

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

293rd Legislative Day

11/19/2008

Speaker Madigan: "Good afternoon, Mr. Black. 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 the 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 Wayne Padget, the Assistant Doorkeeper."

Wayne Padget: "Let us pray. Dear Lord, we come before You today in sound body and mind, praying that on this day, You grant us wisdom and guidance. During these hard times of negotiations, we pray that everyone can come together on one common ground and resolve the issues for the people of Illinois. We pray for the men and women in our Armed Services, both here and abroad. Provide them with Your protection and give them the strength to make it through this tough time. Let us also pray for the men, women and their families who have made the ultimate sacrifice to defend our country. These things we ask in Your Son's name, Amen."

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

Mautino - 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."

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Currie: "Thank you, Speaker. Please let the record show that Representatives Rich Bradley, Granberg, McCarthy, Patterson and Rita are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Good to see you. On the Republican side of the aisle, Representative Kosel, Representative Mitchell... Bill Mitchell and Congressman Schock are excused today."

Speaker Madigan: "There being 110 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Committee Reports. Representative Jakobsson, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #3 to Senate Bill 2603. Representative Collins, Chairperson from the Committee on Juvenile Justice Reform, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 1013. Representative Molaro, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 100; 'recommends be adopted' is Floor Amendment #1 to Senate Bill 2452. Representative Al Riley, Chairperson from the Committee on Personnel &

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Pensions, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 719. Representative John Bradley, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 1981. Representative Reitz, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #3 to Senate Bill 2562. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 113, Senate Bill 2085, Senate Bill 2179; 'recommends be adopted' is Floor Amendment #2 to Senate Bill 826, Floor Amendment #3 to Senate Bill 1511, Floor Amendment #3 to Senate Bill 1529, Floor Amendment #1 to Senate Bill 2322 and Floor Amendment #1 to Senate Bill 2824. 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 November 19, 2008, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #3 on House

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Bill 3889, Amendment #3 on Senate Bill 101, Amendment #3 on Senate Bill 934, Amendment #2 on Senate Bill 2824; and a Motion to Table Amendment #1 on Senate Bill 2858; 'on the Order of Concurrence a Motion to Concur' is 'recommends be adopted' on Senate Amendment #1 to House Bill 427. Representative Flowers, Chairperson from the Committee on Health Care Availability & Access, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 874; 'recommends be adopted' is Floor Amendment #2 to Senate Bill 934."

Speaker Madigan: "Ladies and Gentlemen, if we could have your attention and if the... if the Members would take their chairs and if the staff would retire to the rear of the chamber. I'm very pleased today to have with us a special guest, the Consul General from the Country of India to Chicago and the Midwest. Ambassador Attri has recently been assigned to Chicago, although he has a long career in the foreign service of the country of India. He's come here today to express his views and the views of his country relative to the relationship between the Country of India, the State of Illinois and the entire Midwest. It's my great pleasure to give you, Ambassador Attri."

Attri: "Thank you. I'm humbled. Mr. Speaker, distinguished State Representatives of Illinois, Ladies and Gentlemen, I deem it a high privilege to be invited to address this august House. I thank you for this gracious invitation. I bring to you the greetings and good wishes of the

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government and the people of India. Standing before you all in this place, I recall President Abraham Lincoln who has inspired generations throughout the world towards equality of human beings, and towards... the government of the people, exemplified by his own unique journey to the White House from here. Prime Minister Mamohan Singh has conveyed to another distinguished former Illinois lawmaker, President-elect Barack Obama, that his own journey to the White House will inspire people not only here, but around the world. Illinois has contributed once again to a defining moment in history. Congratulations. India and U.S.A. share so much in common. You are the world's oldest democracy, we are its largest. We are both open societies and open economies. We are both multicultural, multiethnic, multi-religious and multilingual nations. Both our countries respect the rule of law and guarantee human rights. Our first Prime Minister Jawaharlal Nehru said that you could hear in India's constitution the echo of the great voices of the founding fathers of your Republic. Democracy and development must go hand in hand. India's aspirations are like any other developing country, but no other country of a billion (1,000,000,000) people with our tremendous diversity has tried to transform its economy within the framework of democracy. We are determined to succeed. India's economic reforms are durable and irreversible. Our rate of growth has increased rapidly in the past several years. India's growth and prosperity, Mr. Speaker, is in America's interest. American investments in India help American companies to reduce costs and to make

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competitive globally. Equally, India's purchases from the United States have also been increasing rapidly. There are many other examples of such dual benefits, with both sides gaining from the process. U.S. firms are already engaged in India. Over four hundred (400) of the Fortune 500 companies are already active in India and we in India welcome this involvement. India needs massive foreign direct investment. In infrastructure alone we expect over five hundred billion dollars (\$500,000,000,000) of investment in the next four (4) to five (5) years. Mr. Speaker, I hope Illinois companies will participate in the opportunities India is creating. Ladies and Gentlemen, the historic agreement and cooperation in the development of civilian nuclear energy in India was signed recently on the 10th of October. It received overwhelming bipartisan support from both the Houses of the Federal Congress. I thank you all for contributing to the success of this agreement. This is an important strategy of our bilateral relationship and will widen our clean energy options. Energy security is an important... albeit, our two (2) countries have strong common interests. Clean coal technologies and other alternative renewable sources of energy are also important sectors for cooperation within the State of Illinois and India. Our industrial business in both countries seek cooperation in several new areas such as biotechnology, nanotechnology, health care, space applications, and so on. In the areas of science and technology there is a growing engagement. At present, distinguished Members of the House, two (2) American

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instruments are orbiting moon about the current Chandrayaan Moon Mission of India. As democracy, we share concerns about terrorism with the United States as terrorism threatens open societies like you and us. We both have suffered grievously from terrorism and we must make common cause against it. We must categorically affirm that no grievance can justify it is all right to terror. We face common threats and challenges apart from terrorism like energy security, proliferation, drugs, maritime security, climate change and environmental degradation. We stand together in safeguarding our pluralistic and democratic policies from attacks that seek to destroy our cohesiveness and our prosperity. The India-U.S. partnership is a result of a convergence of shared interests and common concerns. It is therefore not surprising that support for a strong India-U.S. relationship cuts across Party lines, both in India and in the United States. The overall sentiment that emerges from our respective domestic debates is a strong positive endorsement of our strategic partnership. Indian-Americans living and working in the United States, including the Midwest in Illinois, are also a strong bridge between our two (2) nations. I am very pleased today that along with my wife, Usha Kiran Attri, some important members of the India-American community, like the vice presidents of Medstar, Raj and Neal Pateli, and the two (2) directors of Medstar... Patel and, are here to witness my address. India has traveled a long distance to reach where we have reached today. The rise of India is a force for peace, development, and stability in the world. I'm

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confident that our country has the will and the ability to meet the challenges of change. Honorable Speaker, distinguished State Representatives, Ladies and Gentlemen, over three (3) years ago when the Prime Minister of India addressed the Joint Session of the U.S. Congress in Washington, D.C., he said that some bilateral relations are based on principles and some are based on pragmatism. He added that what is truly remarkable about the India-U.S. relationship today is that it is based on the.. of both principles and pragmatism. I would like to conclude by saying that the Indian people look forward to a bright future full of confidence based on a glowing recognition of our economic capabilities and the readiness of our society to meet the challenges before us. We will also work towards securing the world order in which democracy can flourish everywhere, and in which developing nations can strive for bigger prosperity. As two (2) democracies, we are natural partners. India has today embarked on a journey inspired by many dreams. We welcome having America by our side. There is much, Mr. Speaker, we can accomplish together. I thank you."

Speaker Madigan: "The Ambassador will be available down in the well for those of you who would like to personally greet him. So, thank you, very, very much. Mr. Clerk."

Clerk Mahoney: "Committee Report. Representative Colvin, Chairperson from the Committee on Consumer Protection, to which the following measure/s was/were referred, action taken on November 19, 2008, reported the same back with the

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following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 2725."

Speaker Madigan: "The Chair recognizes Representative Howard."

Howard: "Thank you very much, Mr. Speaker. Visiting us today are two (2) gentlemen I'd like you to meet. One is Michael McCormick, who is the executive director of the American Coalition for Fathers and Children. And also, General Parker, who is with the African-American Reform Organization. He is from Peoria. Gentlemen, would you please stand. And colleagues, would you please help me welcome them to Springfield."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker. I'd like to welcome and thank... today is a special day, we have Representative Beaubien and Representative Black's birthdays. They share the same birthday and we have cake in the back. So, if we could have a round of applause. Happy birthday."

Speaker Madigan: "Representative Lyons in the Chair."

Speaker Lyons: "Representative John Fritchey. Representative John Fritchey. John, you have an Override Motion... Amendatory Veto. Are you ready to run that Bill? Amendatory Senate Bill 2636? Ladies and Gentlemen, we do have some business to participate in today. I know it's been a long time since we've seen each other and we have our honored guests. But we do have some legislative work to be done. So, I'd ask people to please bring down the noise level in the chamber, if you'd be so kind. And the Chair will represent... represent... will recognize Representative John Fritchey on an Amendatory override of

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Senate... Veto for Senate Bill 2636. Representative John Fritchey, the Gentleman from Chicago."

Fritchey: "Thank you... thank you, Speaker. I simply request an 'aye' vote."

Speaker Lyons: "Hold on, John. Ladies and Gentlemen, I have a Member who is presenting an Override Motion. I'd appreciate your cooperation on lowering the noise a little bit. Chuck Hartke, your method works all the time. Thank you, Ladies and Gentlemen. Representative Fritchey."

Fritchey: "I think I liked it better when people couldn't hear me. This is simply a Motion to override the Governor's Veto. This was an initiative of the Treasurer's Office. We believe we have a very strong proconsumer Bill. There were some Amendments made by the Governor's Office that would impact the operations of the Treasurer's Office. There was no consultation with the Treasurer's Office at the time of doing this. We believe the Bill in its present form was the proper Bill. We believe, as I said, that we have a very good piece of legislation that was crafted and worked out over time. And I'd simply request an 'aye' vote for the override. Thank you."

Speaker Lyons: "Is there any discussion? The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, can you kind of basically give us the short on what the Governor's Amendatory Veto... what changes he... 'cause you know he's... he's always 'improving Bills', to

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quote him. And I was wondering what improvement he... he had made to this."

Fritchey: "The... the Governor's Office saw fit to put some reporting requirements on the Treasurer's Office. What was somewhat problematic is there were no discussions with the Treasurer's Office as to how this would improve the Bill, why this served any laudable policy goal. As I said, Representative, we believe that we had a good and workable Bill as is. And we believe that the Treasurer's Office, as any constitutional officer, should have the autonomy to best determine through working with the Legislature, which is always a novel idea around here these days, but by working with the Legislature how best to implement these programs. We believe that we've done that. We believe that we should revert to the Bill in its original form and put it on the books the way that the House and Senate both originally passed it."

Eddy: "And my understanding is the Senate has unanimously agreed that the original Bill should be the way this was done, and obviously, this passed unanimously here the first time, so..."

Fritchey: "That... that... that's correct here. Roger, you know, these days I... I tend to put more and more faith in a strong Legislative Branch. Both chambers have made it very clear as far as what we believe the law should be. And we simply want to reaffirm that statement now."

Eddy: "Okay. Representative, thank you. I appreciate that and would urge an 'aye' vote on the override as well. Thank you."

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Speaker Lyons: "Seeing that no one else requires to speak, Representative Fritchey to close. Ladies and Gentlemen, Representative Fritchey moves that Senate Bill 2636 do pass, notwithstanding the specific recommendations of the Governor. This Bill requires 71 votes to 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 Motion, 110 Members have voted 'yes', 0 voted 'no', 0 voting 'present'. And this Motion, having received the Supermajority, Senate Bill 2636 is hereby declared passed, notwithstanding the specific recommendations of the Governor. Representative Jack McGuire, for what purpose do you seek recognition, Representative? Jack, do you have your light on? Representative McGuire? Ladies and Gentlemen, on page 5 of the Calendar under Amendatory Vetoes, Representative Careen Gordon has Senate Bill 2718. Representative Gordon."

Gordon: "Thank you... thank you, Mr. Speaker. Senate Bill 27..."

Speaker Lyons: "Careen, wait one moment. Ladies and Gentlemen... Members, please, if I could ask for your attention. Representative Gordon has an Amendatory override Bill she's trying to present. An Amendatory Veto that she's accepting, my mistake. I would ask the Members to please refrain from the levels of conversation, we can't hear the discussion. Representative Gordon."

Gordon: "Thank you, Mr. Speaker. Senate Bill 2718, I filed a Motion to accept the Amendatory Veto that the Governor has made. All it did, there was absolutely no substantive

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changes at all to the legislation. It merely put in an immediate effective date. And I would ask the Body to accept that change."

Speaker Lyons: "Is there any discussion on Senate Bill 2718? The Chair recognizes the Gentleman from McHenry, Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "Representative, this is a Bill that we passed 56-0 in the Senate and 110-1 in the House, in the... you're telling me that the Amendatory Veto makes it immediate instead of having to wait 'til July of next year for this to take effect?"

Gordon: "Correct."

Franks: "Or January... I'm sorry of January?"

Gordon: "Correct."

Franks: "So, we're trying to move this up six (6) weeks?"

Gordon: "Correct."

Franks: "And... is this the Bill that would allow someone who... allowing a hearsay exemption to be allowed as testimony if the witness had disappeared or... or is believed to be dead?"

Gordon: "It... after a pretrial hearing if... after a pretrial hearing this... this would create another hearsay exception after a pretrial hearing, and it was determined that the testimony was credible by a judge, correct. It... it... in that situation. This is that Bill."

Franks: "And is the reason that the Governor's trying to make this immediate, is that because of the factual pattern in the Drew Peterson case?"

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Gordon: "Pardon?"

Franks: "Is the reason that the Governor's trying to make this immediate is because of the fact pattern that we have in the Drew Peterson case?"

Gordon: "I have no knowledge... I have no knowledge of that. When this Bill becomes law, Representative, it would apply in every single case, and it would apply to all victims. As a prosecutor in a previous lifetime, myself, I was a prosecutor for Will, Grundy, and Kankakee County as well as two Attorneys General, both Jim Ryan and currently Lisa Madigan. I... I've seen this... this would have been available in several previous cases that I had seen. So, while it may or may not be available in a case currently under investigation, it would... it would be available to all victims for the State of Illinois. I've always been a voice for victims and continue to be a voice for victims as a Member of the House of Representatives."

Franks: "Well, clearly. And... and we all supported the Bill."

Gordon: "Thank you."

