

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

280th Legislative Day

7/15/2008

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones and pagers. And we ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Representative Tim Schmitz."

Schmitz: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this invocation was given to me this past Sunday by a good friend of mine at church who was a member of the Indiana Legislature in the early '70s. And he's aware of the trials and tribulations that we've been going through in Springfield, so he dug this prayer up and handed it to me Sunday. It was the invocation for the opening of the March 4, 1971 Session of the Indiana State House. It was given by the Reverend Charles Doyle, pastor of the Saint Ann of the Dunes Church in Beverly Shores, Indiana. Please join me in prayer. Almighty God, You, who created the heavens and the earth, light and darkness, the waters and the dry land, the stars and the moon, the plants and the animals, Adam and Eve, in six (6) days, help these hardworking Legislators that they might successfully complete their work in sixty-one (61). Then, after you've done that, please enlighten the Governor as to the wisdom of their accomplishments so that they might rest securely in the knowledge that he won't undo all the good that they have done, Amen and Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representatives: Rich Bradley, Collins, Golar, Hamos, Howard, Jefferies, Lang, Lyons, Nekritz, Reitz, Ryg, and Scully are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives: Black, Mathias, Meyer, Bassi, Dunn, Pihos, Mulligan, Pritchard, Myers, and Sacia are excused on the Republican side of the aisle today."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. Please add Representative Franks to my list."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. You need to add Representative Keith Sommer to the excused ab..."

Speaker Madigan: "Mr. Clerk, take the record. There being 87 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Referred to the House Committee on Rules is House Resolution 1428, offered by Representative Madigan and House Resolution 1433, offered by Representative Bill Mitchell."

Speaker Madigan: "Representative Gordon."

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

Speaker Madigan: "State your point."

Gordon: "Ladies and Gentlemen of the House, while we may be one day late, if you will join me in wishing a happy birthday to our very good friend, Representative Lisa Hernandez. Her birthday was yesterday, so..."

Speaker Madigan: Mr. Holbrook."

Holbrook: "Thank you, Speaker. I'd move to waive the rules on posting for Senate Joint Resolution 101, so it could be heard."

Speaker Madigan: "To be heard in the Environment Committee? You've all heard the Gentleman's Motion. Is there leave? Leave is granted for the suspension of the posting requirements. Mr. Fritchey, on page 20 of the Calendar there appears HR 1428. Mr. Fritchey."

Fritchey: "Thank you, Speaker. House Resolution 1428 is simply the Amendatory version of a Resolution passed earlier by this Body providing an additional appointment for both the Speaker as well as the House Minority Representative. We believe that this task force has the ability to do some very good things in a critical area of law. We know of no opposition to this and accordingly I request an 'aye' vote. Thank you."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Representative Lindner."

Lindner: "Yes, Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

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Lindner: "I'm sorry, but my computer hasn't booted up yet. Is this to... just for another appointment by whom and is it a specific person or just another... another appointment?"

Fritchey: "This would provide an additional appointment by both the Speaker as well as the Minority Leader. Ah..."

Lindner: "Right, but is it from a specific sector? From the public sector or..."

Fritchey: "No. The way the task force was created there were certain interests... or certain sectors that were accorded appointments as well as at-large appointments by both the Minority Leader as well as the Speaker in equal numbers. This will be up to them to use their determination. What we've been trying to do and I think we are getting toward doing is having a well-rounded representation. There are a lot of different groups, whether it's the judiciary, whether it is child advocates, whether it is noncustodial parents or whatever that may be, that would like and should have a seat at the table. And we're trying to make sure that we get everybody covered."

Lindner: "Okay. Thank you."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 88 people voting 'yes', 0 voting 'no'. The House does adopt House Resolution 1428. The Chair recognizes Mr. Bost."

Bost: "Thank you, Mr. Speaker. We also need to rep... need to add to the absentee list, Representative Durkin. If we

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keep going all day we can just go ahead and absent... you know, everybody will be listed and then we'll be done."

Clerk Mahoney: "...for an announcement. The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules to which the following legislative measures and/or joint action motions were referred, action taken on July 15, 2008, reported the same back with the following recommendations: approved for floor consideration, referred to the Order of Second Readings is House Bill 2477."

Speaker Madigan: "Is Mr. Turner in the chamber? Mr. Turner. On page 3 of the Calendar, on the Order of Consideration Postponed, there appears Senate Bill 1987. Mr. Clerk, what is the status of this Bill?"

Clerk Mahoney: "Senate Bill 1987 is on the Order of Consideration Postponed."

Speaker Madigan: "Mr. Clerk, put that Bill on the Order of Second Reading. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "Agreed Resolutions. House Resolution 1387, offered by Representative Watson. House Resolution 1388, offered by Representative Hoffman. House Resolution 1390, offered by Representative John Bradley. House Resolution 1391, offered by Representative John Bradley. House Resolution 1392, offered by Representative John Bradley. House Resolution 1393, offered by Representative Colvin."

