

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

98th Legislative Day

2/16/2010

Speaker Turner: "The hour of 1:00 having come and went, today February 16, 2009, 'Fat Tuesday'. We shall be led in prayer today.. it is actually February 16, 2010. We shall be led in prayer today by Wayne Padget, the Assistant Doorkeeper. 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. Wayne Padget."

Wayne Padget: "Let us pray. Dear Heavenly Father, we come before You today in sound body and mind praying that on this day You grant to us the grace to remember, with love and reverence, that we are to go forth in peace with courage, holding fast to that which is good, rendering to no one evil for evil but help us to strengthen the fainthearted. Let us pray to support the weak and to help the afflicted to honor all people loving and serving You, in the same love and spirit and where You have loved us. This we ask in Your Son's name, Amen."

Speaker Turner: "We shall be led in the Pledge today by the Gentleman from Winnebago, Representative Jefferson."

Jefferson - 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. The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect the excused absences of Representatives Dunkin, Hamos and Zalewski."

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Speaker Turner: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives Black, Hatcher, Mulligan and O..., excuse me, Osmond are excused on our side... on the Republican side of the aisle today. Easy for me to say, right?"

Speaker Turner: "108 Members present, a quorum is present; we shall proceed with business. Mr. Clerk."

Clerk Mahoney: "Referred to the House in Committee on Rules is House Resolution 915, offered by Representative Reis. House Resolution 917, offered by Representative May. House Resolution 918, offered by Representative Pritchard. House Resolution 919, offered by Representative Pritchard. House Resolution 920, offered by Representative Bost and House Joint Resolution 98, offered by Representative Feigenholtz."

Speaker Turner: "We're going to go to the order of Third Readings. Prior to that, the Gentleman from Jasper, Representative Reis, for what reason do you rise?"

Reis: "Thank you, Mr. Speaker. I think my name was inadvertently used in debate when you said 'Fat Tuesday' today? No, okay. In all seriousness, we brought this up before on the floor and I think I figured out the problem Representative. Your Party having trouble picking a Lieutenant Governor candidate. You pretended to be Roland Burris one night and I want to clarify that you're the real Art Turner, that you came in second place, and that you should be the Lieutenant Governor nominee for the Democratic Party."

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Speaker Turner: "On page 4 of the Calendar, on the Order of Third Readings, Representative D'Amico, we have House Bills 4673. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4673, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative D'Amico."

D'Amico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4673, basically, is already a law. And all we're doing is increasing the fine from 100 to 500, if the contractor that's working in front of your house doesn't put his name and information on the side of his truck."

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

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

Speaker Turner: "He indicates he will."

Eddy: "Representative, can you kind of fill us in as to why this type of an enhancement? It looks like the... make sure I'm right about this. It's now a petty offense and the fine's a hundred dollars. What would... what would the enhancement become?"

D'Amico: "It's just... it's just raising the fine to \$500. Because what's happening is, you're getting a lot of these contractors that are scamming seniors and you know what, if they get caught and get pulled over by the police, they pay the \$100 fine and they really don't care. We're hoping that, maybe by putting some more teeth in the law, making it a \$500 fine... that that'll stop this."

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Eddy: "Okay. Were there any organizations at this point that are opposed to this legislation?"

D'Amico: "In the beginning, I think there was, but we had worked out the differences. It had something to do with service men... not service men, but service contractors on the roadway."

Eddy: "Service contractors, for example, plumbers?"

D'Amico: "Service maintenance men. The maintenance men that would pull up on job sites on the highway and stuff and that was all worked out. That... this doesn't apply to them."

Eddy: "Okay. So, if... if you're someone that... that works for a local electric company or plumbing company, does this apply to service vehicles that may pull up in front of someone's home to work on appliances?"

D'Amico: "Yes, absolutely. And... I mean, currently it's already the law, so they're supposed to have that sign on their side of their truck anyways, and they can also put a magnetic sign on. If they want to take the truck home at night, for instance, and they could take it off at the end of the day. It's just to protect our consumers to make sure that when the police are patrolling and our neighbors, as well, they see people doing some work on someone's house, we just want to make sure that they're legit contractors."

Eddy: "Okay. Our... our analysis shows that the... the opponents include the Home Builders Association. Are you aware of any opposition from the Home Builders Association?"

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D'Amico: "I think that that originally was because in the original Bill there was a possible jail time involved in there and that got taken out."

Eddy: Okay. So, the enhancement just has to do with the increase in fine which... five times the original... the current fine."

D'Amico: "Correct."

Eddy: "How about the Mid-West Truckers?"