Franks: "And I support the Bill. I just wonder why we're moving it up six (6) weeks. I... I will vote with you on this. I just wanted to know what the... what the thought process was because I didn't see any explanation by the Governor on this, 'cause I... there's a lot of the other Bills I think we ought to be looking at for an immediate start dates as well. So, if he's good for one, I'd like to see some other Bills that would move up as, you know, immediately."

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Gordon: "As I said, it wasn't an immediate effective date, there was a discussion had. Myself and Senator Wilhelmi, it was done at the... at the request of the Will County State's Attorney. I... I'm no longer privy to the knowledge of any investigation going on there; it's not my jurisdiction. And they... they ask that an immediate effective date be had. Perhaps there's other cases pending where... where this may be taken into consideration. And if it helps one person, it can maybe help all thirteen million (13,000,000) plus people in the State of Illinois. And that's what we're here for."

Franks: "Thank you."

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

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

Speaker Lyons: "Sponsor yields."

Winters: "I... I understand that we all voted for this, but I... I guess I'm a little confused. This is a case where a witness has made a statement and then disappears and the thought process is that the person being tried is responsible for that disappearance, is that a good summary?"

Gordon: "Yes. And it..."

Winters: "And it makes that statement then admissible if the judge signs off on its merit?"

Gordon: "Right. It... it's patterned after an... a Federal Law in gang cases or in mob cases. It's been used in RICO cases throughout the federal statutes and other states have it, it's called forfeiture by wrongdoing. And we... we made the

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record... previously... that's the actual substantive Bill.

But as I said, the... accepting the Amendatory Veto..."

Winters: "Right."

Gordon: "...changes nothing in the substantive nature of the Bill."

Winters: "I'm... I'm just trying to wrap my mind around it. As..."

Gordon: "Mr. Speaker, I can't hear. Mr. Speaker, I can't hear."

Speaker Lyons: "Ladies and Gentlemen, one more time, we cannot have a discussion on this Bill. It's serious legislation, Representative Gordon trying to present. She can't hear Representative Winters' questions. Please, folks, please keep the noise level down. Thank you."

Winters: "The last question I had then Careen is, does it require that the... at least our analysis looks like you have to find the person guilty of the murder of the person who's making the declaration, who has disappeared? That's not the case, is it?"

Gordon: "You... you don't have to find them guilty of the first murder or disappearance for them to use the statements of the first disappearance or murder for them to be tried for the second murder. But those statements have to be determined to be credible in a pretrial hearing..."

Winters: "Okay."

Gordon: "...by a judge. In the same way... it's very similar to what would be called a 115/10 hearing in the cases where there are child sexual assault victims. However, Representative, in this case since this may be adults making the statements, it may... it's probably going to held

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to a much higher standard, the way that it is held to in Federal Court."

Winters: "Okay. I just... I just wanted the background on it. And I understand that we're just changing the effective date through the Amendatory Veto."

Gordon: "Exactly."

Winters: "Thank you."

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

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

Speaker Lyons: "Sponsor yields."

Black: "Representative..."

Gordon: "Representative Black, I'm... I just want to say how much how I missed you over the summer and over the past few months, I... I truly have. And I just want to put that on the record up front."

Black: "Was that a compliment or a complaint, Mr. Speaker? It's hard to hear."

Speaker Lyons: "I'd take that as a compliment, Bill."

Black: "Oh, well, thank you very much. I resemble that remark. Representative, on... on page 1 of your Bill, as a nonattorney, let me read this to you and then you... can you explain to me... it doesn't make sense to somebody's who is not an attorney. On line 9, subsection A, 'a statement is not rendered inadmissible by the hearsay rule if it is offered against a party that has killed the decedent in violation of clauses 1 and 2,' da, da, da, da. It would seem to me that that means the party would have already had

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to have been found guilty of murder to allow your hearsay evidence, that has killed? I... I don't understand that."

Gordon: "Okay. Well, the definition of hear... and I don't know if my... if my law students, my law students... there are some law students here from the John Marshall Law School today, Representative. So, hopefully I still get this right that I learned in evidence class and my favorite lawyer. The definition of hearsay is still OCSTMA, which is an 'out of court statement made for the truth of the matter asserted.' Okay? So, a hearsay exception is that there are several of them. So, you don't have to... if... there are certain exceptions that if you can prove that... that the way that the statement was made, if it's credible, if the surrounding circumstances of the statement, if someone else heard it at the time, if... if the person making the statement was... was someone... someone else heard them. Whatever the case may be, if you can prove the credibility of that statement to the satisfaction of a judge, and... and there are different standards, depending on what type of case that it is, then an exception to the hearsay rule is determined, and there are several of them... and... and please don't ask me to list all of them 'cause I don't know them all off the top of my head anymore and I... and I never probably will ever again... but you don't necessarily have to prove someone guilty of a first murder for them to be found guilty of the second murder, which is why we made this exception into law so that the statements after a pretrial hearing and a determination of credibility could be had out of the hearing of the jury and a judge can determine

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whether or not those statements can be used against the defendant during a murder trial."

Black: "Representative, I... I appreciate your trying to explain that, particularly to someone who does not have a law degree. Staff indicates that this might be usable in a particular high profile case that the media has discussed for some time. I... I don't want to get into his name, but I think we all know what case that might be."

Gordon: "Well, your staff this morning was... was wrong about a certain level of felony. So, I'd really question whether or not that staff member is even right about, you know, what he's whispering in your ear right now, Representative. And I had to clarify what he was even telling you... what... what he was saying in committee to another very good friend of mine and that was Representative Reboletti. So, the staff member talking to you right now is making mistakes already today. And I just want to point that out."

Black: "Well, Mr. Speaker, inquiry of the Chair?"

Speaker Lyons: "State your inquiry."

Black: "Everything she just said is hearsay."

Gordon: "That's the absolute truth. And I... I actually have it on tape, Representative, and we can play it back from the Judiciary II-Criminal Law Committee that took place this morning. Representative."

Black: "Mr. Speaker, I'd ask that these remarks be stricken from the record. Everything she said is hearsay. I haven't heard anything from Representative Reboletti. I... the only thing staff told me was he wasn't sure whether

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this was the right Bill. So, she's... she's dealing with hearsay. And now she threatens me with transcripts..."

Speaker Lyons: "Representative Black, we have..."

Black: "...and recordings."

Speaker Lyons: "...we have two attorneys on your side of the aisle, Representative Reboletti and Representative Durkin who are waiting to speak. Perhaps they may shed some additional light on that issue for you?"

Black: "Well, perhaps they can clear this up, but I certainly hope so. I'd hate to lose this Bill on a technicality based on hearsay evidence. Correct? Thank you."

Speaker Lyons: "Representative Jim Durkin."

Durkin: "Thank you, Mr. Speaker. I... I support this Bill for a bunch of reasons. And a number of us have spent some time as prosecutors in the State of Illinois and all of us at one time or another we've had witnesses who have either been silenced, either they've been bought off, they've been intimidated. But in the worst situation we've lost witnesses because they've been murdered because of their cooperation with law enforcement, trying to do the right thing. And the fact is, often the statements that they've given, whether it's at the grand jury or to law enforcement, often you cannot present into evidence. What we're saying in this situation, if we do have evidence that these people were silenced in the worst way, they were killed by the individual that they were testifying against, then they should... there should be an avenue, at least an opportunity for them to have those statements presented before the court, as long as there's certain indicia of

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reliability to go through all the bullet points of the Constitution and Supreme Court says. But I think this is a good Bill. And the fact is, it's going to help a lot of these cases, which we've lost over the years. And this is a... it's been a decades' old problem which has happened within our criminal justice system. And I know that Representative Gordon and Reboletti and myself could all say that we have probably had a witness who all of a sudden wakes up or don't wake up, and which is unfortunate and then all of a sudden justice is not served. So, I would ask everybody to support this Bill. It is constitutionally sound and it's a good Bill. And I hope we can finish this debate."

Speaker Lyons: "Thank you. Representative Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, besides the Governor's Amendatory Veto to change the effective date, is there anything else substantively changed in this Bill?"

Gordon: "Not one letter, Representative."

Reboletti: "And basically, it will give prosecutors in all 102 counties the opportunity to use statements in murder cases, depending on the availability of the witness. Is that really where we're at?"

Gordon: "This is a victims rights Bill, Representative, absolutely."

Reboletti: "And that's where the focus is that. As prosecutors we want to make sure that victims understand that they can obviously go to law enforcement and that we're not going to

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allow defendants to benefit by forfeiture by wrongdoing, by making that witness against them unavailable to be profitable. Is that where we're... we're leaning at here, Representative?"

Gordon: "Exactly."

Reboletti: "Thank you."

Speaker Lyons: "Representative Gordon to close."

Gordon: "Thank you, Ladies and Gentlemen. I would app... I would appreciate an 'aye' vote to accept the Amendatory Veto made by Governor Blagojevich."

Speaker Lyons: "Ladies and Gentlemen, Representative Gordon moves to accept the specific recommendations of the Governor as to Senate Bill 2718. There are 71 votes needed for this to 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 109 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. This Motion, having received the Constitutional Supermajority, the specific recommendations of the Governor as to Senate Bill 2718, are hereby accepted. Ladies and Gentlemen, we'll be moving to the Supplemental Calendar #1, which should have been passed out on everyone's desk. The first... on Senate Bills-Second Reading, we have Senate Bill 100. Representative Turner. Representative Art Turner. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 100, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill.

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Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. On Supplemental Calendar, the second Bill is Senate Bill 113. Representative Molaro. Representative Bob Molaro. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 113, a Bill for an Act concerning local government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No... no... no Motions filed."

Speaker Lyons: "Third Reading. Senate Bill 719... Senate Bill 719, Representative Brent Hassert. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 719, a Bill for an Act in relation to public employee benefits. Amendment #1 was adopted in committee. No Motions filed."

Speaker Lyons: "Third Reading. Senate Bill 874, Representative Mary Flowers. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 874, a Bill for an Act concerning regulation. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Senate Bill 1013, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1013, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Senate Bill 1981, Representative Mautino. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "Senate Bill 1981, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Senate Bill 2085, Representative Hamos. Back to Senate Bill 1981. Status of the Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 1981 is on the Order of Senate Bills-Second Reading."

Speaker Lyons: "Mr. Clerk, move that Bill to Third.. the Order of Third Reading. Representative Hamos on Senate Bill 2085. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2085, a Bill for an Act concerning local government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Saviano on Senate Bill 2179. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2179, a Bill for an Act concerning government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Harris on Senate Bill 2725. Read the Bill, Mr. Clerk. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2725, a Bill for an Act concerning civil law. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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Speaker Lyons: "Mr. Clerk, we'll leave that Bill on the Order of Second Reading. Ladies and Gentlemen, we'll be doing a Death Resolution, so we're asking Members... I'm sorry, that will be done later. We have a House Resolution that is equally important to all the Members here. It affects somebody that's very near and dear to all of us regarding Nurse Nancy who's been at her station out here providing first aid for us for many, many years. Mr. Clerk, on House Resolution."

Clerk Mahoney: "House Resolution 1541, offered by Representative Madigan.

WHEREAS, The members of the Illinois House of Representatives are pleased to congratulate Illinois State Capitol Nurse Nancy Wedeking on her retirement; and

WHEREAS, Nancy received her early education in Sunday School, where she never missed a Sunday for fourteen years; she graduated as an honor student from Beardstown High School in 1963; she was a 1967 graduate of Passavant Area School of Nursing in Jacksonville, where she received the first Dr. Mary Louise Newman Award for the Outstanding Student in Obstetrics; and she was number one in her class at St. John's School of Anesthesiology in 1968; and

WHEREAS, She was employed at Schmitt Hospital in Beardstown, Memorial Medical Center in Springfield, and St. John's Hospital in Springfield before beginning her career as a nurse for the State of Illinois; and

WHEREAS, She served as the Stratton Building Nurse for twenty-four years, before being named by the Illinois

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Department of Public Health to move to the Illinois State Capitol in 2001; and

WHEREAS, During her time as a nurse in the State Capitol, she has seen an average of forty patients a day; during the times that the Illinois House of Representatives and Senate are in Session, she may see as many as nine hundred people in a month; and

WHEREAS, Her many duties include: handling all emergencies within the Capitol or outside on the Capitol grounds; having food and drink readily available for patients in need; providing a place of rest for stressed out State employees; removing splinters; listening; caring; and being there in those times when people need a friendly face; and

WHEREAS, Nancy finds time to be there for anyone in need of her special touch; she is very caring, dedicated to her field, and above all, one of the nicest and most sincere people to be found in the State Capitol; and

WHEREAS, When Nancy served as an anesthetist, she was chosen to serve during the first kidney transplant to be performed in Springfield; she was later the recipient of a kidney transplant in 2001; and

WHEREAS, Nancy comes from a medical family; her mother and Nancy both graduated from the same schools, Passavant School of Nursing and St. John's School of Anesthesiology, and both worked at Schmitt Hospital and Memorial Medical Center; and her brother, Dr. Fred Lee, resides in Michigan; and

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WHEREAS, Nancy has been blessed with many good friends throughout her life, but none more so than her sister, Peggy White; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Nancy Wedeking on her retirement, we thank her for her dedication to the men and women of the Illinois State Capitol, and we wish her the best in all her future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Nurse Nancy Wedeking on her retirement as a small symbol of respect from her many friends and patients in the Illinois State Capitol."

Speaker Lyons: "In our gallery, Ladies and Gentlemen, Nancy Wedeking. God love you, Nancy. The Chair recognizes the Lady from Cook, Representative Barbara Flynn Currie on the Resolution."

Currie: "Thank you, Speaker and Members of the House. We're always worse, cited an anonymous poet, without a nurse. And without our Nurse Nancy there's no question we'll all be a whole lot worse. When a lobbyist kicked me in the shin, I went immediately to Nurse Nancy. And she disinfected the wound and she put some kind of ointment on it and she bandaged me up. She's terrific with a blood pressure cuff and I know everyone of us at one time or another has been grateful to have a nap on the bed in the backroom. They say that nurses are angels in comfortable shoes, they say that nurses dispense comfort, compassion and caring without even a prescription. And our Nurse

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Nancy has done that for all of us since she came to the state capital in 1977, moved to this... this building in 2001. She's been there with warm words as well as warm healing for each and every one of us. We wish her the best in her retirement and we're sorry that she's leaving us in the lurch. Thank you, Nurse Nancy."

Speaker Lyons: "The Lady from Cook, Representative Debbie Graham."

