

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

75th Legislative Day

10/14/2009

Speaker Turner: "October 14, 2009, the hour of 1:00 having come and gone, the House shall be called to order. Welcome back, Members, we hope you enjoyed your summer. We shall be led in prayer today by Father Terry Keehan, who's with Holy Family Catholic Church in Inverness, Illinois. Father Keehan is the guest of Representative Bassi. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. Father Keehan."

Father Keehan: "Gracious God, we reach to You in prayer today, take our hopeful hand. We gather as Your people from this great state, that stretches long from north to south, bridging heartland and plain of this mighty nation. We gather as Your autumn breath cools the air and the landscape that You have given us shouts in many colors for our attention. Shower wisdom on these, Your servants, to represent the resources of this Land of Lincoln, that range from corn to river commerce, from urban buzz to quiet fields of dill, from soybeans to museums, from suburban retail to the transportation of America's goods and beyond. We call to You in gratitude from the depths of our dark, rich soil to the tips of the monuments that scrape Your sky. Walk with and guide these honorable men and women as they pursue the business of good and ethical public policy. Strengthen them to advance the goodness that lies deep within the people they represent. Help them to enliven Your spirit in our people and our land, Amen."

Speaker Turner: "We shall be led in the Pledge today by the Lady from Kane, Representative Chapa LaVia."

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Chapa LaVia 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 Turner: Roll Call for Attendance. Representative from Jackson, Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. We would like to report that Representative Fortner and Mulligan are excused on the Republican side of the aisle today."

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

Currie: "Thank you, Speaker. Please let the record show that Representative Mendoza is excused today."

Speaker Turner: "There are 115 Members present, a quorum is present and we shall proceed with business. The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

Stephens: "Thank you, Mr. Speaker. Just to report to you that Representative Cross did not turn off his computer during the invocation."

Speaker Turner: "Mr. Clerk. Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Howard, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following measure/s were referred, action taken on October 14, 2009, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 1812. Representative Fritchey, Chairperson from the Committee on Judiciary I - Civil Law, to which the following measure/s were referred, action taken

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on October 14, 2009, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is House Bill 4628. Representative Franks, Chairperson for the Committee on State Government Administration to which the following measures were referred, action taken on October 14, 2009, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 267 and Senate Bill 1732, 'do pass Short Debate' is House Joint Resolution Constitutional Amendment 37. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s were referred, action taken on October 14, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #2 to Senate Bill 1466; 'do pass as amended, Short Debate' is House Bill 4638, Senate Bill 227, Senate Bill 327, Senate Bill 941, Senate Bill 1471, Senate Bill 1514, Senate Bill 1894, Senate Bill 2106, and Senate Bill 2109. Representative Bradley, Chairperson from the Committee on Revenue & Finance, to which the following measure/s were referred, action taken on October 14, 2009, reported the same back with the following recommendation/s: 'do pass Short Debate' is House Bill House Bill 4599; 'do pass as amended Short Debate' is Senate Bill 2093. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and Joint Action Motion were referred, action taken on October 14, 2009, reported the same back with the following recommendation/s: 'approved for floor consideration'

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referred to the Order of Second Reading is House Bill 1409, House Bill 1580. Amendatory Veto Motions, 'recommends be adopted' a Motion to accept the Amendatory Veto Motions on House Bill 59, House Bill 547, House Bill 613, House Bill 725, and House Bill 1015. An additional Rules Report, approved for floor consideration, 'recommends be adopted' is Amendment #1 to House Bill 1580, Amendment #2 to House Bill 4625, and Amendment #2 to Senate Bill 227; referred to the House Committee on Rules is House Resolution 650 offered by Representative John Bradley, House Resolution 655 by Representative Joyce, House Resolution 657 by Representative Reis, and House Resolution 658 offered by Representative McAsey."

Speaker Turner: "Representative Currie. Motion?"

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that Senate Bill 1371, House Joint Resolution 77, and House Joint Resolution 76 may each be heard in their respective committees this afternoon. I know of no opposition."

Speaker Turner: "Lady moves for the suspension of the rules on the aforementioned Bill. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and leave is granted. If we can have the Members' attention. We're going to do a Death Resolution for a fallen soldier. Mr. Clerk, could you read House Resolution 558. Please... Members, can we have your attention."

Clerk Bolin: "House Resolution 558 offered by Representative Rose."

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WHEREAS, The members of the Illinois House of Representatives are saddened to learn of the death of Lieutenant Jared W. Southworth of Oakland, who was killed in the line of duty while serving in Helmand, Afghanistan, on February 8, 2009; and

WHEREAS, Jared W. Southworth was born on May 28, 1982 in Mattoon, the oldest son of Robert and Kimberly Pierson Southworth; he was raised and educated in Oakland, and graduated from Oakland High School in 2000; he later graduated from Lakeland College, and Eastern Illinois University, where he was in the ROTC program; and

WHEREAS, On March 24, 2001 he married Chrissy Lynn Royer at the Oakland Christian Church; and

WHEREAS, Jared was a Lieutenant in the HHC 2/130 Infantry Division of the Illinois National Guard, and was a United States Army Ranger; he lived his life by the motto "God, Family, Country"; he was a member of the Oakland Christian Church, was a devoted husband, father, son, and brother, and loved the National Guard, considering it his privilege to serve his country; and

WHEREAS, Jared served the community of Oakland as a part-time police officer, and befriended many; he will always be remembered for his abilities on the baseball field, and for his general love of life; and

WHEREAS, He was preceded in death by his great-grandmother, Ettoil Coon; his paternal grandfather, William Southworth; and his maternal grandfather, Robert Pierson; and

WHEREAS, Lieutenant Jared W. Southworth is survived by his wife, Chrissy Southworth; his four children, Logan, age 7,

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Owen, age 6, Carly, age 3, and Ally, age 2; his parents, Bob and Kim Southworth; his brother, Michael Southworth and his fiancée, Katie O'Connor; his sister, Nikki Bancroft and her husband, Brian; his nephew, Preston Bancroft; his paternal grandmother, Karen Watson; and his maternal grandparents, Gene and Joan Hartke; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with his family, friends, and a grateful nation, the passing of Lieutenant Jared W. Southworth; and be it further

RESOLVED, That we honor the memory of Jared Southworth and his willingness to serve his 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 Lieutenant Jared W. Southworth as a symbol of our respect and sincere sympathy."

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

Rose: "Thank you, Mr. Speaker. On behalf of Senator Righter and the family, and myself, I want to tell you a little bit about Jared, learned a little as I stood in line at the visitation and then subsequently at the... the funeral. Jared lived life, he was an amazing individual. After he graduated from ROTC at Eastern Illinois University he came back to help train cadets to help them with their mission. He talked his dad, Bob, into joining the police department. Think about that, he talked his dad into joining the police department. His mom, Kim, is a Charleston Middle School teacher. His wife Chrissy, I know that there is no

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explanation on this earth for why he was taken from him... from us, but I know that... I know that we are all better off for him having lived; served our state and our country. The day of the funeral, the entire high school gymnasium at Oakland High School was full, the entire gymnasium. After the services, it was about 40 degrees outside, the sun was shining, cool, crisp spring day. The whole community, the whole... everybody up and walked a quarter of a mile down the street, up to the interment, and I remember walking in silence and hundreds of people walking. And we turned the corner into the cemetery and... there were flags everywhere. I've never seen so many flags. It turns out that Patriot Guard from as far away as Kentucky came to Oakland, Illinois, to put up those flags. That is why we live in this country; that is the country that Jared Southworth lived for. We'll never know why in this lifetime, but I'll leave you with this. As I stood in line at the visitation looking at the pictures and whatnot that were presented, from the time he was a little kid, he was either a soldier or a policeman, every little picture of the little kid, GI Joe, or a cop, always serving. Lieutenant Southworth did exactly what he wanted to do, he lived life, faith was his bedrock and we are all better for it. Thank you, Mr. Speaker."

Speaker Turner: "Gentleman from Bond, Representative Stephens."

Stephens: "Mr. Speaker, and Ladies and Gentlemen, Representative Rose, thank you. You have most appropriately helped us remember Jared. The... Mr. Speaker, as my habit, I try to visit with the families of the fallen soldiers as they come

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to Springfield. I haven't met with each of them yet today, but I did meet his parents and we talked a little about Jared and some things that... that touched my heart. Talking to mom, she said, well, he really enjoyed the ARMY, and I said, well, I knew a little bit about Jared. I said I bet he didn't enjoy Ranger School. Ranger School, Ladies and Gentlemen, is the toughest eight weeks that any military person could ever experience in training. And she said, well, no, he didn't really enjoy it, but he prayed a lot. And in a small way I got to know Jared just a little bit more. Representative Rose, you've said it so well. Throughout his life, the yearning to always serve, and I would suggest to his family today, that he is still serving us in his memory, one that invokes the feeling of duty and honor and country, and God. We are lucky. The people of Oakland, Illinois are particularly lucky and they're particularly noteworthy in that the recruiters in that area tell us that Oakland, Illinois has a per-capita rate of service that is matched by no other city in the State of Illinois. There was only one Jared, but I suggest that there are many children in America today, that if they have their way, they too, will always serve. And I would remind the family that in May of each year this Body takes a moment to remember in perpetuity to put into our record the name of every fallen soldier, and unfortunately Jared is among those, but even there, he always serves. Thank you."

Speaker Turner: "Gentleman from Champaign, Representative Rose."

Rose: "I would just like to recognize Bob and Kim Southworth, who are with us behind... behind me here in the gallery. Chrissy

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was unfortunately unable to be with us today, but with that, I would ask for the adoption of the Resolution, Mr. Speaker."

Speaker Turner: "Representative Rose moves for the adoption of House Resolution 558. All those in favor should say 'aye'; all those opposed say 'no.' And in the opinion of the Chair, the 'ayes' have it and the Resolution is adopted."

Speaker Turner: "Representative Rose."

Rose: "Mr. Speaker, may I ask for a moment of silence? Thank you."

Speaker Turner: "On page 5 of the Calendar... Order of Total Veto Motions, we have House Bill 669, Representative Flider."

Flider: "Yes, thank you, Mr. Speaker. I'm asking for an override of the Governor's Veto of House Bill 669. This legislation is... provides for a license plate fee for fire chiefs. It's consistent with the fee that police chiefs pay, also consistent with the fee that municipalities pay. And we believe that because of the emergency nature of the job that fire chiefs do that this legislation is not too much to ask that an eight dollar fee be provided for a fire chief's license plate. I'd ask for your 'aye' vote."

Speaker Turner: "Seeing no questions, the question... Representative Flider moves that House Bill 669 do pass, notwithstanding the Veto of the Governor. All those in favor should vote 'aye'; all those opposed vote 'no.' This Bill requires 71 votes. All those in favor should vote 'aye'; those opposed vote 'no.' All voted who wish? Representative Graham, Representative Hamos. The Clerk shall take the record. On this question, there are 107 voting

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'aye', 5 voting 'no', 2 voting 'present'. And the Motion, having received the Supermajority, House Bill 669 is hereby declared passed, notwithstanding the Veto of the Governor. Ladies and Gentlemen, let me do apologize because we did not introduce the newest Member to our delegation. Representative Sente, from Lake County, is the newest Member. Welcome her to the General Assembly. Turn the Lady on."

Sente: "On, yes, hello, thank you for welcoming me. I am glad to be here, hope to meet all of you on... whether Republican or Democrat. I'd like to introduce my family who is here also, up in the gallery, my parents, and my sister and brother-in-law. And my niece and nephew are Pages for the day, the tall blond teenagers. So, thank you."

Speaker Turner: "Page 6 of the Calendar, under the Order of Amendatory Vetoes. The first Bill we're going to call is House Bill 170, Representative Tryon."

Tryon: "Thank you, Mr. Speaker. This is a... House Bill 170 is a Motion to override the Governor's Veto. This Bill has been around a for the last three years. We have passed it out of this chamber three times and the Governor wanted to actually make some changes to the Bill that changed it in a manner that the support that we had built over the last three years with the homebuilders, some of the public health organizations could no longer support. And while we are willing to come back and work on a... an additional Bill to further define how health departments would integrate with U.S. or with IEPA to administer this program, we think it's best to move forward with an override and come back in the

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next Session and... be able to comply with the Federal Law. To refresh your memory, this was a Bill that would allow for the State of Illinois to get an NPDS permit so that discharges for residential sewage, individual sewage systems that discharges to waters of the United States, would be able to comply with Federal Law and we would be like every of our neighboring states and every state in the country. It's important that we get this done. It was quite a controversy that has surrounded this and I would answer any questions. If there are no questions, I would urge an 'aye' vote on this override."

Speaker Turner: "Gentleman from Crawford, Representative Eddy, for what reason do you rise?"

Eddy: "Thank you, Speaker, will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Eddy: "Representative, I think you correctly stated that this Bill has been around in various forms for several years. And, I think... I think the important point that you made, and I want to make sure everybody understands, that the version that passed out of the General Assembly was probably, as far as all of the folks you work with, the least egregious, in their viewpoint. This was something you worked very hard to get some agreement on."

Tryon: "That's correct."

Eddy: "What did the Governor's Amendatory language do to the agreement?"

Tryon: "Well, there was provisions in this Bill that would... that referenced local health departments being able to not be affected if they had a NPDS permit for their county, that

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they were managing. And the Governor's staff wanted it clear that only IEPA could issue a permit for a county and in essence it wasn't really a county permit, it was an intergovernmental agreement between the county to manage the permit. And that would be the case. Under Federal Law, the State could issue an NPDS permit for an entire county and if a health department decided that they wanted to have an NPDS permit for their county and they would be the agency that would administer this, IEPA could issue that permit. What surprised us was this language had been in the Bill through the entire process and this never surfaced. But they wanted to take that out and that created opposition from the homebuilders, that created opposition from the Illinois Public Health Association. And so what we've decided to do is to proceed with an override and then come back and work on actual language that would say how that intergovernmental agreement or process would work."

Eddy: "Okay. So you're going to deal with that... that portion that was vague, the intergovernmental agreement, in some type of legislation, but does the local county health department handling the permitting comply with federal regulations in your opinion, related to this? I mean..."

Tryon: "Well, if they had the permit, they could."

Eddy: "Okay."

Tryon: "The other thing that was important for the homebuilders is they are very supportive of county health departments having an intergovernmental agreement to do this, because they just want to go to one spot to get a permit. They don't want to have to come to Springfield or file through a

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permit application process in Springfield. So, they feel more comfortable that during the permitting process, once we were to get one of these permits, that they could go to one location and get a permit."

Eddy: "And you'd be working with the local county health departments rather than a state agency as well, and I think that had a lot to do with their desire to work locally..."

Tryon: "Right."

Eddy: "...Because, of the situations that could occur. I mean these are... we're talking about how septic systems and discharge take place in rural areas of the state, but in some cases the local health department has surveyed and they know the area better, and maybe have some ideas about what is out there already and it's just a better place to have the authority. Okay."

Tryon: "Absolutely. And essentially, to kind of summarize it, it'd be the health department that'd be working with the state and not the constituency. And the second thing, Representative Eddy, that this did, this Amendatory Veto, is it stuck in additional language that referenced a section on the definitions of waters of the United States."

Eddy: "Right."

Tryon: "And we worked very hard to come up with an assurance that we were only going to use the federal definition and there was some opposition that was surfacing from that. So, I think all parties are in agreement that the best thing to do is to move forward, pass an override, come back and come up with this process on how this health department intergovernmental agreement would be..."

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Eddy: "All right. Final question, are there still organiz..., or groups that are opposed to the legislation? It's been a while since folks voted on this. What groups?"

Tryon: "The Illinois Public Health Association and Health Administrators Association, which I know you're familiar with, are in support of it. The Onsite Waste Water Advisory Professionals are still in opposition to it, although many of their members have called and said they would support the way that we passed it out. And the homebuilders are in support of the Bill as it is now and would be opposed to the Governor's Amendatory Veto language."

Eddy: "Did the Farm Bureau ever...?"

Tryon: "The Farm Bureau was in support of it as well."

Eddy: "In support of this version. Okay, thank you, Representative."

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

Stephens: "Well, Mr. Speaker, just for... to clarify, what we're doing here, I would like to ask the Gentleman a question. Representative, I was opposed to your Bill, as was virtually every downstate Legislator when it passed. If I still oppose the Bill, how would you suggest that I vote to support my own beliefs?"

Tryon: "Well, I believe voting to override the Governor's Veto will essentially put in place the right tools for our state to be able to comply with the Federal Law. And I know that you're opposed to the concept of a permitting system, but this permitting system doesn't affect those systems that are already in place. This... this Bill actually just says, if we

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don't get a permitting system, we're going to quit issuing people permits that don't comply with the Federal Law. That's all this Bill really does. And it gives a time frame, three years for... for IEPA to get a federal permit in place and I think that's reasonable legislation. I don't know why anybody would be opposed to that."

Stephens: "Well, let me see if I can explain to you why someone might want to be opposed to it. Ladies and Gentlemen, if you didn't like the Bill earlier in the year, you're not... the best course of action is to defeat the Gentleman's Motion. And we can eventually kill this, what I think is wrong minded legislation. Those of us who live downstate are just tired of the government coming to us telling us you don't know how to live in your country home. We do know how to live in our country homes, we can take care of ourselves, we don't need IEPA regulations and as for... as to the Gentleman's comment about, well, existing systems aren't affected, we're talking about the growth and development that is happening downstate and across the breadth of my district. We don't want this legislation. I suggest that you look at your voting record. If you were a 'no' before, you should be a 'no' now."

