is enforced?"

Moffitt: "Department..."

Reis: "I see you've upped the fines."

Moffitt: "The complaint would be made to the Department of Financial and Professional Regulation."

Reis: "And they would come down to our district and work on that or is that the local police..."

Moffitt: "Well, that would be the starting point because if the... the person was passing them self off as a licensed roofer... I mean, that would be, you know... you could come and help roof my house, but it's up to me... if I think I have a professional roofer, of course, they should be able to tell me their license number and then it would fall under the jurisdiction of the state."

Reis: "Okay. Thank you."

Moffitt: "But it just does give the department more authority to even issue a cease and desist order on someone who is noncompliant."

Reis: "That's good. Thank you."

Speaker Lyons: Representative Moffitt to close."

Moffitt: "View this as an accommodation to business making it more reasonable when they can renew their license, gives the department the authority to go after bad actors, a good consumer protection Bill. Appreciate a 'yes' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 448 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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Representative Eddy. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Members, we'll be running down page 31 of the Calendar starting with Senate Bill 455. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 455, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Randolph, Representative Dan Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 455 clarifies the procedures in Revenue Code that they currently are using. It exem... has a tax exemption for a prepurchase evaluation or for post sale customization. We have a number of plants that do this in the State of Illinois. Revenue currently does not tax this and this just clarifies their existing policy. I'd be happy to answer any questions."

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

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

Speaker Lyons: "He indicates he will."

Franks: "Representative, I'm reading our analysis and it says that there'll be no tax on an airplane if the airplane is located in Illinois only for the purpose of a prepurchase evaluation, correct?"

Reitz: "Correct, by a private organization."

Franks: "Why would it have... why would it be located in Illinois for a prepurchase evaluation? I don't understand what

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circumstances would bring a good to our state that had been manufactured somewhere else for an evaluation."

Reitz: "Well, it's my understanding that some... some of the companies that do this, they will purchase a plane... the plane is made in another state. They would bring it here for evaluation prior to the purchase to make sure that it's the type of plane they want and... and to basically to see if it's able to retrofit or customize that plane to their needs."

Franks: "Are these new planes or old planes?"

Reitz: "Primarily new planes."

Franks: "Okay."

Reitz: "I'm assuming there could be some old ones that come in, that would be the customization part, that the presale would be new planes that they bring in and evaluate."

Franks: "Now, let me ask you why would we exempt post sale customization because doesn't that add value here in the State of Illinois? I understand the preevaluation where they're not adding any value, but here they've actually done a service and probably provided goods as well to customize an aircraft. Why is that exempt?"

Reitz: "It... well, it currently is exempt. This is just their... the corporate attorneys that are concerned about the ambiguities in our law have expressed an interest in... in trying to change this. I've been working on this for two (2) or three (3) years. Revenue drafted this language, we currently do not tax these. We won't lose any money on this legislation at all. Hopefully, we'll get more. They are... have some that come in actually and have the



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customization or the evaluation done and then will sign the papers over a different state that... that just to make sure they clarify that there won't be any tax on this purchase.. or on this work."

Franks: "I also see that there's no use tax imposed on the purchase of an airplane if the plane leaves the state within fifteen (15) days of the purchase. Is that new to this Bill or is that existing?"

Reitz: "Yes, that's correct and if... if the whole... if the plane is going to stay in Illinois, it's an Illinois plane, it'll be subject to whatever tax we charge. This is just doing the work inside the plane and we don't have sales taxes on services."

Franks: "Well, there's an additional one here as well. It says no use tax will be imposed on the purchase of an airplane. It's an actual purchase."

Reitz: "It's... and that's because it's being taken somewhere else in the final product, if applicable, will be taxed somewhere else. And as I said earlier, this is just a clarification of the way Revenue has always done this."

Franks: "Okay. I appreciate that and I guess we'll go to the Bill. Hopeful... I'll hear other people speak on this, but we've been hearing for five (5) months now how big corporate fat tax cats are getting huge corporate loopholes and not paying their fair share and I'm wondering in that environment when the Governor is telling us we have to close loopholes that we are not charging tax for goods that are sold in this state and that for goods that are customized in this state. Certainly, I believe a good way

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to stimulate the economy is to cut taxes not to raise them, but in the environment that we've been hearing for five (5) months, I wonder whether the Governor would sign this Bill. And I guess that this would be a litmus test should this pass to see what he does."

Speaker Lyons: "Representative Cross for a personal privilege."

Cross: "Thank you, Mr. Speaker. I want... I'd like to just take a second to acknowledge and say hello to an eighth grade class from my hometown and it's the Traughber Junior High School from Oswego. Thank you, guys, for being here today. Nice job. So thanks for coming. Thank you, Mr. Speaker."

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

Mulligan: "Thank you, Mr. Speaker. The previous speaker said a lot of what I was planning on saying so I'd like to thank Representative Franks very heartily, considering the discussion that we have had and I'm wondering if the Sponsor will yield. Will the Sponsor yield?"

Speaker Lyons: "Indicates he will."

Mulligan: "Representative, also considering the discussion that's been going on here, why is the tax break for someone in some district not as good as the tax break for the whole state?"

Reitz: "As I stated previously, this... there... there is no tax break, this is a clarification. They currently charge nothing on this right now. This is clarifying it in the hopes that we will get additional business by clearing up the ambiguities in Illinois law."

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Mulligan: "So, the goal is for one company, because it's an interesting... and I'm not saying that you're wrong in trying to do this, what I am pointing out is that if it's good in one part for one company, it's good for the whole state. And our analysis says that there are five (5) states that do not impose general sales tax: Alaska, Delaware, Montana, New Hampshire and Oregon and thirty six (36) other states that have lower sales tax than the State of Illinois. So when we have a proposal in the Governor's budget address that makes our tax policy even worse than it already is, perhaps Bills like this point out the fact that what we have going on here is not beneficial to the health... overall health of the state for a long time. I certainly have to think about supporting this because I don't think it's inappropriate to try and garner business for Illinois by being competitive. That seems to be what our side of the aisle tries to do for the most part, so I don't think it's a bad idea. What does Mid-coast Aviation do besides renovate or evaluate planes? Do they build anything or is it just a pass-through company?"

Reitz: "I don't know that they currently build. I think they customize and work on planes, but I don't... I'm not sure they actually build planes. It's actually in Representative Younge's district, adjacent to mine."

Mulligan: "Okay. So, you're carrying this Bill as a courtesy?"

Reitz: "No, it's adjacent... they employ people from my area. It's not the only one. There are other facilities in the state that are in... do the same thing, that customize planes. One here in the Springfield area, I believe."

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Mulligan: "So what about car dealers or companies that customize cars, customize motorcycles that are all in the state. Should they get a tax break, also?"

Reitz: "I guess if they don't do it in this state. I mean, this just does... if it's a plane that stays in the State of Illinois it'll be subject to whatever tax it is. Our problem is that there are other states that are... that do not do this, we do not do this and I would probably think about it if... if we were taking money away from the State of Illinois, but we are taking nothing away. We hope that we'll gain additional revenue by this, by the increased business that they bring in and hopefully employ more people."

Mulligan: "So, if the Governor were successful in passing some kind of a Gross Receipts Tax, would the money that's a pass-through here be part of that tax, do you think?"

Reitz: "I'll get you his number if you want to ask him. I don't know."

Mulligan: "Do you think he's going to sign this Bill?"

Reitz: "I would hope so, I don't know. I'll get you his number and you can ask him that, too. I'll make a list actually if you'd like and try to get you an answer on that."

Mulligan: "I don't think that it's a bad Bill, quite frankly, I think it's a reasonable Bill. My problem is with the overall climate of the state I think it's very interesting how we pick and choose what we want to support when we have an overall bad tax policy being proposed in this state."

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

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McCarthy: "Thank you, Mr. Sponsor (sic-Speaker). Will the Sponsor yield?"

Speaker Lyons: "Indicates he will."

McCarthy: "Two... two (2) quick questions. First of all, I was told the Department of Revenue was not an opponent of this, but they're listed on our analysis as an opponent. Do you have a clarification on that?"

Reitz: "I guess... yeah, that's what... supposedly are... they are opposed to this, but it was my understanding they wrote the language."

McCarthy: "And weren't they asked in committee if they wanted..."

Reitz: "Right."

McCarthy: "...to make a statement and they refused to do so at that time?"

Reitz: "That's correct. They testified... they had no opposition in committee. We asked for theirs and they... they put their input in."

McCarthy: "Okay. And of course I rely on your judgment for a lot of things, so I have a real problem sometimes determining what's a corporate loophole and what's a tax incentive for a business. So, could you tell me which one this is so if anybody asks me when I voted for this, was I voting for a loophole or was I voting for a tax incentive for business?"

Reitz: "I would say you're voting for neither. We're clarifying that we make no tax... we get no taxes off of this money right now, we will continue to get no tax revenue off of this, but hopefully we will clarify the ambiguities

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that's in the current regulations and employ more people to do these jobs."

McCarthy: "When you're making the list for the Representative from the other side, could you write that out for me so I can be that ambiguous when someone asks me what the answer to the question was, that I won't have any problem responding to a constituent that the..."

Reitz: "I will definitely do that and get you the Governor's number also."

McCarthy: "Okay. And I hope that this is not on the corporate loophole Bill later in the Session, so."