Graham: "Thank you, Mr. Speaker. As you all know, I became violently ill last year and I... I was really having a tough time. I was really sick and Nurse Nancy was really just what the doctor ordered in a time when you don't know what's happening to you. She was very reassuring that I was going to be okay, she talked with me, she made sure that the hospitals received me in a way that I would be comfortable. When I returned home from the hospital needing to have surgery, I received a box in the mail at my house. And in the box was a little Raggedy Ann doll. And Nurse Nancy sent me the doll and said, just so you wouldn't go through you surgery alone, I've sent you this doll. She was very compassionate, she called to check on me. Things that she just didn't have to do. Once she got me out of this building she could have said, the doctors will take care of her, let them handle it from here, but she wasn't that way. She had her personal touch all the way from here to Chicago. So, thank you so very much. I'm going to miss you and you've been such a great nurse."

Speaker Lyons: "Gentleman from DuPage, Representative Bob Biggins. Representative Biggins."

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Biggins: "Yes, thank you, Mr. Speaker. I just want everybody to know that I've been seeing Nurse Nancy once a week for the last five (5) years. And my wife knows and she's been very happy I've been seeing her, 'cause she's been helping me out each time. I'll surely miss her and wish her very... as good of care as she gets as she has given me and many others."

Speaker Lyons: "Representative Mary Flowers."

Flowers: "Thank you, Mr. Speaker. I, too, would like to take this opportunity to thank Nurse Nancy. It's been about 17 years ago that I was pregnant and Nurse Nancy took very good care of me. And then after I had my daughter and she would come down to Springfield with me, she would also go into Nurse Nancy's office and lay down and take naps. And Nurse Nancy was an extended part of my family. And this House will truly be... she's going to be missed in the Illinois House of Representatives. And we love you. And Makeda loves you as well. Thank you very much, Nurse Nancy, we're going to miss you."

Speaker Lyons: "Representative Bill Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I don't know how we can honestly say enough good things about Nurse Nancy. Nancy, I will always remember your advice, I didn't always take it, but, I... your concern, your empathy, your ability to take blood pressure, on me sometimes three (3) and four (4) times an evening. And I can remember when the Majority Leader kicked me in the shins. And as I hobbled to your office you disinfected it, bandaged it, and tested me for rabies."

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I don't know whether that was an indictment of the Majority Leader or what, but I... I certainly appreciated your concern. And one of those evenings after a long Session, people arguing, I... I just can't understand why people argue so much on this House Floor. I'm just often shocked and appalled at what we do late at night, late in the Session. But as I recall you suggested we call an ambulance and transport me to the mental hospital. But luckily for me, the mental hospital was closed. But I was admitted to Springfield Memorial where I spent the next two (2) days. And the first visitor I had was Nurse Nancy wanting to know how I was and if I was going to be able to get home upon... upon my release. Nancy, you're a remarkable woman, you have tremendous skill at making people feel at ease, at expressing the concern that we all want when we're away from home and of giving advice without being as bossy perhaps as our spouse might be. But there is no way I can thank you for the care and comforting words and... and sometimes even just a place to hang out and hide when the Majority Leader was looking to kick me in the shins again. So, I... I thank you for all of the good and kind and wonderful things you've done. And I wish you the very best in your retirement. You're a remarkable lady. Thank you very much."

Speaker Lyons: "The Chair recognizes Representative David Miller."

Miller: "Thank you, Mr. Speaker. I just want to add into the congratulations with Nurse Nancy. I want to thank her for allowing me to perform minor dental procedures on

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individual Members here, my instruments have been... been there and she's allowed me the professional courtesy. And to treat from Representative Turner and Representative Bob Rita and I think Representative Fritchey, I've treated back there. And so once again, just congratulations. And thank you and God bless you."

Speaker Lyons: "Representative Linda Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the House. Nurse Nancy has an amazing space in my heart, my girls love her to death. And most of the kids... our children here love her because when we... when they come to Springfield, they like us but they really love Nurse Nancy. In fact, on the way out here today my youngest, Jackie, said, and Veronica, give Nurse Nancy a hug and a kiss. Nurse Nancy, I love you from the bottom of my heart. Everything you've done for all of us, I'm sure all of us have a story or two (2) to say about you. But the compassion and the love that you generate in your office, you are going to be so missed. And I'm going to be so sad to go home this week and have to tell my girls that they're not going to get another kiss and hug from you. So, you have to make sure you give us your information of where you're going, the Bahamas or Jamaica or what have you. Keep in contact with us because you are going to be so, so missed. I love you from the bottom of my heart. God bless you and keep you safe in the next years. And... and enjoy your retirement. But I'm going to miss you so much. I love you."

Speaker Lyons: "Representative Ken Dunkin."

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Dunkin: "Thank you, Mr. Speaker. I, too, would like to offer congratulations and a heartfelt goodbye to such a wonderful person. I mean, consistently sweet, nice, always have a big bowl of candy stashed in different rooms. Nurse Nancy, or Nurse Betty as I would affectionately call you, you are one of the superstars of this building, quite frankly. Always in the right spirit and the right positive mindset. So, we love you down here, obviously. Thanks for taking care of me. Thanks for allowing me to snore and take my shoes off and enjoy your great company and your hospitality. You will be missed. Thank you."

Speaker Lyons: "Representative Chapin Rose."

Rose: "Nurse Nancy, you're absolutely the best, you're so cheerful and happy. And I just wish you the... the absolute, wonderful best in the future here. So, congratulations."

Speaker Lyons: "Representative Barbara Flynn Currie to close. Leader Currie to close. Barbara. Leader Currie."

Currie: "Is this House Resolution 1620? No. Just... oh, I move for the adoption of House Resolution 1541... with the... with the inclusion of all the Members of the House added as cosponsors."

Speaker Lyons: "With the leave of the House, Representative Currie moves for the adoption unanimously of House Resolution 1541. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Nurse Nancy, once again, thank you and God love you. And thanks for all your work. Ladies and Gentlemen, I do want to announce that everybody should have received a copy of

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the 2009 schedule, the 96th General Assembly. So, these should be on everyone's desk. All Members of your staff should have this, secretaries listening in. The new Calendar is out, copies should be made for all to have a copy of this available to you to know what dates we're in Session next year. The Chair now moves for Representative Mike... Representative Fortner... Ladies and Gentlemen, Representative Fortner does have a Death Resolution to present. I'd ask all staff members to please get off the floor or reside to the back of the floor. All Members to please to be at their desks. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. First, I want to remind everybody that there's a reception for Nurse Nancy in Room 114 at 4:00 this afternoon with more toasts at 4:30. But I also have a Motion on House Resolution 1620. This Resolution is a congratulatory Resolution drafted by the State Treasurer in honor of the President-elect."

Speaker Lyons: "Representative Currie, we'll get to that. But we do have the Death Resolution, House Resolution 1599. The Chair recognizes Representative Fortner. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Resolution 1599, offered by Representative Fortner.

WHEREAS, The members of the Illinois House of Representatives are saddened to learn of the death of United States Army Staff Sergeant Kevin D. Grieco, who was killed in action in Pol-e Khomri, Afghanistan on October 27, 2008; and

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WHEREAS, Staff Sergeant Kevin Grieco was born in Frankfort, Germany on October 25, 1973; he lived the first 18 years of his life as an "Army brat", moving from base to base with his family, including stays in the United States and two tours in Germany; he later attended Waynesville High School in Waynesville, Missouri, and after graduation became the third generation of his family to join the United States Armed Forces when he enlisted in the United States Navy; and

WHEREAS, In 1997, after five years in the U.S. Navy, Staff Sergeant Kevin Grieco joined the Navy Reserve and moved to Winfield with his parents to begin his academic career; after taking classes at North Central College and joining the ROTC at Wheaton College, he earned his bachelor's degree in outdoor recreation and leadership from Aurora University in 2004; and

WHEREAS, Staff Sergeant Kevin Grieco's passion for his country spurred him to rejoin the military in June of 2006, when he joined the Illinois National Guard and was placed in the 2nd Battalion, 122nd Field Artillery; in June of 2008, his unit was federalized and brought to the active component; after two months of training at Fort Bragg, he was sent to Afghanistan to provide security for Afghani police training in and around his base in Konduz, where he served until his unfortunate passing; and

WHEREAS, Staff Sergeant Kevin Grieco was the recipient of numerous awards for his dedicated service in Afghanistan, including the Bronze Star and the Purple Heart; he was also the recipient of the Afghan Campaign Medal, the United

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Nations War on Terrorism Service Medal, the Abraham Lincoln Freedom Medal, the Army Good Conduct Medal, and the Combat Action Badge; and

WHEREAS, Staff Sergeant Kevin Grieco joined the Cub Scouts in 1982 and, within the span of seven years, achieved the honorable title of Eagle Scout; still a dedicated Scout, he volunteered as a scout leader for Troop 575 in Winfield at the age of 24; and

WHEREAS, Staff Sergeant Kevin Grieco and his beloved wife, Rashmi Chawathe Grieco, were blessed with two children, Joshua Grieco and Angeli Grieco; and

WHEREAS, Staff Sergeant Kevin Grieco's selfless acts of dedication and patriotism serve as a model to follow for the people of the State of Illinois and the nation at large; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with his family and friends, the passing of United States Army Staff Sergeant Kevin D. Grieco; and be it further

RESOLVED, That we honor the memory of Staff Sergeant Kevin Grieco and his willingness to serve our country, which led to him making the ultimate sacrifice; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Staff Sergeant Kevin Grieco as an expression of our sympathy."

Speaker Lyons: "The Chair recognizes the Gentleman from DuPage, Representative Fortner."

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Fortner: "Thank you, Speaker, Members of the House. I think Kevin's story is one of those rare and inspiring stories of a life that recognized a calling and saw a way to dedicate themselves to what they saw as that calling. As you heard, not only did Kevin sign up and serve with the Navy, but afterwards realized his calling still lay with the military and he went and joined the Illinois National Guard where he ended up giving his life in the final sacrifice. I had the opportunity to have lunch today with Kevin's parents, who are with us here in the gallery, and recognize them for the way they raised Kevin to be the kind of man that he became. It mentions how he's the third generation to be in the U.S. Armed Forces. What it doesn't say is the extent of service from both his father and his grandfather before him, both who served lengthy careers in the military. In fact, his grandfather, like Kevin, first served in the Navy and later, after a lengthy career, served in the Army. Last Thursday, Kevin was laid to rest at Arlington National Cemetery. And in a... a wonderful coincidence or gesture, it turns out that he is in the same section of Arlington as his grandfather. And I think that is a fitting way to recognize the service of Kevin as part of a distinguished family. I would ask that all the Members of the House be added to this Resolution."

Speaker Lyons: "We'll ask for a moment of silence. Thank you, Ladies and Gentlemen. All those in favor of the passage of House Resolution 1599 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is passed unanimously and

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sponsored by all Members of the House. God bless you, folks. Ladies and Gentlemen, returning to House business on the Calendar... on page 3 of the Calendar, Mr. Clerk, there's Senate Bill 934. Representative Hamos. Are there any Amendments, Mr. Clerk? What's the status of the Bill?"

Clerk Mahoney: "Senate Bill 934, a Bill for an Act concerning health is on the Order of Third Reading."

Speaker Lyons: "On request of the Sponsor, Mr. Clerk, move that Bill back to the Order of Second Reading. Are there any Motions filed, Mr. Clerk?"

Clerk Mahoney: "On Senate Bill 934, Floor Amendments 2 and 3, offered by Representative May, have both been approved for consideration."

Speaker Lyons: "Representative Karen May on the Amendment to Senate Bill 934."

May: "Yes. We have Senate... we have House Amendment 3 and House Amendment 2, which ones are approved? House Amendment 2 came out of committee. Do you have a House Amendment 3?"

Speaker Lyons: "Mr. Clerk? Both were approved... both Amendments. We'll start with Amendment #2, Representative May."

May: "Okay. Thank you. Yes. House Amendment 2 is a gut and replace to deal with trying to move this important Bill forward. First of all... Okay. Yes. I think Majority Leader's asking that we adopt both Amendments and discuss it on Third? Is that... is that possible? I move... I move the adoption of both Amendments, please."

Speaker Lyons: "The Lady moves for the adoption of Amendment #2. All those in favor signify by saying 'aye'; those

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opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. On Amendment #3, Representative May."

May: "I move the adoption of Amendment 3."

Speaker Lyons: "Representative Eddy, do you have a question on Amendment #3?"

Eddy: "Mr. Speaker, did... did she mention that she wants to go ahead and adopt these and then on 3 answer questions regarding those Amendments? Is that what..."

May: "Yes."

Eddy: "...she... she'd like to do. Did I hear that? Okay. Thank you."

Speaker Lyons: "Representative May has moved for the adoption of Amendment #3. All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #3 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments have been approved for consideration. No Motions filed."

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

Clerk Mahoney: "Senate Bill 934, a Bill for an Act concerning health. Third Reading of this Senate Bill."

Speaker Lyons: "Chair recog... Chair recognizes the Lady from Cook, Representative Karen May."

May: "Yes, thank you, Mr. Speaker. This is a very important issue that I am pleased and honored to try to move forward to help what so many people have worked on. First of all, I want to thank the Speaker for allowing us to try to move this important Bill, which is very much the same as Senate

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Bill 1900. I certainly need to give credit to Representative Julie Hamos for the... for allowing it to be placed on Senate Bill 934. And most of all, Representative Saviano, who has worked so hard on this important Bill and in fact, it had ninety-four (94) Sponsors. This is very similar to Senate Bill 1900, except that it has changed the rulemaking language. And I appreciate the Speaker allowing some compromise there to try to get this solved. We also need to thank people like Patti Bellock and Kathy Ryg and Brosnahan and Representative Fritchey who have worked so hard on it. As I say, I think you know the concept. It's providing insurance coverage for children up to age 21 who have autism spectrum disorder. I'll be happy to answer any questions."

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

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, besides the language in Senate Bill 1900 regarding the autism provisions, our analysis also indicates that this has a new rulemaking provision."

May: "That is correct."

Eddy: "Okay. And... and..."

May: "That is the major difference. There are a couple of minor differences, but that is the major difference..."

Eddy: "Okay."

May: "...in an effort for a compromise to move this forward."

Eddy: "Well, with your indulgence and the indulgence of the Chair, I want to make sure the Body understands what the

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new rulemaking language is and how that might differ from what we... we come to refer to as the Speaker's rulemaking language. Can... can you tell us what the new rulemaking language states, specifically?"

May: "Yes. It says that we make the rules in accordance with the Administrative Procedures Act, which is what this Body has operated under for many years."

Eddy: "So, the language that we got used to last year stated that any changes had to come back to the General Assembly. Is that the... the substantive difference here?"

May: "Yes, that's my understanding."

Eddy: "I... I guess my question then is, the comfort level of adding to legislation simply the statement that any rules would be sole... solely up to JCAR for rules and procedures. That's not different than what we've always felt was supposed to be done. Is this meant to codify the procedure by writing it into these Bills?"