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

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

Speaker Turner: "Indicates he will."

Black: "Thank you. Representative, the previous speaker brought up, I think, the crux of the issue for many of us that voted against your Bill, and now we're in a trick bag. If you

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override the Gubernatorial Veto, then you outlaw a surface discharge system. Correct?"

Tryon: "This... this doesn't outlaw them, this simply says that if we don't have the proper federal permits in place in three years, we're going to quit issuing permits and in three years they'd be outlawed."

Black: "It... it doesn't do anything in a retroactive nature, does it? I have hundreds of these systems in my district. It does not mean that those people would have to replace an operating system at the end of three years. It can run until it's no longer operable. Correct?"

Tryon: "That's correct. It does not require anybody to do anything that has a system today. This Bill strictly says if there's not a permit... federal permit in place, we will not issue any permits to construct any more of these systems."

Black: "But, that... that's a three-year out window, right?"

Tryon: "That's three years out. That's correct."

Black: "Okay. If the Gubernatorial Veto stands, the concern that I think many of us in the less populated areas have, is that then we would not be able to operate under a county permit system. It would only be a permit system devised and controlled by the Illinois Environmental Protection Agency. Is that a correct assumption?"

Tryon: "That's correct, that is... that's the interpretation of the homebuilders, that's why they are opposed to the Amendatory Veto language, as well as several of the downstate groups that I work with."

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Black: "So, it's safe to assume that this was a rather complicated Bill with significant opposition when you passed it. In this case, I think the Gubernatorial Veto makes it even more complicated, and now you're asking us to vote that becomes even more complicated."

Tryon: "That's correct."

Black: "But I did hear you say, that it would be your intention to continue to work on this rather contentious issue and hopefully, can find some common ground."

Tryon: "I have made that commitment."

Black: "All right. Thank you very much, Representative."

Tryon: "Yes."

Speaker Turner: "Representative Tryon to close."

Tryon: "Thank you, Mr. Speaker. While for the last three years this has been a contentious issue, it's an issue that Illinois has to deal with. We are one of three states in the country that have these types of systems that are going into residential lots and discharging in the waters of the United States that have no type of federal permitting system, or no type of compliance for a federal permitting system. And what makes it even more, I think, incumbent upon us to do something is we have been notified by the Environmental Law and Policy Group, the state has, that they have filed an intent to sue in Federal Court regarding the enforcement of the Clean Water Act. These provisions have to be enforced by EPA, they don't really have a choice. And we're coming down to the end of the road in which we may be able to fix this legislatively, instead of having to rely on the courts to fix this. I think this, as Representative

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Eddy said, was the most... or least egregious of the compromises. It was worked on by many people for a three-year period. And I would urge an 'aye' vote and let's move on and come back and work out the additional language that we may need."

Speaker Turner: "So, Representative Tryon moves that House Bill 170 do pass, notwithstanding the specific recommendations for change of the Governor. All those in favor should vote 'aye'; all those opposed vote 'no.' The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 82 voting 'aye', 32 voting 'no', 0 'presents'. And this Motion, having received a Supermajority, House Bill 170 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Representative Tracy on House Bill 237."

Tracy: "Thank you, Mr. Speaker. I move to override the Governor's Amendatory Veto of this Bill. Upon the advice of the Speaker and his counsel, we deemed that the Governor exceeded his constitutional authority."

Speaker Turner: "Seeing no questions, the question is... the Gentleman from Vermilion, Representative Black."

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

Speaker Turner: "Indicates she will."

Black: "Representative, how... how does this Veto exceed the Gubernatorial authority?"

Tracy: "Well, basically, it... it did more than what the original Bill did, and it... and it was upon the advice of the Speaker and his counsel that it was deemed to technically go beyond

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the Governor's constitutional powers in that it went beyond the original scope of the Bill."

Black: "What... what exactly did the Governor do? The underlying Bill sought to double the interest rate for late Medicaid payments. I get a kick out of that Bill. We don't pay them anyway, so I don't know what doubling the interest rate's going to do. What... what specifically did the Governor do that the Speaker objected to?"

Tracy: "Well, basically, if you look at what the Bill did, it changed the time for payment to 30 days rather than 60 and increased the amount of interest. The Amendment that I agreed to in the Senate expanded the coverage to include some social service agencies, such as alcohol recovery resources and the like, and actually made it a better Bill. And the Governor, in effect, gutted all of that and a little bit more. He extremely weakened the Bill. The only thing that was left in was the Senate's Amendment and the House and the Senate had both unanimously passed these Bills. I think we're... we're... the reason being is they can certainly see that if our gover... if our government and our State Government is going to put its fiscal house in order in a proper manner, that this Bill represents a good step in that direction and is a Bill towards improving our government payroll process. But in response to your point, as I said, the Governor overstepped and took out the very substance of this Bill."

Black: "Has there ever been a definitive court case on what constitutes Gubernatorial noncompliance?"

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Tracy: "I can't say... I can't say specifically that that has been determined."

Black: "I don't think it has. And we continue this charade. How much money did we pay in interest in Fiscal Year '09 to Medicaid providers? Do you have any idea? 400 million, 500 million?"

Tracy: "I don't know. I know that we are billions behind in any payment to our Medicaid providers and that one of the reasons we have dug ourselves in a deeper hole is because the interest amount that compounds, because we're not paying the bills on time. But even more distressing is the effect this has on our private industry that does business with the state, or the people that depend on those services, in that the payments are months and months and months behind. So, no, I don't have an actual figure, I could certainly get it for you, because yes, the interest could be great, but the point of this Bill is to get us to a proper payment procedure that we have to honor and pay this type of bill on time, so that there is predictability to the providers of those services so that we don't ask them to bankroll a delinquent State Government."

Black: "Well, thank you, Representative, and Ladies and Gentlemen of the House. I have no doubt that this Bill will pass the Gubernatorial Veto, notwithstanding. But I find it amazing that here we are in a Veto Session, we don't have enough money to pay for a can of soda pop. Billions of dollars in unpaid bills and then I guess it makes us feel better when we go to our community providers and say well, we owe you \$485 thousand, but we are going to pay you 2

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percent interest. Where are we going to get the money to pay the interest? We don't have the money to pay the bill. We've got to stop this charade. Let's start being honest with people. My telephone service in my district office will be disconnected at the end of the month, the trash hauler isn't going to pick up the trash, my landlord hasn't been paid a check since May. We don't have any money. We're the biggest deadbeat state in the country, and yet here we are looking people in the eye and say we're not going to pay you, but we'll pay you 2 percent interest. Well, 2 percent interest of nothing is nothing."

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

Stephens: "Well, that was all very interesting, but the Lady's Bill and her override Motion is very much in order. Because for the same reasons that the Gentleman from Vermilion says, the state is not paying its bills, at least let us have the courtesy that when we do pay those bills for back months that they weren't paid that we add interest. It's most appropriate. I urge the Body to rise in support of the Lady's Motion. So there."

Speaker Turner: "Thank you for not slamming that microphone. They cost a lot of money. Representative Tracy moves... Representative Tracy to close."

Tracy: "Yes, I have the utmost respect for what Representative Black said, but this is a Bill that seeks to improve the way we do business in government. I hope that this Veto Session and our approaching spring Session are going to see a lot of reform measures passed and put into place, not just

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verbiage, but actual action to try to improve the way this government has operated. And this Bill seeks to put us in that direction and to pay our bills on time, and I would urge an 'aye' vote on the override."

Speaker Turner: "Representative Tracy moves that House Bill 237 do pass, notwithstanding the specific recommendations for a change of the Governor. All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Representative Burns, Jakobsson. The Clerk shall take the record. On this question, there are 107 voting 'aye', 7 voting 'no', and 0 'presents'. And this Motion, having received the Supermajority, House Bill 237 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Representative Fritchey, on House Bill 276."

Fritchey: "Thank you, Speaker. How are you doing today?"

Speaker Turner: "Well, very well, Representative."

Fritchey: "I missed you. House Bill 276, this is an override, Ladies and Gentlemen, as we know we have had some significant issues as it comes to the issuance of grants over the years. This initiative came as a function of my sitting on JCAR and the Motion to override the Governor's Veto comes with the unanimous support of the Members of JCAR. What the underlying Bill said is that agencies that are authorized to issue grants shall promulgate rules with respect to the issuance of those grants, that they will promulgate rules with respect to how the grants are going to be awarded, the disbursement of the grants, et cetera. What

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this does is provide the oversight that the Administrative Practice Act was always intended to provide. The Governor's Amendatory Veto interestingly says that he agrees with what we are trying to do, but that he thinks it's already in the law. The actions of certain of his agencies, and not all agencies here fall under the purview of the Governor, would indicate that not all agencies believe that they are bound to do this. This simply makes it very clear that they shall promulgate rules with respect to the issuance of grants, other than the Office of the Governor, I would know of no opponents to this. I think this is a good way to safeguard the power of the Legislature, good way to safeguard the integrity of the grant-making process, and a good way to protect the public interest. I request an 'aye' vote on the override."

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

Saviano: "Thank you, Mr. Speaker and Members of the House. I rise in support of this as the House cochair for JCAR, we are in total agreement, all the Members of JCAR. And we would appreciate the vote on this Bill in support of Representative Fritchey. Thank you."

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

Dunkin: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Dunkin: "Thank you, Mr. Speaker and Members of the House. Representative, just for some clarification sake, what brought this on? I know that the JCAR Committee meets and

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they come up with rules, they adopt rules to see to it that agencies have some... make sense of some of the legislation that we come up with here in this Body. Well, I'm just curious of what brought this on."

Fritchey: "Well, this came about the... attempt to issue and authorize and oversee and disperse grants without the required rulemaking authority that we believe the Administrative Practice Act requires. So, this simply clarifies the process as the Governor himself believes that it should work."

Dunkin: "Have there been any scenarios or situations where agencies have not been in compliance with grant-making authority, or sort of the rules were a bit loose to the point where there were problems in some of these agencies?"

Fritchey: "Yes."

Dunkin: "What agencies were those?"

Fritchey: "I don't have the specifics here. This... did not come out of thin air, this did not come in response to a solitary example. JCAR started to see a pattern of this happening and we believed that it was in everybody's best interest to clarify how the process should work."

Dunkin: "Is there an example of where maybe there have been some abuse or grants were misallocated in some wrong direction?"

Fritchey: "Well, the problem that we have is that grants had been issued without any rulemaking autho... without any rules authorizing their issuance. We can look at certain grants that were issued by the former Governor on his own and directed the agencies to issue those grants without there being any process or rhyme or reason to it. Again, this is

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about preserving the integrity of the Legislature and protecting the public interest."

Dunkin: "Sure, but is there one specific agency that has come close to not doing what the intent of this legislation is requesting?"

Fritchey: "The intention is not to single out a specific agency right now. The intention is to have a uniform policy under which all agencies, both those under the purview of the Governor and those not, will have to simply promulgate rules as to what the procedures and rules will be regarding how they determine grants; how they write those grants, how they disburse those grants, how they solicit applications for the grants, and all other aspects of the grant making process; including, recordkeeping and auditing."

Dunkin: "Are there other states that mirror this legislation here, Representative?"

Fritchey: "Excuse me?"

Dunkin: "Are there other states that mirror this type of legislation? Are doing it in New York or California?"

Fritchey: "Those states that have analogous structures, as we do with JCAR, have their own rules and regulations in place for what actions require rules. As the Governor's Amendatory Veto said, you know, he believes that the IEPA already does clarify this. We're simply trying to codify that and make sure everybody's on the same page."

Dunkin: "Okay. When is the effective date?"

Fritchey: "I don't have it in front of me, Representative. My belief would be it's likely a January 1 effective date."

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Dunkin: "I'm sorry, it's kind of hard to hear you, Representative. You said what now?"

Fritchey: "It's likely a January 1 effective date, although I don't have it in front of me right now. It's an immediate effective date, I stand corrected."

Dunkin: "Thank you, Representative."

Speaker Turner: "Representative Fritchey to close."

Fritchey: "Thank you, Speaker. I can see of no reason not to support the override here. I simply request and 'aye' vote from everybody. Thank you much."

Speaker Turner: "Representative Fritchey moves that House Bill 276 do pass, notwithstanding the specific recommendations for change of the Governor. All those in favor should vote 'aye'; all those opposed vote 'no.' The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', and 0 'presents'. And this Motion, having received a Supermajority, House Bill 276 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Representative Soto on House Bill 363."

Soto: "Thank you, Speaker and Members of the House. I move... I Motion to override the Governor's Amendatory Veto. The Rules Committee has deemed it not to be in compliance. Once House and the Senate overrides the Governor's Veto, the task force will start its work and submit a report as soon as possible. Thank you."

Speaker Turner: "So, Representative Soto moves that House Bill 363 do pass, notwithstanding the specific recommendations

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for change of the Governor. All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Slighter? Riley? The Clerk shall take the record. On this question, there are 115 voting aye, 0 'noes', and 0 'presents'. And this Motion, having received the Supermajority, House Bill 363 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Representative Franks on House Bill 366."

Franks: "Thank you, Mr. Speaker. This is our Motion to override the Governor's Veto. The Governor vetoed this Bill that had passed both chambers unanimously and had been worked on and compromised for quite some time. His Amendatory Veto is nonconforming, because he changed the date which is inappropriate. Further more, he made the entire Circuit Breaker program subject to appropriation. I'd ask all of you to vote again to override this Veto and send this back, so we can pass the law we all intended to pass as written. I'll be happy to answer any questions."

Speaker Turner: "Seeing no questions, Representative Franks moves that House Bill 366 do pass, notwithstanding the specific recommendations for change of the Governor. And that all those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 1 voting 'no', 0 'presents'. And this Motion, having received the Supermajority, House Bill 366 is hereby declared passed,

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notwithstanding the specific recommendations for change of the Governor. Representative Hernandez, on House Bill 489."

Hernandez: "Thank you, Speaker. Motion to override Amendatory Veto, House Bill 489. Governor vetoed language in the Bill that is already existing law. The Veto has nothing to do with the underlying Bill. The underlying Bill actually creates a new system for providers to enter the Medicaid program and address the access issue. I ask for your 'aye' vote."

Speaker Turner: "Seeing no questions, Representative Hernandez moves that House Bill 489 do pass, notwithstanding the specific recommendations for change of the Governor. All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Representative Jakobsson, McGuire? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. This Motion, having received a Supermajority, House Bill 489 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Representative Pihos on House Bill 547."

Pihos: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. On House Bill 547 I move to accept the specific recommendations of the Governor to this House Bill."

Speaker Turner: "Seeing no questions, Representative Pihos moves to accept the specific recommendations of the Governor as to House Bill 547. All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall

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take the record. There are 115 voting 'aye', 0 'noes', 0 'presents'. And this Motion, having received the Constitutional Majority, the specific recommendations of the Governor as to House Bill 547 are accepted and the Bill is declared passed in that form. Representative Currie, on House Bill 59."

Currie: "Thank you, Speaker. I move to accept the Governor's specific suggestions for change in House Bill 59. The underlying Bill changes some opportunities for complainants before the Illinois Department of Human Rights to have their... to have an opportunity to respond. And it also adds the Circuit Court to the commission in determining the amount of a... of penalty under a default judgment. The Governor's Amendment had only to do with taking out some rulemaking language, rulemaking language that was itself a remnant of some earlier battles between the Executive and Legislative branch. So, he takes that language out, it does not in any way undercut the value of the Bill. And I would appreciate your support for the Motion to accept the Amendment."

Speaker Turner: "Representative Currie moves to accept the specific recommendations of the Governor as to House Bill 59. All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have voted who wish? Dugan? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Motion, having received the Constitutional Majority, the specific recommendations of the Governor as to House Bill 59, are accepted and the Bill is

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declared passed in that form. Representative Chapa LaVia on House Bill 557."

Chapa LaVia: "Thank you, Speaker and Members of the House. I'd like to override the Governor's Veto on House Bill 557. And as far as... it went through Jud... wait a second, I'm sorry, let me find it. What it does it concerns... it draws in high schools, elementary. If a kid does a prank as far as calls in a false bomb threat, or something of that effect that would cause harm to students and it costs taxpayers quite a bit of money to send in first responders on that just to find out it's been a hoax, but what it does it adds a felony to that. I'll take any questions."

Speaker Turner: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "Yeah, thank you, Mr. Speaker. Will the Sponsor yield? She will, okay. Representative Chapa LaVia, I think the Governor is reducing penalties for university people, is that correct?"

Chapa LaVia: "That's correct. Speaking with our staff, our legal staff, they thought that it watered... he changed it dramatically and watered it down quite a bit... to accomplish what we needed to do as far to make sure that... that charges are put into place that equal what the crime is."

Davis, M.: "What kind of crimes are we talking about?"

Chapa LaVia: "Well, we are talking about anything that is immediate danger to individuals, like a bomb threat. Out in the suburbs, I don't know about in Chicago, there's been a lot of issues as far as kids playing pranks and causing a lot of problems as... far as dollars into the system of

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sending people out and then finding out that there is no bomb."