Speaker Lyons: "The Gentleman from Menard, Representative Brauer."

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

Speaker Lyons: "Indicates he will."

Brauer: "Representative, I'm looking on here and our analysis says that the Department of Revenue is neutral. So I'm... I'm not for sure who talked to them but... but our analysis says department neutral... or the Department of Revenue is neutral. So I think where they're coming from is that they're saying this could have a minor impact on them, but our analysis again says it will be minimal. So I... I don't think that it's a real strong concern with them."

Reitz: "No, that's exactly right. Someone had mentioned to me that Revenue said they were opposed. All I could tell you is... is to my knowledge they helped write the language in committee. They were neutral and actually testified and clarified some answers and questions on the Bill. So, as far as I know, they don't have a position officially."

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Brauer: "Landmark Aviation is based here in Springfield and they gave us analysis that said by getting rid of this tax that... I think our analysis says thirty-six (36) other states do have a lower tax than the State of Illinois. So if you look at corporate jets like Boeing, those commercial jets are not taxed, those are tax free, it's only these midsize business jets. Is that correct?"

Reitz: "Yes."

Brauer: "So it's important for Ill... Ill... Illinois to do away with this tax, so were able to compete with other states. Mr. Speaker, to the Bill. Landmark Aviation in Springfield had seventy (70) jobs for mechanics, 90 percent of a jet engine overhaul is parts. Because of that tax those jobs left the State of Illinois. Those jobs are now in other states that do not charge this tax. So those jobs will never come back to the state, those jobs are gone and so what the Representative is trying to do here is to make Illinois a business-friendly state to put Illinois on the same plane as other states to make our businesses competitive with other businesses. This is a good Bill."

Speaker Lyons: "This Bill was on Short Debate. We've had five (5) speakers. We'll have one more speaker. Representative Sacia."

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

Speaker Lyons: "Indicates he will."

Sacia: "Ladies and Gentlemen of the House, in particular Representative McCarthy. I think in answer to your question, Sir, and for the other Members here, this is absolutely a business incentive. Our analysis shows a two

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hundred thousand dollar (\$200,000) engine overhaul, you have fourteen thousand dollars (\$14,000) in tax. Representative Brauer articulated it very well. We stand to lose lots of great businesses in this state if we don't have this sales tax done away with for such things as engine overhauls, customization, and so forth. I think very often we get caught up in this tax loopholes when really what corporations are doing are providing jobs, security for the great State of Illinois. This is an excellent Bill and as the Sponsor has said, this is clarifying language to ensure that there are no more misunderstandings with it, but I think it's very important to understand this is not creating a tax loophole, this is creating an incentive for business which Illinois desperately needs. I encourage a 'aye' vote. Thank you, Mr. Speaker."

Speaker Lyons: "We've had six (6) speakers on the... on the issue. Representative Reitz to close."

Reitz: "Thank you. I appreciate debate on this and just try to clarify, that as far as we know Revenue testified in committee they're neutral. This Bill does not cost the state one dime it will be a revenue enhancement for the state. We'll have additional jobs that we hope to bring in the State of Illinois. We currently do not charge on this. This is just on planes that are purchased in other states, brought into Illinois to be customized or evaluated and fly right back out. So we'd appreciate your help on this and hopefully the Governor will sign it then. Thank you."



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Speaker Lyons: "The question is, 'Should Senate Bill 455 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there is 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 30 of the Calendar, Representative Davis has Senate Bill 355. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 355, a Bill for an Act concerning business. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Will Davis."

Davis, W.: "Thank you very much, Mr. Speaker. Senate Bill 355, which is an initiative of the Secretary of State's Office, simply allows the Secretary to restr... to... the Secretary of State to reject a Uniform Commercial Code filing if they deemed that it is a... what they call a bogus filing. We had House... we had Amendment to the Bill which clarifies that the Secretary of State does not have the sole authority and that there are a couple of other individuals that must sign-off on the rejecting of one (1) of those filings. I'll try to answer any questions."

Speaker Lyons: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Rosemary Mulligan."

Mulligan: "I'm just wondering if I have to talk on this one. Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Lyons: "Indicates he will."

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Mulligan: "Representative, do they have to keep a list of the ones they've rejected in case they reject a legitimate filing?"

Davis, W.: "It's my guess that there is some documentation of those... those filings that are rejected. I... and I assume that if an entity feels that their filing has been rejected without... without merit that there's... there is probably a mechanism in which they can ask for that to be reviewed again..."

Mulligan: "All right."

Davis, W.: "...or that they can question that rejection."

Mulligan: "Just on the outside chance as occasionally it does happen, we know those things happen, that it was rejected in error as opposed to legitimately.. which I can see the purpose of this Bill, which seems to be a good purpose, you don't want people to be able to do this that are actually trying to seek to the defraud people. But I'm just hoping that there is some mechanism that they keep in case that they later find out that the person was fair and they should have been able to file and it was all right. So I would hope that that would be considered and perhaps if it's not in the Bill they would promulgate a rule that would keep a separate list of those people that have tried to file."

Davis, W.: "I'll make sure that that's conveyed to the Secretary of State's Office."

Mulligan: "All right. Just so it's part of the record. Thank you."

Davis, W.: "Thank you."

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Speaker Lyons: "Representative Davis to close."

Davis, W.: "Thank you, Mr. Speaker. I ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 355 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative May, Representative Ryg. Mr. Clerk, take the record. On this Bill, there is 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Winters has Senate Bill 424. Read the Bill, Mr. Clerk. Mr. Clerk."

Clerk Bolin: "Introduction of Resolutions. Senate Joint Resolution 43, offered by Representative Bellock. This Resolution is referred to the House Rules Committee."

Speaker Lyons: "On page 30 of the Calendar, Representative Winters has Senate Bill 424. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 424, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Winnebago, Representative Dave Winters."

Winters: "Thank you, Mr. Speaker. Senate Bill 424 would basically allow course work completed by seventh and eighth graders that is identical to high school courses, and taken at the high schools, be allowed to go on the... the transcript and count for the course requirements. Currently, that is not allowed. They receive credit as far as it having prerequisites for a... more advanced courses but they can't count it against the courses they need going

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into high school. This is... simply encouraging middle school students who are capable of high school-level work to take that while they're in seventh and eighth grade. I'd be happy to answer any questions."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 424 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there is 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 30 of the Calendar, Representative Jerry Mitchell has Senate Bill... Senate Bill 397. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 397, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an initiative of the Illinois State Board of Education. Basically, it takes two (2) different Bills, one (1) from Representative Boland, another from Representative Smith, that has been passed earlier in the House that ran into trouble... a time problem in the Senate. So we've amended those two (2) Bills onto this Bill and pass these initiatives for the Illinois State Board of Education. I'd be happy to answer any questions."

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Speaker Lyons: "Is there any discussion? Seeing not, the question is, 'Should Senate Bill... the Chair recognizes the Gentleman from Vermilion, Representative Bill Black.'"

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

Speaker Lyons: "Indicates he will."

Black: "Representative, I apologize for the late light. The special education reimbursement calculation, why do we want it to be a hundred and eighty (180) days instead of a hundred and eighty-five (185) days?"

Mitchell, J.: "Well, the hundred and eighty (180) days basically is the true number of days that... that students are in school. A hundred and eighty-five (185) I think was a miscalculation and had the five (5) emergency days that are dropped if they're not used for an emergency such as a snow day."

Black: "Were they actually paying the five (5) days? All I'm getting at is any extra money that we can get for special ed reimbursement I'd like to get."

Mitchell, J.: "Yeah."

Black: "They... they weren't paying... Okay. All right. Fine. Thank you."

Speaker Lyons: "Any further discussion? Seeing not, the question is, 'Should Senate Bill 397 pass? All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there is 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed."

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Representative Black, you have Senate Bill 401? Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 401, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is identical to a House Bill that we passed out unanimously. It amends the Community College Act, provides that the public notice of the schedule of regular meetings of the board of trustees for the next calendar year must be given at the beginning of the year rather than at the organizational meeting of the board of trustees that now takes place in April. So, by January 1, or shortly thereafter, the news media and those of the interested public would have the board meetings... the calendar set at the beginning of the new year rather than the spring. I'd be glad to answer any questions."

Speaker Lyons: "Is there anyone seeking recognition? Seeing not, the question is, 'Should Senate Bill 401 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Colvin. Mr. Clerk, take the record. On this Bill, there is 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Don't sit down,

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Representative Black, we have Senate Bill 402. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 402, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Black."