May: "I think it's meant to clarify. I'm going to try to move this Bill forward. It's as simple as that."

Eddy: "Okay. So... so, the idea is that if... if you're supporting Senate Bill 1900, which many people did, most people did obviously, all you're saying here by agreeing to this Amendment is that you're comfortable with the addition of this language to control what might happen to this Bill, so that JCAR and what had come to be known and expected of that procedure would be followed?"

May: "I believe that that's very correct. As I say, it's... it's a compromise. It's a way to move this important concept forward."

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Eddy: "Are... are there any concerns? Have you received any concerns regarding this new rulemaking language?"

May: "No. None have come to my attention. And quite frankly, I mentioned, you know, the excellent work done by Representative Saviano. And you will notice... well, yes, he is there, as a Sponsor. He is supporting this as a way to move it forward, the important concept that he worked on."

Eddy: "Okay. I... I just want to make sure two (2) things. First, everybody understands that substantively you're doing what has already been done. And secondly, that we are changing here or at least adding language that is a change from what we've come to expect in the last year regarding the whole issue related to rulemaking. I appreciate that fact you took the time to explain that. And I... I do get it. I think the fact that it doesn't have to come back here. And the expectation is and your intent is, that when... when these Bills pass, JCAR's rulemaking process is... is going to be adhered to."

May: "Yes."

Eddy: "Okay. Thank you."

Speaker Lyons: "Chair recognizes the Lady from DuPage, Representative Patti Bellock."

Bellock: "Thank you very much, Mr. Speaker. To the Bill. This is a Bill that we had before us a year ago and I think it was almost unanimous or was unanimous when it was Senate Bill 1900. Last time it came back to us there was a lot of confusion in the Bill with the Amendatory Veto. This is another chance for us to show that thousands of families in Illinois, there was eighteen thousand (18,000) families

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this year that went to the Walk-A-Thon for Autism. One out of every one hundred fifty (150) children in America now suffers from this. The average person, father or mother, spends twenty to thirty thousand dollars (\$20,000 to \$30,000) a year in services for their children just to be able to acknowledge them or say a few words. I hope that this Bill passes today. And that we can all support it to support those eighteen thousand (18,000) families that were out there walking last spring hoping that this Bill would pass. Thank you."

Speaker Lyons: "Representative Julie Hamos."

Hamos: "Thank you. Ladies and Gentlemen, in response to the questioning before, I think this rulemaking provision is actually very different than what we've come to expect all spring. And I think a welcome sign that maybe we can move some Bills forward that had not been able to be moved forward. Actually, I think the answer to the question from before is more about the fact that we had stripped the Governor of any rulemaking authority. This actually validates that we have rulemaking authority, but it has to be in compliance with the American... with the... with the Administrative Procedures Act. So, I do see these actually as very different. And I think, again, a welcome sign that we can move more Bills this spring. To the... to the Bill itself, Ladies and Gentlemen, as the previous speakers have already indicated, this is an incredibly important Bill that thousands of families are looking to us to enact. We only hope that the Senate will move expeditiously so we can really get it done. I think it's a welcome day when we can

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work with the insurance industry, quite honestly, and ask them to really support the kinds of the family therapies and children therapies that we believe that they're coverages should already apply to. So, please vote 'yes' on a very important Bill. And I do commend Representative May for moving this forward and really getting it before us today. Thank you."

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

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

Speaker Lyons: "Sponsor yields."

Brady: "Representative, a quick question for you. I'm not sure I'm clarified on this. Under the diagnosis of autism, will... will this include the entire spectrum of autism? In other words, Asperger's? Will it... will it be specifically limited to what the definition is, medical definition is of autism? Or what type of the spectrum would also be covered or not covered?"

May: "Yes. The definition in... in the Bill provides for the entire spectrum."

Brady: "Okay. So, you're saying then that Asperger's, which is part of that spectrum, would be covered?"

May: "Yes. That's part of..."

Brady: "Correct?"

May: "...the definition, yes."

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

Speaker Lyons: "Representative May to close."

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May: "Yes. Thank you... thank you so much to Representative Bellock and Hamos for speaking in favor of this. And Representative Bellock, I know you're added as the top Sponsor. Representative Hamos, Representative Ryg, especially Representative Saviano and Representative Bellock and so many people have worked on this. It was just my idea to take... approach the Speaker and try to solve the impasse. So, I thank him also for moving this forward. It is so important for the children who have autism and the families in... in our state. And I really appreciate your support."

Speaker Lyons: "Ladies and Gentlemen, this Bill will require 71 votes. The question is, 'Should Senate Bill 39... 934 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 Collins. Representative Jefferies. Mr. Clerk, take the record. On this Bill, there are 109 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Supermajority, is hereby declared passed. Mr. Clerk, on page 3 of the Calendar, Representative Gary Hannig has Senate Bill 1511. Read the Bill, Mr. Clerk. Mr. Clerk, on request of the Sponsor, move that Bill back to the Order of Second Reading. Are there any Motions filed, Mr. Clerk?"

Clerk Mahoney: "On Senate Bill 1511, Floor Amendment #3, offered by Representative Hannig, has been approved for consideration."

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Speaker Lyons: "Gentleman from Montgomery on Floor Amendment #3, Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker, Members of the House. This was recently approved by the Executive Committee. And I'd just ask that we adopt the Amendment at this time and then debate the Bill on Third Reading."

Speaker Lyons: "Motion to adopt House Resolution... House Amendment... Floor Amendment #3. All those in favor signify by voting 'yes'; those opposed vote 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "Senate Bill 1511, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

Speaker Lyons: "Gentleman from Montgomery, Representative Gary Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. The Clean Coal Technology Bond Fund is essentially out of any additional bonding authority. And so, what this Bill would do would increase that bonding authority... would increase that bonding authority for clean coal projects by thirty five million dollars (\$35,000,000). It would also clarify that a proposal for the Tenaska plant that's in my district, it would clarify that that is a project that would qualify to compete for the thirty-five million dollars (\$35,000,000). In fact, Tenaska would only need seventeen million (17,000,000) if it were approved or eighteen (18,000,000) if it were approved of, but clearly,

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there would be other projects that would come forward that would have a need as well. And it would give the Clean Coal Board an opportunity to review those projects and to... and to make some awards. So, that's what this would do. Clean coal, I think, is the future for downstate Illinois. We need some help though, sometimes in moving forward with projects. And... and I think this will be a helpful step forward for us in my part of the state. I'd ask for your 'yes' vote."

Speaker Lyons: "Chair recognizes the Lady from Cook, Representative Rosemary Mulligan."

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

Speaker Lyons: "Sponsor yields. Rosemary, before you ask questions. Ladies and Gentlemen, can we please keep the level of noise down. We have debate on a very serious Bill for Mr. Hannig. Representative Mulligan."

Mulligan: "Representative Hannig, in one part it says the bonding authority will be thirty-five million (35,000,000), the authorization and it's going to come out of another authority to a different group for this study. And then in another part of our analysis says the study is expected to cost seventeen million (17,000,000). What is the study actually expected to cost?"

Hannig: "It's expected to cost seventeen million (17,000,000), Representative."

Mulligan: "And then what will happen with the remainder of the thirty five million (35,000,000)?"

Hannig: "Well, Representative, I... I don't know that... I don't know that we can say that this bonding authority

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automatically gives Tenaska the seventeen million dollars (\$17,000,000). This simply allows the State of Illinois to sell bonds for the purposes of promoting Illinois coal. We still have to do an appropriation Bill on the other side of this, that Bill would have to come from the Senate, 'cause we're out of Bills in the House... approp Bills. And so, this would be a part of it. But clearly, whether Tenaska is approved or not approved there's room, even if they are approved, to do other clean coal projects around the State of Illinois under this proposal."

Mulligan: "All right. Our analysis also says, and I'm trying to remember this from a couple of months ago but it says that it eliminates the use of thirty-five million (35,000,000) in coal development bonds for a grant to Dynegy for the use at the Baldwin facility."

Hannig: "I think that's the original language, Representative, that was... that was in the Bill."

Mulligan: "So, this is totally different?"

Hannig: "Well, Representative, it's my understanding that that language was originally in the Bill. At one time we were going to strike it as archaic language because it was put in, I think, 1990. But Dynegy advised us that perhaps they'd... they'd reconsider at some point. And so, we didn't want to take away that option. And so, it's... it's back in the Bill."

Mulligan: "So, where is the thirty-five million (35,000,000) in bond authority coming from?"

Hannig: "Where would it come from?"

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Mulligan: "What program or how do you get it? You're just authorizing thirty-five million (35,000,000) in bond..."

Hannig: "We would authorize the thirty-five million dollars (\$35,000,000), I think... I believe that those bonds are paid... I believe that they're paid off by the sales tax on coal."

Mulligan: "But there's no source of how you're going to repay the bonds?"

Hannig: "Sales tax on coal. So, when... when coal is sold, there's a sales tax that assessed just like any other commodity. And that money goes into this dedicated fund for the purposes of paying back... to making the debt service payment."

Mulligan: "So, this only happens if the study proves that it's a worthwhile project or..."

Hannig: "Well, Representative, in this step we would authorize the thirty-five million (35,000,000). Then you have a board that actually looks at projects and make determinations. So, they would have the authority... and I think Representative Eddy and Representative Bost, who I... I put on this Bill it doesn't show it on the board, but they're cosponsors of the Bill with me. They have an opportunity to review these projects as well and have a final say."

Mulligan: "I don't have a problem in good times of doing things that benefit the whole state. Generally, in an area of the state that's very depressed and in an area where I think there is room both nationally and statewide to come back with some kind of clean coal technology. My only concern

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is where the state is now and the best use of funds, particularly for a lot of people that are going to be out of work. So, I would just be interested in seeing how... how this would move forward in a time when our economy is so bad."

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

Franks: "Thank you, Mr. Speaker. Inquiry of the Chair?"

Speaker Lyons: "State your inquiry."

Franks: "Have... have we... are we on Amendment #3, which has been adopted? And is it my understanding that Amendment #2 was never out of Rules?"

Speaker Lyons: "Representative, I believe... Representative Hannig, we adopted Amendment #2, or no, #3."

Hannig: "Three."

Speaker Lyons: "Oh, #3. We amended it"

Hannig: "I don't know what the status of 2 was. The Clerk might advise us. Mr. Clerk?"

Speaker Lyons: "Clerk... Mr. Clerk, verification."

Clerk Mahoney: "Floor Amendment #2 remains in the House Rules Committee."

Franks: "Thank you. If the Sponsor will yield, I'd like to ask him a few questions."

Speaker Lyons: "Sponsor yields."

Franks: "Representative, I'm reading the analysis as well as the synopsis. And what I'm understanding is the Bill, this allows an additional thirty-five million dollars (\$35,000,000) in general obligation bonds to be issued."

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Hannig: "Un... under the coal and energy development portion of the Act."

Franks: "Correct."

Hannig: "The clean coal part."

Franks: "And it would allow a company, Tenaska Energy, to obtain those moneys if in fact they did an upfront, site specific front end engineering and design study, which could costs tens of millions of dollars, correct?"

Hannig: "That's correct. We... we've said that Tenaska will come to us with a detailed study before we would go... before we in the Legislature would authorize them to go forward with the project. Part of what this will do is allow them and others to come to the State of Illinois and talk in terms of trying to get money. In other words, to compete for clean coal money for the project. This... this actually authorizes the bonds."

Franks: "Is Tenaska a publically traded corporation?"

Hannig: "I think they're privately held, Representative, but I'm not certain."

Franks: "Okay. Because this... we're talking about a lot of money. We're talking about a thirty-five million dollar (\$35,000,000) bond that we'd be giving to help them build this new facility. Correct?"

Hannig: "Right. And... and so... so part of this whole bonding authority is... this clean coal portion... is to try to help cutting edge technologies actually show that they are feasible in the State of Illinois for the purposes of encouraging other... other entities, governmental or private, to use the technology. So, we would make grants, for

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example, to an energy company, perhaps Excelon or... or some other company, could be any of them. If they had a cutting edge technology, for example, in the area of a scrubber. They would come to the State of Illinois, we have this board where all the caucuses are represented, they would make their presentation, the staff would analyze all the presentations and in the end, they would... they would make some awards. And that's typically how this money works."

Franks: "But this is not proven technology?"

Hannig: "Usually none of it is, Representative. I mean, of the thirty-five million (35,000,000) it will all go to new technology."

Franks: "I understand. But I'm looking at the synopsis as introduced, and I don't know if your Amendment changed it. But it said that the contractor has to be a small business enterprise. Why would we limit it to a small business enterprise when we're talking about cutting edge technologies where sometimes they come from the big, established corporations of the world?"

Hannig: "Well, Representative, I... I don't know maybe it's on... I'm not sure which... which language you're looking at."

Franks: "If you look on the analysis that we have, the..."

Hannig: "I'm... I'm just looking at the Bill. And basically, we changed some numbers, as I spoke, thirty-five million (35,000,000)."

Franks: "Well, I..."

Hannig: "And we... and we..."

Franks: "...look at the surety bond issue. And that's... that's what my real question goes to. Because what I think that

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this Bill does is it waives the requirement of a surety bond for a public construction contract on... with two (2) caveats; if the contractor is a small business enterprise and the otherwise required bond amount plus other surety bond amounts are waived by the board. So, my question is, is that still part of your Bill under the House Amendment #3 and if we're waiving a surety bond, are we having personal guarantees?"

Hannig: "Representative, what the bond... what the Bill does... and... and these are the changes. And I've actually got the language of the Bill, is on the first page on 12 it changes a number. In other words, it increases the bond authorization in the general obligation area. Then it goes down on page 2 and... and... and says the same thing in the coal and energy development area. So, there we're just changing numbers. We're increasing by thirty-five million (35,000,000). And it includes then... it says, thirty-five million (35,000,000) is for the purposes of a facility cost report prepared pursuant to the Illinois Power Act. And it also says that... and for the purposes of facility or cost reports prepared pursuant to this Section of the Illinois Power Act. There it's simply trying to say that Tenaska can compete, that it wants to clarify that Tenaska is an eligible project to compete for this money. But that's... that's all that it does. I don't know that it changes anything else. So, all I was trying to do is say that we would increase the bonding authority by thirty-five million (35,000,000) to try to promote Illinois coal. And truthfully, to make sure that Tenaska could compete for

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that money. That's all that this Bill does that I'm aware of."

Franks: "Okay. I was looking at the underlying Bill in the synopsis. And I understand that that's now been taken out and House Amendment #3 becomes the Bill."

Hannig: "That's correct."

Franks: "Okay. That's... that's what I was trying to find out. 'Cause my concern was with the way it was written, it did not look like the state was being protected. But that's been taken care of and that's what I needed to know. Thank you."

