

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

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Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones, and pagers. And we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by staff Pastor Michael Berardi who is with the Vine Community Church in Carbondale, Illinois. The pastor is a guest of Representative Michael Bost."

Pastor Berardi: "Let us pray. God, we come before You now and thank You for this day. God, thank You for the blessing that it is to be in such a wonderful country, that we can raise our kids in, that we can be blessed in knowing just Your presence. God, thank You for the diversity that You bring to us, the diversity in thought, the diversity in culture that we get to experience on a daily basis. God, I want to lift up to You and thank You for all of the people that You brought here today. Thank You for their sacrifice, where they've sacrificed their careers, where they've sacrificed their lives to be able to represent the people of this state. God, just bless them. God, we also lift up to You those men and women in the Armed Forces and their families. God, be with them today, protect them as they protect us. We lift up to You those families that have lost their loved ones in the Armed Forces. God, help us never to forget them in prayer and in respect. God, so we come before You today and ask for Your guidance and direction, and may You be glorified in this place today in every thought in every discussion in every agreement that's

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made. God, we pray for Your wisdom and understanding that goes beyond our own understanding. God, Your wisdom that different people from different Parties can come together in unity. God, that they can perform the impossible. And so, God, we pray for the impossible to happen today. That we know that nothing is impossible through our Lord who strengthens us and so we just pray for Your blessing to do that today. Give these people here today strength. God, I pray that You would protect them. I pray that You would cover them with Your protection, cover them, cover their families, cover their thoughts and minds. God, I pray against any discouraging thoughts, or anything that would sway them from... from just a purity of heart, of truth and understanding. God, and I pray for hope for the future. Give us more faith and hope for the future. God, where the people of this state put their hope and their trust in the people that stand in this room today. God, I pray that they would put their hope and trust in You. God, that through that that You could just do amazing things through them. So, God I ask that You bless us with your presence today. In Your name, Amen.

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

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

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

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Currie: "Thank you, Speaker. Please let the record reflect the excused absences of Representatives Boland, Burke, Monique Davis, and Durkin (sic-Dunkin)."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Black, Hatcher, and Osmond are excused on the Republican side of the aisle today."

Speaker Madigan: "Could you repeat that first name?"

Bost: "Black."

Speaker Madigan: "Wow."

Bost: "It's going to be, I think, a little bit more quiet. Well, maybe not."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. Representative Boland is here, so please take him off the excused list."

Speaker Madigan: "The Clerk shall take the record. There being 111 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Reitz, Chairperson from the Committee on Health Care Licenses reports the following committee action taken on February 17, 2010: do pass as amended Short Debate for House Bill 4864. Representative D'Amico, Chairperson from the Committee on Vehicles & Safety reports the following committee action taken on February 17, 2010: do pass as amended Short Debate for House Bill 4691 and House Bill 5120; do pass Short Debate for House Bill 4779. Representative Fritchey, Chairperson from the Committee on Judiciary I-Civil Law reports the following committee

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action taken on February 17, 2010: do pass Short Debate for House Bill 5125; recommends be adopted House Resolution 851. Representative Jakobsson, Chairperson from the Committee on Human Services reports the following committee action and a corrected report action taken on February 17, 2010: do pass as amended Short Debate for House Bill 5054 and House Bill 5304; do pass Short Debate for House Bill 5108, House Bill 5219, House Bill 5305, House Bill 5306; and do not pass for House Bill 5240. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education reports the following committee action taken on February 17, 2010: do pass Short Debate for House Bill 4780 and House Bill 5481; do pass as amended Short Debate for House Bill 4711; recommends be adopted Senate Joint Resolution 68. Representative Currie, Chairperson from the Committee on Rules, to which the following action was taken on February 17, 2010, reports the same back with the following recommendation/s: refer to Second Reading is House Bill 3323. Introduction of Resolutions. House Joint Resolution 99, offered by Representative Riley. This Resolution is referred to the House Rules Committee."

Speaker Madigan: "Mr. Sacia, are... are you at your station reporting for duty?"

Sacia: "Yes, Sir. Mr. Speaker, point of personal privilege."

Speaker Madigan: "State your point."

Sacia: "Ladies and Gentlemen, joining us in the gallery today is a wonderful lady that works very hard for domestic violence... against domestic violence and her name is Anita Ramage, the Director of Voices... the Executive Director from

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Freeport, Illinois, and her son, Luke, is here paging as well. Would you make them feel welcome, please?"

Speaker Madigan: "Mr. Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Mitchell, B.: "Mr. Speaker and Ladies and Gentlemen of the House, I'd like to introduce the youngest city councilman in the City of Decatur. He was just elected last April, Adam Brown. Let's give him a big House welcome."

Speaker Madigan: "Mr. Crespo."

Crespo: "Speaker, a point of personal privilege. I'd like to acknowledge we have some Boy Scouts from my district from the Northwest Suburban Council of which I'm a board member of. The Boy Scouts just celebrated 100 years anniversary last month. We have with us Boy Scouts: Star Scout Alex Adame, Star Scout Taggart Acks, and Senior Patrol Leader Bobby Robaina. I'd also like to acknowledge the Scout Master, Jeff Acks, and Assistant Scout Master Hector Adame up here in the gallery. Welcome to Springfield, folks."

Speaker Madigan: "Mr. Riley, did you wish to call House Bill 4220 on the Order of Third Reading? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4220, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Riley."

Riley: "Thank you, Mr. Speaker, Members of the House. House Bill 4220 is a Bill which allows a putative father a limited hearing to show whether or not his failure to

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register on the putative father registry within a 30-day period after the birth of the child falls within an allowed exception. And those are exceptions are: it was impossible for him to register in the specific period of time, his failure to register was no fault of his own, and he registered within 10 days after it became possible for him to file. This Bill... the genesis of this Bill, was a situation that occurred with one of my constituents, where by the constituent did not know about the birth of his child. By the time that he knew, the 30-day period after the birth of the child had passed and he had problems showing his fitness. And so, that was the genesis of the Bill. And I'll be more than happy to answer any questions you may have."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Are there any questions? The Chair recognizes Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Representative Riley, this is a Bill that was heard in front of the Adoption Reform Committee in March. Is that correct?"

Riley: "That's correct."

Feigenholtz: "And there were a lot of conversations going on, a lot of concern from the Chicago Bar Association, and some Amendments offered. Are they already on this Bill?"