Black: "Thank you, Mr. Speaker and Members of the House. This is identical to House Bill 720 that Representative Granberg and I sponsored. All this does is to put the community college boards in sync with the Open Meetings Act. It says that the... all meetings of the board of trustees of the community college, even though now under law you can have somebody participate by telephony or video conferencing, that a quorum of the members must be physically present at the location of the meeting in order for that meeting to continue. And all this does, obviously, is to prevent somebody from the public coming to the stated meeting place and the only person there is a secretary of the board and all of the other members are participating by teleconference. I don't think that was our intent that... that that happen. That's all the Bill does. It puts them in sync with the Open Meetings Act. I know of no opposition, would appreciate an 'aye' vote."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 402 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, 114 Members are voting 'yes', 0 voted 'no'. This Bill, having received the Constitutional

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Majority, is hereby declared passed. Mr. Clerk, back to the top of page 31, Representative Scully has Senate Bill 472. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 472, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Scully. Mr. Clerk, take that Bill out of the record on request of the Sponsor. Mr. Clerk, Representative Chapa LaVia has Senate Bill 473. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 473, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Lyons: "Mr. Clerk, on request of the Sponsor move that Bill back to the Order of Second Reading. Page 31 of the Calendar, Representative Gordon has Senate Bill 479. Is Representative Gordon in the chamber? Out of the record. Representative Fritchey has Senate Bill 481. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 481, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

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

Fritchey: "Senate Bill 481 was a initiative that came out of the Senate, I believe, on a unanimous vote. Give me one second, Speaker, if you would. It.. it did, in fact, come out of the Senate, but the full Senate as well as Senate committee on a unanimous vote. It simply increases the statutory custodial claim against the estate of a deceased, disabled person. We know of no objection to the same. I ask for an 'aye' vote."



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Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 481 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Will Davis. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Rita has Senate Bill 495. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 495, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

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

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 495 requires fire sprinkler systems inspectors to be certified. This is an agreed Bill which came out of the fire summit which was brought to them by the Illinois fire sprinkler fitters assoc.. sprinkler association. I'd be happy to answer any questions."

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

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

Speaker Lyons: "He indicates he will."

Black: "Representative, are these inspectors licensed, currently?"

Rita: "No."

Black: "And yet inspections are being done, correct?"

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Rita: Yes and they're being done by anybody, a handy man or... no one that has..."

Black: "Have there been any complaints about the inspections?"

Rita: "To... from the... the association. I guess what it does is makes it consistent with the Illinois Sprinklers Fire Act."

Black: "Well, the, the Act is silent. I assume it would be done by administrative rule. Who will set up the certification and licensure of these inspections... of these inspectors?"

Rita: "Well, it... it... how it's spelled out in the Bill that anyone... any... hold on one second here. Anyone that has went through an apprenticeship program or any contractor that has taken the national fire safety sprinkler certification would be certified to do these inspections. So, not only did someone that went through an apprenticeship program for sprinkle fitters..."

Black: "Apprenticeship for?"

Rita: "Sprinkler fitters."

Black: "All right. So, that... well, wouldn't... wouldn't have to be..."

Rita: "For sprinkler fitters or anyone that would take the certification class offered by the national association."

Black: "Okay. You would not have to have a plumber's license, correct?"

Rita: "No, no, you wouldn't."

Black: "All right. Now, in the future, how will they get certified and licensed?"

Rita: "They could either go... if someone came out of an apprenticeship program they could or they could go through

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the national association who would offer... that offers  
theses certificates to be certified."

Black: "Are these... are these classes offered throughout the  
state or would they tend to be concentrated in higher  
population or more densely populated areas?"

Rita: "I would imagine, and I don't have that exact answer,  
that they would be offered throughout the state like they  
would do any other licensing."

Black: "In... in testimony, one of the proponents of the Bill,  
one of the lobbyists, that was there to testify on this  
Bill's behalf, said that should this Bill become law no  
part of the state would be... probably be less than or...  
excuse me, more than a hundred and fifty (150) miles away  
from a inspector. Now, that may not... that may seem like a  
short distance, but it's not to people in my district. So  
if I don't have someone in my legislative district, of  
several hundred square miles, that's... that's certified how  
quickly will that individual be able to be certified to  
service accounts in his or her own... relative home area?"

Rita: "I would imagine as soon as it... this would become a law  
that they go and take the test and get certified is how  
they would go about doing it. The other part that I'd like  
to emphasize in this piece of legislation, that  
municipalities, counties, fire districts and the State Fire  
Marshal's Office in the state would be exempt from this."

Black: "Do you have any idea what it's going to cost somebody  
to get certified?"

Rita: "No, that would be determined by rule."

Black: "So, it would go through JCAR?"

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Rita: "Yes."

Black: "All right. Would we expect the cost to be... well, that's unfair. You said it would have to be determined by rule and I don't think we should do hypotheticals, we have no idea what it would cost. Thank you very much, Representative. Mr. Speaker, to the Bill. The Bill will undoubtedly pass, and probably should pass. Again, I intend to represent my area to the very best of my ability. I think this will take people who are now inspecting sprinkler systems and... and no one to my knowledge has ever filed a complaint or said they didn't know what they were doing. They're going to have to somehow either go to school or become an apprentice or somehow they're going to have to get certified and I'm not sure what that process is, it will be done by rule. I don't know what it will cost, that will be done by rule. If the best I can hope for is that a certified firm would be a hundred and fifty (150) miles away, that's a three hundred (300) mile round trip to come inspect a sprinkler system in my district. That would not be cheap. I don't... and nobody has approached me in my district, I've never had a firefighter, I've never had anybody approach me from my district that said we need to do this, we need to license fire inspector sprinklers. Given the fact that nobody in my district has said we need to do it, in fact two (2) or three (3) that I called said they see absolutely no reason for it. While it's probably a good Bill and I respect the Sponsor and his intentions, I just think it's going to add cost, put those of us in rural areas at a... at a disadvantage, and we're

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getting used to that but we don't like it. So, for that reason I intend to vote 'no'."

Speaker Lyons: "The Gentleman from Jackson, Representative Mike Bost."

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

Speaker Lyons: "Indicates he will."

Bost: "I always seem to get myself in trouble when it comes up to these fire extinguisher situations. Can you tell me do fire... do sprinklers save lives in a single structure... or single-level building?"

Rita: "Do they save lives?"

Bost: "Do they save lives in a single-level building?"

Rita: "I would... I would imagine so."

Bost: "Well, you imagine wrong and that's where the problem is around here, that people don't pay attention to exactly what sprinklers do, do and how many times we pass this legislation. Yes, do do. And so these... these sprinklers do save lives in multiple-level buildings."

Rita: "And that's what this would be... requires multiple-level. It wouldn't be on a single family, it would be on eight (8)..."

Bost: "No, actually, that's not true, Representative and I'll tell you why. Because we have passed legislation several times in this House since I've been in this General Assembly that requires... whether it's a school building or whatever... to mandatorily have sprinkler systems in. Now, we're going to say, okay, an inspector has to be, even though we don't... may not have inspectors anywhere near our areas in southern Illinois; however, what we do is... is a

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sprinkler will save property. Let me explain this to you. The temperature that the ceiling... the ceiling temperature has to reach for a sprinkler to go off in the room where the fire is actually occurring, it has to be about four hundred (400) and some degrees best case scenario. It's a fusible link. When it goes off... when it goes off then it sprinkles across and kills the fire in that room. Now if you are in that room or near that room and that ceiling temperature is already to that level, you are dead... dead, okay. So, it doesn't save lives in that level building. But once again we're coming up with legislation here, now we're going to have a licensed inspector come in to make sure it's all right. And you know what I really believe we do here in this House? I believe that the sprinkler system somewhere, somehow, somebody has got... not with you, Representative, but over the years has got hold of the General Assembly Members from the northern part of the state and it just so happens that they probably also are investors in a business where you actually have to install these and if we can force, by law, these people to go in and put these sprinkler systems in, all of a sudden somebody is making a real decent profit putting them in quite often in places where they don't really need to be and I am telling you that I have had this debate on this floor before. There's a lot of problems with this language that's pushed forward, I have discussed it with a particular fire chief who called me a couple of years ago when I made this complaint and it just so happens that he did have an investment in a sprinkler system, sales. Now,

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we're going to probably pass this out of here and we're going to claim it's for safety, but it... only in a multilevel building is a fire sprinkler... does a fire sprinkler save lives and I'm... I don't mean to take this out on you, Representative, but I've watched this done too many times in this General Assembly. This is not necessary and quite a... quite a few downstate areas and we're having it forced down our throats by what is passed here in this General Assembly and I'm a little bothered by it and I will be voting 'no'."

Speaker Lyons: "Representative Rita to close."

Rita: "This measure passed the 94th General Assembly 103 to 4. I believe this is a safety measure that we'd have licensed certified inspectors inspecting these sprinkling systems. And I'd ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 495 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Yarbrough, Colvin. Mr. Clerk, take the record. On this Bill, there are 89 Members voting 'yes', 25 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, back on page 30 of the Calendar, Representative Tom Holbrook has Senate Bill 386. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 386, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from St. Clair, Representative Tom Holbrook."

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Holbrook: "Thank you, Speaker. Senate Bill 386 just tells the courts that when they send someone to care under DHS that they have to... if it's for guilt by reason of insanity or unfit to stand trial, they have to provide a report of the medical evaluations that the court has so that DHS can serve them in a quicker and a more efficient manner. I know of no opposition to the Bill."

Speaker Lyons: "Is anyone seeking discussion? Seeing not, the question is, 'Should Senate Bill 386 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there is 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman for Vermilion, Representative Bill Black."

Black: "Mr. Speaker, I rise to a point of personal privilege, if I might."

Speaker Lyons: "Please proceed, Representative."

Black: "Thank you very much. Ladies and Gentlemen of the House, I would like you to recognize a former Member of this chamber, currently the Republican Leader in the Senate, goes by the name of Senator Frank Watson, but every day looks more and more like the great emancipator that he is, Abraham Lincoln Watson. Welcome, Republican Leader Abraham Lincoln Watson, back to the House chamber where his career all began about forty (40) years ago."