Hannig: "Thank you."

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

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, I... I think there's a little bit of confusion only because the original legislation that kind of went through in two (2) different Bills really had some of the concerns that are being brought up. But this, really, is a simple Bill that just changes the cap on the amount of bonding authority for the clean coal energy section. And... and some of those concerns I think you took care of and I've got to say, I had some of those original concerns, you worked with us and others to pass a... a Bill that everyone could support. And now this Bill simply allows Tenaska or anyone else to compete for the additional bonding authority. Correct?"

Hannig: "That... that's correct."

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Eddy: "And... and really, I think what we're supporting here is the idea that in Illinois... in... in this state where we have a terrific opportunity to development clean coal technology and put people to work and... and increase that industry, we don't have the bonding authority right now for anyone to be able to apply in order to... to forward that... that job producing opportunity that we have. And... and I think it's that simple. I support the Bill because you worked so hard to make sure that those concerns were addressed. And it's a simple deal here. It... it's just a increase in that authority. I think if you look at the language of the Bill, the very final line says the reports must be pursuant to the Illinois Power Agency Act. There's nothing here that would give anyone any real leg up or any other concerns. It's just the bonding increase. I hope colleagues here in the House you will support this. This is important to not only southern Illinois, but clean coal technology and really, the economy of Illinois, which can be tremendously assisted by the development of these types of technologies. And... and those of you that are interested in the environment, this money will go to help us produce clean power in this state. So, again, I hope everybody supports this. And Representative Hannig, I want to... want to thank you for working through this issue with what amounted to three (3) different attempts and three (3) different Bills to satisfy everyone and their concerns. I vote... I would urge an 'aye' vote."

Speaker Lyons: "The Gentleman from Macon, Representative Bob Flider."

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Flider: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Flider: "Yes, Representative Hannig, I didn't get a chance to hear your earlier explanation of the legislation, it's kind of loud in here and everything. But is this specifically for the Tenaska project? Are there any other purposes that this would... these funds would be used for?"

Hannig: "Representative, it basically does two (2) things. One, it increases the bonding authority that's available for the Clean Coal Board to make awards in the State of Illinois for projects that they feel are competitive and... and can be helpful to Illinois coal. And secondly, it clarifies that the Tenaska project that's in my district and near yours can qualify to compete for that money. It... and that's all it does."

Flider: "Well, that's... actually that's reassuring. That's even better news than I thought, because I know that there's a facility in Decatur, Illinois, the Secure Energy Plant that is awaiting funding from the coal development fund. And it very likely is that this could be a source for helping that project move forward as well. And I would just want to point out that... and I think the previous speaker did so very eloquently. You know this... this project, Tenaska and the others that are being... in which we are looking at developing programs to use Illinois coal cleanly in an environmentally acceptable manner are vitally important for our future. You know, we at the national level are hearing all kinds of things about renewable resources. We, as a state, are going to be implementing programs to generate

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electricity through renewable resources. But Ladies and Gentlemen, let me tell you, nobody's building power plants right now. Nobody is building electric generation because utilities aren't doing it, they're unregulated. The unregulated generating companies aren't building power plants. So, if we do not find a way to give Illinois coal a leg up, we're going to find ourselves in a world of economic hurt in the future when our economy rebounds when manufacturers are going to want to locate to Illinois and we don't have the power. So, we're going to need not only a lot of power for our future, but we're going to need it to be using... we're going to need to be using Illinois coal to do that. It just makes sense. We have an incredible number of BTUs in the ground in Illinois. And this is a step forward and if we do not continue to move forward on legislation like this, nobody's going to be building power plants. We need these demonstration projects. And we just have to continue to move forward. I want to thank you for your continuing efforts. And not only that, but for the jobs that these projects will create."

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

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair?"

Speaker Lyons: "State your inquiry."

Black: "Thank you. Since this increases the state bond debt, does this require 71 votes?"

Speaker Lyons: "Yes, Sir."

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

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Speaker Lyons: "Sponsor yields."

Black: "Representative, how many millions of dollars exist in the coal bond account that have not been utilized?"

Hannig: "Representative, I... I'm advised that we needed to raise this cap because what... because there is no money in the account or..."

Black: "All right. I just..."

Hannig: "...or not enough to do very much."

Black: "I just checked again with our staff and they say there's four hundred and eighty-eight million dollars (\$488,000,000) of existing coal bond authorization. If we have four hundred and eighty-eight million dollars (\$488,000,000) in existing coal bond authorization, why are we authorizing another thirty-five million (35,000,000)?"

Hannig: "Well, Representative, it... all I can tell you is that the... the people who make these awards advised me that they have... they have no bonding authority left. So, it could be that they've already... that they've already obligated some of these dollars to projects that are not yet coming to the construction phase. So, in other words, they may have made a commitment to a big project. I don't know, I don't sit on that board. I'm only speculating. But they very well could have made a commitment to a big project and they simply haven't written a check yet. And... and... but they want to make sure that there... that they have the money when they get to that point. And so, that could be one reason."

Black: "I... I would think and it would seem to me only to be common sense that if a member of your staff or our staff asked the agency how much bond authorization they have that

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if they had obligated a hundred million (100,000,000) or all four hundred and eighty-eight million (488,000,000) they would've said so. But they told..."

Hannig: "Well, Representative..."

Black: "...our staff they had four hundred and eighty-eight million dollars (\$488,000,000) in available coal bond authorization."

Hannig: "So, all I can tell you is that when the Tenaska people approached the Governor's Office and said that they would like to fill out an application and compete, they were told there's no money left. Representative Reitz, who sits on the board, along with I think, Representative Eddy and Bost, on your side of the aisle, he advised me that all the money is obligated to existing projects. I don't sit on the board and so all I can tell you is what I've been advised."

Black: "Could you make or have someone get us a list of what in fact has been authorized and what... what existing bond authorization may exist?"

Hannig: "I... we... we don't have it right now, but I'm certain we can get you a list, Representative."

Black: "Well, I... I would think that that would be the first thing this entity would have done, is to let us know without equivocation how many bond dollars they have in fact obligated and how many dollars are left unobligated. You know, I... well, let... let me move on. How do we retire a coal bond? What's the revenue stream to retire a coal bond?"

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Hannig: "I'm advised that when coal is hoisted and sold that sales tax is collected and that the... some of the sales tax is used to pay that off."

Black: "Exactly. Can you give me the last three-year figures? That sales tax revenue on that coal mined in Illinois, has it gone up, has it stayed static or has it gone down?"

Hannig: "I... I don't know, Representative. I... I would suspect that it probably hasn't gone up. Although, I can tell you that it seems that we're starting to see a resurgence of... of coal in our... in our areas. I know there's a coal mine that's... that's getting a... seeking a permit in my district. But I... I don't know the answer."

Black: "Let me ask you a question about the original Bill, Senate Bill 1987. Passed the House after considerable debate, it's my understanding it still hasn't passed the Senate. Correct?"

Hannig: "It seems the Senate is preoccupied with some issues that don't concern us so much, but..."

Black: "Well, I..."

Hannig: "...they haven't done a lot of business lately."

Black: "...I hope all they get in the Christmas stocking is coal then."

Hannig: "Well, Representative..."

Black: "Obviously, we need the sales tax revenue."

Hannig: "I... I think the whole purpose of the proposal is that if we can... if we can promote Illinois coal, we sell more Illinois coal, we collect more Illinois sales tax from that coal. So, it's a way that we can use the industry to promote itself. And I think Governor Ryan actually created

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this part of the statute, perhaps... maybe he only amended it, but clearly it's an effort to try to move Illinois coal forward. And I... you know, I think that this is an opportunity for us in a region of the state where coal has some potential, where they are starting again to look at coal mines to try to... to try to promote this... this resource."

Black: "Well, Representative, as always I... I appreciate your forthright answers. Mr. Speaker, to the Bill. Ladies and Gentlemen, I... I represent a district that probably has as much known coal reserves as any area in the state and I'm not anticoal. I wish we could convince some of our colleagues in Washington how important the use of American coal could be, but they continue to put restrictions. Let me just remind you what we're into here. I have an electric generating plant in my district that was burning coal mined in Vermilion County. Because of increasing federal regulations the local coal mine no longer can serve their needs, so they import coal from Wyoming. So much for Illinois coal. Ladies and Gentlemen, I have every school district in my legislative district calling me every day that they have not received one penny of reimbursement money for their school transportation costs since school started. Some districts will not be able to run their school buses after the first of the year if this money isn't forthcoming. Now, I know these are different accounts. And I'm not saying if this doesn't pass, we will magically be able to pay some of our bills. But there... you're asking me to vote on a Bill that has more questions

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than answers. Our staff says there are ample dollars, four hundred million dollars (\$400,000,000) in unauthorized coal bonds. And yet, we want to increase the amount by thirty-five million dollars (\$35,000,000). Another speaker said, we'll we're not building any electric generating plants. Well, why would we? Why would the private sector risk any of their capital if they can come to the State of Illinois and get thirty-five million dollars (\$35,000,000) to build or to do a cost study that they told us a year ago would only cost eighteen million dollars (\$18,000,000)? And then the study is only going to tell us how much they will have to sell electricity for to build or pay out the cost of building this clean coal technology plant. So, my guess is if the per kilowatt cost is above market rate the plant will never be built. So, what did we spend thirty-five million dollars (\$35,000,000) on? These are difficult times, there are too many questions. And it's not the fault of the Sponsor, I blame the board that is in charge of these bonds. Where are... where's the information? How much money have you obligated? Where has it been obligated? What is it for? How are you doing on repaying those bonds from the sales tax? What's the history of the sales tax revenue per ton of Illinois coal? Too much information that we don't have. And until I get that information and until we can work our way out of the current fiscal crisis, I can't in good conscience vote for this Bill at this time, even though I represent a district that is heavily involved in coal mining. At the turn of the century, I had ten thousand (10,000) coal mining jobs.

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But this... you're asking me to vote for something where even the Sponsor, who I have the upmost respect for, cannot answer come fundamental questions. I'm through in this fiscal crisis. I'm not going to vote on Bills where there are too many unanswered questions. I urge a 'no' vote."

Speaker Lyons: "The Gentleman from Cook, Representative Jim Durkin."

Durkin: "Thank you, Mr. Speaker. To the Bill. You know, I think everybody in here supports the whole concept of clean coal and finding new energy solutions. It was clearly evident over this last election cycle, but the more and more I look at this... and you know, about issuing thirty-five million dollars (\$35,000,000) in bonds for basically what comes out to a feasibility study, a study for a group to decide whether or not it's within their best financial interest to come to the State of Illinois, I'm having a hard time getting my arms around it. And when the Bill basically was written for Tenaska company, I understand that, but if you just go to their annual report on their Web site, Tenaska last year makes reference to the fact that their gross revenues for 2007 were \$11.6 billion (\$11,600,000,000). And also, during that year they increased their assets by \$2.9 billion (\$2,900,000,000). And I'm just not ready to vote on a Bill to give them thirty-five million dollars (\$35,000,000) or put thirty-five million dollars (\$35,000,000) in bonding authority towards them for a feasibility study. Maybe we can help them at some point if they want to come here with more incentives. But I think just for purposes of this study, I

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think it's the wrong place for the state. And I encourage a 'no' vote."

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

Reitz: "Sorry about that. Thank you, Mr. Speaker. I'd appreciate an 'aye' vote on this. I've spoken with the director of the Coal Development Department, he's talking with the Republican staff right now. All of the GO Bonds under this section are obligated. This will expand that and allow us to hopefully put more clean coal technology in Illinois. There are only three (3) plants in the United States that are using gasification right now. They're currently building about thirty (30) in China. And this will allow us to start a new technology up, will allow us to use the findings from this study for the Tenaska project to open up hopefully more gasification projects. We'll get very close to clean coal, which is a misnomer in some people's eyes. But I think this is a... a great Bill. It's a good step in the right direction. So, I'd appreciate an 'aye' vote."

Speaker Lyons: "Representative Gary Hannig to close."

Hannig: "Well, thank you, Mr. Speaker and Members of the House. It seems as if we wish... if we really wish to try to solve the economic problems that we face here in Illinois, we would all agree, I think, that we have to find ways to create more jobs, and good paying jobs. And I have to tell you that as someone who represents a coal mining area that coal jobs are good paying jobs, that coal mines will employ two or three hundred (200 or 300) people on an

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annual basis and give them benefits and... and give them health care. And they will provide... so that they can provide for a family. And that they can pay taxes to the State of Illinois. So, it just seems to me that we have this program in place, it's been in place for a period of time. From time to time we come back to this Assembly, we ask for additional authorization so that we can continue to make investments in cutting edge technologies here in the State of Illinois, so that we can try to put Illinois coal miners back to work, so that we can create new jobs. This is a jobs Bill. It's been a successful program in the past, we need to continue to make it move forward. And we have all this money as obligated and we simply need to raise the authorization. So, this is a bipartisan effort to help the coal mining industry in Illinois find ways to burn clean coal, create jobs, in a way that doesn't hurt the environment. I'd ask for your 'yes' vote."

Speaker Lyons: "Ladies and Gentlemen, as a reminder, this Bill will require 71 votes. The question is, 'Should Senate Bill 1511 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 107 Members voting 'yes', 3 Members voting 'no'. This Bill, having received the Supermajority, is hereby declared passed. Mr. Clerk, what's the status of Senate Bill 2322?"

Clerk Mahoney: "Senate Bill 2322 is on the Order of Senate Bills-Third Reading."

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Speaker Lyons: "Move that Bill back to the Order of Second Reading. Are there any Motions, Mr. Clerk?"

Clerk Mahoney: "On Senate Bill 2322, Floor Amendment #1, offered by Representative Berrios, has been approved for consideration."

Speaker Lyons: "Representative Berrios on Floor Amendment #1."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2322, the Amendment, what it does is helps an establishment that is in my district. They are over a hundred (100) feet away from a location, door-to-door, but they haven't gotten the approval for their liquor license. And we're trying to help them out."

Speaker Lyons: "You've heard the Lady's Motion. Representative Moffitt on the Amendment or do you want to wait to debate it on the... on the floor? Thank you, Representative. All those in favor of the adoption signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "Senate Bill 2322, a Bill for an Act concerning liquor. Third Reading of this Senate Bill."

Speaker Lyons: "The Lady from Cook, Representative Toni Berrios."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Again, this Bill is helping an establishment in my district that's a restaurant that would like a liquor license. The actual location previously had a liquor

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license, but the new owner doesn't have it yet. And I'd like your support on it."

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

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

Speaker Lyons: "Sponsor yields."

Moffitt: "Representative, just a question. On issues like this, frequently, the Illinois Church Action Council I think is opposed. I do not see that they're listed.. they are? My question was whether or not they were an opponent?"