D'Amico: "That, too, I think we had that worked out after I talked to them in committee, but I... I'd have to double check on that. I don't want to tell you the wrong information."

Eddy: "Okay. Representative, I think, just by the nature of what this could include and... and I don't think your intent is out of line here, you're trying to protect consumers, but just by the nature of all of those who could be included in this and, you know, the Illinois Association of General Contractors our analysis shows continue... to be opposed to this. It would be nice to... to know whether or not those groups are now neutral or if they... have opposition still."

D'Amico: "They... they may... they may still be opposed just because in general nature. We were... we were talking about this after committee. The big thing was the jail time and I took that out."

Eddy: "Well, I don't want to trip you up and I am not trying... I'm not trying to slow this down, but we'd like to check with some of those groups. And this is on Third Reading, we have plenty of time. If you could, at least, for... for a

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few minutes, pull this. Let us come back to it, if we can contact some of these groups to find out if they are indeed neutral if they still have problems with it. That would be much appreciated because I received a lot of calls originally and some changes have been made. They... they may very well not have the same feeling about the Bill. We'd like a chance to do that. Would you... would you accommodate that for a few minutes to..."

D'Amico: "Absolutely."

Eddy: "All right. Thank you."

D'Amico: "Mr. Speaker, we'll take this out of the record for them to check on that."

Speaker Turner: "The Gentleman asks leave to take the Bill out of the record. On the order of Third Readings, Representative Reis, we have House Bill 4835. Out of the record. Representative Currie, we have House Bill 4842. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4842, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Turner: "The Lady from Cook, Representative Currie."

Currie: "Thank you Speaker, Members of the House. Right now the State Board of Elections is required to provide, on its Web site, information about candidates for statewide office, for Congress, and for the Appellate and Supreme Courts. And the information that they are required to provide is information that comes from the candidates themselves. This measure would say, let's make the same thing apply, the same requirement for Primary Elections, so that the voters who are going to participate in Party

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Primaries may have a way of finding out more about the candidates who are on their... their ballots. I know of no opposition to the Bill and the State Board of Elections says that they can handle the Bill within the constraints of their current budget. So, I'd be happy to answer your questions. And I would be grateful for your support for passage of House Bill 4842."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass House Bill 4842?' 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? Clerk shall take the record. On this question, there are 108 voting 'aye', 0 voting 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 4721, Representative Franks. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4721, a Bill for an Act concerning wildlife. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from McHenry, Representative Franks."

Franks: "Thank you, Mr. Speaker. I come forward with a Bill which would allow any active member of the Armed Forces of the United States, who is now and was a resident of Illinois' at the time of entering the Armed Forces from Illinois and is presently on leave from the Armed Forces, to hunt and fish in Illinois without procuring a license. I've met with DNR on this and we... this is an agreed Bill. And I'd be happy to answer any questions."

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

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

Speaker Turner: "He indicates he will."

Bost: "Representative, just... just for clarification. Originally when we did this, you know, it was almost where we had... no, it was, where we had to require the military person to actually come to Springfield to obtain a license and show that. Is it... just their leave papers and their military I.D. that now work for them as a license and all the... enforcement agencies would understand that?"

Franks: "If, cause we... and this they were told we were going to have this fixed by a rule, 'cause we... this... question came up in committee. And they said they were going to have that fixed, so they wouldn't have to come down here to Springfield 'cause why bother having this, if people have to come to Springfield."

Bost: "Right. So... so my question is, are they going to have to actually be carrying a license or all... will all they have to do is show their military leave papers along with a military I.D.?"

Franks: "That would be my preference."

Bost: "Okay."

Franks: "and that... that's my intention."

Bost: "Yeah, I think ... I think that should be. Thanks."

Franks: "Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4721?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting



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is now open. Have all voted who wish? Have all voted who wish? The Clerk... the Clerk, shall take the record. On this question, 106 voting 'aye', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Franks, we have House Bill 4854. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4854, a Bill for an Act concerning financial regulation. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from McHenry, Representative Franks."

Franks: "Thank you, Mr. Speaker. This Bill was brought to me by our local sheriff and the reason was in response... because of the economy you're seeing a proliferation of entities that are advertising and coming into towns and villages saying we buy gold. But they are not... they don't have a permanent place of business and they're totally unregulated. This here would regulate those companies that do this. It would require them to register with the sheriff and also to show the inventory that they have acquired on each day in order to help protect our consumers. I'd be happy to answer any questions."

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

Bost: "Mr. Speaker, just one quick question of the Sponsor, if I can, please? Is this being sponsored by the Lieutenant Governor candidate, or the what... whatever he is, whether he is or he isn't, former Lieutenant Governor candidate or whatever he is from your side of the aisle...? I"

Franks: "Never spoken with the Gentleman..."