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Speaker Lyons: "Welcome back, Senator. On page 31 of the Calendar, Representative Fritchey has Senate Bill 497. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 497, a Bill for an Act concerning civil procedures. Third Reading of this Senate Bill."

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

Fritchey: "Thank you, Speaker, Members of the chamber. Senate Bill 497 is actually a great piece of legislation. It was an initiative of my Senator actually, John Cullerton, and had the strong support of our State Treasurer, Alexi Giannoulias. What this would do is provide a personal property exemption for funds that are invested in the Illinois College Savings Pool. What we want to make sure is that these funds are exempt from judgment, attachment, or other distress for rent. There are protections within the legislation that would provide somebody from putting the fund... putting money into such a fund in order to avoid creditors and the protections that you would normally find within the Bankruptcy Code, et cetera, are encompassed in here, but the basic and straightforward intention here is that funds that are put away for a child's education should be protected and preserved for that child's education. We know of no objection to the same. I'd be happy to answer any questions. Otherwise I would simply ask for an 'aye' vote."

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

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Black: "Thank you, Mr. Speaker. Very briefly, to the Bill. I would just like to thank Senator Cullerton and Representative Fritchey for bringing this forth. I am in the College Illinois Program saving for my grandchildren. This makes such eminent good sense. It's one of those items that if you participate in College Illinois or Bright Start, you sit here like I do and you read this and you wonder, why didn't I think of this two (2) or three (3) years ago? Great Bill. Thank you for bringing it forward. It should pass unanimously and John, I hope it's signed into law very quickly. Thank you very much."

Speaker Lyons: "Representative Fritchey to close."

Fritchey: "Speaker, something's obviously afoot here. I don't know what the Gentleman's intentions are, he's obviously trying to subvert my legislation for some reason. Despite his efforts, I would ask for an 'aye' vote. I know he's up to something; before the day's out I'll find out what it is, but then notwithstanding, I will appreciate his kind words. Thank you."

Speaker Lyons: "The question is, 'Should Senate Bill 497 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, 114 Members have voted 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 31 of the Calendar, Representative Suzie Bassi has Senate Bill 498. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "Senate Bill 498, a Bill for an Act concerning hunting. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker. Ladies and Gentlemen, a... Senate Bill 498 amends the Illinois Hunting Heritage Protection Act and provides that land management decisions of the Department of Natural Resources may not, to the extent practical, result in any net loss of habitat. The language now reads 'at land acreage' and the reason is to be sure that there is no net loss of hunting habitat. There are... there's no known opposition and I would request an 'aye' vote."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 498 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? John Bradley. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Scully has Senate Bill 472. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 472, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Cook, Representative George Scully."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to present to you House Bill 472 which makes two (2) Amendments... Amendments to the Code of Civil

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Procedures to specifically address the issue of the reimbursement that should be made for medical records that are being reproduced electronically. I think this Amendment brings the Code of Civil Procedure into sync with reality of the costs of reproducing microfiche as opposed to reproducing electronic copies. The Bill is supported by the Illinois Medical Society, Chicago Bar Association, the State Bar Association. And the Hospital Association is neutral on the Bill. I'd be happy to answer any questions and I'd appreciate your support for this legislation."

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

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

Speaker Lyons: "He indicates he will."

Brady: "Representative, just a couple of quick questions. Would this legislation have anything to do with the records of law enforcement agencies that have subpoena powers, or the courts in which to subpoena records from hospitals, nursing homes, the list goes on of other medical facilities?"

Scully: "Mr. Brady, it's my understanding this would... this legislation would apply to a civil subpoena and not to a criminal subpoena."

Brady: "Okay."

Scully: "It is specifically an Amendment to the Code of Civil procedure, not criminal procedure."

Brady: "And is this setting up some type of universal fee schedule..."

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Scully: "Yes."

Brady: "...or something across the board?"

Scully: "Yes."

Brady: "Okay. And... and so that's setting per page or what would that be?"

Scully: "It is per record depending upon how the record is stored, based upon whether it is a... a microfiche or paper... piece of paper that has to be photocopied or whether it's an electronic copy that is... that is stored digitally as opposed to microfiche which is... or film which is actually a film copy."

Brady: "All right. And then this would affect then a civil subpoena, not one with investigative powers of a criminal case, is that correct?"

Scully: "That's correct."

Brady: "Okay."

Scully: "The only exception to that rule would be, for example, if the Attorney General's Office was involved in a civil action as opposed to a criminal action then the rules of civil procedure would apply instead of the rules of criminal procedure."

Brady: "And this then would encompass across physicians' offices, hospital, nursing home, any facility... excuse me, any facilities where you're going to get medical records, correct?"

Scully: "That's correct."

Brady: "Okay. Thank you very much."

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

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

Speaker Lyons: "Indicates he will."

Black: "Representative, I have durable power of attorney for a family member and I guess what I'm having trouble understanding is... if the patient is in a coma and thus unable to access the health practitioner's records, a person with authorization from the patient... well, I have power of attorney so I would have that authorization, I don't need this Bill. What does the Bill... is it expanding the number of people who could come in and claim to have authorization to examine... or get the records?"

Scully: "No, Representative, what this does is specifically address the issue of whoever is... has the authority to request those records, the... the hospital has the right to seek reimbursement when they produce those records. This simply addresses the cost of reproducing records. It has nothing to do with who would have the authority to make that request."

Black: "And following up on Representative Brady's question then, will the cost be set by administrative rule?"

Scully: "The cost is set... excuse me, one second, while I... under Section 8-2005, there's a specific listing of the various different costs, including a charge of seventy five cents (\$0.75) for each CD-ROM, DVD, or other storage device."

Black: "Okay. And that would be per page? What would normally be per page or..."

Scully: "Well, there's always a fee structure for photocopying..."

Black: "Right."

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Scully: "...of... of a piece of paper."

Black: "Right."

Scully: "And that is a dollar (\$1.00)... in existing law that's a dollar twenty-five (\$1.25) per page for any copies made from a microfiche or microfilm. This Bill adds language to address the issue of digital imaging of records."

Black: "All right. So the seventy-five cent (\$0.75) charge would be per digital disk, or am I just failing to focus?"

Scully: "For each CD-ROM, DVD, or other storage device."

Black: "Okay. Fine. Thank you very much."

Speaker Lyons: "The Gentleman from Champaign, Representative Chapin Rose."

Rose: "Thank you, Mr. Speaker. To the Bill. I think that this helps clear up some confusion and litigation over the previous handling of medical records. I would ask everyone to look at this and vote 'aye'. Thank you."

Speaker Lyons: "Representative Scully to close."

Scully: "Thank you, Mr. Speaker. I appreciate the debate on this issue. I think it does bring the Code of Civil Procedure and the record... the fee structure for record production into the modern era of digital imaging. And I'd appreciate your support for the Bill."

Speaker Lyons: "The question is, 'Should Senate Bill 472 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 112 Members voting 'yes', 2 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared

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passed. Mr. Clerk, on page 31 of the Calendar, Representative Gordon has Senate Bill 479. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 479, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

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

Gordon: "Thank you, Mr. Speaker. Senate Bill 479 amend... provides that successor vendors have to assume the collective bargaining obligations of the previous employer with regard to service contracts. This comes from the situation that occurred last year at the Sheridan Correctional Center, a nationally awarded program for drug offenders and how when a new vendor came in they decided to not honor the agreement that the union had previously made with the vendor. And so they came in, they started changing things and it was challenged all the way up to Washington, D.C., and the National Labor Relations Board, finding in favor of the union each and every time. So what this would do is that if someone is going to come in and contract with the state for services they're going to have to honor the collective bargaining agreement in place and recognize AFSCME as our state employees union. It only deals with these contracts with... with state agencies. And I'd be happy to answer any questions."

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

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

Speaker Lyons: "She indicates she will."



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Black: "Representative, I couldn't hear you. On the case that you cited that went to the Supreme Court, what was the eventual ruling?"

Gordon: "It went to the National Labor Relations Board..."

Black: "The National Labor Relations Board. Okay."

Gordon: "...under arbitration and it... it was found for the union every single time. But the... the vendor that we had contracted, that we said sure come on in to provide these services, they still refused to recognize that agreement. It was a company based out of Texas that had a history of doing this and it occurred at Sheridan Correctional Center."

Black: "All right. I... I'm... I'm trying to focus now. The NLRB said that they had to accept the terms of the existing contract or they did not have to accept the terms of the existing contract?"

Gordon: "That they had to recognize the union, they had to recognize the collective bargaining agreement."

Black: "I can understand having to recognize the union, but did they specifically say that you had to come in and abide by all of the terms, conditions, pay, seniority, et cetera, of the contract that was in force when... when you... when this other company took over?"

Gordon: "When the vendor came in?"

Black: "Yes."

Gordon: "They contract with the union... they, as a separate... they contract with the state, but they contract with the union, as well."