Riley: "The Amend... are you speaking about the Amendments? Or is... was the... there is a section of the Chicago Bar Association that deals with adoptions and so forth. I've had a lot of meetings with them over the intervening period. Matter of fact, Amendment #2, which we just didn't

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have enough time to put on in the first part of the 96th General Assembly, was on the basis of negotiations with that group and with other groups."

Feigenholtz: "And would we be able to clearly say that this was an agreed Bill with the Bar Association? Because I continue to get e-mails from them about their concern about the time frame and the potential disruption of adoptions that are already in the pipeline."

Riley: "To be honest, Representative, I am sure that you and maybe others probably will get some letters and communications about the Bill. There are some people that just don't believe in what it is that I'm endeavoring to do. But I would say this, over this period of time I've had numerous conversations. I've had conversations with people all over the country regarding this issue. One of the things that I always try to point out is this... this is a very, very, very extremely narrow... narrowly tailored Bill. One of the big points was the fact that in this particular case the birth mother lied under oath and made a false representation about being able to find the father. And so, that's why this Bill is very narrowly tailored. We're only talking about a very small class of people that would be affected under this Bill."

Feigenholtz: "Representative Riley, there's a lot of concern about this legislation from adoption agencies and... and adoption attorneys and adoption groups that I work with a lot. I'm very sensitive to the case that you talk about. These are people who have been reaching out to Legislators for many, many years, and I am really understanding of

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their issue. First of all, I'm not certain that this is going to remedy anything for them. Do you think that there's a remedy for them or do you think that they should have appealed their case in a courtroom?"

Riley: "Well, in... in my constituent's case, he did appeal in the courtroom. And you know, one of the... again, again... you know, advocacy is... is very funny sometimes. There have been frankly a lot of charges that I think have been misplaced about what this Bill is going to do or what the effects of it are going to be and I just don't agree, and others don't agree with some of those characterizations. I, myself, have a lot of father's rights groups and attorneys and some judges who think it's a good Bill. So, everybody is entitled to their opinion about it. I know that my intentions are certainly not to upset the adoption process. I don't think that this does that because, again, I think this is a very narrowly tailored case. Now, in the terms of my constituent, sure this Bill's not going to help him because it's only going to help people going forward. So, his situation with not being able to see his daughter, this Bill's not going to help that, but going forward a person who is similarly situated will at least have a chance to prove their fitness. That has nothing to do with custody of the child, or any... just to prove his fitness. That's all this Bill does."

Feigenholtz: "So... so, my concern in this Bill, and I'm hoping that if this Bill passes and makes it to the Senate, that there are some people who feel that there is a huge loophole in this law in the language that says 'fraud that

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has been perpetrated on the court' and that it is not definitive enough, that there is no specific time limit, which kind of upends the whole putative father registry issue, and no definition... no really concrete definition of what fraud is in this Bill. And I'm hoping that if this Bill passes... and frankly, I respect the work you're doing, but just as a statement that I would like to see a little bit more effort go into finding middle ground. I intend to vote 'present' on this Bill. I would appreciate it if we could continue to work on it a little bit more in the Senate because I think that adoptive... prospective adoptive parents rely on the putative father registry to try and move this forward. With all empathy to the case that you're dealing with, I'm not sure that we're going to be able to assure prospective adoptive parents that their adopted... adoptions are going to be able to be finalized."

Riley: "Again, I really don't see in this very narrowly tailored case where prospective adoptive parents have anything to worry about in terms of this particular legislation. Now, if you look at the original Bill and actually its Amendments, I think there was a lot of specificity as to the situation that would... that would have to occur for the birth father to be able to, again, just testify on the basis of his fitness based on fraudulent information that was given to the judge. And that fraudulent information had to do with the fact that he couldn't be found, when indeed he was there and even information about, you know, whether or not the child even existed or not. So, I can understand some people having

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some concerns, but again, if they read the Bill, read the history of the Bill and look at what's... what it is endeavoring to do, I just don't see where they would have a big problem."

Feigenholtz: "Representative, thanks for all of your answers and I... I really appreciate the hard work you've put in on this, no disrespect. I just want you to know that I really respect what you're trying to do here. I just, at this point, I just would like to see a little... it to be a little bit more balanced. Thank you."

Riley: "Thank you."

Speaker Madigan: "Mr. Sommer."

Sommer: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Sommer: "Representative Riley, let me... Mr. Speaker, I'm having difficulty hearing. Representative Riley, this language that you came up with on this Amendment, can you tell me again where this language came from and is it agreed language?"

Riley: "Representative Sommer, as I had stated before, I am sure that there are people who, you know, would still have a problem with the Bill, but this language basically came from negotiations between some law firms who had an interest in the Bill and the... the unit of the Chicago Bar Association, you know, that deals with adoptions and so forth. And that's where the language basically emanated from. And this had occurred basically last May; it was just a time factor the reason why I didn't get it in at that time."

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Sommer: "Well, my understanding is you're saying it's product negotiations. They've had discussions, but as of this morning the Board of Managers, the Chicago Bar Association strongly opposes this Bill. Is that correct?"

Riley: "Put it like this, the last time I had conversations with them, they were in opposition... to the Bill."

Sommer: "So, the Adoption Committee of the Bar is opposed to it, the Board of Managers of the Chicago Bar Association is opposed to legislation, yet we're proceeding. I wish I had the capacity of one of our learned adoption attorneys to argue this case with you. I'm disappointed that I don't have that knowledge. What also disappoints me is this was brought as a Floor Amendment and not brought to the full committee for consideration, at which time all those parties would've had the opportunity to express themselves. The part of the Amendment that has drawn the most attention is what Representative Feigenholtz has commented upon is that last line talking about fraud perpetrated upon the court. I guess the language in here is incorrect, perpetuated. Do you think that Amendment would suffice without that last line?"

Riley: "Well, possibly, Representative. But again, on my side of the debate, you know, there were attorneys that were part of the negotiation that thought that, you know, this should be in there, frankly."

Sommer: "Well, I understand the negotiations and the attorneys involved and... but I would just like to tell my colleagues that this is a very important issue to the adoption community. It is opposed by the committee of the Chicago

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Bar Association that deals with adoption. It is opposed by the Board of Managers of the Chicago Bar Association and the American Academy of Adoption Attorneys. All these individuals who deal with this issue, important issue, are opposed to this legislation. I'm going to cast a 'no' vote. We need further discussion on this Bill. Thank you."

Speaker Madigan: "Mr. Eddy."