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Bost: "All right. I just... just wanted to check. I saw that pawn... pawnbrokers are involved there, so..."

Franks: "Thank you."

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

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

Speaker Turner: "He indicates he will."

Eddy: "Representative, what... what type of fee... what type of fee is associated with...?"

Franks: "This would be one that would be set up by the sheriff where they would pay a registration fee to the sheriff of the county when the vendor seeks to conduct business."

Eddy: "So, is it... necessary... can't... can't county governments allow for the imposition of this fee without action here? Why is it necessary that the General Assembly...?"

Franks: "Well, this is part of the whole package here. I wanted to have it laid out specifically because there is nothing now that is regulating this type of business. So now we're going to requiring a reg... we're going to require a registration with the sheriff of the county at least 30 days prior to the intended date to conduct business in the county. Also, it's to submit detailed transaction records. So, I thought it would be cleaner to put it all together in one Bill."

Eddy: "What... is there a limitation on the fee? Is there... is there any type of specific language in the Bill that would limit the amount that the sheriff... are... are we giving the... sheriff the ability to impose any fee that a local sheriff wants to impose?"

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Franks: "Well it has to be reasonable like all fees we have and if you're... the language indicates the fee shall be used to defray the cost of reviewing the records required under the section and may be apportioned as the Sheriff sees fit. So, we're giving them the discretion that they would need in order to, to regulate this type of business."

Eddy: "Well, I'm trying, I'm trying to find in the language of the Bill, where the Sheriff is given the authority, where it's limited in anyway based on reasonableness or... what type of?"

Franks: "Well, I think that's implied, Representative. I think that it's obviously we're saying a reasonable amount. I didn't want to put a dollar figure in because I'm not sure what would be reasonable depending on the, on the amount, because if someone's coming in for one day and gonna have a small, you know a small purchase amount that might be much different than one who may be there for a week."

Eddy: "Okay, let... I'm going to go back to my original question, because as far as any County Board, could a County Board, if they felt this was a reasonable registration initiative in that county, could they impose this without the General Assembly stepping in? Could... it be done now?"

Franks: "I think so... I don't want to say definitively yes, I... think you're correct."

Eddy: "So, in... I'll just use the county I live in, in Crawford County, if the County Board was concerned about the fact that the pawnbrokers weren't registering in... the County, and the Sheriff did, they could do this right now and then they could set the fee and there wouldn't be any ambiguity

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as to what the cost would be. Why... do we need to do this? Why does it have to come from Springfield, is my, I guess the bigger question here?"

Franks: "Because right now there's no registration of this type of business. We do have registration for pawnbrokers, but we don't have registration for an unregistered buyer of these... metals. This was a huge gaping loophole in the law and that's what we're trying to fill."

Eddy: "Well Representative, and... it very well may be. I... my concern is that this, the wording of this is written in a manner that while there may be... implied intent, there's nothing to say that in a certain county, you're giving the authority to the sheriff... do they even have to have the approval of the County Board or is the sheriff being given, direct power?"

Franks: "We're giving it, we're giving it to the Sheriff and if you'd like to have this tightened up on the Senate side, I'd be happy to work with your... with the Senate sponsor. I was planning on giving this to Senator Millner to work on. So, if you'd like to have that tightened up on the Senate, I'm happy to do it, but I didn't see an issue with it. This is the first that I've heard of it."

Eddy: "Okay. And I appreciate that. I... actually, I think we have a lot of time to tighten this up. We're... at the very beginning of Session. There are, I mean, what we're doing here is, we're providing county sheriff's direct power to implement a fee and the county government doesn't even have the authority to check the fee that's implemented by one of their county officials. I would feel a lot more

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comfortable if you would put the Bill back on Second, tighten the language up and we know what we're voting on. If this goes over to the Senate, with all due respect to Representative... or Senator Millner, and... I think his pawn, pawnbroking background is known to all. He's... a pawnbroker from way back, but, but we have a responsibility here. I think, to know a little bit more when we start doing the... getting into county business. And I... I think we should do it here."

Franks: "I don't share your same concern, because the sheriff is an elected official who's also has to be responsive to those who elect him. So, I've got confidence in the sheriff in doing the right thing, but if you want to get it tightened I could see doing it on the other side. We could continue the debate, but I... really don't have that same concern that you do Representative."

Eddy: "Okay."

Franks: "So, I'd like to have a vote on it today."