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Black: "Okay. I guess I'm having trouble understanding... this just happened in my home county, so just bear with me a second. They went out for bids; the low bidder was awarded the contract to provide custodial services to the Vermilion County Court House. About four (4) or five (5) months into the contract, the company decided that they could not meet terms of the contract. Now, I... I'm not sure of this. The county of Vermilion is... was, I think, pretty well unionized. I think most groups are covered under a union contract. So they had to go out for bids again and figure out who was going to take over the contract for the vendor who did get the bid originally. Now, I don't remember, but I thought that the new bidder was free to come in and negotiate a contract that was acceptable to the Vermilion County Board."

Gordon: "It depends on the term of the contract, because the union bargaining agreement did not end at the same time that the vendor service agreement did, so they can... you can agree... Representative, you can agree to anything as long as it's legal. So if they come in, in the middle of a contract the union can always agree to renegotiate, but they don't have to until the end of their term. At the end of that service contract... or at the end of their agreement, they can renegotiate and sit down at the table to do it, but the agreement was already in place at the time."

Black: "All right. That's what I'm having trouble understanding."

Gordon: "Well, I... you have a different situation though, I think, because there is an obvious breach if they're not

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able to provide the services and so they come in and redo it..."

Black: "Okay."

Gordon: "...all over again versus recognizing what comes in."

Black: "All right."

Gordon: "Just because someone can't provide the services, the... that you... the employees don't lose their rights that they've negotiated for. It's... it's not their fault that someone else breached the contract."

Black: "But... but if the National Labor Relations Board ruled in favor of recognizing the contract, then why do we need the State Law? I would think that would be precedent and the state would say right up front, anyone coming in during the duration of this contract, say they... the company you signed a contract with went bankrupt, et cetera. Why wouldn't that just be in the Procurement Code? You must abide by the terms of the contract if you come in and take this... you're the successful bidder of finishing out the contract."

Gordon: "It's the difference of interpretation of the statute by the National Labor Relations Board versus spelling it out specifically in the contract. There was some discussion with AFSCME with some of the Members who were helping them at the time that we believed a call from the administration potentially could have made this difference that did not occur. And so it's not specifically spelled out in... in the statute, but it was interpreted to mean that. So to avoid this in the future, we could put it in there

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specifically to do exactly what you're saying that you want it to do."

Black: "I guess where I'm confused is... well, it's different..."

Gordon: "I don't mean to confuse you, Representative."

Black: "No, no you... you do an excellent job."

Gordon: "Thank you."

Black: "It's just that I don't have that jurist doctorate behind my name, so sometimes I get confused."

Speaker Lyons: "Representative Black, your time expired. If you could conclude your remarks in the next minute, we'd appreciate it."

Black: "All right. Thank you very much. I guess then this is different than a bankruptcy where you can come in and you start over, right? You're coming in and assuming a contract and therefore you have to abide by the contract."

Gordon: "That's your analogy, not mine, Representative. There... there's a lot... I mean, bankruptcy's a completely different thing. It's similar, but no, can I say it's like a bankruptcy, no I can't, but it's similar. Same concept I guess."

Black: "But if there was a bankruptcy, I wouldn't have to necessarily... well, it's been done in the last three (3) or four (4) years, I think every airline that's gone bankrupt abrogates the contract, and that's been upheld. Now in this case, if it is a bankruptcy, if the firm providing a service went bankrupt, does the company that comes in and says we will provide this service for this fee, do they now under State Law have to accept the full terms of the existing contract?"

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Gordon: "Yes... no, no no... right now, it was interpreted that they had to, but it's not spelled out specifically. This is what clarifies that to spell it out specifically."

Black: "All right. So you're talking about what is precedent and then vis-à-vis what will be state statute?"

Gordon: "Right. So, that I mean... it's... it's notice, I guess."

Black: "Okay. All right. Thank you very much. All right."

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

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

Speaker Lyons: "Indicates she will."

Mulligan: "Representative, this only applies to companies but not to the state?"

Gordon: "No, it applies to the state... state contracts."

Mulligan: "State contracts, but it doesn't apply to..."

Gordon: "State service contracts."

Mulligan: "Say the state decides to cut a facility as they have in the past either closed the facility or do whatever so they let employees go. So this would not apply to the State of Illinois... to the State of Illinois, so the Department of Human Services already writes. It's only to people that are doing procurement contracts with the state."

Gordon: "Completely different set of circumstances, Representative."

Mulligan: "Okay. So, I'm trying to figure where Representative Black was going. I think what he was assuming that... which happens in a lot of instances, someone underbids a contract and then they decide there's no way they can provide the

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services for that amount of money, so they either sell the contract or they bow out of it and then somebody new has to come along and pick up that contract, but they pick up the same obligations. So their obligations would run for the extent of the contract that was agreed to by the previous vendor. So if they had a two-year contract that they bailed after one 1-year, the new person that came in to pick up that contract... if they picked up the contract for three 3-years they would onl... they would be able to bargain with the employees, the union employees, within a year as their previous contract specified?"

Gordon: "Representative, you confused me, I'm sorry. You said, can they..."

Mulligan: "Oh, I'm sorry, Representative, I didn't mean to confuse you."

Gordon: "I mean, you... just because you said, you know, contract service contract term so many times and I lost it in the middle, so..."

Mulligan: "All right. So, a company has a contract for two (2) years, they bail after one (1)."

Gordon: "Okay."

Mulligan: "A new company takes over and the previous company had a negotiation with the union that covered two (2) years."

Gordon: "Okay."

Mulligan: "They bail after one (1). The new company comes in and agrees to provide services for three (3) years. They may have figured out, well, we'll take a loss at the current union contract for the first year, but then for the

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two (2) years prior to that or following that, the union contract is up, correct? And then they would be able to renegotiate, because it would only cover the terms of the contract as negotiated by the previous company."

Gordon: "Yes, they... they can... they can fill out that term, they can talk to the union, they can renegotiate right then and there. But if they don't, then they have to fill out the terms of the prior contract. However, once again, you can agree to anything as long as it's legal. So, if they want to sit down and renegotiate, they're more than... more than willing to do that if all parties agree to it. But when the service contract in the collective bargain... bargaining agreement end at different times, which is what occurred, then this is the situation that came out."

Mulligan: "All right. So does this Bill really only cover the original length of the contract for a new provider?"

Gordon: "It... it could. Yeah. Sure."

Mulligan: "Well, could, is not the same as, that's the law."

Gordon: "Yes."

Mulligan: "Okay. Well, because the law is different. If they have to abide by that contract forever it would not be worth it for someone to come up..."

Gordon: "No, only 'til the end of the contract that's there."

Mulligan: "Okay. That's what I'm trying to figure out."

Gordon: "It could be two (2) more weeks. It could be six (6) months, it could be nine (9) months, it could be a year, like you said, sure."

Mulligan: "And then after that they're free to start negotiations or fire or do whatever they want?"

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Gordon: "Sure."

Mulligan: "Okay. Thank you."

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

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

Speaker Lyons: "Indicates she will."

Eddy: "Representative, I want to make sure... I voted for this in committee because I understood it to be what I'm about to explain. And... and if it is the simple thought that I have in my simple mind, I want to... I'll continue to."

Gordon: "You're not simple, Representative, not at all. Very intelligent man."

Eddy: "My understanding... well, my understanding is that if a contract exists, someone or some entity that comes in and takes over the services provided in that contract must continue to honor the existing terms of the contract until the end of the contract."

Gordon: "Yes. Simple contract law, yes."

Eddy: "Okay. So after that contract is over the... the... it expires, they can... they can negotiate new terms..."

Gordon: "Sure."

Eddy: "...or not. But this just protects the individuals who thought they had certain contract provisions for the length of the contract they thought they had those provisions for."

Gordon: "Right, this makes it specific, it spells that out as opposed to the interpretation that's out there. This makes it very, very clear and specific that, that is the case of



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the state of the law for service contracts in the State of Illinois..."

Eddy: "Okay."

Gordon: "...with state agencies."

Eddy: "And then you're just trying to protect... protect those workers so that they will continue to receive the terms of the contract that they agreed to and that if someone wants to come in and take over that service they just have to pay that until the end of that contract and then at that point it's all renegotiated."

Gordon: "Yes."

Eddy: "Thank you."

Speaker Lyons: "Representative Dave Winters."

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

Speaker Lyons: "She indicates she will."

Winters: "Representative, we did not in committee take up one provision in here that I just wanted to clarify. There's an exemption in here for heating and air-conditioning, plumbing and electrical service contracts. What was the reason for that?"

Gordon: "That was something that was negotiated in the Senate just for... because... that's not... that was not what they wanted to address and fix and so that they put that in to... they took it out and exempted that out because that was not the situation that they wanted to deal with and discuss. That was a completely separate situation from what we were trying to do with the Bill."

Winters: "Those are typically not state..."

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Gordon: "The language was... the language was... it was just too broad..."

Winters: "Okay."

Gordon: "...initially to deal with this... the problem that we have."

Winters: "And if they're service contracts are they then not state employees but it's just a company that's providing a service rather than..."

Gordon: "I didn't hear the first part of your question."

Winters: "Because it's a service contract and you're dealing with contractors, it's not state employees that we're trying to protect their rights, is that..."

Gordon: "Regarding with the plumbing and heating?"

Winters: "Yeah."

Gordon: "That... that's part of it."

Winters: "Okay. Well, that was just a question I had forgot to ask in committee."

Gordon: "Okay."

Winters: "I wanted to clarify that. So, thank you."

Speaker Lyons: "Representative Gordon to close."