Berrios: "They probably are. They did not put in a slip today in committee."

Moffitt: "Thank you."

Speaker Lyons: "Representative Berrios to close."

Berrios: "I'd ask for your support. Thank you."

Speaker Lyons: "Ladies and Gentlemen, this Bill will also require 71 votes or a Supermajority for passage. So, the question is, 'Should Senate Bill 2322 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? Have all voted who wish? Representative Berrios?"

Berrios: "Take it out of the record. Postponed Consideration."

Speaker Lyons: "Out of the record.. we'll put that Bill.. Mr. Clerk, we'll put this Bill on Postponed Consideration. Representative Yarbrough, for what purpose do you seek recognition?"

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Yarbrough: "Purposes of an announcement, Mr. Speaker. The Appropriations-Public Safety Committee hearing is canceled for tomorrow."

Speaker Lyons: "Thank you, Representative. Representative Bob Molaro, you have Senate Bill 2452. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 2452, a Bill for an Act concerning criminal law has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Molaro, has been approved for consideration."

Speaker Lyons: "Is Representative Molaro in the chamber? Out of the record. Representative Dan Reitz, you have Senate Bill 2562 on page 4 of the Calendar. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 2562, a Bill for an Act concerning wildlife has been read a second time, previously. Floor Amendments 2 and 3 have both been approved for consideration."

Speaker Lyons: "Representative Reitz on Floor Amendment #2."

Reitz: "Table Floor Amendment #2, please."

Speaker Lyons: "Representative, you... you care to withdraw Amendment #2?"

Reitz: "Please... sorry."

Speaker Lyons: "Withdraw Amendment #2, Mr. Clerk. Is there any other Motions?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Reitz, has been approved for consideration."

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Speaker Lyons: "Representative Reitz on Amendment #3... on Amendment #3... Floor Amendment #3."

Reitz: "Thank you, Mr. Speaker. Floor Amendment #3 becomes the Bill. This is from last year, an agreement we had with all the outdoor organizations and with the Department of Natural Resources and the administration trying to save the pheasant hunting program. This will raise the current fee from fifteen dollars (\$15) to twenty-five dollars (\$25) for residents of Illinois to hunt pheasants per day. And will raise it to thirty-five dollars (\$35) for out-of-state residents. And I'd be happy to answer any questions... or I will on Third."

Speaker Lyons: "Discussion on Amendment #3? All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #3 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "Senate Bill 2562, a Bill for an Act concerning wildlife. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Dan Reitz."

Reitz: "Thank you, Mr. Speaker. As I said earlier, this will raise the... the fee for pheasant hunting from fifteen (\$15) to twenty-five dollars (\$25) and then an extra ten dollars (\$10) for out-of-state residents. This will allow us to generate even more money and make the pheasant hunting program within the Department of Natural Resources even more... well, it'll help pay for itself. So, I'd appreciate an 'aye' vote."

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

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

Speaker Lyons: "Sponsor yields."

Black: "Representative, let's just make this as simple as we can. Before everybody starts talking about a fee increase, oh, oh my goodness a fee increase. As I understand it, it's either this Bill as amended or no pheasant hunting on public lands as we have known it for the last forty years, correct?"

Reitz: "That's correct."

Black: "Without the fee increase the state will be out of the pheasant-raising business, pheasant hunting on public lands as it currently exists will no longer exist?"

Reitz: "That's correct."

Black: "If you don't want to pheasant hunt and you think the fee is too high, then you vote 'no'. If on the other hand you're like me or like the Sponsor and I don't go hunting anymore that often, but I... and I've talked to people in my district at the coffee shops. If you want to hunt on public land where the state, at taxpayer expense, out of Pittman-Robinson funds, taxes paid primarily by sportsmen, not GRF, if you want to pay the fee to keep the... keep the state in the pheasant-rearing business and allow hunting on public land, then you have to vote for this Bill. I intend to vote 'aye'."

Speaker Lyons: "Representative Reitz to close."

Reitz: "Thank you. I appreciate the comments. As Representative Black said this is... this will allow us to

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keep the pheasant hunting program. Will actually keep the fees down if we don't have pheasant hunting on state grounds, the public or the private grounds will go up. This is another case where hunters are stepping up to the plate and paying their way. All of the sporting groups are... have agreed to this. So, I'd appreciate an 'aye' vote."

Speaker Lyons: "Ladies and Gentlemen, again, this Bill will require 71 votes or a Supermajority for passage. Therefore, on Senate Bill 2562 all those in favor of its passage 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... Mr. Clerk... Representative Bellock, Feigenholtz, Sommer, you want to vote? Mr. Clerk, take the record. On this Bill, there are 94 Members voting 'yes', 13 voting 'no', 1 voting 'present'. This Bill, having received the Supermajority, is hereby declared passed. Representative Gary Hannig, you have Senate Bill... on the Order of Senate Bills-Second Reading, Senate Bill 2824. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 2824, a Bill for an Act concerning local government has been read a second time, previously. No Committee Amendments. Floor Amendments 1 and 2, offered by Representative Hannig, have both been approved for consideration."

Speaker Lyons: "Representative Hannig, on Floor Amendment #1."

Hannig: "Okay. So, we need to withdraw Amendment #1."

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Speaker Lyons: "Motion to withdraw Amendment #1. Mr. Clerk, further Amendments?"

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

Speaker Lyons: "Representative Hannig, on Amendment #2."

Hannig: "Yeah. This is the underlying Amendment that was approved by the Exec Committee. I'd ask that we adopt it and then debate it on Third Reading."

Speaker Lyons: "Okay. Is there any discussion? Seeing none, the question is, 'Should Amendment #2 be adopted?' All those in favor signify by voting... saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's been adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "Senate Bill 2824, a Bill for an Act concerning local government."

Speaker Lyons: "Representative Gary Hannig."

Clerk Mahoney: "Third Reading of this Senate Bill."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. As amended this applies to only one school district in the State of Illinois. And I'll try to briefly explain what it does. Under the... under existing law when a... well, let me even start a little bit before that. We had a school district in... in my legislative district that annexed a smaller area, the Pana School District, a larger school, picked up Tower Hill, a smaller school. One of the things that the Pana School District promised the Tower Hill

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people was that they wouldn't raise their property taxes based on anything that had happened before the consolidation. That only things that happen after the consolidation would be considered, and that Tower Hill could keep the lower rate. So, time goes by there's a consolidation takes place or an annexation. Pana now sees an opportunity to refinance some of their bonds, but the bond council advises them that under the existing law it's okay for them to buy back those old bonds that are on the market and to turn around and sell an equal amount of new bonds at a lower interest rate. But the problem is, that they spread that cost now not just to the people from the old Pana School District, but now they would spread those costs over the entire school district. The school board in the Pana District felt and I think this is a correct interpretation, that that violated their agreement that... that they had given to the people of Tower Hill and would require them to pay a higher property taxes for bonds that were issued before the annexation. So, this Bill simply says that yes they can do those things that make economic sense. They can... they can retire the bonds that are existing, they can issue new bonds under the same guidelines that we always have. They can't be for a longer period of time that were... than... than was outstanding on the old bond. It can't be for a greater amount of money that was... than it was retired, but it will be for a lower interest rate and the people in the old Pana School District then would bear the entire amount of these costs and not the people from the Tower Hill area that was

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combined. So, what this Bill really boils down to is it's for one school district, in my district, that wants to take advantage of lower interest rates, but they also want to keep their word to a school district that was annexed into their district and they need this piece... they need this legislation in order to make that happen. That's all it does. I know it's a complicated story, but I'd ask for your 'yes' vote."

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

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, I... I want to make sure the Body understands the importance of this to school districts, because this is an important... it's kind of a minor change, but it allows school district, one specifically, that covers two (2) territories now that used to be separate to take advantage of lower costs that... that will save taxpayers money. Isn't that right?"

Hannig: "That's correct. That's the underlying reason that they're doing it."

Eddy: "And... and actually I agree with your statement regarding this entire process, so that possibly we need to look at allowing this. And... and I agree... and I support this totally for... for this district. But maybe we need to look at this to see how we can allow this authority in all those types of cases where we have those annexations, detachments, so that districts have that ability. This is a... this is a terrific idea. I congratulate you on bringing

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it to the Body. This is something we should look at to do for all schools in the state. And I would urge everyone to support this."

Hannig: "Thank you, Representative."

Speaker Lyons: "Representative Hannig to close."

Hannig: "This is something that the Pana School District brought to me and as I said I think that they're doing the right thing. They're trying to keep their word, but they're also trying to save taxpayers' money. So, I just ask for your 'yes' vote."

Speaker Lyons: "Ladies and Gentlemen, this Bill will also require 71 votes for passage. All those in favor of the passage of Senate Bill 2824 signify by voting 'yes'; those opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Black. Mr. Clerk, take the record. On this Bill, there are 109 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. This Bill, having received a Constitutional Supermajority, is hereby declared passed. The Chair recognizes Representative Barbara Flynn Currie for a Motion."

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that Senate Bill 1985, House Resolution 1597 and Senate Joint Resolution 78 and Senate Bill 2083 may be heard in the near future in their appropriate committees."

Speaker Lyons: "All those in favor of suspending the posting requirements signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it."

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And the posting requirements are suspended. Anything further, Representative Currie?"

Currie: "Thank you, Mr. Speaker. I also have a Motion on a Resolution, House Resolution 1620. This is a congratulatory Resolution for our President-elect native son, Barack Obama. And my question is, may I have leave so that all the Members of the House may be added as cosponsors?"

Speaker Lyons: "With leave of the Body, Representative Currie moves to have all Members of the House be part of this Resolution as cosponsors. All those in favor of that signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And all Members are added. On the Resolution, all those in favor of the adoption of House Resolution 1620 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted with all Members being cosponsors. On page 5 of the Calendar under the Order of Concurrences, Representative Saviano, Skip Saviano, has House Bill 4249. Representative Saviano makes the Motion to Nonconcur with Senate Amendments 2 and 3 to House Bill 4249. Representative Saviano, the Gentleman from Cook."

Saviano: "Thank you... thank you, Mr. Speaker, Members of the House. I would concur... nonconcur with Senate Amendments Numbers 2 and 3."

Speaker Lyons: "Gentleman moves to nonconcur with Senate Amendments 2 and 3 to House Bill #20... 4249. All those in favor signify by saying 'yes'; those opposed say 'no'. In

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the opinion of the Chair, the 'ayes' have it. And the Motion is successful to nonconcur with Senate Amendments 2 and 3 to House Bill 4249. Representative Mary Flowers, you have House Bill 4374 on page 5 of the Calendar, on the Order of Concurrences. I believe your Motion is to nonconcur with Senate Amendments 1? Representative Mary Flowers, on House Bill 4374."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to nonconcur with Amendment #1 to House Bill 4374."

Speaker Lyons: "Is there any discussion? Seeing none, the question is... the Sponsor moves to nonconcur with Senate Amendment #1 to House Bill 4374. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Senate Amendment #1 is successfully nonconcurrent to House Bill 4374. 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 November 19, 2008, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #4 to Senate Bill 101 and Floor Amendment #6 to Senate Bill 2348."

Speaker Lyons: "Representative Bob Molaro, you have Senate Bill 2452 with an Amendment, I believe. Would you care to move that Bill? Mr. Clerk, what's the status of Senate Bill 2452 on page 4 of the Calendar?"

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Clerk Mahoney: "Senate Bill 2452 is on the Order of Second Reading. Floor Amendment #1, offered by Representative Molaro, has been approved for consideration."

Speaker Lyons: "Representative Molaro, on Floor Amendment #1."

Molaro: "This is a... this... sorry, it's my first day. This is an initiative by the Supreme Court that talks about interfering with a judicial officer. It was passed in committee unanimously and is an initiative of the United States. And I'd ask for a favorable Roll Call as to the Amendment. Ask that it be adopted."

Speaker Lyons: "Representative Gordon, you choose to ask a question on the Amendment or do you want to wait 'til its adoption and address it on Third Reading?"

Gordon: "Oh, I'm sorry. I'll wait for the adoption, Mr. Speaker."

Speaker Lyons: "On the adoption, you want to ask it now?"

Gordon: "No, I'll wait for the adoption of the Amendment. Thank you."

Speaker Lyons: "All those in favor of the adoption of Amendment #1 to Senate Bill 2452 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. And read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2452, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Bob Molaro."

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Molaro: "Thank you, Mr. Speaker. This creates two (2) new crimes: interfering with the duties of a judicial officer and retaliation against a judicial officer. As you know now... well, with the judiciary, they're up there making these decisions and you interfere with their duties or you come out and make, you know, frivolous claims against the judge that would put a very, very strong chilling effect, 'cause judges are making their rulings. And... so this, now prevents individuals from filing false liens against the property of a judge just to drive 'em crazy and cause all kinds of problems. Again, it's an initiative of the Supreme Court."

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

Gordon: "Thank you, Mr. Speaker. Representative Molaro, the Criminal Code as you know is... is huge at this point. I mean, there... there's repetitive crimes all the way through it. And my reading of the bribery statute would... would say that this is already covered. So, why are we adding something in that is already covered, really, under the bribery statute? Are we just saying it again because we... we just... we really mean it this time?"

Molaro: "Were you talking to me?"

Gordon: "I... I was."

Molaro: "Well, obviously, I don't see it that way. I think they are new crimes in the sense that we want to say as public policy of the State of Illinois that you can't commit these crimes against a judge. And the other question is... or the other answer is, as I stated is an

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initiative of the Supreme Court of Illinois. And they also think that it's important to do that. And I really don't want to argue with those seven (7) justices. I think they are correct in bringing this forward so we could say, as a public policy of the State of Illinois, we're not going to let you intimidate our judges like they do in these Third World countries where a judge will find some drug dealer guilty and he's got to worry about the fact that his wife and his child could be put in jeopardy. So, that's what I think we want to stop here, nip this in the bud and let them know that we're not going stand for that type of treatment of our judiciary."

Gordon: "Okay. So... so that's why we're going to say it twice in Illinois?"

Molaro: "Yes. This..."

Gordon: "Okay. Just... just to make sure. And... and when... the second crime that you're creating, which once again is expanding our Criminal Code, retaliation against judicial officers. Have there been specific instances that you can cite in any of the 102 counties in Illinois where specific types of liens were filed against judges in retaliation against cases? I mean, do you have specific cases? The names of the cases, the counties, the types of liens that were filed, how much moneys those... those liens were and whether or not, you know, and the types of liens that were created? Do you have any of that... those specifics? Or are we just saying that just in case this happens, we're going to make sure that, you know, that there's law on the books

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to keep it from happening, kind of a crystal ball type of thing?"

Molaro: "No, I think it has happened. I... I..."