Eddy: "I appreciate that. Ladies and Gentlemen of the House, very quickly to the Bill. I... would recommend at this point, at this time in... in the proceedings, we're early in the Session. There's too many questions related to what could happen with this. It's not tightly written. I understand the idea that things can be done in the Senate, but I would rather we do our work here before passing on this type of legislation that's so loosely worded to the Senate. This is a fee Bill. This is a Bill that imposes a fee. Not only does it impose a fee, it imposes a fee that you... you're going to be voting for and responsible for when

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someone calls you, that you have no idea there's a limit on. So, I would respectfully request that we vote 'no' 'cause this could go back to Second. We can work on it and we'll know better what we're voting on. Thank you."

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

Davis, W.: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Davis, W.: "Thank you. Representative, one thing... as I'm reading the synopsis that I just want to... to be clear about is that one of the things that kind of has evolved or things that's very popular now is cash for gold."

Franks: "Right, exactly."

Davis, W.: "Does this impact that at all or...?"

Franks: "That's exactly why this was written. It came to us by our sheriff of McHenry County, because what he found out... these cash for gold folks that weren't a permanent site, weren't regulated at all. So, you'd see these advertisements in the newspaper or up on a, you know, on a wall somewhere bring us your cash for gold and these... we had no idea who these folks were. We didn't know whether they were taking stolen property. That's why the sheriff wanted to make sure that there was inventory lists on each day, so these... they couldn't work as fences, number one, for... but also to protect our consumers. So that's... that was the genesis of this Bill."

Davis, W.: "Okay. And then one more thing. It talks about that, I guess any fee, if you want to call it that, that's

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imposed is paid to a local county sheriff. How does... how does it... does the state benefit from any..."

Franks: "Yeah."

Davis, W.: "...of those fees..."

Franks: "No, it would

Davis, W.: "...or is that all locally held or...?"

Franks: "It's just to defray the cost they would have to take the inventories and to make sure that the folks are... are being regulated. It's like we do in... oftentimes here where we allow local government officials to set the fee structure, which then doesn't come back to the state, but it allows them to defray their costs."

Davis, W.: "Okay. Do you expect that the... what may be collected will be nominal? I mean... I mean, are we talking significant resources that a local county may be able to use to plug their budget holes or...?"

Franks: No, no. I... anticipate this to be a very nominal fee."

Davis, W.: "Nominal fees."

Franks: "A very nominal fee because all they're going to have to do is to go through the transaction records. I mean, it can't... be very difficult at all."

Davis, W.: "Okay, now the rules, it says here that our Department of Financial and Professional Regulation may adopt the rules. Will the local counties or representatives from the local counties have any input or say in how these rules are developed? And... I am asking that question because again, the state is not going to benefit from it..."

Franks: "Right."

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Davis, W.: "...but the state is going to..."

Franks: "Right."

Davis, W.: "...perpetuate the rules by which this is done."

Franks: "Because they... they do now right now the state  
perpetuates rules..."

Davis, W.: "Okay."

Franks: "...when it comes to a pawnbroker, for instance. So like  
in any rulemaking procedure, I certainly hope that they  
listen to the locals or the ones who actually have to  
implement these things and are on the front lines and know  
how these things should work and how they do work. So, I...  
don't see much changing anything than what we're already  
doing."

Davis, W.: "Now like for instance and... obviously I won't use  
names, but recently I received an e-mail for someone that I  
knew who held a cash for gold party at their house. Now, I  
didn't go so, 'cause obviously I didn't have anything to  
offer, but I didn't go, so... so you know these kind of  
things for a person that I guess is taking possession of  
that gold, like you said this is our... that person is what  
you're getting at here as well so how does a local sheriff  
kind of monitor or maintain maybe things like that that are  
taking place, particularly if it's somebody that maybe  
comes from out of state and says, hey, I want to have this  
and encourages people to come, they transact, you know and  
then money leaves the state. How... how will the local folks  
ever know that that happened or how... how does this impact  
something like that?"



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Franks: "That's... that's the problem that we're facing now. This is really only aimed at the traveling vendors. It's not someone who might have a party at their house or something. I mean, that happens. I mean, it's almost like a Tupperware party nowadays, but I'm talking about... the people that are coming in from out of town, who... who these traveling vendors of scrap metal, these... these cash for gold dealers. That's all we're trying to get at here and you know we have good intentions. If... if they're going to try to get around the law, oftentimes people get around the laws. We've got laws for lots of things that people get around."

Davis, W.: "Absolutely."

Franks: "But I think this is something that we need to... to try to help protect our consumers from potentially unscrupulous vendors, first of all, and second of all, halting the sale of stolen items."