Gordon: "Thank you, Ladies and Gentlemen. This is as I said simple contract law. There's been precedent that's been set. The National Labor Relations Board has found in favor of our union here in the state, but it is not specific to State Law. This is a clarification so that vendors who are coming in are on notice that this is how we do business to protect our employees in the State of Illinois. And I would ask for your 'aye' vote."

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Speaker Lyons: "The question is, 'Should Senate Bill 479 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 111 Members voting 'yes', 3 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Dave Winters has Senate Bill 505. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 505, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Winnebago, Representative Dave Winters."

Winters: "Thank you, Mr. Speaker. This legislation would require that all school construction project applications moving forward, not dealing with any that have already been approved, but any moving forward, would have to receive certification from the U.S. Green Building Council's LEED program, the Green Globes Building Rating or meet the green building standards approved by the Capital Development Board. We feel that this is a way to move forward, save energy in our school construction projects. The payback has to... to meet these standards of payback, has to pay back the extra capital costs. So this simply would require any schools that get a reimbursement through our capital development programming, build to green building standards. I'd be happy to answer any questions."

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

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

Speaker Lyons: "Indicates he will."

Eddy: "Representative, I just want to make sure we understand what the term 'moving forward' means. In the Bill, 'moving forward' is defined as any application beginning after July 1 of 2007."

Winters: "You're correct."

Eddy: "So FY02, as we know we still have some leftovers, 24 schools. We have FY03 applicants, we have FY04 applicants, we have FY05, FY06, and FY07."

Winters: "Correct."

Eddy: "Hundreds of applications."

Winters: "Right."

Eddy: "Billions of dollars..."

Winters: "Right."

Eddy: "...already planned for."

Winters: "Right."

Eddy: "So your intent is not to interfere at all with those because of the possible cut..."

Winters: "Right."

Eddy: "...after July 1 of '07."

Winters: "They... they not only have their specifications they have the bids out in some cases, they've already constructed it and they're now waiting for the state to honor it's obligations. We're not going to ask to go back and rebuild that project or rebid it, if in fact, they are just at that point."

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Eddy: "Plenty of time for planning with this and as you mentioned the intent is to make sure that the cost that is added is... is saved in energy consumption..."

Winters: "Correct."

Eddy: "...which we probably should all be concerned with."

Winters: "If it doesn't have an anticipated energy savings with a return, a financial return, then by definition they can't require that under the rebuilding standards."

Eddy: "Well, I just hope we get to the point where we fund the eight or nine billion dollars (\$8,000,000,000 or \$9,000,000,000) necessary to get to the point where any application after July 1 of '07 might be considered, but you know, if we get there I think we'll all be happy to spend eight billion dollars (\$8,000,000,000) on schools by that time."

Winters: "My... my response may not be constitutional but my response is amen."

Eddy: "Thank you."

Speaker Lyons: "Representative Winters to close."

Winters: "I'd just urge an 'aye' vote. Thank you."

Speaker Lyons: "The question is, 'Should Senate Bill 505 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Rita. Mr. Clerk, take the record. On this Bill, there is 113 Members voting 'yes', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Sara

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Feigenholtz has Senate Bill 511. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 511, a Bill for an Act concerning information technology access. Third Reading of this Senate Bill."

Speaker Lyons: "The Lady from Cook, Representative Sara Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. Senate Bill 511 is a Bill addressing information technology and accessibility and requires the Department of Human Services to develop and publish accessibility standards for electronic and information technology for state entities to address accessibility for people living with disabilities. I'd be glad to answer any questions."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 511 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Rose. Mr. Clerk, take the record. On this Bill, 114 Members have voted 'yes', 0 voted 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Raymond Poe has Senate Bill 514. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 514, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Sangamon, Representative Raymond Poe."

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Poe: "Yes, Mr. Speaker and Ladies and Gentleman of the House, what this does it increased the weight limit for three-axel recovery vehicles and it changes that from fifty-six thousand (56,000) to sixty thousand (60,000). And basically, the reason for the change is they're making these vehicles heavier and we need these to retract semitrucks and heavy equipment off of the highways. I'd ask for a favorable vote."

Speaker Lyons: "Is there any discussion? Seeing none.. The Chair recognizes the Gentleman from McHenry, Representative Jack Franks."

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

Speaker Lyons: "He indicates he will."

Poe: "Yes."

Franks: "Have there been any studies done on the safety issue with tow trucks having a higher weight limit now? Would that allow them to tow, I don't know, a semi or something, an eighteen-wheeler?"

Poe: "Yeah. That's what the purpose is. And what's happening, they're building these units heavier than they used to be and they can't qualify for the fifty-six thousand (56,000) pounds. In fact, the Illinois Tollway Authority already owns three (3) of these trucks and they are on the road every day recovering semitrucks and those kind of things and what happens, some of the jurisdictions will sort of overlook that, but then you get an overzealous guy in a... in a weight station and they get a ticket. And this'll just make it uniform all over the State of Illinois."

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Franks: I understand why you're trying to do it. My... I guess my questions are going to focus on the safety issue. Our analysis indicates that the opponent, one of the opponents, is the Illinois Association of County Engineers. Are you familiar with that?"

Poe: "No."

Franks: "Okay. That... that shows ours on. The other opponent is also the Illinois Department of Transportation. Are you aware that they're against your Bill?"

Poe: "Well, my... my analysis says that the Illinois State Police and IDOT are neutral."

Franks: "Our analysis indicates Illinois State Police is neutral, but IDOT is opposed."

Poe: "Okay. Well, we need to get our staffers together..."

Franks: "Okay."

Poe: "...because we don't have any opponents at all on our set. And I understand what you're saying, but if you look at the weights per axel you're actually not putting any more weights on the road than we are when you go to the triple axel. And I think that's the key in this legislation. It's not a two-axel truck, it's got three (3) axels on the rear that carries that twenty thousand (20,000) pounds per axel."

Franks: "I appreciate your answers. I'm going to go to the Bill briefly. I'm going to vote 'no' on this Bill because we have bridges in McHenry County that have not been replaced. We have them, they've been cited, they had to close one up on highway 173 so the largest employer in Harvard... for three hundred (300) employees. They had to



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bring their trucks forty-two (42) miles around. We have crumbling bridges in many of our areas and I'm very concerned that if we add additional weight that this could be a catastrophic results. Because we haven't funded the bridge replacements as we should have because there has been diversions of the Road Fund, I'm concerned about the safety. And only for that reason I'll be voting 'no'."

Speaker Lyons: "The Gentleman from Winnebago, Representative Sacia."

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

Speaker Lyons: "He indicates he will."

Sacia: "Ladies and Gentlemen of the House and directly to the previous speaker, the reason that the legislation is necessary is because when we're adding a third axel you're creating a heavier truck. However, you are lessening weight on a bridge and that's very, very important to understand. The bridge law deals with weight per axel. When you've got a three (3)-axel tractor traveling over a bridge with equal weight on each axel it is creating far less damage to that bridge than a tandem-axel tractor. So, it would be surprising if IDOT would be opposed, and I see them on our legislation as neutral, for the very reason that the Sponsor alluded to. This is good legislation and I understand the Gentleman voting 'no', but in reality that third axel creating additional weight on the tow vehicle is there to put less actual pounds on the ground. A good analogy would be a lady wearing high heels compared to an individual wearing flats, you're going to have less pounds

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per square inch on the ground and that's very important for Illinois bridges. I would encourage an 'aye' vote."

Speaker Lyons: "Representative Poe to close."

Poe: "I'd just like to address one issue of the bridges. These trucks are used to tow generally eighty thousand (80,000) pound vehicles off of interstates. They wouldn't be on roads that didn't have an eighty thousand (80,000) pound bridge limit, so they wouldn't deteriorate those bridges. So when they go out, they're going out to pick up trucks that are running generally on interstates and on approved highways. So as far as doing damage to bridges in rural areas, I don't think that would happen. So, I'd ask for a favorable vote."

Speaker Lyons: "The question is, 'Should Senate Bill 514 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Flowers, Rich Bradley. Mary Flowers, Rich Bradley. Mr. Clerk, take the record. On this Bill, 110 Members have voted 'yes', 3 members voted 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Page 31 of the Calendar, Representative Dan Reitz has Senate Bill 518. Is Representative Reitz in the chamber? Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 518, a Bill for an Act concerning wildlife. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Randolph, Representative Dan Reitz."

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Reitz: "Thank you, Mr. Speaker. This is the... exactly the same Bill as we had, passed over dealing with remote control hunting. And I'd be happy to answer any questions. Same Bill we passed out earlier."

Speaker Lyons: "Is there anybody seeking recognition regarding Senate Bill 518? Seeing not, the question is, 'Does Senate Bill 518 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Flider, Bob Flider. Mr. Clerk, take the record. On this Bill, there's is 113 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed."

Speaker Turner: "Representative Turner in the Chair. Representative Dunn on Senate Bill 533. Out of the record. Representative Will Davis on House Bill... Senate Bill 538. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 538, a Bill for an Act concerning education. Third Reading of this Senate Bill. No Committee..."

Davis, W.: "Thank you, Mr. Speaker. Everybody okay up there?"

Speaker Turner: "We're doing fine."