Eddy: "Thank you. Mr. Speaker, could the... could the status of the Amendments on this Bill... could we get the status of which Amendment we're..."

Speaker Madigan: "Mr. Clerk. Mr. Clerk, there's question from Mr. Eddy. Mr. Clerk, what Amendments have been adopted to this Bill?"

Clerk Bolin: "Two Amendments have been adopted. Committee Amendment #1 and Floor Amendment #2 have been adopted."

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

Speaker Madigan: "Sponsor yields."

Eddy: "Representative, let's talk about what you're trying to do here. Can you in some practical terms, kind of, relate to the Body what it is you're trying to do with this legislation?"

Riley: "Basically, what I'm trying to do with the legislation is to be sure that a birth father, you know, who wants to be part of his child's life, has an opportunity to do so. And his being able to do so has to do with his knowledge of when the child was born and his ability or lack thereof to register on the Putative Father Registry. In the case... in the real life case that spurred on this particular piece of

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legislation, the father did not find out and he found out just by chance that he was even a father. And he registered on the Putative Father Registry on the 38th day after the child was born. So, he was 8 days late in terms of being able to prove his fitness. There was a fraudulent representation made by the birth mother as to whether, you know, the birth of the child, period, and whether or not she knew where the father was. And so, this... this gentleman tried on numerous occasions to be able to prove his fitness, he could not do that. And so, what I'm trying to do with this Bill is say that in these limited situations, extremely limited, Representative, where a person is similarly situated to my constituent, that he at least have the chance to not get custody of the child or anything like that, but to just essentially prove his fitness and... be able to state the reasons why he did not register on the registry on time. Simple as that."

Eddy: "I appreciate that, Representative, but my understanding is that what you're trying to do can already be accomplished with procedures that are in place that are designed to balance that interest with the protection of the birth mother and others involved in the process and that there's a very delicate balance that exists that needs to be maintained. And while your intentions might be to... to help an individual, when we're talking about due process in this case, one person's... one person's interests can't override the safety of everyone involved, even if in even narrow cases, someone might think that person should have a certain type of adjudication right. That's a concern

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because, and I understand your point about how narrow this is, but if it... if it changes that balance, that very delicate balance, it's something that we have to be really careful of the unintended consequences 'cause they could be severe."

Riley: "Well, I understand that, but, Representative, just as though some people may think there are loopholes in this particular piece of legislation, maybe the fact that my constituent, and you would have to say others, find themselves in this situation, maybe there's a loophole in the original statute."

Eddy: "Well, that very... and I'm not obviously a lawyer that's versed in this, but I do know that some very important consideration should be given to the fact that those who know the most about this, those who are experts in this including the American Academy of Adoption Attorneys and the Chicago Bar Association, oppose this legislation as written and there is not an agreement that reflects the... the protection of that balance that I mentioned earlier. And if you want to achieve that, I would just simply suggest we are in the very beginning weeks of a Session that would allow you time to continue those negotiations, to amend this Bill again, and do it as was mentioned earlier in front of a committee where these concerns can come out rather than in this manner. I think... I think that's a reasonable request by Representative Sommer and others that you hold this process up and if you... if you choose to move forward, I don't think you're giving anybody in here any other option to vote 'no' because of the

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possible unintended consequences. Would you consider moving this back continuing to look at an agreed process since we have time?"

Riley: "Representative Eddy, I... I really... I really understand your standpoint, but here is something I want other people to understand. This Bill... the whole issue of unintended consequences, we deal with that all of the time. Matter of fact, some people have come to me and said, well, Representative Riley, your person just got a bad deal in court. And I say, well, but you know I'm a Legislator, and that is what we, at least try to endeavor to do here, is to create and to change legislation that we think does not serve all of the people. So, I just need to tell you that, especially if this process is and this Bill is new to you, I've had a lot of negotiations. This Bill is not new. There are some people who are just going to, no matter what we do, they are just going to oppose the Bill. And..."

Eddy: "Thank you, Representative. And I understand your point. With all due respect to your concerns, and this is a constituent issue that obviously is very, very important to you, I would caution the Body on this particular legislation that there is a great deal of concern among those who deal with these type of issues on a regular basis that this leaves a huge loophole, and one that could potentially be very, very dangerous and kind of tip a very delicate balance that exists. I respect... I respect the Gentleman and his right to move forward on this, but I would also ask that the Body vote 'no' at this time so this can continue to have a negotiations to bring something that

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isn't quite... quite as concerning to those who have the expertise. Thank you."

Speaker Madigan: "Mr. Mathias."

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

Speaker Madigan: "Sponsor yields."

Mathias: "Representative Riley, in Floor Amendment 1, you had a time limit of 12 months, I believe, where this action could be brought. Is that... is that correct?"

Riley: "That's correct."

Mathias: "And why in Floor Amendment 2 did you remove that limitation?"

Riley: "I'm sorry. I didn't hear you."

Mathias: "Why did you remove that in Floor Amendment 2?"

Riley: "Well, it was removed in Floor Amendment 2, again, through some of the negotiations. Some people on the other side of the issue thought that 12 months was too long."

Mathias: "So, now, you've... in effect, it's open-ended; it could be five years. And I... I'm just saying, one of the things that bother me is, as you said, in your case it was 38 days instead of 30 days and I... you know, I can understand being upset about that, but it makes a big difference if it was 38 days, or it was 380 days. And if there was... you mention also that this only deals with fitness. But am I correct in saying that if... if by giving these extra rights if... let's say the putative father, as an example, were successful, it's not just a question of fitness. Could he then... why couldn't he at that point then file a petition for custody? Why couldn't he then if there was an intervening adoption overturn the adoption?"

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Riley: "Well, that would be based on the hearing, but that's not what this Bill does. This Bill just allows him to prove his fitness, that's all. It doesn't extend to anything else. Let me... and let me also state... the time limit really had to do with process. It didn't give the individual 300-some-odd days to get on the Putative Father Registry."

Mathias: "But you know, I understand that, but the way the Bill reads he could file after 380 days if he claims that that's the first time he found out about this. He could wait that long... not wait, but if in fact, he did... he alleges he didn't know, he could... he could wait an unlimited time and then say, yes, I just found out about this, I just filed. Now, I'm going to file my petition. If he's successful then he could overturn an adoption in a subsequent... because in effect the adoption would fail, I would assume if he was successful."