Gordon: "And where was that, Representative?"

Molaro: "I don't have that with me, but I'll certainly get it to you."

Gordon: "But you just don't have that information right now?"

Molaro: "Correct."

Gordon: "Right. And... and... but it's something that once again the Supreme Court is... is saying that might be out there somewhere?"

Molaro: "That also."

Gordon: "I see. Well, I appreciate your expansion of the Criminal Code, once again, Representative. And as chairman of the Judiciary Law-Criminal Law Committee you are quite the leader. And I appreciate you presenting this to the House of Representatives today. Thank you."

Molaro: "Thank you."

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

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

Speaker Lyons: "Sponsor yields."

Black: "Representative, I was under the impression that your replacement had already been sworn in?"

Molaro: "To the chagrin of many Members, that's not true."

Black: "Oh. Well, I... I was overjoyed that you're back. You're retirement was almost as short as mine."

Molaro: "Almost."

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Black: "Well, Representative, it's always good to have you here. Let me just ask one question. The... the Amendment that has been adopted became the Bill, is that correct?"

Molaro: "Correct, it's gut and replace."

Black: "Okay. What... other than the old... the other stat... the old statute of bribery, you... you've simply added language about a lien or some kind of legal action that you attempted to besmirch the reputation of a judge. Is that... that the only new language?"

Molaro: "Yes."

Black: "All right. So, I... what's the controversy about this?"

Molaro: "I don't think there is one."

Black: "I don't either. If some..."

Molaro: "I... I..."

Black: "...if somebody attempts to alter the outcome of a trial by interfering or attempting to interfere or to bribing or attempting to bribe or somehow threaten a judge or a member of the... an officer of the court, should that not be a crime?"

Molaro: "My opinion it should be. And I hope the opinion of at least 60 other Members of this Body would feel the same way."

Black: "Well, I... I commend you once again for your clear cut ability to cut through the fog in this process. I think the judges will be forever indebted to you for looking after them. And I... I, for one... you let me know when I can come up and testify on your behalf because you, Sir, need to be a judge."

Molaro: "Thank you."

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Black: "I intend to vote 'aye'."

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

Franks: "Thank you, Mr. Speaker. Will Justice Molaro yield?"

Speaker Lyons: "He will yield."

Franks: "Thank you. Senator, Representative, Judge, I've got a
question on this... on this Bill. There... I'm reading the
analysis. And it refers to allegations of concealment and
alteration of records of the Circuit Court of Cook County
made by Michael Kosik. Can you enlighten us what that's
about?"

Molaro: "I... I'm sorry, Representative, you're going to have to
say that one more time?"

Franks: "This was in response to allegations of concealment and
alteration of records of the Circuit Court of Cook County
made by Michael Kosik. Do... do you know what that is or
what that's about?"

Molaro: "Well, basically what it says is, no judge, county
clerk or any clerk or any public official can knowingly and
without lawful authority alter or deface any type of public
record. That's what's in the Bill. And it includes
judges. We just made that specific."

Franks: "I under... I understand..."

Molaro: "I'm sorry, wait, Jack, I'm sorry. That's the
underlying Bill... that's gone."

Franks: "Oh, that's gone? Okay."

Molaro: "Sorry about that."

Franks: "All right. Thank you. I understand the idea of the
first crime that you have enumerated, the interfering with

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duties of a judicial officer, but I guess I... I would need your thought process on the second. Where the second crime we're talking about is retaliation against a judicial officer, preventing an individual from filing a false lien against the property of a judge. I... I'm wondering why the language would make this a Class IV felony when other... if a lien that was adjudicated to be false for any other individual would not be a Class IV felony. Why do we have a heightened penalty for basically a monetary issue?"

Molaro: "Well, because basically what the Bill... this Amendment says if it becomes law, says not only does it have to be false, Representative, not only does the person who's charged, whoever gets charged with the crime, know it would be false, but it also says on account of the performance of the official duties of that individual. So, we would also have to prove this case that he did it because he was upset with the judge and some of his rulings. So, basically, what it would come up to, we certainly don't want it to be where... okay, we won't do slander. We'll file all these false liens or false... just to drive a judge crazy and have a chilling effect. Like I said earlier, Representative, one of the things that we have to do is make sure that a judge of all people can... can make a ruling and not be worried if some knucklehead's in his courtroom, and he said, I got to be careful because if I rule against this guy he's going to file a... all kinds of things that I'm going to have to deal with."

Franks: "I agree with that sentiment. I'm not sure this Bill gets us there, because I think it might be overly broad.

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For instance, if you look at the language where it's called a slander of title or a false claim. Let's assume for the sake of argument that you have someone who appears in front of a judge and he's unhappy with that judge for whatever reason. Perhaps the judge ruled against him in a divorce. But that same individual also happens to be the bank president that holds the mortgage on the judge's property, which the judge has failed to pay for sixty-three (63) days. As a result, the individual then sends a... a demand letter, files a complaint and foreclosure and then records the lis pendens, which would be a slander of title. Let's assume that there was a bank error and the judge was not delinquent sixty-three (63) days, but in fact was within this grace period. This person, under this Bill, could then be... the bank president could then be charged with slander of title and could be facing a Class IV felony. You understand my point?"

Molaro: "Yeah. I... I understand the point. I think you happen to be wrong when you apply it, but I understand your point. The question would be... for the trier of fact, the question would be, was it for malicious purposes, was it for retaliation, was it for a... a ruling he made. If it was for because he owed the money and because there was a proper lien, then you're fine. You're not violating this law."

Franks: "Well, what happens if he makes a mistake? And here's a guy with a history with the judge, the judge rules... this history..."

Molaro: "It's an intentional crime. If you make a mistake, you're free."

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Franks: "Okay."

Molaro: "Your... you can't be convicted."

Franks: "Okay. For... in purpose of a legislative intent it has to be scienter..."

Molaro: "Oh yeah."

Franks: "...it has to be intentional."

Molaro: "Right. Right. The guy... the people that are out there... the people who are actually doing this to retaliate against judges, who didn't like rulings and say, now I can get you out and make your life miserable 'cause you ruled against me. As... as Representative Gordon pointed out, thank God, there are only very, very few times this has happened, but judge, because it has happened and I think probably recently with the Supreme Court Justice himself... I don't want to get into it, would normally make it be where we just don't want to chill out our judiciary. Just like much, we don't want to chill ourselves out."

Franks: "Right."

Molaro: "That every time we pass a Bill... that we pass a Bill someone doesn't like, that twenty-five (25) people in that association are going to file false, you know, whether it be lawsuits or liens against our property. Try to get a lien off you're property even if it's false. Good luck, once it's filed. I mean you probably can't sell it for two (2) years while you're trying to fight to get it off. And that's what we're trying to do in this Bill."

Franks: "Thank you. Thanks for clarifying that."

Molaro: "Thank you. You're welcome."

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

Rose: "Will the Gentleman yield?"

Speaker Lyons: "Gentleman yields."

Rose: "Representative, is this your last Bill?"

Molaro: "I... I sure hope so. I... I don't know. We're going to see what's coming from the Senate."

Rose: "Is this a sentence enhancement?"

Molaro: "No."

Rose: "Okay. Then I'm for it, Representative."

Molaro: "It's a new... it's a new Bill."

Speaker Lyons: "Representative Molaro to close."

Molaro: "I would ask for a favorable Roll Call."

Speaker Lyons: "The question is, 'Should Senate Bill 2452 pass?' This Bill will only need 60 votes for pass. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all... Have all voted who wish? Representative Wait. Mr. Clerk, take the record. On this Bill, there's 110 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative John Bradley, you have Senate Bill 1529 on the Order of Second Reading. Representative Bradley. Mr. Clerk, what's the status on that Bill?"

Clerk Mahoney: "Senate Bill 1529, a Bill for an Act concerning employment has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Bradley, has been approved for consideration."

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Speaker Lyons: "Representative Bradley on Floor Amendment #3."

Bradley, J.: "Yeah. This is supposed to fix a problem which has occurred. And basically, the problem is is that there was a regional office of education... that's all right I don't need anybody to listen... There was a regional office of education that was administering state employees. And so this would fix that problem and put these state employees where they should be under the state. So, I'd ask for an 'aye' vote."

Speaker Lyons: "All those in favor of the passage of Floor Amendment #3 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments have been approved for consideration. All Motions have been filed."

Speaker Lyons: "Third Reading. And read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1529, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Lyons: "Representative John Bradley."

Bradley, J.: "Yeah. As stated on the Amendment, that's what this Bill does. I'd ask for an 'aye' vote."

Speaker Lyons: "Is there any discussion? Seeing none, the question is, 'Should Senate Bill 1529 pass?' This Bill needs 60 votes for passage. All those in favor of its passage 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 Krause, Rosemary. Mr. Clerk, take the record. On this

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Bill, there's 108 Members voting 'yes', 1 Member voting 'no' and 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 1534, offered by Representative Miller. House Resolution 1537, offered by Representative Miller. House Resolution 1538, offered by Representative Miller. House Resolution 1539, offered by Representative Will Davis. House Resolution 1540, offered by Representative D'Amico. House Resolution 1542, offered by Representative Rich Myers. House Resolution 1543, offered by Representative Richard Myers. House Resolution 1544, offered by Representative Cross. House Resolution 1545, offered by Representative Younge. House Resolution 1546, offered by Representative Younge. House Resolution 1547, offered by Representative Gordon. House Resolution 1548, offered by Representative Reis. House Resolution 1549, offered by Representative Granberg. House Resolution 1550, offered by Representative Osmond. House Resolution 1551, offered by Representative Osmond. House Resolution 1554, offered by Representative Brady. House Resolution 1555, offered by Representative John Bradley. House Resolution 1556, offered by Representative Jefferies. House Resolution 1557, offered by Representative Joyce. House Resolution 1558, offered by Representative Joyce. House Resolution 1559, offered by Representative Rita. House Resolution 1561, offered by Representative Durkin. House Resolution 1562, offered by Representative Cross. House Resolution

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1563, offered by Representative Cross. House Resolution
1564, offered by Representative Phelps. House Resolution
1565, offered by Representative Chapa LaVia. House
Resolution 1566, offered by Representative Chapa LaVia.
House Resolution 1567, offered by Representative Chapa
LaVia. House Resolution 1568, offered by Representative
Chapa LaVia. House Resolution 1571, offered by
Representative Younge. House Resolution 1572, offered by
Representative Younge. House Resolution 1573, offered by
Representative Mautino. House Resolution 1574, offered by
Representative Mathias. House Resolution 1575, offered by
Representative Coladipietro. House Resolution 1576, offered
by Representative John Bradley. House Resolution 1578,
offered by Representative Granberg. House Resolution 1580,
offered by Representative Scully. House Resolution 1581,
offered by Representative Cross. House Resolution 1582,
offered by Representative Chapa LaVia. House Resolution
1583, offered by Representative Will Davis. House
Resolution 1584, offered by Representative Currie. House
Resolution 1585, offered by Representative Colvin. House
Resolution 1586, offered by Representative Colvin. House
Resolution 1587, offered by Representative Holbrook. House
Resolution 1589, offered by Representative Madigan. House
Resolution 1590, offered by Representative Howard. House
Resolution 1591, offered by Representative Dunkin. House
Resolution 1592, offered by Representative Dugan. House
Resolution 1593, offered by Representative Osmond. House
Resolution 1594, offered by Representative Cross. House
Resolution 1598, offered by Representative Kosel. House

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Resolution 1599, offered... correction... House Resolution 1600, offered by Representative John Bradley. House Resolution 1601, offered by Representative Kosel. House Resolution 1602, offered by Representative John Bradley. House Resolution 1603, offered by Representative Holbrook. House Resolution 1604, offered by Representative Jakobsson. House Resolution 1605, offered by Representative Granberg. House Resolution 1606, offered by Representative James Meyer. House Resolution 1607, offered by Representative Granberg. House Resolution 1608, offered by Representative Riley. House Resolution 1609, offered by Representative Riley. House Resolution 1610, offered by Representative Riley. House Resolution 1611, offered by Representative Riley. And House Resolution 1622, offered by Representative Turner."

Speaker Lyons: "Representative Barbara Flynn Currie moves for the adoption of the Agreed Resolutions. We have a question, Representative Sullivan, on the Agreed Resolutions? Got to get back to you, Ed. All those in agreement... all those for the adoption of House... of the Agreed House Resolutions signify by saying 'yes'; those opposed say 'no'. The opinion of the Chair is the 'ayes' have it. And the Resolutions are adopted. Representative Ed Sullivan."

Sullivan: "Thank you, Mr. Speaker. For a clarification of the schedule, we have this bulletin that says we'll be in on Friday at 9:00. There's those of us that have hotel rooms, could you clarify whether we will be here on Friday or not?"

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Speaker Lyons: "Representative Sullivan, give us a few minutes and we will get back to you."

Sullivan: "Thank you very much."

Speaker Lyons: "Before we leave we'll answer that question."

Sullivan: "Okay."

Speaker Lyons: "Ladies and Gentlemen, on the bottom of page 3 of the Calendar, under Senate Bills-Second Reading, Representative Tom Holbrook, you have Senate Bill 620, 6-2-0. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 620, a Bill for an Act concerning regulation has been read a second time, previously. Floor Amendment #2 was adopted to the Bill. Floor Amendments #4 and 5 have both been approved for consideration."

Speaker Lyons: "Representative Holbrook on Amendment #4."

Holbrook: "Thank you, Speaker. House Amendment #5 replaces the Bill with the language we used for the... previously... for setting up training regulation standards for the railroad investigators. Right now, they're the only people now..."

Speaker Lyons: "Representative Holbrook, Representative Holbrook. There are two (2) approved, Amendment 4 and #5. We just want to verify that you are addressing Amendment #4."

Holbrook: "Yes. I... I move to adopt House Floor Amendment #4? I thought #5 was the actual language we wanted. Speaker, I'd move to table Floor Amendment #4 and adopt #5."

Speaker Lyons: "I believe you want to withdraw Amendment #4?"

Holbrook: "To table #4 and adopt Amendment #5."

Speaker Lyons: "Withdraw #4 and we'll proceed with adopting #5."

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Holbrook: "Correct."

Speaker Lyons: "Okay. Mr. Clerk, withdraw Amendment 4. And we'll proceed with Floor Amendment #5. Go ahead, Representative."

Holbrook: "Thank you, Speaker. Sorry for the confusion. I move to adopt Floor Amendment #5 to Senate Bill 620. I'd be glad to debate it on Third."

Speaker Lyons: "Is there any discussion? Seeing none, all those in favor of the adoption of Floor Amendment #5 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #5 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments have been approved for consideration. No Motions filed."