Davis, W.: "Does this have penalties or address any of that kind of things? Like for instance, the person that I know that held the party at their house, would they be liable in any way if this became law and was subsequently... that law was violated because one of those parties was held at her house. Would the person who hosted the party be held liable in anyway?"

Franks: "No."

Davis, W.: "Naomi, Naomi, Naomi?"

Franks: "The answer's no."

Davis, W.: "Thank you. The answer's no?"

Franks: "Yeah."

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

Franks: "Thank you."

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

Stephens: "Thank you. Will the Gentleman yield?"

Speaker Turner: "He indicates he will."

Stephens: "I... I think this is a little bit more than just pawnbrokers. I... I wonder, the definition of a temporary buying location, would that be like a Democrat Primary? And do you know what? Pawnbrokers, they don't, when they buy stuff, they don't give it back, they just don't give it back. Is it... are you aware of something that we're not aware of that makes the recent political shenanigans make more sense to the... just the common folks?"

Franks: "I... I wish I could enlighten you. I don't get it."

Stephens: "Yeah. Well, I know you could enlighten me, would you?"

Franks: "I... I don't get it either. So help me out swami."

Stephens: "Well, I'll... I will tell you this. That I... I was not aware that pawnbrokers met in convention centers. Is there any truth to the rumor that the Democrat leaders of the State of Illinois were meeting in the same convention center as a prior elected Lieutenant Governor candidate for your Party? Is that how they met?"

Franks: "I... I wish... wouldn't know."

Stephens: "Well, and yes, but you might."

Franks: "I wouldn't know."

Stephens: "Well I had to ask the question."

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Franks: "I don't know. I don't know. I wish... I wish I could... I'm not avoiding the question to the answer. I just don't know the answer."

Stephens: "I understand. I wonder if the... if the Gentleman in the Chair would care to share his opinion."

Franks: "Yeah. He might know more than me."

Stephens: "I... if, if you finished in second place in applying for one of these pawnbroker registrations and the guy above you drops out, do you get his license?"

Franks: "I... I think you have to get it on your own merit."

Stephens: "I... number one I do not agree. I do not agree. I think that anybody that got second place in an election for pawnbroker and the number one vote-getter drops out, I think that the number two pawnbroker should get that license. I... not particularly a joking matter on this side of the aisle... we believe, because most of us Republicans believe that the people should be the ones who decide. We believe that the people of Illinois have spoken as to the candidate for your side of the aisle should be and now you're going... you're going to meet in the backroom of some convention center, I guess. I just pray that there's no can... no pawn... temporary pawnbroker license issued on the day that the Democrat Leaders meet to pick the candidate for Lieutenant Governor, who's going to finish second one more time to a good friend of ours, Jason Plummer, of Edwardsville. Thank you."

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

Durkin: "Will the Sponsor yield?"

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Speaker Turner: "He indicates he will."

Durkin: "Representative, I just want to make it very clear that there's no cap in this legislation on the fees that can be assessed, correct?"

Franks: "Correct."

Durkin: "And the sheriff would not have to seek the approval from the County Board on this fee, would they?"

Franks: "No."

Durkin: "Or do they just do it unilaterally?"

Franks: "Correct."

Durkin: "What is the going rate in the sheriff's office to review these records? 'Cause when I looked at your legislation, you say that the purpose of it is to defray costs for reviewing the records."

Franks: "Correct."

Durkin: "Now, the county employees don't bill by the hour, they're salaried, so I'd like to... I'd like to know what exactly types of costs that they have experienced... "

Franks: "I know, I... "

Durkin: "...on reviewing the records."

Franks: "I... I wouldn't know. I mean, I presume them to act reasonably and appropriately. I mean they're an elected official that are... that are responsive to their constituency. I... I wouldn't know the answer to that."

Durkin: "So, we have 102 counties that would be able to assess varying fees for this type of... on the pawnbrokers and there's no clear designation of how this money will..."

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Franks: "Well, if you'd... if you'd prefer to have the Department of Professional Regulation set that fee, I have no problem with that."

Durkin: "Well... and I think that goes back to the request that Representative Eddy made that maybe we just ought to hold back in this and let's get some... insert some language which gives the Department of Professional Regulation the authority to set limits and other types of... at least caps on these types of fees. I think that's a reasonable request. Would you be willing to do that?"

Franks: "Yeah. Okay. I'm happy to do that. We'll pull it out of the record."

Durkin: "Thank you."

Franks: "And we'll do that. Thank you."

Speaker Turner: "Representative Franks to close."