Davis, M.: "Well, okay, you know, it's really important when we talk about increased penalties to realize that, increasing any penalty, it increases the state or the county's tax burden. Now, what the Governor has done, it appears, is he said the penalty that existed was strong enough to provide protection to those who might be subject to... and to override the Governor's Veto here we're saying, nope, let's get that penalty up, let's increase it, but we're not thinking of the cost to taxpayers. Now, we can't pretend, we cannot pretend that we want to reduce taxpayer responsibility and at the same time pass legislation that continues to gouge the taxpayer. Now, the penalties here are in reference to threats, people who make a bomb threat, people who make other threats. Usually, the crime has not been committed, but a threat has been committed."

Chapa LaVia: "It's personal injury also and bodily harm, Representative Davis. It's not just a threat."

Davis, M.: "So, currently, the penalty would involve what?"

Chapa LaVia: "Currently, as is and how it passed out of here unanimously, is the Bill expands the provisions to include any public institute of educations, grades K-12. Prior to that, it was higher education. So, this was already in statute, we just added in grades K-12."

Davis, M.: "But what does it do to the penalty?"

Chapa LaVia: "The Bill adds a new penalty of interference, including a threat to personal injury or property damage. Under current law, a person committing a Class C misdemeanor

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for the first offense and a Class B misdemeanor for the second or subsequent offense, that's a misdemeanor. The Bill retains these penalties, but increases penalty to Class III felony for the interference, which includes a threat of personal injury or property damage. And the Bill provides the person may also be charged with intimidation, which is a Class III felony, may also be, I mean, that's judicial review. That's not a given... immediate given."

Davis, M.: "Well, on this issue, I think the Governor's absolutely correct. I think the current penalty is sufficient. The current..."

Chapa LaVia: "There is no current... there is no current penalty to that... from K-12, right now. There's nothing, people are excluded. If they do that to K-12 institutes, they don't get any... there's no felony, there is no misdemeanor, nothing."

Davis, M.: "So, in other words... so, K-12 people who per... do a bomb threat, you mean we don't put them into county jail, yet?"

Chapa LaVia: "No."

Davis, M.: "But that's what we want to do? This Bill would say if you..."

Chapa LaVia: "Well, if someone injures somebody or causes threat or injury or damage to property, yes, something should happen to that individual. Right now, there's nothing that will happen to that individual."

Davis, M.: "Believe me, Representative, something does happen to those individuals. They are expelled from school, some of them are placed into juvenile detention, something already

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happens to those individuals and in respect to the pocketbooks of the taxpayers of Illinois and without really doing anything for greater protection, I am going to have to support the Governor and vote 'no' on this override Motion, and I urge my colleagues to vote 'no' on this override Motion. To continue and add elements to a Criminal Code that is costly, but not effective in reducing the crime is a waste of taxpayer money. Now, I know we're all running for office and we all want to look good on a piece of paper, but when you think of what people pay for, let's be sure they get something for that payment. And in this case, children are already punished K-8; you make a bomb threat, you're going to get into trouble, no one's going to ignore it. You're either going to be expelled, you're going to go to juvenile hall. We don't need to add a Criminal Code where you committed a Class IV felony. I urge a 'no' vote. Thank you."

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

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

Speaker Turner: "Indicates she will."

Reboletti: "Representative, I know you supported House Bill 1105 which the Governor signed. That was a law that you and I had talked about. It was my Bill that actually increased the penalties from a Class C misdemeanor to a Class IV felony if you called in a threat to a school. How does this change that new Public Act? What does this do enhance to that?"

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Chapa LaVia: "This adds in personal injury and property damage. And right now, Representative Reboletti, we don't have... we have that for higher institutes, but we don't have... that for lower institutes."

Reboletti: "Well... and I appreciate this legislation, those that have supported my Bill, because my son's school had a bomb threat called into it. And they're still investigating the case from last March, I believe it was February. It was coinciding with Columbine and Northern Illinois and everything else, and it was a Class C misdemeanor, the Elmhurst police had to respond to the grade school, over 500 people had to leave the school, including over 300 students and staff and everybody else. They had to be removed to a neighboring church while the Elmhurst Police took three hours to make sure that the nonspecific threat wasn't a bomb, wasn't a gun, wasn't anything else. So, to me, our job here is public safety and to protect the public and to lock those people up. A Class C misdemeanor is a little bit higher than a speeding ticket and I think that the penalty should fit the crime and in these situations in today's world, that Bill, that law, as well as your override, hopefully, will continue to protect the people of Illinois. So, thank you."

Chapa LaVia: "Thank you, Representative Reboletti. Once again, individuals... I mean it passed 58-0 in the Senate and 117-0 here in the House. We're overriding the Amendatory Veto of the Governor. The Bill does not change and I do not accept the changes the Governor wants to put in to water it down. We're talking about a lot of money. Yes, we can talk on one

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end, but the other end is first responders lost time in school, attendance which equals dollars, federal, state money for these school institutes and I have spoken to a lot of the associations with education, they're not opposed to this. They will make sure that all the schools are aware of the new legislation. So, they're informing their students not to do these things. Please, I'd support a 'yes'."

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

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

Speaker Turner: "Indicates she will."

Graham: "Representative, what does the Governor's Amendatory Veto say? What does he want to have done, or...?"

Chapa LaVia: "Well, Representative Graham, I'm sure you have the analysis in front of you, as well. Verbatim, the Governor seeks to modify the penalty provisions in the Bill. The Governor proposes to reduce penalty imposed in the first inference including a threat to personal injury or property damage from Class III Felony 3-10 years, Class IV Felony 1-6 years. The Governor states, while it is important to convey the message that false threats at schools are serious crimes, punish such threats as Class III felonies, which is a little bit above a speeding ticket, is to serve. The Governor also recommends removing language that provides a person may also be charged with intimidation."

Graham: "There is case that is on... I want to say the Today Show about two days ago about some of the codes that different bodies of General Assemblies have passed all over the country and the sentiment seems to be that we have watered

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down some of the authorities that the schools have, maybe not so much as watered down, but taken away their ability to make some decisions. We have implemented so many mandatory scenarios that now the schools are not able to kind of evaluate whether or not they want to implement some form of punishment, or looking at a child's behavior and the child hasn't gotten into any trouble at all and happen to make an outbreak and say something that is, in fact, concerning to a school like a bomb threat, or threatening to hurt someone, but really said it out of anger and out of frustration. In this particular case, the little boy brought a little hunting piece of equipment to school that had a fork, knife, and a spoon on it. He had never been in trouble before, he just brought it 'cause it was his favorite piece of equipment and the school expelled him and sent him to an alternative school and deemed him as a threat, because the law states, the policy states, that this was a zero tolerance policy, and he, in fact, had to be sent to an alternative school, although, this child had no previous offenses, he was a good kid. Does this law... now I understand that we're doing a Veto scenario here and I am one of the 117 people who voted originally on this. But, you know, recent things have come to light to just bring some more attention about how we want to do something good here in the General Assembly, but oftentimes we kind of take away some of the authority of people who kind of know these kids better than we know them. So, does this Bill continue to do that, or...?"

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Chapa LaVia: "Well, I've discussed this with school administrators and superintendents and they're very aware of this Bill, they're in support of this Bill. This is not something that happens very often, but it has happened in the past. And they have told me they will be discussing this with staff and children so they understand the severity of this, doing this, so the kids won't fool around and do it, because it was happening for awhile, especially in the suburbs, because kids wanted to get out of school. But the kids didn't really understand that it costs a lot of money if you do that, because of all of the issues that come into play, the kids getting out of school, the first responders, fire department, same things that Representative Reboletti said that happened out in his district. So they said they would be working with me and making sure that the handbooks would have the children understood the ramifications of doing a prank, if it is a child indeed. Sometimes it's adults that do these harmful things."

Graham: "Thank you, Representative. I know that teachers are very concerned about our children and they have come to us on a number of different occasions with a lot of issues that concern them, also with the funding of counselors for kids in school. I think that we need to listen to some of those other concerns that teachers have that will bring a healthy environment to our schools and not look at things so often time to bring more penalty and punishment and get to the root problems or the root cause of why these kids are doing some of the things that they are doing, Representative. Thank you."

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Speaker Turner: "The Representative from Crawford, Representative Eddy, for what reason do you rise?"

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

Speaker Turner: "Yes, she will."

Eddy: "Representative, one of the previous speakers referred to the fact that school districts could expel or suspend a student, but what if the bomb threat or the threat of violence was made by somebody who wasn't a student?"

Chapa LaVia: "I think that we have gotten on a tangent on trying to prosecute these young kids. That's not the idea, I mean... like I stated earlier, it could be an adult that does this. It is a real true threat. If people understand today we don't live the same we did prior to 9/11. There are real terrorist threats out there."

Eddy: "So, right now..."

Chapa LaVia: "And this is one of the tools... we already have it for higher education, we want to make sure we protect everybody from 12th grade down."

Eddy: "So, right now, a K-12 threat made by a nonstudent doesn't have the enhanced penalty that's in this Bill and what the Governor's action would in effect do, is for those individuals who are not students, for example, who made a threat against a K-12 school, there wouldn't be this type of penalty?"

Chapa LaVia: "Correct."

Eddy: "Right?"

Chapa LaVia: "Correct."

Eddy: "I mean that was your intent, your intent was to make sure that those... those types of threats of violence that take

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place against K-12 schools would be treated in the same manner that those threats against higher education are treated."

Chapa LaVia: "Correct, Representative Eddy."

Eddy: "And, basically, the Governor said no, we want to water that down. You're saying we don't want to water that down, I don't agree with you, Governor, we need to have something in place that is going to be a deterrent and is going to, in those cases, punish those people who make those kind of threats against our children. That is what this is about, right?"

Chapa LaVia: "Correct, Representative."

Eddy: "Representative, this deserves an override vote. I would urge everyone in this Body to send a message that those K-12 students deserve the same types of consideration and protections and penalties that we afford to those in higher education."

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

Fritchey: "Thank you, Speaker. To the Bill. Ladies and Gentlemen, what this really turns on in my mind at the end of the day is severity of sentencing and proportionality of sentencing. For over a year, or for over a decade now, I have maintained that time and time again, so much of what we do down here is simply ratchet sentences up to show that we are tough on crime. We don't look at the proportionality of these things. You know, really the difference here between the Governor's statement and the underlying Bill is whether the threat that involves a threat or personal injury or

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property damage should be a Class IV felony, which is what the Governor recommended, with a penalty of one to six years or a Class III felony which is what the Bill provides for with a penalty of 2 to 10 years. Ladies and Gentlemen, we see the status of our prison system, when we see the cost of incarceration, when we see the nominal sentences given for otherwise heinous crimes, for us to contemplate putting somebody behind bars for 10 years. Even for as problematic an offense as a threat of personal injury, not a personal injury, but a threat of personal injury, when that personal injury could put you in jail for 10 years, the threat of it, but an actual battery or assault could put you in jail for a fraction of that time, there's something wrong. We are not doing the public any service every time we increase penalties. We are not doing the public a service, we are not doing victims a service, we're not doing the perpetrators a service, simply by locking them up and throwing away the key for a decade at a time. What we should be doing is focusing on why we cannot get our act together to fund \$7 thousand a year to educate our children, but we don't think twice about spending \$30 thousand a year to lock up our adults and we don't see the line between the two, time and time and time again. Unfortunately, most people aren't paying attention to this; unfortunately, most people aren't paying attention to this issue. But Ladies and Gentlemen, it's a big part of the problem how we got where we are. It's a big part of the problem with our social priorities, where we all talk about education, but we look at incarceration as economic development. It is Bills

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like this that lead to that policy. It is Bills like this, no matter how well-intentioned that set us backwards and put another generation of youths behind bars rather than leading our state forward. Thank you."

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

Collins: "Thank you, Mr. Speaker. To the Bill. We're real famous around here for enhancing the penalties. If we're going to put someone in jail for 10 years for a threat, you got to remember we're... we're going to have deal with these people once they get out of jail. What are we doing while they're in the institution? Are we correcting their behavior? Which is what we should be doing. If you allow someone to stay in the institution for 10 years.. unless you are going to put them in jail for the rest of their lives, you got to remember that they're coming back to the community. And then when they come back to the community, what are they prepared to do? It costs \$40 thousand a year to incarcerate an inmate, \$40 thousand. So, with that \$40 thousand we could be using services in the community to correct their behavior and then you got to remember, now once you give these people a felony, they can't get a job. So therefore, they can't take care of their families, they're going back home, they're doing the same things without having any corrective behavior. The Governor says that it's okay to punish these, and he is not asking you not to, he just recommends that you don't do it for such a long time. So, I really ask, and encourage that you do not

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override... that you override... this... what is... override the Governor's Veto. Thank you."

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

Washington: "Thank you, Mr. Speaker. It's good to see you. Mr. Speaker, to the Bill. I just want to make a few comments on this Bill. You know, I was really impressed to see that the Governor, very noble, first time that I've ever seen a Governor take a proactive stand. You know, my mother taught me that a lie is a lie, no matter who's telling it. And sin is sin, no matter what kind of sin it is. It has a common place. So, I am looking at the Governor's statement here, which I just want to reemphasize and direct some people's attention to it. The Governor, in this case, seeks to modify the penalty and the provision in the Bill. And he proposes to reduce the penalty imposed, because he feels that presently the way it stands, the way it's written, that it's too severe, that it costs a person too much for stupidity. And I think that he's right on target with that and I'm going to urge our colleagues to listen to the comments of Representative Davis, Representative Fritchey. I think they're reasonable, they're sound. We don't need to increase the penalty, we need to enforce the laws that we have on the book. But I want to... I want to conclude with this, see it goes back to the fact that I think, in my opinion, much too often we try to create legislation that's a one size fit all. And that is where we are catching the innocent up along with the guilty. I really hope that we reverse that trend, because everybody shouldn't pay the same

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price. We need to look at empowering parents to have more of a... as the Bible say, don't spare the rod and spoil the child. I think we need to really reflect on that, 'cause many of us in this room had corporal punishment in our household and it didn't make or break us, but it definitely didn't kill us. Now, if there was abuse, then punish those for abuse. But I think when you depower rather than empower the parents to make conversation with young people and also have some leverage to make that conversation stick, if you don't hear me you're going to feel me. So, I think that the Governor is right on target, I don't intend to override the Governor's intent here and I suggest we all do the same. Thank you."

Speaker Turner: "Representative Chapa LaVia to close."

Chapa LaVia: "Thank you, I want to thank all of my colleagues for their spirited comments. This Bill is not to put people away in prison, okay. This is for the safety of our children of this state, to treat them the same way that higher education is treated and what special laws we have to protect them. God forbid, God forbid, something happens to one of our high schools that happened at Northern, or Columbine. And we can go down the litany of things and have something like that happen at one of our schools and we cannot prosecute those people properly, would be a travesty. I don't need this Bill for reelection, someone asked... said that earlier. I am the Appropriation Chair for Elementary & Secondary Ed. It is my job to protect these kids and get the dollars they need. And we're talking about more money in school, let's take a look at Miller's Bill, or Meek's Bill,

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let's talk about that, let's debate that. Because our school's definitely need more money. But our children in this state need to be protected. The citizens in the community need to be protected. What we're trying to do is put a uniformed Bill, the same Bill that's there for higher education to deal with the same issues for 12, K-12, that's all I'm asking. That is uniformed Bill, uniformed law, so it's the same standard. Our children, at any age, matter. Please vote 'yes'."

Speaker Turner: "Representative Chapa LaVia moves that House Bill 557 do pass, notwithstanding the specific recommendations for change of the Governor. All those in favor should vote 'aye'; all those opposed vote 'no.' This Bill requires 71 votes. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, they're 91 voting 'aye,' 22 voting 'no,' 1 voting 'present.' And this Motion, having received the Supermajority, House Bill 557 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. The Gentleman from Bureau, Representative Mautino, for what reason do you rise?"

Mautino: "Thank you, Speaker. Just a point of personal privilege. I'd like to take this time to acknowledge and recognize the Illinois State's Attorneys Association, who are down here for their conference. And wanted them to stand up and say welcome to Springfield. It's State's Attorney, Brian Town from LaSalle County, many of your State's Attorneys are here as well. Welcome."

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Speaker Turner: "Welcome to Springfield. Gentleman from Lake, Representative Mathias, for what reason do you rise?"

Mathias: "Point of personal privilege, your... Mr. Speaker."

Speaker Turner: "...Your point."

Mathias: "Mr. Speaker, as you remember, back on... Mr. Speaker, if you remember, back on February 5, I filed House Bill 715. This was a Bill to roll back the onerous Cook County sales tax increase, restore some common sense and fairness... to Cook County taxpayers. We had a vote on March 26 on that Bill and although a majority of my colleagues in the general... in the House... supported my Bill, it fell short of the Supermajority needed in order to pass it. I know a lot of people voted against the Bill at that time, because they didn't maybe want to vote against their own Cook County commissioner. That may have been one of the reasons. However, since that time, the Cook County board took up the matter of rolling back that same... tax increase. And actually, I believe about three quarters of the board now favor... rolling it back. However, under the onerous Cook County rules it takes a... I think over 80 percent majority in order to... pass... I'm sorry, to overturn a Veto, which was done by our... the Cook County President. So I think a majority, a vast majority of that board does want to rescind that onerous tax. So, Mr. Speaker, I'd like to move... to suspend... House Rule 65(a), which requires that a Motion to reconsider be filed on the same legislative, or next legislative day. And that... the Member having voted... having presented the Motion must vote on the prevailing side, and

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move to reconsider the vote... by which a House Bill 715 failed."

Speaker Turner: "The Lady from Cook, Majority Leader Currie."

Currie: "I object."

Speaker Turner: "Representative Mathias, you were recognized for a point of personal privilege, but that Motion you just made is out of order."