Riley: "But the person would have to be in a similar situation as the constituent in that... I mean, this young man went through a process. And he went to court and so forth and it was found that there were fraudulent representations made. So, if someone subsequently had those same kind of things happening, then yes, they would be able to do this, but..."

Mathias: "Well, why... why cant' he..."

Riley: "...without those things happening, they would not be able to do that."

Mathias: "Well, under current law, doesn't he have the right to do that under current law?"

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Riley: "I'm sorry?"

Mathias: "Under current law, doesn't he have the right to a
overturn that today without this law?"

Riley: "It is... it is my understanding that if that 30-day
period was passed, regardless of what the other extenuating
circumstances were, then that person could not do that.
They would just be out of luck. They'd be out of time."

Mathias: "But I thought under even current law it says that if
he could prove by clear and convincing evidence that... that
his failure to register wasn't at fault and that he... and
that he registered obviously within a... I think it was... what
is it?"

Riley: "Yeah... yeah. It would still have to be in the 30-day
period and again..."

Mathias: "Right."

Riley: "... there is the other clause that's as part of statute
that irrespective of one's thinking that it might be a
stretch it's in there; we're not even changing it and
that's the part of no putative father is entitled to a
hearing if the petition is filed after the entry of the
order terminating the parental rights of a putative father
unless the father can show that a fraud has been
perpetrated upon the court. I mean, that's still in
there."

Mathias: "Yeah. I... and again, I would be more comfortable with
a Bill like this if there was some finality, some date
like... I mean, I don't know maybe the year date was too
long, but some date in there where there would be finality,
especially in a case... well, in this case I would have to

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mesh it with the adoption laws and see how long it would take for that to become final and at least put it within that framework. Because I'm... I'm just fearful that I can, you know, the whole purpose of the putative registry in the first place was to get away from some of the cases that were decided, I think, it was the baby Richard's case, if I can remember correctly..."

Riley: "That's correct."

Mathias: "...years ago and I just don't want to go back to that situation again. So, at this time, as it is written, I can't support your Bill because I think there's a lot of unintended consequences that could arise. And it's something that I wish I would have thought of, but somebody else once told me in law school that, you know, bad cases make for bad law, and I think this is one of those examples. So, I would urge everyone here to... also urge you to continue to work on this, but not demand that vote today, but instead try to work with all the parties and come up with some other... and maybe there wasn't any agreed solution, but at least put some more safeguards, such as an outside time limit in it. Thank you."

Speaker Madigan: "The last speaker will be Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I share the concerns that have been expressed about the substance of House Bill 4220. I know that there was a very bad decision involving one of Representative Riley's constituents, but as Representative Mathias said hard cases make bad law. The problem with this Bill is that when we

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created the Putative Father Registry, it was to bring some permanency to adoptions. If you remember the baby Richard case, a child was living with adoptive parents and then when the birth father came forward three or four years later, there was a huge battle. The idea of the putative father registry is to say that somebody who might have impregnated a woman, might have impregnated a woman, should come forward and put himself on that registry. What this Bill says, it blows the registry concept to... someplace in a hand basket because what it says that is that after the adoption is final somebody can come forward and say that the fact that the woman didn't identify him, effectively is fraud, there is no security in the adoption process. So, I think this is a very bad proposal if we're concerned and make sure that children who have been adopted can continue living in that safe new environment. And I would encourage the Sponsor to go back to the drawing board, take the word 'fraud' out of the Bill, and I think it'll be fine and I think it will help situations such as the one that troubled his constituent. I would urge, at this point, a 'no' vote."

Speaker Madigan: "Mr. Riley to close."

Riley: "Mr. Speaker, on the basis of some of the concerns and I respect all of the concerns although this Bill does absolutely nothing, absolutely nothing, Ladies and Gentlemen, to open up an adoption case that's already been settled, already been adjudicated. Doesn't do that, doesn't do that at all. And in the course of working on this I talked to a lot of people all over the country and

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there was an attorney in Oregon that her statement was... and she had heard about the Bill all the way in Oregon, wow, I guess it got some national exposure... that it was her characterization that any man over the age of 18 in this country ought to just automatically get on the Putative Father Registry. You know, that's some of the... some of the things I had to deal with in terms of trying to... to get this Bill through. So, on the basis of some of the discussion we've had here, I respectfully ask you, Mr. Speaker, to pull the Bill out of the record."

Speaker Madigan: "Mr. Clerk, take the Bill out of the record. The Chair... Mr. Bost."

Bost: "Thank you, Mr. Speaker. Mr. Speaker, I move for the suspension of House Rule to allow the immediate consideration of House Resolution 931. The rules to be suspended include the portion of House Rule 16(a) and 4(c) (3) that would otherwise prevent the immediate consideration of this Resolution. Under House Rule 54(a) and 2, all Motions are assigned Standard Debate status and I wish to debate my Motion. Upon conclusion of the debate, I ask for a recorded vote on the Motion to suspend House Rule 16(a). Under Rule 49 and Article IV, Section 8(c) of the Illinois Constitution, any vote shall be recorded... be a recorded vote whenever five Representatives shall so request. There are at least five Members on this side of the aisle that wish for a recorded vote on this Motion to Discharge this measure from the House Rules Committee."

Speaker Madigan: "Mr. Bost, this matter was filed today?"

Bost: "Yes, Sir."

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Speaker Madigan: "Is there some reason why you would not... not want to take this matter before a committee?"

Bost: "I do believe, Mr. Speaker, that being... with bringing it on the floor today would bring the debate forward. I think it's a very important Resolution and I think that immediate discharge of that Motion... or discharge of that Resolution to the floor would be appropriate."

Speaker Madigan: "But... but again, is there... is there reason why you would not want this to go before a committee?"

Bost: "I believe that the committee as a whole, this group, would be able to debate the issue. It's a very clear issue and I think it would be appropriate timing at this time."

Speaker Madigan: "Mr. Bost, our plan is to assign this matter to committee, momentarily."

Bost: "Well, Mr..."

Speaker Madigan: "If you wish to proceed with your Motion, proceed."

Bost: "Mr. Speaker, I think it's very important that we consider this right away because the administration... the Obama administration is considering this right now and so we need to move as quickly as possible."

Speaker Madigan: "All right. So, the Gentleman persists in his Motion. Representative Currie."

Currie: "Is... thank you, Speaker. I object to the Gentleman's Motion."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. On that point, we specifically request a Roll Call vote on the Motion pursuant to the rights granted under the House Rules of the Illinois

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Constitution. This breach of the rules should be corrected immediately with a Roll Call vote on the Motion to suspend the Rules on 16(a)."