Franks: "I'm going to pull it out of the record right now, because Mr. Durkin had asked for us to make an Amendment to allow the department to set the fee and I think that's probably reasonable, if that's their concern. And we'll... we'll fix that."

Speaker Turner: "The Gentleman... the Gentleman asks leave to take the Bill out of the record. Take it out of the record. We'll go back to Representative D'Amico's Bill, House Bill 4673. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4673, a Bill for an Act concerning transportation has been read a third time."

D'Amico: "Thank you. Thank you, Mr. Speaker. House Bill 4673 and I'm bringing it back into the record. I think I... we

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figured out with Representative Eddy what the issues were.  
If... does the Representative have anymore questions?"

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

Eddy: "Thank you, Mr. Speaker. First, I want to thank Representative D'Amico for his taking the Bill out of the record and giving us the opportunity to do some research, a little background. I... I don't necessarily have any additional questions, but... but I do want the Body to be aware of the fact that the Mid-west Trucker's Association continues their opposition to the Bill. The Associated General Contractor's are also still opposed. I understand that they feel better about this version, but they still are opposed. One of the comments made by the Home Builders Association that was particularly interesting had to do with the fact that they weren't particularly interested in advertising a truck being in a neighborhood that might have valuable tools and they brought that up. I... I know that that's... that's another crime. That's a theft that could be reported, but that's a concern that they have about this. They... they understand that, you know, they'd rather pay the \$100 fine than lose a thousand dollar piece of equipment out of their vehicle, but... but that being what it is, in my... my neck of the woods, as we say, we know who those folks are. This imposes on individuals an additional cost something that they could... they could perhaps have a vehicle broken down one day and not have a painting on a vehicle that they used to go to a home to do a repair. Nothing scurrilous is going on. They're just going and... and their vehicle's in

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the shop, maybe they don't have a... a way to get there other than a different vehicle. They show up at the house and all of a sudden they're violating the law. We... we know who those folks are in our communities and I... I don't see the necessity for this type of an increase. I do appreciate the Gentleman taking the Bill out of the record, but I would... I would still urge folks to pay attention to this, think about what... what this could do, especially in rural areas. And... certainly respect the sponsor in what he's trying to do here, but I'd urge a 'no' vote."

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

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

Speaker Turner: "He indicates he will."

Sullivan: "Representative, in this instance do you have the truck and the trailer need to be tagged or is it just one or the other?"

D'Amico: "I'm sorry. I didn't hear you. What was that?"

Sullivan: "I'm trying to read the analysis here. When you have a truck with a trailer go into a specific job site, do both the truck and the trailer have to be tagged?"

D'Amico: "No. The way I understand it, just the truck and most of the time it's right on their doors."

Sullivan: "Okay. So, that... that clarifies my next question is when you have a truck and a subcontractor, maybe they would borrow someone else's trailer, and so things would get into that nature... "

D'Amico: "Sure."

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Sullivan: "but it... it sounds like that... that is not going to be a problem with the wording of this. The... the next question is, where do the fines go? And I'm sure that's in the underlying Bill. The fines go to the county, to the state, to the municipality?"

D'Amico: "To the municipality that's writing the ticket."

Sullivan: "Okay. And... and lastly one of the instances you said as a reason why this should... fine should be increased from 100 to 500 dollars is scams in regard to seniors. People coming and doing contract work, they want to be able to see who those are. Has AARP come out in favor or opposed to this?"

D'Amico: "AARP came in strong favor of it, actually."

Sullivan: "Okay. Those are the questions I had. Thank you very much."

D'Amico: "Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4673?' 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? Dugan. The Clerk shall take the record. On this question, there are 70 voting 'yes', 38 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Resolutions, we have House Resolution 843, Representative Reis."

Reis: "Thank you, Mr. Speaker. House Resolution 843 urges the United States Congress to reinstate the biofuel tax credit that expired on December 31. As of last week, 82 percent of



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the biofuel producers in the State of Illinois have shut down, because of this loss in the tax credit. So, this... only urges Congress to reinstate this as quickly as possible. I ask for your support."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt House Resolution 843?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution's adopted. To the Order of Second Readings. On page 2 of the Calendar, the first Bill we're going to start with is Representative Riley, House Bill 4220. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4220, has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Riley, has been approved for consideration."

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

Riley: "Amendment #2 to House Bill 4220 represents some technical changes that were made on the basis of negotiations with some interested party... parties on the Bill."