Mathias: "Well, your Honor... a, I'm sorry, Mr. Speaker... I would like to appeal the ruling of the Chair. I think a everyone in this chamber knows that this is a very, very important issue to the residents of Cook County and that we should have...a another vote on this matter in light of the fact that the Cook County board itself... the majority of that board in fact, a three-fifths majority of that board would like to see that... a sales tax rescinded."

Speaker Turner: "So the question is, 'Shall the Chair be sustained?' You've been ruled out of order. And you are now making the Motion that... the Chair should... shall be overruled. But the question before the Members is, 'Shall the Chair be sustained?' The Clerk shall take the record... or open the roll. All those in favor of sustaining the Chair should vote 'aye'; all those opposed vote 'no.' And the voting is now open. The Clerk shall take the record. There are 69 Members voting 'yes'; 45 voting 'no' and the Chair is sustained. The Gentleman from Cook, Representative Ford, for what reason do you rise?"

Ford: "Mr. Speaker, I rise for a point of personal privilege. I would like to ask the Members of the House to join me in

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congratulating Michael Zalewski on a new baby girl. He had a baby while we were away, my good friend."

Speaker Turner: "Mike, congratulations. The Lady from Cook, Representative Golar, for what reason do you rise?"

Golar: "Thank you, Mr. Speaker. I would like to... the record to reflect that I am a 'no' on House Bill 5... 0557 and I was put down as a 'yes'."

Speaker Turner: "And the record will so reflect. Gentleman from McHenry, Representative Tryon, for what reason do you rise?"

Tryon: "Thank you, Mr. Speaker. I rise for a point of personal privilege."

Speaker Turner: "State your point."

Tryon: "Mr. Speaker, I would like to ask the Members of the House of Representatives if they would join with me in welcoming and wishing my seat mate here Patty Bellock a happy birthday. So, happy birthday to Patty Bellock. It's her birthday today."

Speaker Turner: "Happy birthday, Patty. On page 2 of the Calendar, under the Order of Second Readings, we have House Bill 4625. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4625 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Walker, has been approved for consideration."

Speaker Turner: "Gentleman from Cook, Representative Walker, on Amendment #2."

Walker: "Floor Amendment #2 to House Bill 4625, just the Amendment?"

Speaker Turner: "Correct."

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Walker: "That is a... in response to an issue that was raised in committee about the legal status of the Bill. And it adds to the Bill the fact that this Bill shall become effective immediately, or on the effective date as established by a court."

Speaker Turner: "Representative Walker moves for the adoption of Floor Amendment #2 to House Bill 4625. All those in favor should say 'aye'; all those opposed say... The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Well, Mr. Speaker, in all due respect to the Chair, and I know a... time is of the essence... do you want me to hold off asking the Gentleman questions about committee Amendment #1 until the Bill moves, or do you want me ask questions now?"

Speaker Turner: "Representative, we were on Amendment 2. We were just going to adopt 2 to the Amendment, he said it was technical. But a... if you have a question on the Amendment."

Black: "I never stand in the road of technical Amendments. As long as I have the ability to come back and talk on the Amendment that isn't so technical."

Speaker Turner: "You do have the ability to come back."

Black: "You're very kind, Sir. Thank you."

Speaker Turner: "Okay. So all those in favor of adoption of Floor Amendment... The Lady from Cook, Representative... Okay. All those in favor of adopting Floor Amendment #2 to House Bill 4625 say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

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

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

Clerk Mahoney: "House Bill 4625, a Bill for an Act concerning local government. Third Reading of this House Bill."

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

Walker: "Yes, thank you, Mr. Chair (sic-Speaker), thank you to the Body. A... this, I believe is a very important Bill. This Bill as amended... establishes for the Cook County board, that the ability for the Cook County commissioners to override an Executive Veto with a three-fifths vote, moving it from the current four-fifths vote, that is in effect today. This is a... about... the democratic process itself. I believe that in order for the commissioners to best represent the people of Cook County and especially those that are in my district that have complained, that it is important that the commissioners have the right to override a Veto at a three-fifths level, which is the level that's acceptable across many of the government entities in the United States. The four-fifths Veto was established apparently over a hundred years ago. We... I think it is out of line with what is typically done in American government and that I would... I would urge for its adoption. This Bill, this four-fifths level was established by the General Assembly previous to the current Constitution. I think it is well within our rights to establish the override to three-fifths. One final point, this Bill is in response to a Resolution passed by the Cook County Board of Commissioners, with a simple majority that we take up this issue and... and pass at the state level their ability to

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override an Executive Veto at three-fifths. I call for your support."

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

Fritchey: "Thank you, Speaker, to the Bill. "Ladies and Gentlemen, first let me commend the Bill's Sponsor for the ability to get this... issue to the House Floor. I first filed legislation similar to this in October of 2006, over three years ago. And... at the time, people have essentially said, so what. It seemed like a mundane and arcane issue. Who really cares if it's a four-fifths override majority or a three-fifths override majority, that's insider baseball. Well what I tell people now is if they want to understand the importance of having a Veto override majority in line with the rest of the country, essentially, all they need to do is look at their sales tax on a receipt from anything that they purchase in Cook County. Now withstanding that an overwhelming majority of Cook County commissioners understood the errors of their previous actions and the need to rollback the sales tax hike, they were unable to do so because of a Draconian and undemocratic threshold, that we have found to be unparalleled anywhere else in the country, let alone in this state. This is about returning democracy to the people. This is about returning power and parity to the Cook County Board. This is about establishing fairness. This is about making sure that they play by the rules that everybody plays by. And that no president, no matter who he or she may be, has the type of unilateral authority that was vested in the Cook County Board President as it is now. Now

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there was a time, many, many years ago that there was actually a rationale for that four-fifths majority. That rationale has long since gone. The time has come and gone for us to take this action. I am proud and I salute Representative Walker for doing this. I hope all of us will join, as oftentimes we hear people say that they don't want to do special favors for Chicago or special favors for Cook County. What we're asking you to do now on behalf of the people of Cook County, it's a... invest in their county commissioners the same power and rights that your county commissioners have and to reduce this Veto threshold. I strongly, strongly urge an 'aye' vote. Thank you."

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

Black: "Well, thank you very much, Mr. Speaker. I just... I'm in awe of this Bill. ...Will the Gentleman... yield?"

Speaker Turner: "He indicates he will."

Black: "Thank you. Representative, given the fact that a... my good friend and the right honorable Gentleman, Representative Fritchey introduced this Bill almost three years ago. And my good friend, Representative McAuliffe introduced an identical Bill in September, which has never gotten out of Rules committee. And even on your side of the aisle, Representative Fritchey's Bill never received serious consideration. And since you have been praised for your ability to bring this forward, what ability is that? Because some of us on our side of the aisle would like to know, what is that ability? I'm sure Representative McAuliffe would like to know, since his Bill never got out

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of Rules. What ability do you have that Representative McAuliffe doesn't have?"

Walker: "Well, I... have many abilities that everyone here in the Body shares. And what I did was bring to the... the leadership on this side the concerns of my constituents, that this had become a symbol of bad government. That Cook County was consistently mentioned. And I decided to come out swinging and demand that we make changes."

Black: "So, ev... evidently, Representative McAuliffe, who also lives in Cook County, couldn't convince your leadership that this was important when he filed the Bill, right?"

Walker: "I... I can't speak to those discussions for Representative McAuliffe."

Black: "I... didn't think that you... you could. In other words, if we can just put it simply. You're in the Majority, your Party controls the chamber, your Party controls the floor of legislation. So, they want to help you, right? So, you get to present the Bill."

Walker: "I can't speak for others; I can speak for my motivation. My motivation is to get this passed for the benefit of my constituents."

Black: "And your motivation is pure as the new driven snow. Correct?"

Walker: "I attempt to do my best."

Black: "And... I'm sure you do. Well, let me ask you a question that just... I'm incredulous. If this is such an egregious use of an override authority, why hasn't Cook County changed it? Over a hundred years they've had this unique... a Supermajority to override the Veto if it has caused such

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tremendous hardship for the people of Cook County, and I love them dearly, why haven't they demanded that the Cook County board change it?"

Walker: "Well, they have demanded, in fact, that the Cook County Board change it. And in a... case called the Dunn case, I believe from the 1980s the Suprem..."

Black: "I'm sorry, the dumb, the dumb case?"

Walker: "I think it refers to George Dunn."

Black: "Oh, Dunn, Dunn, okay."

Walker: "That... they could not as a board of commissioners demand that their own Veto structure change."

Black: "So that was a ruling by the chair at that time?"

Walker: "A ruling by the State Supreme Court."

Black: "Oh... So, the only way we can overrule that is by act of the General Assembly?"

Walker: "I don't know if it is the only way, but I do believe we have the legal right to overrule that. To restructure it to a three-fifths vote."

Black: "Was it an action by the Illinois General Assembly that made the... the County of Cook the only Home Rule county in the State of Illinois, or was that an action that the voters took in Cook County?"

Walker: "I honestly don't know the answer to that question."

Black: "Well, I know most Home Rule units can be subject to a referendum if they don't want it, or even if they want it. I... I know that there have been some communities in my district that wanted to become Home Rule. The citizens sent a... signed a petition and it went to referenda and it didn't pass. I don't know either how Cook County was established

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by... Home Rule. I don't know whether if it was by simple vote of the county, or was it a creature of the General Assembly and maybe... somebody on our side of the aisle can illuminate that... question. I'm curious as to why you amended your Bill. As... amended by Committee Amendment #2, nothing changes until after the election of November in 2010. Is that correct?"

Walker: "No."

Black: "If... they wanted to override a... the county board chair's Veto of the sales tax legislation, which they've tried, a... and come up what I think, one vote short. As amended by Committee Amendment #2, they can't try it again until after the new county board is seated, right? It's... prospective."

Walker: "That is inaccurate. The... it becomes effective immediately. Unless it is... the date is actually changed by court action."

Black: "Your Amendment represents... or excuse me... references the Illinois Constitution and says it will come... it will be effective as soon as the Constitution allows. Do we know when that is?"

Walker: "Pardon me, pardon me. The... my understanding is that this is effective immediately."

Black: "Mr. Speaker, could... could have you hold the timer for just a second? I... I need to consult with staff. I think we have an honest difference of opinion as to when this becomes effective. Could we just hold for just a few seconds?"

Speaker Turner: "We'll grant you a few."

Black: "Mr. Speaker."

Speaker Turner: "Proceed."

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Black: "Mr. Speaker... if I could just a few more seconds... trying... to get this straightened out. Was there not immediate effective date in... in Amendment #1? That was stripped in Amendment #2."

Walker: "Yes. And Amendment #2 retains that immediate effective date."

Black: "So, does Amendment #2 have an immediate effective date in the Amendment?"

Walker: "Yes, yes."

Black: "Did a Cook County lobbyist tell you that in his or her opinion, that's unconstitutional? That you're changing current county law by a state statute and they don't believe you can do that until the new County Board is in fact seated."

Walker: "That... that objection and observation was brought forth during the committee hearing. And we believe that we are doing everything in our power to make this effective immediately."

Black: "I think what confuses us is that in Committee Amendment #1 you had an immediate effective date; in Committee Amendment #2 you had an immediate effective date. So what's the difference between Amendment #1 and Amendment #2? Why was 2 necessary?"

Walker: "This is just to ensure that there is an immediate effective date. It is upon becoming law, and applies as soon as... as permissible under the Illinois Constitution."

Black: "Was there any substantive change... between the two Amendments then? Was there language stricken or added in 2 that was not in 1? Well... Mr. Speaker, I... thank the

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Gentleman for his indulgence. And I thank you for your indulgence. Let me just say, Ladies and Gentlemen, this is a... this is a very difficult situation, particularly for those of us who do not live in Cook County. I... follow the news... as best I can. I subscribe to the Chicago newspapers, and I understand that this is a very difficult situation. However, in my... in my more than two decades of service down here, I don't believe, and I'm not a constitutional scholar and I'm not an attorney and I don't want to play one on the House Floor. I really think what this legislation is about is some window dressing on an egregious difficulty that Cook County had. Now, I know that's very difficult for most people to understand, that Cook County would have any problem with fair and equitable government. I mean that's just... it's hard for me to believe that Cook County would have such a problem. It's the epitome of good, solid, clean government. We all know that. But I really believe that you can't have this Bill both ways. I think most of us on this House Floor know that you cannot diminish a seated body's power by legislative action. I just don't believe that's constitutional. But to cover yourself, you put an immediate effective date in the Amendment. I don't think that will stand. But you can go home, those of you who live in Cook County and say, well I have tried to clean up this unfortunate set of circumstances in Cook County that's only existed for more than a hundred years. I will give the Gentleman some benefit of the doubt, but, you know, Ladies and Gentlemen, one of these days rather than worrying so much about reforming Cook County which, may or may not be

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within the realm of this legislative Body in my lifetime. I wish we'd reform the way we do business down here. Other Legislators have filed this legislation and have not been at... not been allowed to bring it to the floor. That's wrong. That's just wrong. When we move to discharge you..."

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

Black: "I'll do the best I can."

Speaker Turner: "It's hard."

Black: "But fair is fair. And right is right. When we move to discharge, you literally laugh at us. But when something comes up that's embarrassing your side of the aisle, oh we can't move it fast enough. I just... I don't know how Cook County does business, I've never been able to figure that out. I do know how we do business here and to deny Representative Fritchey the ability to move his legislation before it became such an embarrassment is wrong. To deny Representative McAuliffe the ability to move an exact Bill filed before this Bill is wrong. Perhaps someday we'll clean up our own House."

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

Hamos: "To the Bill. You know I was listening very hard to this last dialogue and I want to say first of all that I'm also the Sponsor of the Senate Bill that passed this year, earlier this year. This is not about who gets credit for getting this done. Come on. Let's grow up here. This is not about that. This is about changing a law that the Illinois Legislature passed a hundred years ago or longer and getting it done. And that's what we should all be about

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now is moving forward in unison to make a positive change. And if I understand the Amendment that's been put on today, it's really in response to some questions that have been raised, but we want to protect ourselves that what we're trying to do is to have an immediate effective date unless this law is challenged. And if it's challenged, we'll deal with it. That's what courts are for, but our goal is to have an immediate effective date and that's what I hope all of us are trying to do here. Ladies and Gentlemen, this Bill is not about the current Cook County Board President. This Bill is not about Cook County government and whether it's corrupt or not corrupt. This Bill is not even about the Cook County sales tax. What this Bill is about is the constitutional principle of checks and balances. That's what Legislatures are for and that's what Executive is for. And what we're trying to do is to correct, really an anomaly in the State Law that is now archaic by setting.. setting it right and making sure that this one level of government also has the kinds of checks and balances that are enjoyed in the Illinois General Assembly with the Governor, enjoyed in Congress with the United States President, and that's what this is about. This is good government, it's not about the specifics of what we've been talking about. And it's certainly not about who gets credit for passing this Bill. Let's vote 'aye'."

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

Reis: "Thank you, Mr. Speaker. Inquiry to the Chair before I... ask my questions of the Sponsor."

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Speaker Turner: "State your inquiry."

Reis: "Have we decided how many votes this will take? Will it take 71 votes?"

Speaker Turner: "The Bill will require 71 votes."

Reis: "I would like a ruling from the Chair, as well. If this was normal Session day, how many votes it would take to pass?"

Speaker Turner: "Anything after May 31 takes 71 votes."

Reis: "I'm saying if we were voting on this April 1, how many votes would it take? Would it take 71 votes? Are we overruling Home Rule?"

Speaker Turner: "It would still take 71 votes because it preempts Home Rule."

Reis: "Thank you. I haven't found too many Bills that aren't gun related that take 71 votes to overrule, so thank you for that ruling. Will the Sponsor yield?"

Speaker Turner: "Well most... most of those gun Bills are preempting Home Rule. It's still consistent."

Reis: "We vote on a lot of them that don't take 71 votes."

Speaker Turner: "Okay, go ahead. Go ahead."

Reis: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Reis: "Representative, help me out now. This would lower the threshold from 14 down to 11, is that right?"

Walker: "That is correct."

Reis: "To override a Veto?"

Walker: "That's correct."

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Reis: "And this is in state statute now because of an action that happened several years... a hundred years ago, as the Representative said?"

Walker: "That's correct."

Reis: "Is there any other counties in the state where the General Assembly can come in and amend their bylaws like this?"

Walker: "Well, my understanding, this is an exceptional case in that this is our home rule county."

Reis: "So, there's no other counties where we could do this? They would simply have to do this on their own internally. Say Jasper County wanted to change their threshold, would the county board members be responsible for doing that themselves?"

Walker: "I don't know what happens with the other counties, I know this just applies to Cook."

Reis: "And why do you think that the current situation is so unfair. I've heard egregious, I've heard ...lots of things, why do you... why do you feel that this is so bad and in need of change?"

Walker: "I think it's a matter of checks and balances, that in fact..."

Reis: "Well, you have that now."

Walker: "Well..."

Reis: "And it doesn't even take a hundred percent unanimous vote."

Walker: "The question is, in our judgment is an 80 percent hurdle for overriding a Veto a reasonable check and balance between the Executive and the Legislative? And I would

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argue no. And it is not typical or... does not exist elsewhere."

Reis: "So you would feel that a situation that would require unanimous support would be even more egregious?"

Walker: "I would say that would not be in the spirit of checks and balances. Correct."