Speaker Madigan: "All right. Mr. Bost, the Motion failed because of the lack of unanimous consent. And I think you wish to appeal the ruling of the Chair."

Bost: "Yes, Mr. Speaker, I do wish to appeal the ruling of the Chair."

Speaker Madigan: "The Gentleman appeals the ruling of the Chair. The question is, 'Shall the Chair be sustained?' Those in favor vote 'yes'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 66 voting 'yes' and 45 voting 'no'. And the Chair is sustained."

Clerk Bolin: "Introduction of Resolutions. House Resolution 931, offered by Representative Bost. This Resolution is referred to the House Rules Committee. Attention Members. The Rules Committee will meet immediately in the Speaker's conference room."

Speaker Madigan: "Representative Mendoza, did you wish to call House Bill 2490 On the Order of Third Reading? Did you wish to call the Bill on Third Reading?"

Mendoza: "Here we go. Can I bring that back to Second? I have an Amendment I need to attach to that, Mr. Speaker?"

Speaker Madigan: "All right."

Mendoza: "Thank you."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Second Reading. Mr. Clerk, are there any Amendments?"

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Clerk Bolin: "House Bill 2490, Amendment #1 was adopted in committee. There are no Floor Amendments pending."

Speaker Madigan: "So, Representative, you'll have to file the Amendment."

Mendoza: "I'm sorry. What was that?"

Speaker Madigan: "All right. Mr. Clerk, status of Amendments one more time."

Clerk Mahoney: "House Bill 2490, Amendment #1 was adopted in committee. There are no Floor Amendments currently pending."

Mendoza: "Yes. Can you just please keep that on Second Reading, Mr. Speaker. I don't have the Amendment with me. Thank you."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Mr. Franks, House Bill 2516. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2516, a Bill for an Act concerning counties. Third Reading of this House Bill."

Franks: "Thank you. Thank you Mr. Speaker. This is a Bill we heard on Second Reading last week, and I want to make it clear that this Bill would not effect, at all, any funding for the RTA. What this Bill would do, would allow counties if they so choose in the future to get rid of a tax that they no longer need. It's much like we've done with a sanitariums or tuberculosis centers where we used to tax for those. Should it be in the future, if a county wanted to opt out of a tax that they'd.. that this.. this would give them the opportunity to do so. I think it sends a strong message that we're not just about taxing and spending, but

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we also give locals the authority to control how money is spent in their districts and whether they want to continue to collect a tax. And I don't anticipate anyone opting out at this point, but it could be sometime down the road, 25 years down the road, that someone may wish to. So, I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Mathias."

Mathias: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Mathias: "Representative Franks, I just want to make sure... that I'm clear as to what your Bill does. And again, it relates back to the RTA Bill that we passed a couple of years ago in which we gave the counties... which we increased the counties share of sales tax, I believe outside of Cook County, by a half a percent. And half of that half or a quarter percent goes to the RTA and a quarter percent goes to the individual county. Is that correct?"

Franks: "I think it's .75 it was raised. Fifty cents would go to the RTA and still will. The difference we're talking about is the money the extra .25 percent..."

Mathias: "Right."

Franks: "...that's spent only within that county, not on any RTA issues whatsoever."

Mathias: "Okay. And..."

Franks: "So, there would be no affect at all to the RTA. It would just be any additional funds that a county may have. I know, for instance, in McHenry County I think they generated about \$8 million last year, and they spent about

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6 thousand of it. And I know that they're going to want to spend a lot more, but this would just affect that additional .25 percent and whether the counties in the future would ever want to... wish to opt out."

Mathias: "Well, what happens if between the time... up 'til the time that this... if this should become law, a county has issued bonds... I just want to make clear that the wording here as it talks about from then on once the law is passed, and they pass the resolution they can no longer use that tax. What would happen to any bonds issued between now and the time this Bill could become law?"

Franks: "They... they could not..."

Mathias: "Would that mean they'd have to find other ways to pay for their bonds?"

Franks: "No. They couldn't opt out until those bonds were paid off. And that's... actually Metro counties had gone neutral as a result. That was part of the negotiations we had done with the changes in the... in the Amendments."

Mathias: "So... so, if there are outstanding bonds, they would have to be paid first from the sales tax?"

Franks: "Yes, through this. They couldn't opt out with those outstanding. They'd have to... So, this is way down the road..."

Mathias: "Right."

Franks: "...and I'm really analogizing it to like the sanitarium issues that we've had in the past."

Mathias: "But it... but does the language of your Bill actually say that? That... that's the only thing I'm concerned about because it says in there... if I can... Let's see. Okay. So,

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it does say in there a county may not opt out of any tax increase under this section if the proceeds are pledged to make principal interest payments on bonds or other long-term debt."

Franks: "Correct. So, that's..."

Mathias: "Is that correct?"

Franks: "And that was a condition that we thought was prudent..."

Mathias: "Right."

Franks: "and I agree with that. That was a concern that we had as well."

Mathias: "Okay. And to your knowledge, has any of the counties that are affected by this not ready actually gone and sold bonds pursuant to this?"

Franks: "I don't think McHenry County has yet."

Mathias: "Oh, okay. Okay. Thank you... thank you."

Speaker Mautino: "Mautino in the Chair. And further discussion, Representative Hamos."

Hamos: "Thank you. So, a question of the Sponsor first. On that last question, that Representative Mathias asked, have any counties expressed any interest in doing this? I didn't hear the answer."

Franks: "I think his question was, has any of the counties... have any of the counties not... already done bonds. I think that was the question. And I... and I believe that McHenry County has not yet done any bonds on this."

Hamos: "So, would that be the only county impacted by this?"

Franks: "No, not... not at all. All the counties that had the... would be included in the collars, but we have the procedural safeguards where they would not be able to opt

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out unless the interest payments on the bonds or other long-term debt has been paid."

Hamos: "So, a county may opt out if the proceeds are pledged to make principal or interest payments on bonds. Okay. So, Representative Franks, you know, this Bill is... is really voluntary with the counties. They may do this or they may not do this. Is that correct?"

Franks: "Correct."