Speaker Turner: "The Gentleman moves for the adoption of Amendment #2. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

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

Speaker Turner: "Third Reading. Representative Jakobsson on House Bill 4623. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 4623, a Bill for an Act concerning transportation. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Kosel on House Bill 4627. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4627, a Bill for an Act concerning local government. Second Reading of the House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Reitz on House Bill 4649. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4649, a Bill for an Act concerning utilities. Second Reading of the House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Bassi on House Bill 4654. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4654, a Bill for an Act concerning local government. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Sente on House Bill 4675. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4675, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Reading... Third Reading. Representative Jakobsson on House Bill 4681. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 4681, a Bill for an Act concerning transportation. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Jakobsson on House Bill 4684. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4684, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Connelly on House Bill 4708. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4708, a Bill for an Act concerning local government. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Pritchard on House Bill 4715. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4715, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Eddy on House Bill 4717. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4717, a Bill for an Act concerning transportation. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Feigenholtz on House Bill 4722. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 4722, a Bill for an Act concerning... antifreeze. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Mr. Clerk, hold the Bill on Second Reading. Representative Tryon on House Bill 4744. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4744, a Bill for an Act concerning State Government. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Mautino on House Bill 4728. Read the Bill, Mr. Clerk."

Clerk Mahoney: "What was the number?"

Speaker Turner: "82... 4078."

Clerk Mahoney: "House Bill 4782, a Bill for an Act concerning insurance. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Pritchard on House Bill 4815. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4815, a Bill for an Act concerning local government. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Feigenholtz on House Bill 4856."

Clerk Mahoney: "House Bill 485..."

Speaker Turner: "Out of the record. Out of the record. Representative D'Amico on House Bill 4860. Out of the record. Representative Eddy on House Bill 4879. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 4879, a Bill for an Act concerning education. Second Reading of this House Bill. No..."

Speaker Turner: "Third Reading. Representative Rose on House Bill 4965. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 496..."

Speaker Turner: "Out of the record. Take it out of the record. Sorry. Representative Rose, on House Bill 4966. Out of the record. Representative Reitz on House Bill 4950... 4973. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4973, a Bill for an Act concerning local government. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative May on House Bill 5018. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5018, a Bill for an Act concerning insurance. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Cross, House Bill... Out of the record. Representative Rose on House Bill 5122. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5122, a Bill for an Act concerning local government. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Nekritz on House Bill 5128. Out of the record. Representative Reboletti on House Bill 5148. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5148, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Amendments. No Motions filed."

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Speaker Turner: "Third Reading. Representative Reboletti on House Bill 5150. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5150, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Turner: "Third Reading. Mr. Clerk."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson on the Committee on Rules reports the following committee action taken on February 16, 2010: approved for floor consideration, referred to the order of Second Reading-House Bills is House Bill 354, House Bill 374, House Bill 1629, House Bill 4037; referred to the order of House Bills Third Reading is House Bill 2490."

Speaker Turner: "On the Order of Third Readings, we have House Bill 4765. Representative Franks, on page 4 of the Calendar. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4765, a Bill for an Act concerning health. Third Reading of this House Bill."

Franks: "Thank you, Mr. ..."

Speaker Turner: "The Gentleman from McHenry, Representative Franks."

Franks: "Thank you, Mr. Speaker. This is an important Bill that came as a result of an expose in the Chicago Tribune last spring which indicated that in many instances women who had submitted themselves to rape testing kits were not having those kits tested by local law enforcement. So, this Bill is in response to the failure of some police departments to submit these kits for testing. We worked with the Illinois State Police on this and I've also worked with

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Representative McAsey, who has a similar Bill. We'd like to pass them both over to the Senate, where Representative Hutchison has... will hopefully have them... I'm sorry Senator Hutchinson would have them both. And this Bill would require the Illinois State Police to test the kits within six months. I'd be happy to answer any questions."

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

Durkin: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Durkin: "Representative, I saw in the Amendment that this... the way it's being presented to us, that it's condition upon funding to the State Police Crime Lab. Is that correct?"

Franks: "Correct."

Durkin: "Do you know approximately how much money the State Police would need per year if this law was to go into effect?"

Franks: "They weren't sure, but they said that they thought pretty soon, hopefully by the end of this year, before this law would take effect, that they'd already be at that six-month limit. So, I'm not sure what it would be, but we want to make sure it's codified to make sure that this goes forward. Because I know you and I had worked on this a few years ago and it was a very, very serious situation."

Durkin: "Exactly and I... I have a little bit of knowledge of the forensic lab with the Illinois State Police, but I also know that when we placed mandates on them and... we will put specific time frames to get work done it's fine, but we usually don't back it up with money."

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Franks: "Right."