Speaker Lyons: "Third Reading. And read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 620, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

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

Holbrook: "Thank you, Speaker. House Amendment #5 becomes the Bill. And what it does, it sets up standards for the railroad police. This is a Bill that's the same as the House Bill we passed out of here earlier on House Bill #5159. Right now, the... the only sworn officers in the State of Illinois that don't respond to a reviewing board are the railroad police. And this sets up a program for them where the Illinois State Police can review findings and report them to the ICC. Be glad to take any questions."

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

Eddy: "Representative... would the Sponsor yield, Mr. Speaker?"

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, I want to make sure I understand this, because our analysis says that this is identical to House Bill 5159?"

Holbrook: "Correct."

Eddy: "So, there are no changes, whatsoever? Because later in our analysis is says that... it's a little bit far reaching in that it gives the union members an appeal option on management decisions when... when those are made. And there is... there was a concern about that becoming a problem, but if there were a concern it would have been in the original language, is what you're saying?"

Holbrook: "This is identical to the original language of House Bill 5159 that passed out of here 91-17."

Eddy: "Okay. All right. Thanks for the clarification. Floor Amendment 5 then becomes the Bill and is that identical language?"

Holbrook: "Yeah."

Eddy: "I appreciate the clarification. Thank you."

Holbrook: "Thank you. Representative Eddy, it also has the amended JCAR language in it so that this thing can get passed and moved on."

Eddy: "Okay."

Holbrook: "Okay."

Eddy: "So, the only difference then is that it has the... the new Speaker's JCAR language..."

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Holbrook: "New and improved JCAR Amendment."

Eddy: "Okay. All right. Thank you for that clarification."

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: "Sponsor yields."

Brady: "Representative, I... I know you've been through this, but I didn't hear an explanation. And as short as possible, what really precipitated all this? What... what's the necessity for this?"

Holbrook: "There have been problems where railroad police have done some things that needed to be reviewed, and it turns out the only people that... even though they're sworn officers that we've given them the authority here in the State of Illinois to be sworn officers, they're reviewed by their own management people. And we have incidences where it's come about that we feel that someone maybe then the president of CSN Railroad up in Toronto may be the final say on whether someone has taken proper action. So, what we did was we established this through the Training and Standards Boards, allow the State Police to review it if it's appealed and then turn it over to the ICC for whatever they feel has to be done as far as a final resolution to the incident. And... and again, this is not just an issue where maybe an employee had a problem, it's... there's even been cases to where people have... there was one case where they were trying to confiscate some people's firearms hunting along the right of way. Things like that. And

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there's really no review. They're the only sworn officer in the State of Illinois that we allow to be... to become officers that can do this. And they have no review process other than their management. Any other time you have a Police Review Board or a Citizen Review Board on police action for these law enforcement officers."

Brady: "And any idea how long the railroad police have had authority as sworn peace officers in the State of Illinois?"

Holbrook: "Couldn't hear you?"

Brady: "Any idea how long the police officers and railroad police as sworn peace officers in the state..."

Holbrook: "Yes."

Brady: "...how long have they had that authority?"

Holbrook: "This... this was..."

Brady: "How long have they been in existence, I guess, is what I'm asking? Do you have any idea?"

Holbrook: "...this was done right after 9/11 for national security reasons that we allowed that to be done here in the State of Illinois."

Brady: 'No. You... you..."

Holbrook: "It was a response to the 9/11 terrorist issue."

Brady: "But... but you had... you had referenced railroad police that were sworn peace officers long before 9/11, correct?"

Holbrook: "Yeah, but they weren't sworn officers. They became sworn officers after that. They had their own railroad police before that. But they were never sworn officers of the State of Illinois and they were after Sep... after the September 11 incident we felt that they had to have the

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authority to go on beyond their property and to make further investigations with these type of incidents because of terrorism. And we allowed that here in the State of Illinois. So, it's fairly recent that them being sworn officers recognized by the state went into effect. Before, they were just basically like Pinkertons or Wells Fargo people or things like that. They were their own police force within their own company."

Brady: "And... and so we're giving authority to Police Training Board to review the actions of the railroad police and some investigative abilities through the Illinois State Police, is that correct?"

Holbrook: "Right. The... the State Police will do the investigation and turn it over to the ICC, which has control over the railroads."

Brady: "All right. Thank you very much."

Holbrook: "Thank you."

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

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

Speaker Lyons: "Sponsor yields."

Black: "Representative, we've already covered the ground that this is identical to a Bill that you passed out of the House last spring, 5159, with one exception. The Speaker's rulemaking Amendment was removed by the Senate in House Bill 5159."

Holbrook: "Correct."

Black: "The Speaker's amended language on the rulemaking Amendment is still on Senate Bill 620, correct?"

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Holbrook: "Senate Bill 620, yes. It's... they... it's the new and improved JCAR clause."

Black: "I see."

Holbrook: "They have a new clause now that's going to..."

Black: "I see."

Holbrook: "...get us over all of these problems, we hope."

Black: "Did... did you draft the amended rulemaking Amendment?"

Holbrook: "No, I didn't, Representative Black."

Black: "Were... were you consulted about the Amendment to the rulemaking Amendment?"

Holbrook: "I was just... I was told there was a new and improved form and being proud not to be an attorney, I was glad I didn't stick my finger too deep in it."

Black: "I understand. Have you talked with the Senate that they might look more favorably upon the Amendment to the rulemaking Amendment, which they have not adopted in any case on any Bill that we've sent over?"

Holbrook: "I have not spoke to Senator Crotty who has the Bill over there on this issue in the last week. She does know it's coming back. But she doesn't... I don't know if she knows the specific JCAR language we've put into it, but I... I plan on letting her know as soon as it passes."

Black: "Well, Representative, thank you very much. Mr. Speaker, to the Bill."

Speaker Lyons: "To the Bill."

Black: "Ladies and Gentlemen of the House, I don't know how much longer we're going to sit here and ignore the 800 pound gorilla in the back of the chamber. This state is on a one-way path to insolvency. And here we are talking

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about a Bill that is somewhat controversial, that I voted for last spring, that will meet the same fate when it goes to the Senate. The Senate is not going to accept the Speaker's rulemaking Amendment. Now, perhaps they will later on in January, I don't know. But I... you know, you're asking me to vote for an identical Bill with the rulemaking Amendment that the Senate has not approved in any Bill that I'm aware of. But we're going to go through this exercise again and again and in the meantime, we can't pay our bills, my school districts have not been reimbursed one penny for transportation expense since school started. I have an adult day-care center that will probably go out of business in January, nursing homes may close. Ladies and Gentlemen of the House, my brother-in-law is the President of the Brotherhood of Locomotive Engineers in... in Clinton, Iowa. I am not unsympathetic to this Bill, I voted for it last spring, but can we get serious for a minute. I... I don't have time, I'm too old for a ping pong match. Ping. Pong. We'll send this back, the Senate will strip the rules Amendment, they'll send it back, we'll come up with an enhanced rulemaking Amendment, we'll send it back. How many times you going to do this? When the real issue grows more and more frightening every day. We are presiding over a State Government that is, through incompetence and unwillingness to face facts, is approaching bankruptcy. And you want me to vote again for a Bill that I voted on last spring that'll go to the Senate and never be heard from again. I'm not going to play this game. Let's talk about what we need to talk about. And that is the fiscal

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crisis that this state is facing. We are going bankrupt, we are forcing businesses out of business. We are putting our schools in the most precarious position they've been in in forty (40) years. I'm not going to play ping pong anymore. I'm going to vote 'no' until we address the real problems of the state."

Speaker Lyons: "Chair recognizes the Lady from Cook, Representative Deborah Graham."

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

Speaker Lyons: "Sponsor yields."

Graham: "You know, I... it's kind of loud, I can't really hear that well. So, can you tell me again what this legislation does?"

Holbrook: "It... it sets up the railroad police where they will have some oversight on decisions that they make. Currently, they're the only sworn officers in the State of Illinois that don't have some way for a citizen to have their decisions reviewed. And it allows the Illinois State Police, if it's appealed to them, to review their decisions and then they would put their findings into the ICC. The ICC is the organization that oversees our railroads here in Illinois."

Graham: "When the railroad was granted police powers in 1877 what did those powers include?"

Holbrook: "I wasn't here then. But the reason they're sworn officers was after 9/11 the railroads came to us a few years ago and said they needed expanded authority to fight terrorism so that their officers, their people that they had as their security, the railroad police, to be able to

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go off of their immediate properties and go investigate these type of problems that may be related to the security of their railroad and their railroad property. So, these are fairly new... recent powers we've given them. And I guess like any other power after we did that... after that terrible day on December (sic-September) 11th, this was a reaction to that to help keep our people safe that we never thought about issues coming up where maybe some of their decisions need to be reviewed like any other law enforcement organization."

Graham: "Why are your opponents against this legislation?"

Holbrook: "I guess some people don't want to 'em to have 'em reviewed. I would assume the railroads don't want to have their authority questioned in any way. The only..."

Graham: "I don't know if they... I don't know if, Representative, we can say that they don't want their... I think they want to protect the people that or the services that are provided on their tracks. I wouldn't say that they wouldn't want people examining them or that sort of thing. I don't... I wouldn't think that."

Holbrook: "Okay."

Graham: "I have a railroad in my district. I have tracks that run through and I have a stationed area in my district. And I believe the last time I... this Bill before... when it was another number, I may have voted for it, but since then I've gotten a lot of phone calls expressing the disappointment in me supporting that legislation. So, I'm just kind of wondering, taking a second look at this. I mean, legislation has been presented here before to give

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the appearance that they're trying to do something good. And so I don't know if this is feel good legislation or if they already have the authority to do what's enumerated or laid out in the legislation. So, is this a duplicated effort or something that we don't need? Is it something that we can just not do?"

Holbrook: "Representative, a review of these law enforcement decisions has never been in the law before. We passed a Bill to the Senate, they did not move it because they disagreed with the JCAR language, I believe. I... at least that's what I was told. And we are trying to remedy that with this legislation. If you had a constituent in one of your... in your district that felt that the railroad police had wronged them, you basically have to go tell the management of the railroad you'd like it reviewed. And in some cases maybe that... the president of that railroad is located in Canada, like it is with the Canadian Northern. So, I mean there is no review of these people that we've allowed to become sworn law enforcement officers in the State of Illinois. There is none right now other than their own administrative review. And this allows for it."

Graham: "Representative, I'm going to continue to listen to this legislation, listen to this debate and right now I'm going to really kind of say that I'm unsure..."

Holbrook: "Okay."

Graham: "... of my support."

Holbrook: "Okay."

Graham: "Thanks."

Speaker Lyons: "Representative Holbrook to close."

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Holbrook: "Thank you. Oh, I share Representative Black's frustration. I know many of my Bills are sitting over in the Senate with this JCAR language on it now that can't move or they sent it back and we couldn't move it out of here after we picked up a Senate Bill. But this is a piece of legislation that's needed. It's no different than what we had before with the exception of the JCAR language is a little more flexible, it's new and improved. We hope that it does get done. And let's send it over to the Senate. I'll talk to the Senate Sponsor, maybe we can get it done. But I do share Representative Black's frustrations with the entire process. We shouldn't have to be redoing this. I ask for an 'aye' vote."

Speaker Lyons: "This Bill will require 60 votes for passage. All those in favor of passage of Senate Bill 620 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? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 64 Members voting 'yes', 44 Members voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Barbara Flynn Currie."

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that House Resolution 1588 may be heard tomorrow morning in the State Government Administration Committee."

Speaker Lyons: "Is there any discussion? Seeing none, those in agreement with the Resolution signify by saying 'yes';

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those opposed say 'no'. The agreed... there is agreement for the Motion to suspend posting. Representative Currie."

Currie: "Thank you. Just a reminder, again, that the reception for Nurse Nancy is in 114 immediately upon adjournment. And anybody who wants to make a flowery speech or two (2) will be recognized to do so. We're having champagne, I trust you will all be there."

Speaker Lyons: "Representative Sullivan. Representative Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair?"

Speaker Lyons: "State your inquiry."

Black: "I'm sorry I... I missed the... was she talking about the City of Champaign?"

Speaker Lyons: "I don't think so."

Black: "Champagne, Champagne?"

Speaker Lyons: "Chapin Rose."

Black: "The devil's tool? Mr. Speaker... Mr. Speaker, can we... can we consume the devil's grape in this Capitol? I thought that was abolished. I... I don't think we can do that?"

Speaker Lyons: "There's time for everything, Bill."

Black: "Time marches on. So, we can... we can actually consume alcohol in this State Capitol?"

Speaker Lyons: "Representative, I'd suggest you just go down to Room 114 and see what happens."

Black: "I'll be darn. Well, if my secretary's listening, bring out the half pint, sweetie."

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Speaker Lyons: "Representative Sullivan, in answer to your question... and I've had a gag order put on me to read it exactly as they have it. The intent is to adjourn on Thursday, November 20 for the week. Now, Representative Barbara Flynn Currie moves that the House stand adjourned until the hour of 10 a.m. tomorrow, Thursday, November 20. All those in favor of adjournment signify by saying 'yes'; those opposed... Representative Eddy."

Eddy: "Speaker, I... I don't want to hold this up, I know we need to, but Representative Sullivan asked a question earlier and perhaps I wasn't listening close enough about Friday? Did we get an answer? It's possible that it... it... I'm sorry? Friday... there is... we're in Friday? Can we reconsider that?"

Speaker Lyons: "Pardon me, Roger? Repeat it? I can't hear."

Eddy: "Can't hear... we can't hear."

Speaker Lyons: "I'll read it one more time, the intent is to adjourn on Thursday, November 20 for the week."

Eddy: "Thank you for repeating that for those of us..."

Speaker Lyons: "Seeing no further business to come before the House, Representative Currie moves to adjourn to the hour of 10:00 tomorrow, November 20. All those in favor signify by saying 'aye'; those opposed say 'no'. And the House stands adjourned. Have a safe and enjoyable evening. Ladies and Gentlemen, you were given the schedule for committees tomorrow. The blue sheets were passed out with the scheduled committees for tomorrow."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of House Bills-First Reading.

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House Bill 6728, offered by Representative Saviano, a Bill for an Act concerning regulation. Referred to the House Committee on Rules is House Resolution 1552, offered by Representative Coulson. House Resolution 1553, offered by Representative Poe. House Resolution 1560, offered by Representative Bellock. House Resolution 1569, offered by Representative Ramey. House Resolution 1570, offered by Representative Osmond. House Resolution 1577, offered by Representative May. House Resolution 1579, offered by Representative Sullivan. House Resolution 1595, offered by Representative Mulligan. And House Joint Resolution 144, offered by Representative Bellock. There being no further business, the House Perfunctory Session will stand adjourned."