Hamos: "Okay. So, I have to tell you that you know... you and I have talked about this approach before since we passed our Bill in January of '09 and I was concerned about this initially because I really did feel that a 230-page Bill was put together to really resolve the transit funding crisis and to look at the transportation needs of the entire region. And when you put together a complex Bill, then all components become important to it. In a sense it becomes part of a package. And I felt at that time that we made commitments to the counties, maybe it wasn't the best public policy, maybe we should have always required a referendum, or some kind of public vote, but we didn't do that. And so I felt at that time that that was not fair that we had put together a package, you didn't support that package, but for the many other people who did, and we resolved the funding crisis; it was a very important component. This piece was a very important component. But now you come along and if this is really... this can... may or may not be done by the counties. They can decide their own fate. Isn't that correct?"

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Franks: "Correct. We would give them opportunity for local control."

Hamos: "So, this is actually a change from what you had originally introduced last year, which would have required..."

Franks: "Correct."

Hamos: "...the counties to take some kind of affirmative action."

Franks: "I listened to you, Representative."

Hamos: 'Okay.'

Franks: "You were 100 percent right."

Hamos: "Okay. So, I think that again I'm a little leery of going back on what really are, sort of, the process of putting together complex pieces of legislation, but I do also believe in local control. And this is an example of true local control where we will let counties decide whether or... what they want to do with respect to a tool that we gave them, but they may decide after all that it's not necessary. So, I'm standing today to support this Bill."

Speaker Mautino: "Representative Franks to close."

Franks: "Well, I... I appreciate the comments of the... of the... of the previous speakers and I want to commend Representative Hamos for yeoman work on this Bill, and I appreciate her support on this. It means a lot. And... and I hope I get unanimous support on this Bill because we're sending a very strong message that we do listen and that we do believe in local control. And I think it's... it's proper public policy and something we need to... to give folks the opportunity to

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make their own determination. So, I'd ask for an 'aye' vote."

Speaker Mautino: "The Gentleman moves passage of House Bill 2516. 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? Mr. Clerk, take the record. 118 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 2516 is hereby declared passed. The Gentleman from Jackson, Representative Bost, is seeking recognition."

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

Speaker Mautino: "State your point."

Bost: "Mr. Speaker, a few moments ago we made a Motion to try to bring House Resolution 931 to the floor and I understand now that it was moved through the Rules Committee and assigned to committee. And I appreciate that, but I think it's very important that the people of this Body and the people of the State of Illinois know exactly what is in that Resolution and the importance of bringing it forward at this time because right now the President and his administration is trying to make some major decisions on issues that affect each one of us as citizens. American people have made it very clear that they do not want al-Qaeda terrorists being tried in our civil courts. They do not want them also being tried on our soil. We don't believe that they should be given Miranda Rights. We believe, many of my constituents, matter of fact, most of my constituents believe that they are just that, terrorists

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and that they are prisoners of war. I myself have served in the military as a United States Marine. I understand from NJP and the rules of war and the Geneva Convention on what those rules are and why it is that they should be tried outside of the courts of this United States. The Resolution is a clear message to President Obama and to the administration as a whole that we need to continue down the path that war is just that, it's war. There are rules of war. I know that many people who have not been involved in military think that's kind of an oxymoron or a statement that is very strange, but the reality is, is they should not be given the rights under the United States Constitution. They have attacked us both on September 11 and in many areas around this United States as well as around the world, against cole... the ship Cole, the attack on our military personnel, and civilians as well. I said I'm a United States Marine. I've got a son who's a Marine. He's a JAG in the Marine Corp. and they are taught specifically what the rules of law... are here in the United States, what NJP is, and what the rules of war are. And there is a clear definition between each. It is very important that we, this Body, send a clear message for our constituents and for the people of the great State of Illinois that we do not want these terrorists who have attacked us on our own soil and abroad to be tried on our soil and under the Constitution of the United States, nor should they be given those rights. Mr. Speaker, I think that the Resolution that was moved to committee, and I hope that it comes on out and gets there to the floor where we

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can vote on it, should have been voted on today. I think it is very important that we act quickly, that we act quickly to do what is right. And yes, that we in this State of Illinois do feel that these terrorists are not privileged to those rights that are given under the Constitution and should not be held here in this United States. Thank you, Mr. Speaker."

Speaker Mautino: "The Gentleman from Morgan, Representative Watson."

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

Speaker Mautino: "State your point, Sir."

Watson: "I had some reservations to stand up and talk about the Resolution that Representative Bost referred to, but I can tell you as someone who sat across at a table from a person who was detained twice in American camps in Iraq these are folks that we need to think very strongly about whether we Mirandized them or not. I encourage both sides of the aisle, when this goes to committee, to think long and hard. We've all set through and stood through different moments of silences for individuals who have given their life. I think we owe it to them. I think we owe it to them and to those Illinoisans who are still overseas to give this a full review and it is my hope that the committee will do so. Thank you, Mr. Speaker."

Speaker Mautino: "Thank you. And the Chair recognizes the Gentleman from Bond, Representative Stephens."

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

Speaker Mautino: "State your point Sir."

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Stephens: "I'd like to... to address the urgency of House Resolution 931 and urge you, Mr. Speaker, to go ahead and call the Judiciary Committee into action here on the House Floor. We can stand aside for a second, we can vote it. And the reason it's urgent is because Washington needs to hear from the people that they say they represent. The present administration, including Director Holder, don't seem to have a handle on the importance of what's going on in the world today. To say that's somebody, an... an enemy combatant someone that our children are trying to kill today. We're using good American dollars and that's where they should be used to capture and kill the enemy, to capture and kill the enemy. Not American tax dollars to protect them and feed them, for God only knows how long, to provide them with legal council. That's not what you do to the enemy. A long time ago in Vietnam, I happen to capture a Vietcong. My squad was very fortunate. We... we swept through a hillside and had a little firefight and one... one of the enemy were wounded, and we captured this Vietcong. Now, American soldiers for generations have been good fighting men and women. We've also been fair, but we take advantage of the situation and this particular Vietcong that we captured, he was only slightly wounded. We blindfolded him called in a helicopter, helicopter picked him up, we put a... a Vietnamese speaking Arvin on the flight with him and when this Vietcong thought that he was 5 thousand feet off of the ground, we told him we were going to... we didn't, I wasn't on the helicopter, the translator said we... tell us where the enemy stronghold is or we're

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going to throw your... right out of this helicopter. And they threatened, they held him, the rotor blades are going, and he's up in the air, he can feel the wind blowing. Some of you would think that's cruel and unusual: he talked, he sang like a canary. They sat the helicopter down, in fact, it was only 10 feet off the ground, but he was scared and he talked. We treated him like an enemy combatant. We didn't read him his rights. We cared more about saving American lives..."