Durkin: "And my concern is that if we have a six-month... you know, time period that what would happen if one of these kits is not tested or many... are... are not tested after six-months. To me it sounds like it's a big class action lawsuit against the State Police in which no sovereign immunity is going to be able to protect the State Police, because they're defying a court law... court... a statute. So, I think you just got to be careful when we play... we put these time frames in, but I'm glad that you've inserted the language that makes this condition upon appropriate funding from the State Police. And with that I'll support your legislation."

Franks: "I appreciate that and your support means a lot because you've been a leader on this issue and I did meet with the Illinois State Police and that... and they really... they wanted that one change and that's what we gave them. So we'll keep you apprised. Thank you, Representative."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4765?' 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 108 voting 'aye', 0 voting 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Will Davis, for what reason do you rise?"

Davis, W.: "Sorry, Representative, I didn't realize it was that time."



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Speaker Turner: "It's that time."

Davis, W.: "Ladies and Gentleman, again, I want to take this opportunity to thank all of you for supporting the efforts of the Illinois Legislative... Black Caucus with our speeches with regard to Black History month. Thank you all for wearing your commemorative and decorative sashes today and we also like to make sure that everyone is aware that this evening at the Governor's Mansion, beginning at 5:30, is the annual I.O.B.C Soul Food Soiree. So, if you're not busy this evening and would like to endure... intake some... some really good food and some traditional entertainment, we encourage you to stop by the Governor's Mansion this evening after 5:30. Thank you very much, Mr. Speaker."

Speaker Turner: "Mr. Clerk, committee announcements. Can we have your attention, please. Committee announcements."

Clerk Mahoney: "Committee announcements for today. At 2 p.m. Agriculture & Conservation will meet in Room 122B, Insurance at 2 p.m. in Room 118, Public Utilities at 2 p.m. in Room D-1, and Transportation, Regulation and Road & Bridges in 114 at 2 p.m. At 4 p.m., Consumer Protection will meet in D-1, Elections & Campaign Reform in Room 122B at 4 p.m., Financial Institutions at 4 p.m. in Room 114, Healthcare Availability & Accessibility in Room 118 at 4 p.m. Cities & Villages was canceled. Cities & Villages which originally was meeting at 4 p.m. was canceled for today. Tomorrow on Wednesday, Elementary & Secondary Education, which was to meet at 8:30, has been moved back to 9:30 a.m. Elementary & Secondary Education has been moved tomorrow at 9:30 a.m. Judiciary Civil Law - Jud I has been moved to 10:00 a.m."

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Judiciary Civil-Law, tomorrow, Wednesday is moved to 10 a.m."

Speaker Turner: "Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 916, offered by Representative Cross. House Resolution 921, offered by Representative Lyons. And House Resolution 922, offered by Representative Riley."

Speaker Turner: "Representative Currie moves for the adoption of Agreed Resolutions. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. And now, Representative Currie moves that the House stands adjourned until Wednesday, February 17, at the hour of 12 noon, allowing perfunctory time for the Clerk. The House now will stand adjourned until Wednesday, February 17 at the hour of 12 noon, and the House does stand adjourned."

Clerk Bolin: "The House Perfunctory Session will come to order. Committee Reports. Representative Phelps, Chairperson from the Committee on Agriculture & Conservation reports the following committee action taken on February 16, 2010: do pass Short Debate for House Bill... House Bill 4866. Representative Beiser, Chairperson from the Committee on Transportation, Regulation, Roads & Bridges reports the following committee action taken on February 16, 2010: recommends be adopted House Joint Resolution 86 and Senate Joint Resolution 62. Representative Monique Davis, Chairperson from the Committee on Insurance reports the following committee action taken on February 16, 2010: do pass Short Debate for Senate Bill 660. Representative

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Nekritz, Chairperson from the Committee on Elections & Campaign Reform reports the following committee action taken on February 16, 2010: do pass Short Debate for House Bill 4818, and House Bill 20... House Bill 5206; recommends be adopted the Motion to Concur with Senate Amendment 1 to House Bill 3785. Representative Monique Davis, Chairperson from the Committee on Financial Institutions reports the following committee action taken on February 16, 2010: do pass as amended Short Debate for House Bill 4865. Representative Colvin, Chairperson from the Committee on Consumer Protection reports the following committee action taken on February 16, 2010: do pass Short Debate for House Bill 5139; and recommends be adopted House Resolution 861. Representative Flowers, Chairperson from the Committee on Health Care Availability and Accessibility reports the following committee action taken on February 16, 2010: recommends be adopted House Resolution 569, House Resolution 858, and House Resolution 859; do pass Short Debate for House Bill 4703. Introduction and First Reading of House Bills. House Bill 6297, offered by Representative Walker, a Bill for an Act concerning education. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."