Reis: "To the Bill. Ladies and Gentlemen, I got a letter from another Representative who had the similar language to this Bill this summer, asking us to support their cause. And I sent a letter to them asking them as the Minority Party we're faced with the same situation every time we try to get a Bill released from Rules. Unanimous consent, unanimous consent from this Body just to have a hearing on the Bill. How is that not egregious? Where's the returning the democracy to the people with a rule like that? Unanimous consent just to get a hearing on a Bill that our people who elected us, yes, we're in the minority, but we still represent several hundred thousand people... several million people in this state. We can't even get a hearing on our Bill. Representative, I would like for you, if you would be so inclined to take Representative Black's Bill and amend your Bill so that we can bring fairness and return to democracy to the people in this chamber, that would allow us to get 16 cosponsors on a Bill so that we can have a hearing on it, and not unanimous consent. And I know I already said to the Bill, but ...let's live by our own rules and our own actions, Ladies and Gentlemen. There is nothing fair about that at all. And if we're going to make a change in Cook

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County, something that's so outdated and so unfair why don't we do it right here in our Body? Thank you, Mr. Speaker."

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

Dunkin: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Dunkin: "You know, I'm sitting here listening as other Members are and there's some pretty good questions being asked of our Sponsor, quite frankly. And those questions are precedent that we've ever set here in this State in terms of us going into, attempting to look into local government. And because of the political winds we want to act down here, knowing that we've never done this before. Whether we agree or disagree with what's going on in Cook County, Jasper County, Pike County, Sangamon County, we have never done this before. As a matter of fact, if I'm not mistaken their about to experience an election February 2, just as we are. And the voters of Cook County, I believe, have the right to select their respective commissioner as they do us as... Senators or House Members. Why are we doing this, Representative?"

Walker: "I would agree with you that this is a question of representative government. I believe that those Commissioners, as they are elected in the upcoming cycle, ought to have the appropriate power to represent the people they represent. And part of that appropriate power is the ability to override an Executive Veto without a... an extremely high hurdle."

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Dunkin: "So, today they can override Commissioners on their own legal and legislative ability, correct?"

Walker: "They can override with an 80 percent vote."

Dunkin: "Okay. It takes us what three-fifths here?"

Walker: "Sixty percent."

Dunkin: "71 votes right about now to do anything right now, right?"

Walker: "Correct."

Dunkin: "So, what if President Obama or the... the U.S. House and Senate sets a standard for us because they don't like something we did in Illinois, one thing or the political climate in this state is as such that they don't agree with? And here it is they want to change, just for Illinois not the other 50 states, but just for Illinois, maybe they're running for statewide office or county wide office and they want to change the law just because. Is that right? Do you think that's fair, Representative?"

Walker: "I... I can't deal with that as a hypothetical, I can say I believe this is fair for Cook County."

Dunkin: "How... I'm not arguing that, but I'm looking at the constitutionality of it. I'm looking at the precedent that it set, and us putting all of our hens in local government the precedent that we'll set. Let me ask this here. Some of the highest property taxes are in the City of Chicago. Should we intervene there and take on Mayor Daly and the other Aldermen there in terms of what they've done to raise my property taxes, and some of our property taxes of our constituents? That impacts all of us. Should we pass or

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come up with legislation to speak or address that or repeal that, Representative?"

Walker: "If you would want to come forward with such legislation we could debate it and consider it."

Dunkin: "So, have we ever done that to the City of Chicago?"

Walker: "Not... I don't know."

Dunkin: "What about Schaumburg?"

Walker: "... Don't know."

Dunkin: "Lake Forest? Springfield?"

Walker: "...That is a different case."

Dunkin: "Is it then, Representative? You know they've asked some very, very important questions. ...About what is our state budget that we're in the deficit here? We're in the red here right? Do you have an idea of what our budget deficit in the State of Illinois is? Any idea?"

Walker: "It depends how you do your accounting. One could say it's roughly seven billion dollars."

Dunkin: "Roughly what?"

Walker: "Seven billion dollars."

Dunkin: "Seven billion dollars. What about the city of Chicago? Do you have an idea of what the City of Chicago's budget deficit is?"

Walker: "I do not know their budget deficit."

Dunkin: "You have a staffer right next to you, I'm sure they can pop that question then answer to you on the side."

Walker: "Yeah... and what is your question?"

Dunkin: "So, the City of Chicago is... is in the red... the red as well?"

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Walker: "I am not concerned with the City of Chicago right now.
I don't know."

Dunkin: "Hold on, the State of Illinois is in the red, am I
correct?"

Walker: "We technically have a balanced budget, but I would
argue are deficit is \$7 billion dollars."

Dunkin: "Okay. Is the county's budget balanced today? Do you
know of that?"

Walker: "I have been told in the committee hearing that they are
solvent, and the budget is balanced."

Dunkin: "Have they laid off any individuals at the county
government?"

Walker: "In the past..."

Dunkin: "Right now, in this budget, Representative, has Cook
County laid off any employees to date, this fiscal year?"

Walker: "I don't know."

Dunkin: "You don't know the answer?"

Walker: "I..."

Speaker Turner: "Representative Dunkin, you have to bring your
remarks to a close. Give you one minute."

Dunkin: "Do... are we taking furloughs, Representative?
Representative, are we taking furloughs here at the state
level?"

Walker: "I am."

Dunkin: "Is the City of Chicago taking furloughs, today?"

Walker: "I don't know."

Dunkin: "The answer... to the Bill. Ladies and Gentlemen of the
House, I live in Cook County, I represent constituents who
live in Cook County and all of us are disgusted with the

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taxes, with the high cost of living in anywhere in the city especially in the... anywhere in the state especially the City of Chicago. And I disagree with high sales tax, high income tax 100 percent disagree. But the precedent that we are setting here because of the current political climate, and let's keep it real, this is politically motivated through and through. No one has challenged the Mayor of Chicago, no one, but we're challenging the County Board President and all of those other Commissioners who were dully elected just as we are. And shame on us."

Speaker Turner: "Bring your remarks... you through? Let him wrap up."

Dunkin: "I just think it is a unfortunate precedent for us to usurp Cook County Commissioners who went through an electoral process as we have and will experience an election as we will February 2nd. Just as it would be wrong for us to usurp and undermine the citizens all across the state especially in the City of Chicago who elect their Aldermen to do what they're supposed to do at the local level. This Bill, unfortunately, sets the wrong precedent and sends the wrong tone to citizens here. It is just too politically motivated through and through and yes, all of us disagree with raising taxes, especially in Cook County. This is the wrong way, this is something that we don't want to set standards for here in the city (sic-State) of Illinois. Let the voters out to deal with their situation in Cook County, let the voters deal with their situation in the City of Chicago. That is up to those citizens, me included, at the local..."

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

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

Speaker Turner: "Indicates he will."

Davis, M.: "Thank you, Mr. Chairman... Mr. Speaker. Representative, do you know when Cook County was created, Representative Walker?"

Walker: "When was Cook County created?"

Davis, M.: "Yes."

Walker: "A, I could guess... I honestly don't know the date, a long time ago."

Davis, M.: "It was created in January of 1831. And do you know how it was created?"

Walker: "...No."

Davis, M.: "It was created by constitutional law. It's in the Illinois State Constitution. There are 128 municipalities; it is a Home Rule County pursuant to Article 7, Section 6 of the Illinois State Constitution. To the Bill, Mr. Speaker. Because of the information that I just shared it says that Cook County is a Home Rule county. I agree with my colleagues who believe in local control, local government, local control. Just as no other government entity can come into the Illinois Legislature, which was also created by the Illinois Constitution, no one could come in and tell us how many votes it takes to pass a Bill, how many votes it takes to override legislation. And because Cook County is a Home Rule body we do not have that authority. There are commissioners who sit in those seats who are elected to represent the people who send them there. We should not

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feel that we are so powerful that we can usurp the authority of another government body that has Home Rule by the Constitution of the U... of the State of Illinois. I know that many of us are reading newspaper articles and feeling that giving the Commissioners an opportunity to override the President, that it's going to set everything right. Well, it absolutely won't. It'll be a violation of the Constitution of the State of Illinois that this Body operates under. So, regardless to how you feel about the President or the Commissioners, to obey the Constitution of the State of Illinois you would have to oppose this Gentleman's legislation. You would have to vote 'no' because it violates Home Rule and it violates the Constitution of the State of Illinois through which this government operates. I urge a 'no' vote. Mr. Black is a brilliant man today. Thank you, Mr. Speaker."

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

McAuliffe: "To the Bill. I would like to... I wish I was here in front today with House Bill 4616, but like I told Representative Walker, this is a Bill that people in Cook County and in my district need. There has been some changes too, as far as the Cook County Commissioners. For a long time you had 10 that were represented only in the City of Chicago and 7 in the suburbs. That's change which we've changed down here years ago so they ran in individual districts. So, I think this is a great Bill, it's a Bill that Cook County and the people in my district, the 20th district in the City of Chicago really, really need and want

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and I encourage all people especially the Republicans to support House Bill 4625. Thank you."

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

Eddy: "Couple of quick questions from the Sponsor, if he'll yield? Representative, question I have regarding this issue is whether or not it takes a change in state law in order for the four-fifths to three-fifths majority to take effect or could this be taken care of under Home Rule authority in Cook County and the Commissioners themselves change their own?"

Walker: "My understanding is that this cannot be taken care of by Home Rule authority of the Commissioners themselves."

Eddy: "So, right now they could not vote to change their own majority override?"

Walker: "That is my understanding."

Eddy: "So, your understanding is the General Assembly is the only place that can affect this change to the... the voting procedure. The General Assembly's the only Body that can make that change."

Walker: "It's the only Body I'm aware of."

Eddy: "Okay. And... during the... during the debate, I think the issue here becomes whether or not one would support a four-fifths rather than three-fifths authority of an elected Body in order to override a... an Executive Order or an Executive's decision."

Walker: "That's correct."

Eddy: "And that's it?"

Walker: "That's correct."

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Eddy: "Okay, that's what you're trying to do. It's obviously going to affect an issue that has been in the news recently. I... think and I really believe that Representative Reis was trying to make a salient point though. We're on the Floor today discussing whether or not it's appropriate for a four-fifths or a three-fifths representation of an elected Body to be able to override, or to do business as a Body. Yet, today, on this House Floor if an individual wants to do something, if they want to discharge a Bill, if they would like to have some legislation for the individuals they represent brought forward on the Floor it's not even four-fifths, not three-fifths, it's not four-fifths. We'd probably even settle for four-fifths. It has to be unanimous. And while that really, really I think doesn't directly have anything to do, I think it's worth noting that those individuals who believe that this should be done because it better represents democracy and they make that point and philosophically they stand up and they say this is the right thing to do in a democratic Body. But they're not willing to change the Rule that affects them, that requires not four-fifths it requires unanimous consent. I find that a little bit odd. I understand what your trying to do and I understand if this is the only place that can do it, why you brought it here. But I think we should all think about using that as our reasoning, that we're for democracy. If we were for democracy, we wouldn't vote for rules that require unanimous consent. If we're for four-fifths or three-fifths, we'd apply it to our own Body as well."

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Speaker Turner: "Representative... the Gentleman from Lake, Representative Washington, for what reason do you rise? I'm sorry."

Washington: "Thank you, Mr. Speaker, to the Bill. You know, Representative Eddy, you know I love the way you eloquently put things and sometimes it's hard for me to follow you from A to Z, but I got you all the way from A to Z on that. I think your point is... is nonpartisan and your comments are very well said and very well taken, because I think anytime that you set a precedent, it's someone else today and it's somebody else tomorrow. And I think if we don't let democracy play out and turn the municipality having Home Rule and the ability to decide what is best now we're talking about practice versus policy. We're talking about changing policy versus practice of a Home Rule Body that has survived this particular a... technique and has served it's constituency well. And I think, you know I'm a game player, I'm a team player and I think if I win, I'd like to win fair and square. I don't like running the ball and all of a sudden the referee has changed the rules and it changes the touchdown and the outcome. I think that is wrong I don't think that is in the right spirit. I think that's someone using their leverage to give a disadvantage for one and take from the other in order to a... manipulate the results of that. So, I got to say we're on target with that. Mr. Speaker, I think that because my colleague to the right of me so eloquently put it, I think that this would be a misplaced format to change something that the Commissioners themselves have not even began to attempt to change. Even if

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it was resolved here and only here, that's a secondary stage, but the first stage is the respect our other colleagues as they matriculate into greater leadership, this is something they have survived, this is something that they have done that works for them and I intend to vote 'no'."

Speaker Turner: "Seeing no further questions, Representative Walker to close."

Walker: "Yes, thank you very much, thank you for all your comments. I would say a couple of points; one is that we are here today in a Veto Session where we are overriding the Governor's Veto with a 60 percent vote. I find that to be a perfectly reasonable standard. The second point is that the commissioners in Cook County represent the people. This change will give them more voice in representing the people and I view that as a very positive thing. I would urge an 'aye' vote."

Speaker Turner: "So, the question is, 'Shall the House pass House Bill 4625?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 95 voting 'aye', 18 voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority is hereby declared passed. On page 2 of the Calendar we have House Bill 4624 under the Order of Second Readings. Mr. Clerk hold on. The Gentleman from Champaign, Representative Rose, for what reason do you rise?"

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

Turner: "State your point."

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Rose: "Ah, Ladies and Gentleman, I am very happy today. Many of you have heard of FutureGen and the fact that Illinois won this state of the art clean coal powered facility fair and square last year. We're very honored to have with us today the CEO of the FutureGen Alliance, Mike Mudd. And Mike is up here in the gallery. If you would stand up, Mike, and take a wave. Thank you for being here and thank you for choosing Illinois."

Turner: "Thank you, Mike and welcome to Springfield. Gentleman from Fulton, Representative Smith, for what reason do you rise?"

Smith: "Thank you, Mr. Speaker. Point of clarification on the last vote. I'd like to be recorded as voting 'aye'. I inadvertently hit the wrong switch."

Turner: "The record will so reflect. The Gentleman from Knox, Representative Moffitt, for what reason do you rise?"

Moffitt: "Thank you, Mr. Speaker. Rise to point of personal privilege."

Turner: "State your point."

Moffitt: "I'd like for the Body to join me in honoring and saluting what I believe is the House's newest grandfather. A baby was born Monday by the name of Tully James Sacia. Grandpa is right here in my row. Would you congratulate him."

Turner: "Congratulations, Grandpa. Gentleman from McLean, Representative Brady, for what reason do you rise?"

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

Turner: "State your point."

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Brady: "I'd like to remind the Body that... or notify the Body that tomorrow I will be bringing sandwiches from the famous Avanti's Restaurant, the home of the Gondola. So, sandwiches tomorrow."

Turner: "Thank you for the information. The Lady from Lake, Representative May, for what reason do you rise?"

May: "Yes, I have an announcement, please. The Environmental Caucus will meet at 9 a.m. tomorrow morning in the Rathskellar. I guess there were so many committees there wasn't a room, I'm sorry to report. So, we're going to go ahead and meet in the Rathskellar, 9 a.m. tomorrow morning, Environmental Caucus. Thank you."

Turner: "On page 2 of the Calendar, we have House Bill 4624. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4624 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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

Clerk Mahoney: "House Bill 4624, a Bill for an Act concerning local government. Third Reading of this House Bill."

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

Walker: "Thank you very... very much, Mr. Chair (sic-Speaker) and Members of the Body. This is the Bill that directly impacts the sales tax increase, as previously passed in Cook County. It does two things: One is to roll back the sales tax increase 1 percent, so back 2.75 percent in Cook County effective immediately. The second thing is to require in Cook County, a process that is similar to many other local

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governments that any time a sales tax increase goes beyond that level, it requires a referendum of the registered voters. The... the reason I am doing this... is this sales tax in my area has been harmful to the consumers in that they pay it in times of economic distress. It has been harmful to businesses. There have been studies, one by DePaul University that shows that Cook County sales tax, and therefore, sales tax revenue, Cook County sales are significantly down, even out of pattern with other counties in Illinois and with other parts of the country and that significant change began the month after this sales tax increase was approved. There is data that shows that businesses are moving outside of Cook County. My own consumers that I talk to door-to-door are... have been outraged by this tax. They said that they are changing their shopping patterns and, in fact, there is now data that shows that the shopping for retail goods has moved from towns near the border of Cook County to DuPage County, Lake County, and all the surrounding counties. It has been a disaster. The... the final thing is that when I go door-to-door, and I talk to my constituents, that we talk about good government, we talk about corruption, we talk about waste. The number one example that people give me and have been for months now, is to point at Cook County and to point at this sales tax increase. I think it's time to step up to the plate and turn back this sales tax."

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

Eddy: "Sponsor yield, please."

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Speaker Turner: "Indicates he will."

Eddy: "Thank you. Representative, I think you know that this... this legislation looks strangely familiar to many of us on this side of the aisle. I think... I think Representative Mathias was a champion of this in the spring. He, on several occasions, attempted to get legislation passed. I think on occasion in the spring, he also even tried to discharge this from Rules, so that we could hear in on the House Floor. So, I think it would be safe to say that Representative Mathias certainly deserves a lot of credit for... for making this issue something he championed in the spring, and however the process works here, I think we need to take a moment and let Representative Mathias know that this is his idea, and... and for whatever reason we are here today looking at it in this form. He needs that recognition. And, Representative Mathias, we... we want to do that. I want to ask you a question. Has anything changed between when Representative Mathias suggested this legislation and tried to get it discharged in the spring, and now?"