Speaker Mautino: "Mr. Stephens, the mike had cut off. Could you... I'll go ahead and grant another minute. Please bring your remarks to a close. Thank you, Sir."

Stephens: "An enemy that won't even dignify themselves by wearing a uniform. We should do nothing to protect their constitutional rights, treat them like the enemy they are. Treat them like the enemy they are. They should be sought out, captured or killed, and that's the end of the story. If we have to detain them, put them at Guantanamo or put them somewhere, but don't put them in a courtroom here in central Illinois and say to them that you have the same rights and privileges of every American that ever died defending this nation. It's an abomination. It's wrong. So, bring the Bill right back here, bring the Resolution to the floor. Let's hear it today. Let's send a message to our President, so that once in his life he understands the difference between a corpsman and a core man."

Speaker Mautino: "Further discussion? Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker, a point of personal privilege."

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Speaker Mautino: "State your point."

Bellock: "I just want to speak on the Resolution that Representative Bost and Representative Stephens have been talking... Representative Watson, all of... men who have served in our military overseas. This Resolution is so important to all of us it is definitely a nonpartisan Resolution. We're talking about an issue regarding the rights of American citizens and homeland security. Right here in Illinois a lot of people are not even aware that within the last year people were convicted in Florida of attempting a plot on the Sears Tower. Just six months ago here in Springfield there was an attempted plot that was a sting operation including the FBI on the Federal Court Building in Springfield. Do we really believe all of the people here that people that are enemy combatants and terrorists should have the same rights as American citizens and to have all of their legal bills paid for by the tax dollars of the people that have been attempted to be attacked on our own soil? These are the issues that are in this Resolution. All of us, this is a nonpartisan issue, the people of Illinois feel that people that are enemy combatant terrorists should not have the same rights that people that go to civilian courts do. These are enemy combatants; they should be sent to military tribunals or military courts. They should not be given the rights of American citizens. We all are here on Memorial Day. We stand and talk about every service person that has died in the State of Illinois. Are we going to respect those people and not give the same rights of American citizens to enemy

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combatant terrorists who threaten our security? This is why this Resolution should be sent to Congress. The administration should see what the people of Illinois really feel about the rights of American citizens and the rights of American people in Illinois. Thank you."

Speaker Mautino: "Our final speaker is Representative Sacia."

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

Speaker Mautino: "State your point."

Sacia: "I join my colleagues in asking for House Resolution 931 to be called. I share with many in this Body the privilege of being called a veteran. I also share what many in this Body have done in their former life in law enforcement. And the reason I have such a passion for this particular issue is using an example of the Christmas Day underwear bomber and the situation following when the gentleman was arrested. He was treated as an American citizen. He was interviewed for... I hear different amounts of time, but in the neighborhood of 50 minutes, after which time he was advised of his constitutional rights... under Miranda. The ludicrousness of all of that is it has been shared internationally that anything and everything that the gentleman had to say was obtained in those first 50 minutes. It doesn't take anyone with a strong background at all, be it in the legal profession as a lawyer, as the legal profession for law enforcement, to know that in 50 minutes interviewing anyone very little information is obtained. It comes from a period of time, developing rapport, and in a situation such as the underwear bomber we should be looking at this as totally an enemy combatant.

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Be he not in uniform makes no difference. He came with the purpose of causing great bodily harm to the infidel in this great country of ours. This is an opportunity, this Resolution, to send to the White House to President Obama, a personal friend of many of us in this very Body, and point out our strong feelings so that Eric Holder hears it, other members of the administration, that it is imperative that this man be treated as a military operative as the terrorist that he is and not an American citizen with the same rights of you and I. Thank you, Mr. Speaker."

Speaker Mautino: "Thank you. And that's... point of personal privilege, Representative Howard."

Howard: "Thank you very much, Mr. Speaker. It is wonderful that we have so many of the citizens across our state visiting today advocating for certain kinds of issues and just sharing with their Legislators. I am particularly pleased that there are two persons here who have joined that number. They are: Pamela Bosman-Evans, the Chief Operating Officer of the YWCA of metropolitan Chicago and along with her is Gloria Deila Coleman. Please help to welcome them to Springfield."

Speaker Mautino: "Welcome to Springfield. The Gentleman from Cook, Representative Davis."

Davis, W.: "Thank you, Mr. Speaker. I, too, want to join my colleague, Representative Howard, in certainly acknowledging the number of individuals that are here today in advocacy of a number of issues including House Bill 174. Members of the Responsible Budget Coalition that are visiting with us today, but also I want to take this

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opportunity to acknowledge two individuals from the south suburbs who are visiting with us today. I'm always pleased and honored when individuals from the south suburbs come and join us today. So, behind me in the gallery over my right shoulder are Reuben Pettiford and Elliott Johnson both of the Family Christian Health Center in the city of Harvey, in the south suburbs. Thank you and welcome here... welcome them here to Springfield today. Thank you."

Speaker Mautino: "Welcome to Springfield. Also would like to thank Representative Lyons for arranging and to thank Father Peter Harman who did prayers this morning and... and ashes, and he is from the Cathedral of the Immaculate Conception. So, thank you, Father Harman and thank you, Representative Lyons for arranging that. Further discussion? Mr. Clerk, on the Calendar, page 4, under Third Readings appears House Bill 4623. Out of the record. House Bill 4654, Representative Bassi, Representative Bassi on House Bill 4... Out of the record. Representative Sente on House Bill 4675. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4675, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Mautino: "Representative Sente."

Sente: "Thank you. Mr. Speaker, fellow House Representatives, I am presenting House Bill 4675. House Bill 4675 makes it a Class IV felony for a child sex offender to knowingly operate, manage, be employed by, or associated with a local fair when minors are present and defines 'local fair'. Currently, we have State Law that sex offenders are not allowed to be employed at carnivals, but that definition of

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carnival does not include some locations that would be considered a local fair. A local fair is defined more broadly, so specifically, it is an event that is staged by a local municipality in which people gather to trade or display goods."

Speaker Mautino: "The Lady's moved passage of House Bill 4675. And on that question, the Gentleman from Crawford, Representative Eddy."

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

Speaker Mautino: "Indicates she will."

Eddy: "Representative, just a few questions related to the legislation. This isn't your first Bill either, is it? This is your second Bill?"

Sente: "Second."