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House Resolution 1394, offered by Representative Gordon.
House Resolution 1395, offered by Representative Gordon.
House Resolution 1396, offered by Representative Golar.
House Resolution 1397, offered by Representative Turner.
House Resolution 1398, offered by Representative Hoffman.
House Resolution 1399, offered by Representative Brady.
House Resolution 1401, offered by Representative Flider.
House Resolution 1402, offered by Representative Flider.
House Resolution 1403, offered by Representative Reis.
House Resolution 1404, offered by Representative Howard.
House Resolution 1406, offered by Representative Chapa
LaVia. House Resolution 1407, offered by Representative
Madigan. House Resolution 1408, offered by Representative
Brady. House Resolution 1409, offered by Representative
Wait. House Resolution 1410, offered by Representative
Rose. House Resolution 1411, offered by Representative
Golar. House Resolution 1412, offered by Representative
Ryg. House Resolution 1413, offered by Representative
Currie. House Resolution 1414, offered by Representative
Osmond. House Resolution 1415, offered by Representative
Osmond. House Resolution 1416, offered by Representative
Beiser. House Resolution 1417, offered by Representative
Younge. House Resolution 1418, offered by Representative
Tracy. House Resolution 1419, offered by Representative
Tracy. House Resolution 1420, offered by Representative
Currie. House Resolution 1421, offered by Representative
Currie. House Resolution 1422, offered by Representative
Brady. House Resolution 1423, offered by Representative
Osmond. House Resolution 1424, offered by Representative

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Cross. House Resolution 1425, offered by Representative Crespo. House Resolution 1426, offered by Representative Rose. House Resolution 1427, offered by Representative Smith. House Resolution 1429, offered by Representative Riley. House Resolution 1430, offered by Representative Coulson. House Resolution 1431, offered by Representative Mathias. House Resolution 1432, offered by Representative Wait. House Resolution 1434, offered by Representative Granberg."

Speaker Madigan: "Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Representative Currie moves that the House stand adjourned until 9 a.m. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House stands adjourned until 9 a.m. tomorrow morning."

Clerk Mahoney: "House of Representatives Perfunctory Session will come to order. Messages from the Governor dated July 15, 2008. To the Honorable Members of the Illinois House of Representatives, 95th General Assembly. Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return the following House Bill with the recommendations for change: House Bill 4255. Signed by, Rod R. Blagojevich, Governor of the State of Illinois. Committee Reports. Representative Turner, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on July 15, 2008, reported the same back with the following recommendations: 'recommends

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be adopted' is Floor Amendment #3 to Senate Bill 392, Floor Amendment #2 to Senate Bill 1116, and Floor Amendment #2 to Senate Bill 1460. Representative Chapa LaVia, Chairperson from the Committee on Local Government, to which the following measures were referred, action taken on July 15, 2008, reported the same back with the following recommendations: 'recommends be adopted' Floor Amendment #1 to Senate Bill 1290. Representative Molaro, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measures were referred, action taken on July 15, 2008, reported the same back with the following recommendations: 'recommends be adopted' is Floor Amendment #3 to Senate Bill 450. Representative Holbrook, Chairperson from the Committee on Environment & Energy, to which the following measures were referred, action taken on July 15, 2008, reported the same back with the following recommendations: 'recommends be adopted' is Senate Joint Resolution 101. Senate Bills-First Reading. Senate Bill 804, offered by Representative Osmond, a Bill for an Act concerning revenue. First Reading of this Senate Bill. House Bills-First Reading. House Bill 2477, offered by Representative Madigan, a Bill for an Act concerning revenue. House Bill 2746, offered by Representative Madigan, a Bill for an Act concerning criminal law. First Reading of these House Bills. Correction on House Bill 2477 and 2746. House Bill 2477, a Bill for an Act concerning revenue. Second Reading of this House Bill. House Bill 2746, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Introduction and

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reading of House Joint Resolution Constitutional Amendments-First Reading. Representative William Davis offered the following:

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 46

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 1 of Article X of the Illinois Constitution as follows:

ARTICLE X

EDUCATION

SECTION 1. FUNDAMENTAL RIGHT - FREE SCHOOLS

A fundamental right of the People of the State is the educational development of all persons to the limits of their capacities. It is the paramount duty of the State to provide for a thorough and efficient system of high quality public educational institutions and services and to guarantee equality of educational opportunity as a fundamental right of each citizen. Education in public schools through the secondary level shall be free. The State has the preponderant financial responsibility for financing the system of public education. There may be such other free education as the General Assembly provides by law.

SCHEDULE

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This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. The foregoing House Joint Resolution Constitutional Amendment 46. There being no further business, the House Perfunctory Session will stand adjourned."