Davis, W.: "All right, all right. Senate Bill 538 amends the school to... amends the School Code to require that all school boards, including the City of Chicago, to adopt a formal policy governing the use of school facilities by community organizations during nonschool hours if the bur... if... if the board, excuse me, allows community organizations

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to use school facilities. I'd be more than happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate.. Representative Eddy, the Gentleman from Crawford, for what reason do you rise?'"

Eddy: "Thank you very much. Would the Sponsor yield?"

Speaker Turner: "He indicates he will."

Eddy: "Representative, I'm... I'm trying to understand whether or not this legislation is necessary based on the fact that.. don't schools have the authority right now to allow the use of their facilities? I guess what I'm saying is, right now, if the Boy Scouts, a community organization, the United Way, or whatever the group is, wanted to use the school facility during nonschool hours schools have that authority at this time and by policy usually develop a local agreement that if... if... if they want to charge they charge, but they also can waive the fee. I guess I'm wondering what the necessity of this is based on the fact they can already do it?"

Davis, W.: "Well, Representative, this Bill has nothing to do with the fees and if I can just maybe read this to you again. It requires all school boards to adopt a formal policy governing the use of school facilities by community organizations during nonschool hours if the current school board already allows community organizations to use the facilities. So, it's asking them to adopt... to adopt a formal policy to that effect and then also, it also says that the policy must prohibit the use of school facilities by a community organization if it interferes with school

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functions, the safety of students or school personnel, or it affects the property or liability of the school district. So, it's asking for the creation of a policy and then it also provides for the restrictions of certain things, but has nothing to do with school fees or... or fees to use the facilities."

Eddy: "Well, but if the local school board has a policy that includes a fee for use, does it stop that?"

Davis, W.: "No."

Eddy: "Okay."

Davis, W.: "No, it doesn't stop it."

Eddy: "It doesn't require them to set a fee, I understand that, but it doesn't stop them from locally deciding how this is done."

Davis, W.: "No, no, absolutely. And again, if they already have a policy then they're okay, but there are some school boards that may have said, okay, we will allow school districts or allow facilities to be used but they still have yet to adopt a formal policy to that effect. And this is just simply asking them to put in writing a formal policy to that effect."

Eddy: "So, the specific language I'm reading says, if a school board allows a community organization to use school facilities during nonschool hours, they must then adopt a formal policy governing the use of those school facilities during those nonschool hours. If they don't allow that, they don't have to do a policy."

Davis, W.: "They don't have to do a policy."

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Eddy: "But anytime... anytime they have a practice that allows use, they now need to have a policy to cover it. Under this legislation, they'd have to have a policy."

Davis, W.: "Correct."

Eddy: "And then it goes on further then to say that it cannot interfere with any school function on those nonschool hours or it can't interfere with the safety of students. So you're saying the policy has to contain those two (2) elements?"

Davis, W.: "Correct."

Eddy: "Okay. I thank you for the clarification. I..."

Davis, W.: "And property, I'm sorry, as it continues, or it affects the property or the lia... or liability of the school district."

Eddy: "Okay. But if the school board has a policy that allows for use outside of school hours by groups, they're likely to have some type of liability coverage for that anyway. So you're not... you're not saying..."

Davis, W.: "Again, Representative, if the school board already has a policy, then they're okay. But if the school board does not... does not already have a policy, this is compelling them to put in place a policy to that effect."

Eddy: "If they allow the use of the building."

Davis, W.: "If they allow the use of those facilities."

Eddy: "Okay. Thank you very much."

Davis, W.: "Thank you."

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

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

Speaker Turner: "Indicates he will."

Mitchell, J.: "Representative Davis, your explanation, it seems to me a little bit contradictory."

Davis, W.: "Okay."

Mitchell, J.: "What you're saying is that if you have a school district that allows public use of the facility then this Bill requires them to have a formal policy, correct?"

Davis, W.: "Yes."

Mitchell, J.: "But if they don't allow it, then they don't have to have a policy at all. Is that correct?"

Davis, W.: "Correct. Because if you don't allow it then why would you need a policy?"

Mitchell, J.: "Well, the first... the first statement of the first sentence in our analysis says, it's encouraging school boards to allow community organizations to make use of the school facility during nonschool hours. It really isn't encouraging that at all."

Davis, W.: "No, it's not."

Mitchell, J.: "Because if... in fact, it... it almost discourages it by telling school districts, look, if you're going to use your school for nonschool use then you, in fact, are going to have to have one more policy which you don't have now. Am I... and I... I... am I interpreting this correctly?"

Davis, W.: "Well, as... as it states in the language, Representative, the language does read, it does encou... are encouraged to allow community organizations to use the facilities during nonschool hours."

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Mitchell, J.: "Where in your Bill does it encourage community use during nonschool hours?"

Davis, W.: "Well, I'm... I'm reading the language of the Bill, Sir."

Mitchell, J.: "The language of the Bill says it encourages the use? But then turns around and tells them if you do, then you've got to have a formal policy."

Davis, W.: "Right, but even if it encourages the use, it doesn't mean that they have to do it, Representative. We're encouraged to do a lot of things down here in the General Assembly, it doesn't mean that we do it."

Mitchell, J.: "Don't get me wrong."

Davis, W.: "Okay."

Mitchell, J.: "I... I think they should be used..."

Davis, W.: "I... I agree."

Mitchell, J.: "...by the community because they do, in fact, belong to that community."

Davis, W.: "And I think many of us feel the same way."

Mitchell, J.: "And right now, many school boards feel like that building or those buildings belong to them, period, and they don't want them used for other reasons. But what you're actually trying to do is to encourage school boards to use these for the community but at the same time you're putting a extra burden on that school board by telling them they have to adopt a formal policy if they're already doing it but if they're not doing it, they don't have to do anything. To me, I don't see where it's going to encourage school boards to open up their buildings for community use. You see what I'm saying? I know you're..."



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Davis, W.: "Representative, I... I think I... I think I understand... I think I do understand what you're saying, you know, and even in the midst of encouraging them to do it a school board... it's still their prerogative to do so. And if they... if they then say it's okay to use the school buildings, we're simply asking them to develop a formal policy. If they then still choose not to, despite community pressure whatever the case may be, if they choose not to then they're don't have to com... they're not compelled to... to follow this."

Mitchell, J.: "I think what your Bill is saying is that you would like to see them used for the community, but in order to protect the school board from further liability they should have a formal policy so that everybody understands what the use is, how it's going to happen so that if something other than that happens then the liability probably would fall on the community group and that probably should be a part of their formal policy. Is that not what you're trying to get at?"

Davis, W.: "Well, I think... I think your explanation is indeed correct, but again, that's only if that board says we would like to allow community groups to use our facilities, then everything you stated to that effect is correct. But if they are... if they choose not to or say they will not allow community organizations to use those facilities during nonschool hours, then certainly they're not..."

Speaker Turner: "Representative Mitchell, your time is up. Seeing no further questions, Representative Davis to close."

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Davis, W.: "Thank you, Mr. Speaker. I appreciate Representative questions and again, if the school board allows community organizations to use the facilities, we'd like them to adopt a formal policy. If they choose not to, then they don't have to compel... they're not compelled to comply to this piece of legislation. I ask for an 'aye' vote."

Speaker Turner: "The question is, 'Shall the House pass Senate Bill 538?' 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 100 voting 'aye', 13 voting 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Flider on Senate Bill 540. ...the Bill."

Clerk Mahoney: "Senate Bill 540, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 540 amends the Illinois Vehicle Code making the maximum allowable speed limit, outside an urban district for any vehicle, 65 miles an hour. I'd ask for your 'aye' vote."

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

Bost: "Thank you, Mr. Speaker. I rise in support of the Bill. This is some piece of... this is a piece of legislation we have been working for many years. It only affects down-state counties. It's sensible and it puts us on line with other states. thank you."

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Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 540?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Hannig, Lyons. The Clerk shall take the record. On this question, there are 90 voting 'aye', 22 voting 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Hernandez on Senate Bill 545. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 545, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Hernandez: "Thank you, Speaker. Senate Bill 545 amends the Department of Public Health powers and duties law. It requires the agency to establish... establish a culturally competent health care demonstration program. This gives the ability for health care providers to understand and respond to the cultural and linguistic needs brought by patients to the health care encounter. The program must establish models that reflect best practices and that expand the delivery of such health care in Illinois. This is the same identical legislation, House Bill 1674, that passed in the House. I ask for your 'aye' vote."

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

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

Speaker Turner: "She indicates she will."

Mulligan: "Representative, what happened to the money that we were discussing in committee about this?"

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Hernandez: "As far as I understand there is no fiscal note placed. It is subject to appropriation. And I do want to stress that the Department of Health is in full support of the legislation."

Mulligan: "Public Health or Health Care and Human Services?"

Hernandez: "Pardon me?"

Mulligan: "Which department? The Department of Public Health or the Department of Health Care and Family Services?"

Hernandez: "The... it would be the... the..."

Mulligan: "I'm... it's the Illinois Department of Public Health..."

Hernandez: "...of Public Health."

Mulligan: "...I looked in my notes when after I... My question to you before on this is why some of the current clinics and providers that we've already funded, particularly in different ethnic communities, cannot do this project under the money they currently receive and why they couldn't be given the ability to do this rather than come up with something entirely new."