Walker: "Nothing is this Body has changed to my knowledge. I would say that businesses continue to move out of Cook County, as do shoppers."

Eddy: "Yeah, I think the concerns that... I think the concerns that you've mentioned in your dialogue about the Bill are as accurate, if we applied them to the spring as now. And the difference is that for whatever reason, Representative Mathias wasn't allowed to bring this issue out. I think the same concerns about businesses moving... excuse me, business

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moving out, the sales tax having a really negative influence. Those were all issues that we've heard before that Representative Mathias brought forward. I... I have a question regarding the previous legislation now and this issue. Based on the fact that we just passed a change from four-fifths to three-fifths, could... isn't this something now that the Cook County commissioners, if your Bill is successful in the Senate and is signed by the Governor and they receive the authority that you intended, which is immediate if I remember the Bill correctly, previous Bill, couldn't they do this themselves?"

Walker: "Yes, they could do this themselves, but my... my proposal here, and my argument for putting this forward is to make sure it happens."

Eddy: "Well, with all due respect to that proposal, that philosophy, we... we are not allowing locally elected officials now that we've given this new democratic power... if... if they get it, I understand it's got to go through the Senate, and it's got to through the House, and... and I think, you know, the writing's on the wall... or, excuse me, the Governor's Office, the writing's on the wall with that. Why not... why not give those locally elected officials the opportunity to do their jobs? Why is it necessary now, under those... those proposed new conditions, for the House to do this? I... I think it was more appropriate that we would have moved on this last spring when that four-fifths looked a lot more concrete."

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Walker: "My pushing forward this proposal now is to simply make sure it happens. I am... I am... and my constituents are tired of waiting."

Eddy: "Well, Representative, I... I understand that, and now, are you aware of the concerns of the... the board of commissioner's President Todd Stroger? He... he... he sent me the first ever letter I received from him. I had this on my desk today. I think he actually signed it. I do. It looks like his signature. He claims that there is going to be what he calls dire consequences should this repeal take place. Do you... do you think those consequences are going to be dire?"

Walker: "I believe that there will be belt tightening. I believe that there will be a severe review of how we spend taxpayers' money in Cook County, but the dire consequences, I have no way to judge that. I know that the current board voted with 13 out of 17 votes to in fact cut this tax in half. I, also, understand that many of them believe that they are operating with a... at least a... an even budget and possibly a surplus right now, and yet I have no way not... man... I don't want to micromanage the place, how much money can be saved."

Eddy: "Well, Mr. Stroger states in his letter that Cook County would be unable to fill a..."

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

Eddy: "Thank you. Just a couple more questions, Mr. Speaker. He says they will be unable to fill a \$400 million deficit that would result from the passage of the Bill, and you had mentioned that there were 13 votes by the commissioners, and

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that very well may be their determination that those issues related to the budget hole aren't as dire as President Stroger says. I guess my point is, those 13, under the new three-fifths condition would allow those locally elected officials who wants to get vote on this and make the decision about those dire consequences locally. And, I... I think we cannot be oblivious to the fact that these two Bills are back to back, and that in the... the Bill we just passed, those commissioners would have the authority to do what you're trying to do here on the House Floor. Thank you."

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

Durkin: "Thank you. Will the Sponsor yield? Representative, I was listening to your preliminary words, and you were talking about the practices of the county have been hurtful to consumers and business... businesses and that you've been talking to your constituents and they're concerned about government... government waste, but they also have... they want good government. So I want to know in... in this Bill whether you also are going to... has language which will require a supermajority vote for any tax or fee increase from the Cook County Board Commissioners. Is that included in your Bill."

Walker: "That's not included in my Bill."

Durkin: "Oh, all right. Does your Bill... let me tell you... a few years ago when this property tax... all right, the sales tax was enacted, a federal hiring monitor was appointed to investigate county hiring practices filed on that same day in which the county passed that sales tax increase, which

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was approximately \$426 million when they also added another 1000 jobs, but the monitor at a 54 page report stated that illegal political consideration and employment decisions were common with Cook County Government. Does your Bill establish and independent Cook Count personnel director? That's part of good government. That's part of transparency. The things we've talked about. Do you include that in your Bill?"

Walker: "That sounds like a very good idea, but that is not included in this Bill."

Durkin: "Does your Bill repeal the 2000 increase in the county's parking tax?"

Walker: "No."

Durkin: "Wow. Does your Bill repeal the forest preserve district's tax levy increase in 2002?"

Walker: "No."

Durkin: "Does your Bill call for the separation of commissioners from the... separate independent commissioners on the Cook County Forest Preserve District?"

Walker: "It does not. This is only about the sales tax increase."

Durkin: "Well, I thought it was about good government, about transparency, about not hurting the consumers. I'm a little bit surprised and disappointed that you think that this is going to be the... the savior of this legislation is going to save the businesses and all the residents in Cook County when there are a multitude of other things, I've just scratched the surface, that are not in your Bill. You have a great opportunity to take up some real reforms in Cook

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County, but we know what this is all about. The problems are a lot deeper than what you're doing right now, but unfortunately you're not apt to take 'em up for consideration."

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

Mathias: "I rise in strong support of House Bill 4624. I appreciate that the Sponsor of the Bill added me as a chief cosponsor, as I added him as a chief cosponsor on House Bill 715, previously. This is certainly needed in Cook County. I think that this would put Cook County in line with 101 other counties in the state where a referendum is needed in order to increase a sales tax. It should be... the case should be made to the residents of the county to decide whether or not this tax should be increased. I think that's only fair. I think if you look at New York City and Los Angeles, both of them are below eight and a half percent in their sales tax. So, we've become, in Cook County, the highest sales tax in the nation. And I think it's... it needs to be rolled back. The Cook County Board has made valiant efforts to do that, and I think that there is a change since the board came close to overriding the Cook County President's veto. Hopefully, now, with the legislation that we passed earlier today, they'll... it will put... if... if something happens to this legislation, they could do it themselves, but I think we need to act, as I stated earlier today, and also as I stated earlier in March when the Bill was called for a vote so, again, I urge everyone in this chamber to vote 'aye'."

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Speaker Turner: "The Representative from Jasper, Representative Reis, for what reason do you rise?"

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

Speaker Turner: "Indicates he will."

Reis: "Representative, I know there's some people that are in this Body that aspire to be on the Cook County Board, but why are we doing all the work for the Cook County Board today? We're amending their bylaws. We're getting rid of their tax increases. Is the next Bill just to abolish the Cook County Board?"

Walker: "I... I foresee no Bill like that. We're doing this because I believe that economically in at least my area of Cook County, we're in an economic crisis. This..."

Reis: "Why don't you let the people of Cook County vote out the people that voted for that tax increase? That's our democracy. If you don't like your elected official, you vote them out."

Walker: "I agree with that entirely. I..."

Reis: "So, why are we trying to change, from Springfield, what goes on in Cook County?"

Walker: "We..."

Reis: "You voted, probably, I'm assuming, for the .25 percent increase for the RTA. Why is that .25 percent okay, and then 1 percent not okay?"

Walker: "I was not here when that vote was taken."

Reis: "Okay. I apologize for assuming you would've voted for that, but the vast majority of people did vote for that. So, why is that quarter of percent okay, but this 1 percent's not okay?"

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Walker: "This 1 percent has directly impacted businesses, and even tax receipts."

Reis: "And so has the 1.2... or, the .25 percent."

Walker: "And this 1 percent has become a symbol of bad government to my constituents, and people..."

Reis: "And they should..."

Walker: "... have asked me..."

Reis: "... be outraged at their county board member, and they should take it out on them. But why do we continue to try to do things from Springfield that local control should be handling. And my next question to you, is do you have a Senate Sponsor for this Bill?"

Walker: "Pardon me?"

Reis: "Do you have a Senate Sponsor lined up for this Bill? I mean, it won't do any good just to pass one chamber."

Walker: "Two... there are two Senators interested in sponsoring this Bill. I'm not sure where that has settled."

Reis: "Has the Senate President indicated that he will call this Bill?"

Walker: "I have not had that discussion with him."

Reis: "Well, I thought this was the highest priority for you and... and the Members in the Cook County area. You haven't talked to the Senate President? We've only got six days here."

Walker: "I have not."

Reis: "To the Bill. Ladies and Gentlemen, many of us have been here, some longer than others. We all see what's going on here. This is nothing more than a campaign mail piece, or a nice press release to go out that we're fighting for you

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back home. When in reality, this is where the people of Cook County should take this out on their Cook County elected officials, vote them out of office, and change this at that level, not here in Springfield, but... I don't think there's any intention of this becoming state law. This is just a press release to tell everybody we're fighting for 'em back home. So, you do what you have to do."

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

Bassi: "For a question to the... to the Sponsor."

Speaker Turner: "Indicates he'll yield."

Bassi: "Representative, this is virtually identical to House Bill 17, is it not?"

Walker: "Seven-fifteen?"

Bassi: "Yes, Sir."

Walker: "Yes."

Bassi: "That was sponsored by Representative Mathias?"

Walker: "Yes, and I was also a cosponsor on that."

Bassi: "Cosponsor on that? Okay. Because the roll... the Roll Call vote at that point was 61 'yes', and 55 'no'. Have you secured the support of the... some of the rest of your colleagues? Because it was virtually a partisan vote, when we voted on this last March 26?"

Walker: "Well, I cannot speak for my colleagues, but I believe I have more support now."

Bassi: "Huh. I bet you do. Well, I... I for one will be supporting this legislation, as I have supported it before, but it's interesting that the support for this increases with the... with the necessity of primaries and generals

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looming, looming, and looming. I support your legislation, Representative. I just find it ironic that it had such a straight partisan vote the last time around with the exception of the Cook County Democrats, suburban Cook County Democrats. So, thanks for bringing it back."

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

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

Speaker Turner: "Indicates he will."

Davis, M.: "Representative Walker, exactly what does your legislation do?"

Walker: "Exactly what does my legislation do?"

Davis, M.: "Yes."

Walker: "It rolls back the 1 percent sales tax increase, and requires that for this county, any Home Rule county, that an increase above the .75 percent sale tax level will require a referendum."

Davis, M.: "Do you know what the result of the county budget will be with the roll back of that amount of money?"

Walker: "I don't have the hard figures. I have seen President Stroger's statement that would it impact them \$400 million. I have seen... I have done my own estimation and I... I have... I came up with a number close to that."

Davis, M.: "Representative Walker, do you know that to remove... first, let me... I don't know if you even know this. Those taxes by the county are divided in the following way. Those of you who understand a pie chart... think of a pie chart, 6.25 cent goes to the State of Illinois, one dollar goes to

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the RTA, .75 or \$1.25 goes to your municipalities or your local governments. The county gets 1.75 cent. Let me repeat that. Mr. Walker, the county gets 1.75 cents of those dollars. You didn't know that, Mr. Walker?"

Walker: "I do know it. I'm reading the same chart, actually."

Davis, M.: "To the Bill, Mr. Speaker. To remove that 1.75 cent would mean Cook County's portion of the sales tax, first of all, is three-fourths of a penny on a dollar. Cook County's portion of the sales tax exempts vital goods like groceries and medicine, as well as vehicles and other titled property. Cook County first imposed a county tax in 1992, at the rate of three-fourths percent of a dol... of a penny, of a dollar. In 2008, Cook County increased its portion of the sales tax by one penny on the dollar. The 2008 increase in the Cook County sales tax was a first and only in more than 15 years. The Cook County increase was the first in more than 15 years. Local municipalities in Cook County have raised their portion of the sales tax several times in the same period. Over 80 percent of the sales tax collected in Cook County is imposed by, and returned to the State of Illinois, 6.25 percent, and other units of local government get the rest. In 2008, the Illinois General Assembly imposed an increase in the sales tax of one fourth of a penny in collar counties, one fourth cent (sic-percent) of a penny in Cook County to bail out the RTA. In the collar counties, half of that increase went directly to county government. Cook County government received nothing. Cook County property tax. Cook County has not increased its property tax since 1996. The levy has remained constant at \$720 million.

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Effectively, that means that Cook County has lowered property taxes every year since 1996 by the rate of inflation. Since 1996, Cook County's property tax has declined by 46 percent, more than all the other municipalities and municipal governments within Cook County. Less than 6 percent of the average county property tax is assessed by Cook County. If we rescind the sales tax, Ladies and Gentlemen, a disproportionate effect on Cook County's health care system will lead to massive cuts that handles more than a million patient visits per year that treat people from..."

Speaker Turner: "Bring your remarks to a close. Give the Lady a minute."

Davis, M.: "I want to close by saying, I'm looking for Democrats in this building that don't seem to be a party. The people voting together, I don't know what party they're voting with, but it's not the Democratic Party. I'm very concerned that in the County of Cook, the City of Chicago, there's no African-American leadership. There are none. They're not appointed, and I guess, based on this, they won't be elected. As a Democrat who votes in Cook County, and in the State of Illinois, I expect some African-Americans on that ticket, and I expect them to be respected as the leaders that they are. Cook County has no deficit. Chicago has a big, fat deficit. CTA has a big, fat deficit. The State of Illinois has a big, fat deficit. Are we going to remove those people? What are we going to do? This is an unfair, and an unjust piece of legislation, and I truly believe it is based on race. Thank you, Mr. Speaker."

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

Dunkin: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, since we... since you voted to reduce the number of majority needed to pass or veto the president's legislation, is there a need for this legislation now, now that you've achieved what you wanted to?"

Walker: "I achieved what I wanted to for the long term. For the short term, I want this sales tax gone."

Dunkin: "I think all of us here in this chamber would like to see any sales tax eliminated, certainly, myself. Out of the 102 counties, have we ever done this before?"

Walker: "We have only one Home Rule county, and this only applies to this situation."

Dunkin: "Is that a 'yes' or a 'no', Representative?"

Walker: "To my knowledge, we've not done this before."

Dunkin: "To your knowledge. This is a major piece of legislation with the State of Illinois looking to usurp and trump Home Rule here in the State of... in our great state. I'm... I'm befuddled as of why it is that this is an issue for us today, other than us dealing with our real issues of us being number 48 on the educational funding list out of all 50 states, of us having the... one of the worst, worst health care, access to affordable health care states in the country. Why is this such a big issue that we are in local government's, arm of government, because of what, Representative?"

Walker: "This is an issue because we need to take steps to support our local economies. We need to take steps to

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support our local businesses. Businesses create jobs. Government can create jobs, but businesses create 95 percent of the jobs. We have to create the right environment so that our whole society can be healthy."

Dunkin: "Representative, no one here in this building is against business, because businesses hire people. No one in this building is... is supportive of any taxes, quite frankly. That's one of the toughest votes that a politician or public servant has to take. We are \$12 billion in the red. The City of Chicago is a half a billion dollars in the red. The County of Cook has not laid off any personnel. They have not reduced any service. They have not taken any furlough days. Why are we in the business of messing with Home Rule local governments, Representative? Why is that our issue down here when we have major issues to deal with at the state that we simply have not been able to grapple with, such as our pension. We are running, again, \$12 billion in the hole. We have... we fund educationing so terribly lopsided to benefit those wealthy counties, or those wealthy areas. What are we doing here meddling with local government, whether we like it or not? Why is this legislation so significant to us as state lawmakers?"

Walker: "I can only reiterate what I say. I am focused on removing the increased portion of the tax increase, put power back into the people such that any similar tax increase requires a referendum."

Dunkin: "Does... can we also go look back and repeal the Arlington Heights sales tax? Can we add that on as an Amendment here?"

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Didn't they just raise their tax? Didn't Schaumburg just raise their tax for the sake of the RTA as well?"

Walker: "They both raised their tax to my knowledge, yes."

Dunkin: "All right. Let's... let's look at the Arlington Heights sales tax."

Walker: "Yes."

Dunkin: "Should we go and take back what the local, elected officials accomplished? Should we do... should we handle that business right here at the state level? This is a..."

Walker: "I'm not going to speak to..."

Dunkin: "...press interest in the Senate, Representative."

Walker: "... to other local taxes. I'm speaking to Cook County."

Dunkin: "Representative..."

Walker: "Now, this..."

Dunkin: "...the City of Chicago just raised, last year, my property taxes. Can you amend this piece of legislation to decrease, to repeal my property taxes in the City of Chicago and the County of Cook? Can you add an Amendment to that effect on this legislation, Representative?"

Walker: "This legislation is about sales tax. I... it is not about property tax, and I won't add an Amendment to that effect to this Bill."

Dunkin: "Representative, my wife, she hates us paying such a high property tax for our place. She thinks it's unfair. Let's add property taxes on this here, as well. Let's look at Arlington Heights. Let's look at some of the other 102 counties and add this on this Amendment, because if not, Representative, this speaks to what it is. It's all political."

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Speaker Turner: "Bring your remarks to a close. Give you another minute."

Dunkin: "To the Bill, Representative. I am against sales taxes, property taxes, income taxes. The fact of the matter is, we have to make tough decisions as elected officials. We have to act as leaders, as we were elected to, and duly sworn to the Constitution of this state and the United States. We make tough decisions and choices down here all the time, but to have us interfering at the local level merely because we don't like who may be in leadership, or what the people who elected county commissioners, decided recently and maybe in the future, we took it upon ourselves to take a political stance, and to put legislation here to possibly bankrupt county government, to possibly have Cook County government look like our budget, which is in the red. We're letting prisoners go. We are cutting social services. We are closing... have closed mental health facilities. But yet here we are, who, where we don't have our act together, we're going to another local government, in this state, and we're trying to trump what they do, and they're not even close to being in the red, laying off people, having furloughs, letting prisoners go. And so, we're down here politicizing something that we really shouldn't have any business to, and we're said... We should be taking care of our business as State Representatives and State Senators, and being really grown up about the idea that we haven't gotten our act together at all. But we're politicizing this, and it is a sad day when we are conveniently trumping Home Rule government here in this state. I've... I..."