Hernandez: "Representative, this measure actually was based on the 2007 state health improvement plan which called for the increase of cultural competence in Illinois health care settings. This was based on national standards set by the Office of Minority Health of the United States Department of Health and Human Services."

Mulligan: "It still is the same question. The question is, why can't it be carried out currently by facilities that we fund in, say, Hispanic communities or other communities that are working that could probably set the standards or

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do what it is, particularly since this is such a tight budget year so far?"

Hernandez: "Well, the Department of Public Health, like I said, is a proponent and since the Bill puts the obligation on them, if they are for it we should be, too."

Mulligan: "I'm sorry, would you repeat that? We're having a discussion over here on what to do about this."

Hernandez: "The Department of Public Health is a proponent and since this Bill puts the obligation on them, it's... if they are for it we should be, too."

Mulligan: "Representative, you've been here less than a year, so I will not respond to that the way I would care to respond to it to some Legislator that's been here longer. But the object of that is, if it's a tight budget year and it's not going to be funded and you want to get the program done anyway, there are probably ways you could do it through agencies or groups that we currently fund. So, even though this may look nice when you go back to your community and say I passed X, Y, and Z, passing it and not getting it funded doesn't do much except it's nice in a mail piece. So, what we're trying to do here is figure out how you might actually accomplish it through current funding as opposed to adding funding which may or may not be apparent. Or to... in lieu of that, for some of us who have already worked hard for health care funding for clinics within and without the city in our areas, the object is to make sure they're continued to be funded, that they're not... not funded any more at the expense of new programs and to make sure that we still meet the mission,

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although there may not be any dollars. So, I'm just asking you, how do you think you could fund it if there's no money?"

Hernandez: "Representative, it's subject to appropriation."

Mulligan: Representative, you don't get it, so I'll tell you what, I want to support you on it. I'll probably vote for it because I've certainly been helping the Hispanic community put money to human services in their area. But you don't get it, you haven't gotten it since we went through it in committee and those kind of answers are just facetious. I'm sorry."

Hernandez: "Thank you."

Speaker Turner: "It's getting late. The Gentleman from Champaign, Representative Rose, for what reason do you rise?"

Rose: "A question."

Speaker Turner: "State your question."

Rose: "Representative, earlier you stated that this is no different than the previous Bill yet our analysis indicates there is a change in this Bill from the one that previously passed and that this contains a phrase called 'sexual minority' but does not define that phrase. Can you tell me what that is? Representative..."

Hernandez: "Representative, the Bill... it's completely identical to the..."

Rose: "Representative, the Amendment... the Senate Amendment changes the word 'other', on page 1 line 18, to the word 'sexual' which then leaves you with 'sexual minority' and I'm not trying to be funny or curt, I'm asking a question."

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Hernandez: "Representative, this may be a... just an error."

Rose: "Representative, there's some confusion on our side. I see you have your staff with you there and they look rather confused as well. Perhaps you could take it out of the record while we figure out what this is."

Hernandez: "Yes, I'll do that. We'll figure it out."

Rose: "Thank you, Representative."

Speaker Turner: "The Lady ask..."

Hernandez: "Mr. Speaker, can we take it out of the record until I figure this out?"

Speaker Turner: "We'll take the Bill out of the record and we'll come back to it. On the Order of Third Readings, we have Senate Bill 550. Representative Mathias. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 550, a Bill for an Act concerning health. Third Reading of this Senate Bill."

Mathias: "Thank you..."

Speaker Turner: "The Gentleman from Lake, Representative Mathias."

Mathias: "Thank you, Mr. Speaker. This is... Senate Bill 550 requires the Department of Agriculture to promulgate rules concerning the control of firewood importation with special attention to controlling the infestation of insect pests, including the emerald ash borer which has caused a lot of damage in our state to trees. And I ask for your 'aye' vote."

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

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

Speaker Turner: "Indicates he will."

Black: "Representative, since the Department of Agriculture is being asked to promulgate the rules concerning the importation of firewood... well, actually they're not being asked, if the Bill passes they're being told... and yet, I see that the Department of Agriculture is neutral on the Bill. That... that sends a signal to me. What's the problem? They must have a problem with the Bill."

Mathias: "They have not told me anything of that... spoke to me to say that they have any objection to it. So, I... I honestly... in committee they did not voice any objection and they haven't since then."

Black: "Well, I... every Member of this House, except two (2) who weren't here, voted for a Bill about two (2) weeks ago that an agency was neutral on the Bill and Representative Rose, Representative Jakobsson and I can share some editorials with you that blistered us for voting for that because it turned out to be something that it wasn't, and yet the entity that was to have given us information on the Bill, said they had no opinion on the Bill. But then the opinion that they told the press is certainly something not related to that they didn't have an opinion on the Bill. They more or less accused us of being up to... well, accused all of us of not doing our job et cetera, et cetera, et cetera. So when an agency doesn't say anything and adopts a neutral stance on a Bill that they have to administer, there's something wrong here. Now, first of all, let's... let's just



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assume that the Department of Ag can do this. How are they going to do it? We don't have check stations. Now, if you're going into Arizona you have agricultural import stations that you have to... you know, they can check trucks and cars to see what you're bringing in. We don't have any of that in Illinois, so how is the Department of Agriculture going to carry out the Bill?"

Mathias: "Well, I guess this gives them one tool to... really in controlling this infestation. How they're going to do it is obviously up to them because that's why we're leaving them to... to do the rules."

Black: "In other words, it may well be that no rules are ever sent to the... JCAR and nothing is ever done. As I interpret this Bill, they would have to literally inspect every shipment of Christmas trees, even though that isn't firewood, they usually turn into firewood after Christmas. But with all of the firewood that is brought into the State of Illinois, how in the world will you inspect them? I mean, I don't know how it's physically possible to do that."

Mathias: "Well, I think one of the things they can do is to... and I... you know, what... we'll take that for whatever it's worth is to at least notify all landowners in adjacent areas that this is the law of Illinois. I know that's not inspection. We inspect... you know right now we inspect trucks that come in from out-of-state already."

Black: "But where do we do that?"

Mathias: "At... well, I guess, at different..."

Black: "I... I live on the border and we don't even have a weigh station. Where Illinois and Indiana join in my district

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there isn't even a weigh station. There is a sign that says 'Welcome to Illinois, Governor Rod R. Blagojevich' but that's... that's all that's out there."

Mathias: "You know, if you would like I'd be glad to talk to the Department..."

Black: "I would I... and I'm not... I'm not going to belabor the point and I certainly don't disagree with the fundamental aspects of the Bill, but I'm just curious as to how the Department of Agriculture intends to carry this Bill out. Obviously, there are pests that are getting in, some of those shipments I believe were imported from Japan, for example, in lumber. But I think the Bill is well-intentioned but if you'd be kind enough to talk to Director Hartke and... and could give me some ideas on how they think they could enforce this, it would put my mind at ease because I live right on the border and I see hundreds and hundreds of trucks a day that haul everything from lumber to you name it that just simply isn't stopped, isn't inspected. We don't even have a weigh station. But many of those drivers have written me a note and say that they really appreciate the Welcome to Illinois sign that was erected by Governor Blagojevich. It just gives them a warm, fuzzy feeling when they... coming in from a long, long trip and they see this very, very nice sign that welcomes them to Illinois. But remember the sign doesn't say anything about we're going to inspect your load, it just says 'Welcome to Illinois, Governor Rod R. ...'"

Speaker Turner: "Representative Mathias to close."

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Mathias: "Representative Black, I'd be glad to have the director talk to you about it, in fact, I can talk to him. I... is it okay if we do it after the vote, though? Thank you. Then I ask for your 'aye' vote."

Speaker Turner: "The question is, 'Shall the House pass Senate Bill 550?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? The Clerk shall take the record. On this question, there are 112 voting 'aye', 0 voting 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 452, offered by Representative Flider."

Speaker Turner: "Representative Currie moves for the adoption of the 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 Resolutions are adopted. For Members edification, the directions to Lincoln Park is you go straight up 6th Street. Go north on 6th Street, it will run into Lincoln Park with the... for the House-Senate softball game tonight. Straight up 6th Street. Seeing no further announcements, allowing perfunc... allowing perfunctory time for the Clerk, Representative Lang moves... I'm sorry. Representative Brady, the Gentleman from Mclean, for what reason do you rise?"

Brady: "Thank you very much, Mr. Speaker. I'd like to announce as Republican Caucus Chair the Republicans will caucus

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tomorrow at 12:30 in Room 118, a Republican Caucus tomorrow at 12:30 in Room 118. Thank you very much."

Speaker Turner: "Okay. Allowing perfunctory time for the Clerk, Representative Lang moves that the House stands adjourned until Thursday, May 24, at 12:00 noon, Thursday May 24, at 12:00 noon. The House now stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on May 23, 2007, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #1 to Senate Bill 1261. Introduction and reading of Senate Bills-First Reading. Senate Bill 202, offered by Representative Mathias, a Bill for an Act concerning wildlife. Correction. Senate Bill 380, offered by Representative Mathias, a Bill for an Act concerning caller identification. Senate Bill 764, offered by Representative Mathias, a Bill for an Act concerning State Government. First Reading of these Senate Bills. Referred to the House Committee on Rules is Senate Joint Resolution 37, offered by Representative Phelps. There being no further business, the House Perfunctory Session will stand adjourned."