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

Colvin: "Thank you, Mr. Speaker. To the Bill, and I... I'll be brief. I rise in opposition to the Bill, and while I have a lot of respect for the Sponsor and the issue that he brought up here, and reportedly had heard throughout his district that this tax is very unpopular, well, the folks in their part of the district that's in Cook County, Representative, they elected a county commissioner who got elected from a... a single district, who made decisions back in 2008. So, you either support, I don't know who your commissioner is, so you either support or not support that tax increase, and, I see it wholly as a local issue. And when I first got to Springfield, and I came in mid-term, I took the place of a guy who went to the city council, who eventually became the county board president. One of the committees that he was on was counties and townships, and it was a committee where a lot of local government issues, it's the local government that we have here today. In that committee, there were a lot of Bills that dealt with a lot of local issues, and I quickly began to see a pattern in that committee. And that pattern was around issues that couldn't be decided at local levels, that because maybe a local mayor was at odds with his local board. He maybe got together with his local elected official and decided to take that issue away from that local community and bring it to Springfield. And I would sit there in that committee and often ask myself, why am I, a Legislator from Chicago, trying to decide and intervene on issues that have nothing to do with State

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Government. I would always vote 'no' if those folks weren't in unison in what they were trying to accomplish, which was nearly all the time. Simply vote 'no', remove myself from that particular issue, because it didn't belong in State Government. I see this issue very much the same way. This is a issue dealing with the largest economic engine in the State of Illinois, as it relates to the 102 counties. I think... I see this issue, and I've heard some of my comments from some of my colleagues, and I don't see this issue as much it is about one person, as it is about bad public policy. It is bad public policy for the State of Illinois to be intervening on behalf of local fiscal issues. Those commissioners, today, got a brand new tool that you gave them, Representative, when you passed your three-fifths Bill. I voted 'no', more so, out of the suspect timing of that piece of legislation. But I understand that a three-fifths majority, the standard that our own United State's Congress runs, why would the county have a standard that's different. I get that. I understand that, and I can see where you might be hav... a little more... be a little more judicious in... in proposing a Bill like that. It makes sense. I get it. But to directly influence how the county decides to balance its budget is... is not good policy, and it's not the right thing for us to do here in the State of Illinois. For any local government on an issue as it relates to how they self govern. I think the vote on a Bill like this makes a lot of people who talk about local control in local government breeds a lot of hypocrisy from those of us in government. And it is beyond me why anyone would

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think that the State of Illinois and the fiscal mess that we find ourselves in today, would think that the State of Illinois has gotten it right as it relates to fiscal matters in the last few years. Here we are, like the previous speaker, saddled in record debt with no way out. And there were a lot of us who voted for the last tax increase that the Governor... that the Governor who has come out in support of this, ironically, which I find it... it just makes me even more incredulous, that the Governor would weigh in, and be willing to weigh in on an issue that it relates to local people and the decisions that they made. I think the three-fifths Bill makes a lot of sense. You've given the county a tool they can do to further deal with their business. But for all of us, who would vote 'yes' on a Bill like this, speaks against anything that we've often believed the government... that the more local control that you have, the better off the government and the people will be. Local control. I don't see us doing this with any of the 101 counties. I don't see us ever doing this for the City of Chicago. This is very poor public policy. I wish you'd pull it from the record, but if not, I encourage my colleagues to vote 'no'."

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

Black: "Well, thank you very much, Mr. Speaker. Wait a minute, who put this party hat on here? I'm sorry. Thank you, Mr. Speaker. Would the Gentleman yield?"

Speaker Turner: "Indicates he will."

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Black: "Thank you. Representative, I have followed this debate with great interest. I was going to buy a new rain coat... believe this or not, I was going to buy a new rain coat at a store on Michigan Avenue, I don't know, about a year ago, and when I saw what the sales tax would be, and I'm not kidding, I didn't buy it. I... I just didn't buy it, but I had been watching your appearance on YouTube, Jeff Berkowitz, when you were on with him, oh gosh, I didn't get the date. I'm sorry. But I was listening to it, and about ten minutes into the program, Mr. Berkowitz asked you a question. Did you support Stroger to Tony Peraica in the General Election? Do you remember what you answered?"

Walker: "I believe I said 'yes'."

Black: "Okay. You did. So..."

Walker: "That was..."

Black: "...and then, Mr. Berkowitz asked you, 'So, you're guilty of Democrats support Democrats, right?'. And your answer was, 'I tend to support Democrats'. I... that answer doesn't shock me, but have you changed your mind now?"

Walker: "No, I still tend to support Democrats"

Black: "But not one Democrat, perhaps, in particular..."

Walker: "I..."

Black: "...as much as you might have. Well, let's just leave it at this, you tend to support Democrats, but not those who raise taxes beyond a reasonable level."

Walker: "Correct."

Black: "That's not a bad idea. We'll remember that as the Session goes on. I... thank you, Representative. I... I don't know what your motivation is here, Representative. I've

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been here a long time, maybe too long and maybe I'm becoming too cynical. I can't help but think there's some political agenda at work here, but at the same time, I think the sales tax rate in Chicago and Cook County is... is confiscatory. I... I just don't think it has any real relationship with real life, but I've heard a lot of Cook County... my colleagues in Cook County say it is, basically, a Cook County a decision. So, let me just make a comment and maybe you can put my mind at ease. My fear is that we are, perhaps, on a very slippery slope here; that if somebody in my district now comes to me and says, you know, I don't like that property tax rate. They... they had a truth in taxation hearing. They raised that levy more than 5 percent. I don't like it and I want you to introduce a Bill in Springfield to roll back that property tax levy to 2 percent. Now what do I do? Do I bring that here? In other words, and I'm not trying to be facetious, you see what I'm concerned about is that anybody who has a problem anywhere in the State of Illinois with a particular tax they don't like, or a particular tax rate they think is too high, do we then become the... the Body of last resort and tell a community of elected leaders, you can't do that. We're not going to let you do that. I mean, I'm trying to figure out how to vote on this, and it looks to me like we're going down something that may come back, and we may regret a year from now, three years from now. How would you put my mind at ease on that?"

Walker: "I think I understand that concern. I would say that this is a special case for a Home Rule county, which is a special case for which we have constitutional oversight."

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Black: "Would the... would the special case be the fact that it's a Home Rule county, or that the tax seems to, I think a majority of the people, would seem excessive? What..."

Walker: "I would say that it's a Home Rule county."

Black: "Okay. What... is there a way... I don't understand Cook County Government and I won't go into that. I could have a field day with that, but I don't understand Cook County Government very well. Is there no way to put a tax issue like this on a referenda? Do you have to fill out petitions and get it on a referenda?"

Walker: "I'm not an expert in it, but I... my understanding would be that with a petitioning process, one can put such an item on a referendum."

Black: "I... I tend to agree with you. With such an outcry when this was done, why hasn't anybody done that? I mean, if they did, I'm not aware of it, or if they tried, I'm not aware of it."

Walker: "Well, I... I personally circulated petitions against the original tax increase, but..."

Black: "But was it a petition to call for a public..."

Speaker Turner: "Representative Black, bring your remarks to a close."

Black: "Yes. Like somebody on your side, I didn't mean to speak that long. I'm just... but wasn't the petition to put it to a referenda?"

Walker: "It did... it did not call for a specific referendum, no."

Black: "Can you give me some reasonable assurance that if we take this action, are we endangering Cook County government, financial... I don't know Cook County finances. I just... I'm

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not familiar with it. All I know is that some people have said that if we do this, we could close down health clinics, and maybe even Stroger Hospital. Now, I don't know if that's true, but I don't want to sit here and say, uh oh, I may have taken an action that makes health care less accessible. Do you... you think that'll happen, or is that just a... a scare tactic?"

Walker: "I wouldn't characterize it as a scare tactic. In my judgment, and I am not deep into the numbers in Cook County..."

Black: "Well, just... just let me close, Mr. Speaker, with... with one question in two parts; I've heard people say that Cook County hasn't laid anybody off. Well, that tends to tell me that somebody isn't minding the store. I think every county in the state is in financial trouble, and if they haven't laid anybody off, they're either better managers of the money than most counties, or they're not looking at reality. Are they in sound, financial shape, or are they like most counties in desperate financial shape, but have not taken necessary actions to address a possible short fall?"

Walker: "Their representative at the committee hearing said they were solvent."

Black: "They're solvent? All right. Well, thank you for your indulgence, and thank you, Mr. Speaker. I... if there's more debate, I intend to listen very carefully. I... I do have some very legitimate concerns that once we start this, no matter how egregious, a 10, or a 12, or a 15 percent tax rate may seem, that if we're not very... if we're not careful, we may act on emotion and open us up to be the ultimate

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arbiter of what is a fair tax rate and what isn't a fair tax rate, and that's not exactly a position I'm comfortable with, but it has been a very interesting debate. Thank you."

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

Collins: "Thank you, Mr. Speaker. If you roll back the taxes on... to back to .75, the clinics will be affected. Not only will the clinics be affected, the programs in the sheriff's department will be affected, as well. If this Bill happens to pass, I would like to ask for Roll Call vote."

Speaker Turner: "You mean a verification?"

Collins: "Verification, yes."

Speaker Turner: "Okay. Representative Walker to close."

Walker: "Thank you very much, Mr. Speaker, and all of the comments. I would like to really say three things: one, that I appreciate the help and leadership of Representative Mathias and the others involved in this issue; I would like to say, second, that the remarks of Representative Durkin were very well-taken by this Representative, and I believe we are only scratching the surface of good government, and; number three, my motivation in this is to respond to the stated needs of my constituents, both businesses and individuals, and that what's... that's what pushes me to believe that this action must be taken. Thanks. I ask for an 'aye' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4624?' All those in favor should vote 'aye'; all those opposed vote 'no'. This Bill

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requires 71 votes, and because there has been a request for verification, each Member should punch their own button. Roll Call is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 65 voting 'aye', 4... 51 voting 'no', and 0 'presents', and this Bill fails. It needed 71 votes. Representative Mautino in the Chair."

Speaker Mautino: "On page 7 of the Calendar, appears House Bill 613, under Amendatory Vetoes, Representative Eddy."

Eddy: "Thank you, Mr. Speaker. I make a Motion to Concur with the Governor's Amendatory Veto. Simply involves rule-making language, and doesn't change the underlying Bill. I'd appreciate an 'aye' vote."

Speaker Mautino: "Representative Eddy moves to accept the specific rez... recommendations of the Governor as to House Bill 613. Is there any discussion? All... seeing none, all those in favor vote 'yes'; opposed vote 'no', and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. This Motion, having received 116 voting 'yes', 0 voting 'no', 0 voting 'present', has received the Constitutional Majority, the specific recommendations of the Governor as to the House Bill 613 are accepted. The Bill is declared passed in that form. House... The next on page 7 of the Calendar appears House Bill 723, Representative Professor Fortner."

Fortner: "Thank you, Mr. Speaker. I move to override the Amendatory Veto of the Governor. The Amendatory Veto went far beyond the scope of the original Bill. For those

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Members, you may remember the original Bill was a Bill that simply required that the... any party that did not have a candidate in the Primary, should they choose to slate some afterwards, that person would still need to collect signatures at that point. The Bill was carried overwhelmingly in the House, however, the Amendatory Veto goes well beyond that. It adds a wholly new provision to call for a specific question that would appear on this February's primary ballot, and is really in my mind, inappropriate to the Bill. There were some other technical changes recommended by the Board of Elections, and I will be having a trailer Bill come along to deal with those technical changes."

Speaker Mautino: "Representative Fortner now moves that the House pass House Bill 723, notwithstanding the specific recommendations for change of the Governor. All those in favor vote 'aye'; 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. Hundred and seven voting 'yes', 9 voting 'no', 0 voting 'present', the Motion having received a Super Majority, House Bill 723, is hereby declared passed, notwithstanding the specific recommendations of change of the Governor. Page 7 of the Calendar, appears House Bill 725, Representative Watson."

Watson: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I move to accept the Governor's AV on House Bill 725."

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Speaker Mautino: "Mr. Watson, if you could hold for a moment, we need to correct the board to match your Motion. The board is correct. Would you, please, restate your Motion?"

Watson: "Yes. I move to accept the Governor's Amendatory Veto."

Mautino: "The Gentleman moves to accept... under House Bill 725, Representative Watson moves to accept the specific recommendations of the Governor, as to House Bill 725. All those in... Excuse me, anyone seeking discussion? The Gentleman from Cook, Representative Fritchey."

Fritchey: "Speaker, just on a... on a procedural matter, something I haven't done, I think, in 13 years. I... on House Bill 723, I inadvertently voted 'no', when I intended to vote 'yes'. I'd like the record to reflect my intention. Thank you."

Speaker Mautino: "The jour... the journal will reflect your intention. Representative Boland is seeking recognition."

Boland: "Yes, thank you, Mr. Speaker. On that last vote, I inadvertently hit the 'yes'. I wanted to be recorded as 'no'."

Speaker Mautino: "The journal will reflect your intentions. Seeing no further recog... no further Member seeking recognition, all in favor vote 'aye'; 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. This Motion having received a Constitutional Majority, 116 voting 'yes', 0 voting 'no', 0 voting 'present', the specific recommendation of the Governor as to House Bill 725 are accepted, and the Bill is declared passed in that form. Page 7 of the Calendar, appears House Bill 746, Representative Feigenholtz."

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Feigenholtz: "Thank you, Mr. Speaker. I... I rise to override the Amendatory Veto of the Governor. I believe that there had been an original agreement among advocates to continue this program and, unfortunately, the opportunity to put aging in this, it's time has not come yet. So, I would appreciate your support."

Speaker Mautino: "Representative Feigenholtz moves that House Bill 746 'do pass', notwithstanding the specific recommendations for change of the Governor. All in favor vote 'aye'; opposed vote 'no'. No one is seeking recognition, so the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Hundred and sixteen voting 'yes', 0 voting 'no', 0 voting 'present'. The Motion having received a Super Majority, House Bill 746 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Page 7 of the Calendar, appears House Bill 1015, Representative Saviano."

Saviano: "Thank... Thank you, Mr. Speaker, Members of the House. I move to accept the Amendatory Veto on House Bill 1015."

Speaker Mautino: "Representative Saviano moves to accept the specific recommendations of the Governor as to House Bill 1015. All those in favor vote 'yes'; opposed vote 'no'. Seeing no one seeking discussion, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Winters, Mr. Reitz, Mr. Phelps, do you wish to be recorded? Mr. Clerk, take the record. Hundred and sixteen voting 'yes', 0 voting 'no', 0 voting 'present'. The Motion having received Constitutional Majority, the

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specific recommendations of the Governor as to House Bill 1015 are accepted, and the Bill is declared passed in that form. Page 7 of the Calendar, appears House Bill 1115, Representative Osmond."

Osmond: "Thank you, Mr. Speaker. I move to override the Governor's Amendatory Veto on House Bill 1115, which separates the Department of Insurance, formally the Division of Insurance from the Department of Financial and Professional Regulations, thereby, reestablishing the Department of Insurance as an independent cabinet level department. This action reverses the merger of the Department of Insurance into a larger department during the Blagojevich administration. This Bill seeks to restore the Department of Insurance to it's previous status, and to assist in the rebuilding of the department and the restoration of it's reputation. Governor Quinn recognized these problems, and while my Bill was proceeding through the legislature, Governor Quinn issued an Executive Order 2009-4, which also restores the department to an independent status. Governor Quinn's Amendatory Veto of this Bill removed the reference to the statutory independence of the department and instead, relies upon the independence of the department by virtue of an Executive Order. While the step was in the right direction, the creation of the independent Department of Insurance by Executive Order, is subject to change at any time, and does not promote the necessary stability of an independent department. I would like to ask that this General Assembly override this Amendatory Veto to place the language of 115 in... in the statutes."

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Speaker Mautino: "Representative Osmond moves that House Bill 1015 'do pass', notwithstanding specific recommendations for change of the Governor. On that question, Representative Fritchey is seeking recognition."

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

Speaker Mautino: "She indicates she will."

Fritchey: "Representative, just a technical matter. As I look at the Governor's statement, it sounds like you and he are saying the same thing..."

Osmond: "We are."

Fritchey: "...but they're trying to clear up... Is that really the Governor's statement? He's specifically trying to clear up what they see as a technical deficiency in the law, namely that the Executive Order has the effect of current law, and you're still trying to reach the same goal but they're taking the position that the wording of the Bill as it was drafted is incorrect in light of his Executive Order. Do you follow that at all?"

Osmond: "I'm trying to. Basically, I... I feel that very strongly that the Executive Order can be still changed at any time, and we already structured the..."

Fritchey: "I..."

Osmond: "...whole process."

Fritchey: "Let... let me... let me see if I can... let me see if I can do this. Let me just read three sentences that I have from the Governor's statement, and I'm really... I'm... I'm just trying to make sure that we're all on the same page here. This is actually from our analysis. It just says that the Governor emphasizes in his Executive Order, reestablishing

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the department as a stand-alone agency, is already in full force and effect, therefore, in the Governor's view, the Bill must reference current law, his Executive Order. To illustrate, the Enrolled Bill states that the powers transferred by this Amendatory Act shall be vested in and exercised by the Department of Insurance. The Governor believes that the Bill should state that the powers transferred by the Executive Order 2009-04 shall be vested. So, it's simply a... a question of whether we... whether the Bill should refer to the Amendatory Act, or to the Executive Order. It sounds from a technical standpoint that he may have a point, and I just don't know if you guys had looked at that and have an opinion."

Osmond: "But, what I'm trying to do is make it in statute, and not subject to the Executive Order."

Fritchey: "Well... well, no, but I think what... what he's trying to do... I think what he's saying is that you were trying to codify by statute the existing law, which is the Executive Order, not the existing law. The existing law would have had to be rewritten. Because of the intervening Executive Order, that's actually what you're seeking to amend and codify. It's... it's a fine technical point, but I'd hate to see a situation where you're trying to do something, the Governor actually wants to do the exact same thing, but we could be subject to a challenge down the road because, technically, it was drafted incorrectly."

Osmond: "Well, this Bill was in process from January. We put it through the process, and we passed it through the House, and it was over in the Senate, and the Governor and I both agree

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that we needed to accomplish this. I think that, probably, your points are somewhat correct, but I feel very strongly that we're policymakers and... and I feel that we still have to make this more into the statute that it's our desire."

Fritchey: "Not... not a question about that. Maybe I'm just improperly stating what I'm trying to say. The Governor's taking the same position that it should be put into statute, but what he's saying is, the wording by which you're trying to put this into statute is incorrect because... because of his intervening actions with the... here, let me ask you a question. Could you pull this for a second so I could come over and talk to you guys?"

Osmond: "If that would be alright with the Speaker."

Fritchey: "I appreciate that. I do. Thank you."

Osmond: "Okay. Thank you."

Speaker Mautino: "Please take this Bill out of the record, Mr. Clerk, at the request of the Sponsor. Representative Bellock, on... let's see, on Page 7 of the Calendar appears House Bill 2279, Representative Bellock, on a Motion to Override."

Bellock: "Thank you very much, Mr. Speaker. I'm going to make a Motion on House Bill 2279 to override the Amendatory Veto. What the Amendatory Veto did in this case was to take these... what we had asked for in the original Bill, the Res-Care Bill was to have two authorized community-based residential rehabilitation centers in the alternative health care model. I think this overstepped the boundary because what they did in the Amendatory Veto is they moved the two to five. So, I

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would ask everybody to support the override of the Amendatory Veto. Thank you."

Speaker Mautino: "No one seeking recognition, Representative Bellock moves to... excuse me, Representative Bellock moves that House Bill 2279 'do pass', notwithstanding specific recommendations for change of the Governor. All those in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Winters, do you wish to be recorded? Mr. Clerk, take the record. Hundred and sixteen voting 'yes', 0 voting 'no', 0 voting 'present', the Motion having received a Super Majority, House Bill 2279 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Page 8 of the Calendar, appears House Bill 3325, Representative Bassi, on a Motion to Override. Out of the record. House Bill 2547, Representative Fritchey. Out of the record. Representative Osmond, were you seeking recognition? Representative Fritchey. On page 9 of the Calendar, appears House Bill 2547, Representative Fritchey."

Fritchey: "Thank you, Mr. Speaker. House Bill 2547 amended the Illinois Human Rights Act. The reason that this Bill passed the way that it did was because we all recognized that we needed to have the ability to have jurisdiction and enforce acts of bullying and protect our students, and their safety, and welfare, and well-being when they're in school. This Bill gave the Illinois Department of Human Rights the jurisdiction like its counterparts have at the federal level in order to oversee and consider charges of severe and

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pervasive bullying against children based on their actual perceived membership or protected class. The Governor's Amendatory Veto, although I'm sure he was well-intentioned, essentially gutted our ability to do this by making it continually there being sufficient appropriations. We believe that it was a good idea at the time, and it's a good idea now, and I would request an override and a 'yes' vote on the override."

Speaker Mautino: "Representative Fritchey moves that House Bill 2547 'do pass', notwithstanding specific recommendations for change of the Governor. No one seeking recognition, all in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Mr. Clerk, take the record. Ninety-eight voting 'yes', 18 voting 'no', 0 voting 'present', the Motion having received the Super Majority, House Bill 2547 is hereby declared passed, notwithstanding the specif... the specific recommendations for change of the Governor. Mr. Clerk, please place House Bill 1115 on the board. Representative Osmond."

Osmond: "Thank you, Mr. Chairman... or Speaker. I'm sorry. Representative Fritchey was very kind to come over and give me some more thoughts on this, and at this time, I wish to continue to override the Amendatory Veto. We'll go into this a little bit further, and if I have to do a trailer Bill, I'll do a trailer Bill to make it more clearer. And so, I would like to move to override the Governor's Amendatory Veto."

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Speaker Mautino: "Representative Osmond moves that House Bill 1115 'do pass', notwithstanding specific recommendations for change of the Governor. On that question, Representative Fritchey is seeking recognition."

Fritchey: "Thank you, Mr. Speaker. I simply want to thank the Sponsor for pulling this out of the record before and hearing me out. I think we all have the same intention. If there is a technical deficiency, it's one that can clearly be fixed later on in the interim though. I think the woman is correct and deserves our support in trying to move forward with her legislation as originally intended."

Speaker Mautino: "No one else seeking recognition, the question is, 'Shall this Bill pass, notwith... notwithstanding specific recommendations for change?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative May, do you wish to be recorded? Mr. Clerk, take the record. Hundred and fifteen voting 'yes', 1 voting 'no', 0 voting 'present'. The Motion having received a Super Majority, House Bill 1115 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Mr. Clerk, please, place House Bill 1322 on the board. Representative Tryon. Out of the record. Mr. Clerk, what's the status of House Bill 3642?"

Clerk Mahoney: "A Motion to accept the Amendatory Veto is in the House Rules Committee."

Speaker Mautino: "Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 554, offered by Representative Kosel. House

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Resolution 555, offered by Representative Cross. House
Resolution 556, offered by Representative Farnham. House
Resolution 557, offered by Representative Brosnahan. House
Resolution 558, offered by Representative Rose. House
Resolution 561, offered by Representative Cavaletto. House
Resolution 562, offered by Representative Sacia. House
Resolution 563, offered by Representative Sacia. House
Resolution 564, offered by Representative Hoffman. House
Resolution 565, offered by Representative Cross. House
Resolution 566, offered by Representative Bradley. House
Resolution 567, offered by Representative Lyons. House
Resolution 568, offered by Representative Burns. House
Resolution 570, offered by Representative Cavaletto. House
Resolution 571, offered by Representative Bellock. House
Resolution 573, offered by Representative John Bradley.
House Resolution 574, offered by Representative Joyce.
House Resolution 575, offered by Representative Howard.
House Resolution 577, offered by Representative Cross.
House Resolution 579, offered by Representative Ford. House
Resolution 580, offered by Representative Osterman. House
Resolution 581, offered by Representative Dugan. House
Resolution 583, offered by Representative Cross. House
Resolution 584, offered by Representative Collins. House
Resolution 585, offered by Representative Colvin. House
Resolution 586, offered by Representative D'Amico. House
Resolution 587, offered by Representative D'Amico. House
Resolution 589, offered by Representative Stephens. House
Resolution 590, offered by Representative Cross. House
Resolution 591, offered by Representative Acevedo. House

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Resolution 592, offered by Representative Cross. House Resolution 594, offered by Representative Kosel. House Resolution 595, offered by Representative Feigenholtz. House Resolution 596 and 597, offered by Representative Cross. House Resolution 598, offered by Representative Pritchard. House Resolution 599, offered by Representative Madigan. House Resolution 601, offered by Representative Dunkin. House Resolution 602, offered by Representative Feigenholtz. House Resolution 603, offered by Representative Rita. House Resolution 604, offered by Representative Burke. House Resolution 605, offered by Representative McGuire. House Resolution 606, offered by Representative Dunkin. House Resolution 607, offered by Representative Dunkin. House Resolution 608, offered by Representative Pritchard. House Resolution 610, offered by Representative Flider. And House Resolution 611, offered by Representative Flider. House Resolution 612, offered by Representative Brady. House Resolution 613, offered by Representative Howard. House Resolution 614 and 616, offered by Representative Crespo. House Resolution 617, offered by Representative Soto. House Resolution 619, offered by Representative Cole. House Resolution 620, offered by Representative William Davis. House Resolution 621, offered by Representative McGuire. House Resolution 622 and 623, offered by Representative Jehan Gordon. House Resolution 624, offered by Representative Cross. House Resolution 625, offered by Representative Reitz. House Resolution 626, offered by Representative Cavaletto. House Resolution 627, offered by Representative Reis. House

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Resolution 628 and 629, offered by Representative Madigan.
House Resolution 630, offered by Representative Watson.
House Resolution 631, offered by Representative D'Amico.
House Resolution 632, offered by Representative D'Amico.
House Resolution 633 and 634, offered by Representative
Flider. House Resolution 635, offered by Representative
Connelly. House Resolution 637, offered by Representative
Stephens. House Resolution 638, offered by Representative
Dunkin. House Resolution 640, offered by Representative
Howard. House Resolution 643, offered by Representative
Brauer. House Resolution 644, offered by Representative
Lang. House Resolution 645, offered by Representative
Flider. House Resolution 646, offered by Representative
Feigenholtz. House Resolution 647, offered by
Representative Mitchell. House 640... House Resolution 648
and 649, offered by Representative Bill Mitchell. House
Resolution 651, offered by Representative Mathias. House
Resolution 652, offered by Representative Burke. House
Resolution 653, offered by Representative Chapa LaVia.
House Resolution 654, offered by Representative Saviano.
House Resolution 656, offered by Representative Joyce.
House Resolution 659, offered by Representative Rose. House
Resolution 660, offered by Representative Smith. And House
Joint Resolution 70, offered by Representative Hamos."

Speaker Mautino: "Representative Currie moves adoption of the
Agreed Resolutions. All in favor say 'yes'; opposed 'no'.
The 'yeeses' have it, and the Resolutions are adopted.
Representative Osmond is seeking recognition."

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Osmond: "Thank you, Mr. Speaker. The House Republicans would wish to caucus at 9:00 AM tomorrow morning in Room 114. I'm sorry, 118."

Speaker Mautino: "Mr. Clerk, committees... committee announcements."

Clerk Mahoney: "Committee announcements: Meeting immediately following session, is Biotechnology in Room 115; Elementary and Secondary Education is in Room 118; the Executive Committee will meet in Room 114; Higher Education in Room C-1; Healthcare Availability and Access in Room 122-B; and, State Government Administration in Room D-1. All these committees will meet immediately following session. Tomorrow at 4:00 PM, the higher... Appropriation Higher Education will meet in... and Higher Education in joint committee will meet in Room 114 for subject matter."

Speaker Mautino: "And now, allowing perfunctory time for the Clerk, Representative Currie now moves that the House do stand adjourned until Thursday, October 15, at the hour of 10:00 AM. All those in favor say 'yes'; opposed 'no'. The 'yesses' have it, and the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee reports: Representative Barbara Flynn Currie, Chair... Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on October 14, 2009, reported the same back with the following recommendation/s: 'approved for floor consideration' accept Motion... Amendatory Vetoes; House Bill 70, House Bill 1984, House Bill 2444, House Bill 2642. House Resolution 650, 'recommends be adopted'.

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Referred to the order of Resolutions. Senate Bill 1180, Amendment #1, 'recommends be adopted'. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education to which the following measures were referred, action taken on October 14, 2009, reported the same back the following recommendations: recommends 'be adopted' Floor Amendment #2 to Senate Bill 226. Representative Boland, Chairperson from the Committee on Higher Education to which the following measures were referred action taken on October 14, 2009, reported the same back the following recommendations: 'recommends be adopted' is House Joint Resolution 75. Representative Dugan, Chairperson from the Committee on State Government Administration to which the following measures were referred, action taken on October 14, 2009, reported the same back with the following recommendations: 'recommends be adopted' Floor Amendment #1 to House Bill 1995. Representative Berrios, Chairperson from the Committee on Bio-Technology to which the following measures were referred, action taken on October 14, 2009, reported the same back the following recommendations: 'recommends be adopted' is House Joint Resolution 76. Representative Burke, Chairperson from the Committee on Executive to which the following measures were referred, action... on taken on October 14, 2009, reported the same back the following recommendations: 'do pass as amended short debate' is Senate Bill 1371. Introduction and reading of House Bills-First Reading. House Bill 4646, offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill

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4647, offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill 4648, offered by Representative Coladipietro, a Bill for an Act concerning revenue. House Bill 4649, offered by Representative Reitz, a Bill for an Act concerning utilities. House Bill 4650, offered by Representative Ford, a Bill for an Act concerning census information. And House Bill 4651, offered by Representative Fortner, a Bill for an Act concerning elections. House Bill 1375, Second Reading of these House Bills. These items will be held on the Order of Second Reading, read and held. House Bill 1375, a Bill for an Act concerning government. Second Reading. House Bill 1409, a Bill for an Act concerning State government. Second Reading of this House Bill. House Bill 1580, a Bill for an Act concerning public employee benefits. Second Reading of this House Bill. House Bill 1600, a Bill for an Act concerning local government. Second Reading of this House Bill. House Bill 1800, a Bill for an Act concerning public aid. Second Reading. House Bill 1801, a Bill for an Act concerning public aid. Second Reading. House Bill 1802, a Bill for an Act concerning public aid. Second Reading. House Bill 1911, a Bill for an Act concerning transportation. Second Reading. House Bill 1995, a Bill for an Act concerning criminal law (sic-corrections). Second Reading. House Bill 4599, a Bill for an Act concerning revenue. Second Reading. House Bill 4628, a Bill for an Act concerning business. Second Reading. House Bill 4638, a Bill for an Act concerning professional regulation. Second Reading. Senate Bills on the Order of Second Reading. These Senate Bills

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will be read and held on the Order of Senate Bills-Second Reading. Senate Bill 227, a Bill for an Act concerning local government. Second Reading. Senate Bill 267, a Bill for an Act concerning civil law. Second Reading. Senate Bill 327, a Bill for an Act concerning finance. Second Reading. Senate Bill 941, a Bill for an Act concerning transportation. Second Reading. Senate Bill 1371, a Bill for an Act concerning regulation. Second Reading. House (sic - Senate) Bill 1471, a Bill for an Act concerning regulation. Second Reading. House (sic - Senate) Bill 1514, a Bill for an Act concerning local government. Second Reading. House Bil... correction Senate Bill 1732, a Bill for an Act concerning State government. Second Reading. Senate Bill 1812, a Bill for an Act concerning criminal law. Second Reading. Senate Bill 19... 1894, a Bill for an Act concerning professional regulation. Second Reading. Senate Bill 2093, a Bill for an Act concerning state government. Second Reading. Senate Bill 2106, a Bill for an Act concerning local government. Second Reading. Senate Bill 2109, a Bill for an Act concerning State government. Second Reading. House Joint Resolution Constitutional Amendment 37. This Constitutional Amendment will be read a second time in its entirety. House Joint Resolution Constitutional Amendment:

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

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adoption of this resolution a proposition to add Section 2.1 to Article VIII of the Illinois Constitution as follows:

ARTICLE VIII

FINANCE

SECTION 2.1. LIMITATIONS ON APPROPRIATIONS AND TRANSFERS

(a) For the fiscal year ending in 2012 and each fiscal year thereafter, aggregate appropriations and transfers from the general funds are limited as provided in this Section. "General funds" include the general revenue fund and any other funds designated by the General Assembly by law making specific reference to this Section. "Appropriations and transfers" do not include (i) reappropriations from a previous fiscal year, (ii) those made for debt service payments, and (iii) those made to a budget stabilization fund.

(b) Aggregate fiscal year appropriations and transfers from the general funds may not exceed the limitation amount. The limitation amount is the aggregate amount of appropriations and transfers from the general funds in the previous fiscal year, including increased amounts under subsection (c), as adjusted. The adjustment is the average annual percentage change in the average per capita personal income for Illinois for the five most recent calendar years for which data is available, as defined and reported by the United States Department of Commerce, or its successor.

(c) The Governor may declare a fiscal emergency by filing a declaration with the Secretary of State and copies with the Senate and House of Representatives. The declaration must be limited to only one State fiscal year, set forth compelling

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reasons for declaring a fiscal emergency, and request that the limitation amount for that fiscal year be increased by a specific dollar amount. The Supreme Court has original and exclusive jurisdiction over actions to determine the validity and sufficiency of a declaration, which shall be initiated in the name of the People of the State by the Attorney General. By joint resolution adopted by a record vote of three-fifths of the members elected in each house, the General Assembly may authorize increased appropriations and transfers in a specific dollar amount that is no more than the increased amount requested by the Governor in the declaration.

(d) If the general funds revenues for a fiscal year exceed the limitation amount for that fiscal year, then those excess revenues must be deposited into one or more budget stabilization funds. A budget stabilization fund must be designated by law making specific reference to this Section or, in the absence of law, by the Comptroller. If the aggregate unexpended and unobligated amount in the budget stabilization funds at the end of a fiscal year exceeds an amount equal to ten percent of the limitation amount for that fiscal year, then that excess shall be refunded in a manner and in amounts determined by the General Assembly by law.

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