Eddy: "Yeah. Okay. Can... can you, first of all, clarify the fact that this deals with those who work. This... this only deals with those who are working with the... individual or entity that is providing the local fair, is that right?"

Sente: "It includes people who are... Yes, it does."

Eddy: "So, when you... when you include the term 'associated with', what exactly do you mean by 'associated with'?"

Sente: "The reason I choice that language is if because it is the exact language in the current Criminal Code, and it covers the same language as the county fair and the carnival. So, 'associated with', allows for some of those other exemptions, like maybe someone who is volunteering in there as well, and we want to protect the children from that case."

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Eddy: "So, it would be a Class IV felony for someone who is registered as a child sex offender to knowingly, and again, we get into some parsing of words here, but knowingly operate, manage, be employed by, or be associated with any local fair when person under ages of 18 are present. How would a child sex offender who was attending or working at or volunteering at one of these types of these local fairs know whether someone 18 or under was going to be there? Are they expected to just assume that because there's not a ID with age requirement that it could be somebody under 18, so is that knowingly?"

Sente: "Pretty much. One could assume that at a local fair there would be children 18 years or under as much as one would assume at a carnival or a county fair that there would be individuals 18 years or younger, yes."

Eddy: "Okay. So, in my area, we have... we have these local gatherings where individuals bring a fruit and vegetable in and a street is cordoned off and... is that subject to your... your legislation? Is that a..."

Sente: "Your example, though not specific, I would answer probably no. And the reason would be because it needs to be staged by a local municipality and those are typically not, so one would assume it was literally staged by the municipality."

Eddy: "Well... well, I think... I think here in Springfield there's a Farmers Market that takes place during certain times of the year when fresh vegetables are available and they close streets for the Farmers Market, okay. And in that case does the fact that the city is participating in the

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establishment of the Farmers Market qualify that they're helping to stage it? It's staged."

Sente: "How are they participating, 'cause they're closing streets?"

Eddy: "Closing streets, setting up places for people to sell vegetables. Is that a staged event then, a Farmers Market?"

Sente: "That was not the intent of this law."

Eddy: "Okay."

Sente: "Staged would be so the municipality is the primary entity putting on the event. So, like closing a street or helping with traffic control would not be a definition of 'staged' in my opinion."

Eddy: "So... so, would the municipality actually have to be hosting the event?"

Sente: "That would be one of the criteria. They don't have to be because typic..."

Eddy: "Okay."

Sente: "or not typically but on occasion they would contract out to a third party. They would still then... that would still fall under the law of... or the exemption of loc..."

Eddy: "And I understand what you're trying to do here and I don't think anybody in this Body wants to put people in danger, especially for child sex offenders. I know that we have lots and lots of legislation every year that's filed to try to protect children from predators. In fact, I actually have authored some that have to do with day-care centers and schools, and I think those are venues that because of the age group that is attracted to that locality

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that's kind of a... almost a shopping place for some of these predators, and I understand that. Carnivals were included kind of for the same theory. I'm just... and in no way want to make it look as if or we're talking about trying to protect those individuals. But how would they know, if they're subject to this?"

Speaker Mautino: "Excuse me. Mr. Eddy."

Eddy: "I guess I'm... I'm trying to figure out how you apply this broad application."

Speaker Mautino: "The Gentleman's time has expired. With 14 people seeking recognition, I'm going to adhere to the clock. Very, very briefly, Sir."

Eddy: "Thank you, Mr. Speaker. I'll just simply wait for other answers and listen to the conversation. I appreciate that."

Speaker Mautino: "Thank you. The Gentleman from Jasper, Representative Reis."

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

Speaker Mautino: "Indicates that she will."

Reis: "Representative, I brought this Bill before the House three or four years ago, and it included the carnivals and that's where we had the carnival law today, but my original Bill as introduced included language such as yours and went through the same committee. And I think the committee that voted for your Bill this year asked me to remove that language four years ago, because it is so broad, because it is so hard to control. Who would be responsible, was the question they asked me, if someone did knowingly or unknowingly hire a sex offender to do work at one of these

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things? Would it be the booth? Would it be the municipality? Would it be the Chamber of Commerce?"

Sente: "The burden is actually on the sex offender, not on the person... not on the employer. This is a Class felony... IV felony for a child sex offender to knowingly. So, the burden is not on the employer."

Reis: "I'm sure a lawyer would have a field day with that. I mean, these are... this is a very difficult situation and after hearing testimony that day in committee I removed that language because while we all have the same goal of keeping sex offenders away from our children, they determined that the fair operator or the carnival operator would be liable in my particular situation, and that's why it was allowed to move forward. I'm just not quite sure you're Bill's soup yet. We all have the same goal. But I think it needs more time to develop and we can get some more opinion on it, find out exactly how it'd be enforced because just putting the responsibility on a sex offender, I don't think would hold up. And we don't want our groups, our women's groups that put on lemonade stands, our 4-H kids, I mean, whatever it is we don't want them to be subject to having to enforce this. So, I guess I would ask that you take your Bill out and allow this to work a little bit more. We'll see what the rest of the debate goes on today, but we all have the same goal, just think this is a little far reaching."

Sente: "Thank you. I respect that opinion. This does use the exact language. I just want to reiterate that the current Criminal Code has a probably 10, 12 exemptions that this

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amends. This is a tweak to this law. It continually uses the word knowingly, operate, manage, be employed by, or associated and then it has the exemption when minors are present. So, this exists and has been out there for quite sometime."

Speaker Mautino: "Further discussion? Representative Dun... Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Mautino: "Indicates she will."

Durkin: "Representative, what incident has prompted you to put this Bill in?"

Sente: "A... a call from a constituent where they were at a local fair where this did not qualify, so nothing could be done, but the individual at that location was just watched throughout the course of the local fair."

Durkin: "Okay. So, one incident has prompted you to call... to introduce this Bill? Do you think that that's good policy that one situation, we should change the Criminal Code?"

Sente: "Well, one incident came to my attention. Then I researched it through local municipalities, village managers, police chiefs, and the Illinois State sheriffs. So, because it was a good idea, spurred by one incident, yes, I proceeded forward."

Durkin: "All right. Now, I'm looking at the definition, and you know, people have already made... had some questions about it. It's loosely drafted in the way it could be interpreted, but I live in a municipality that often has Christmas walks that they do in conjunction... the Village of Western Springs... in conjunction with the Chamber of

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Commerce in which they open up the doors every... right around Thanksgiving, in which people will walk through the town and they'll walk inside the businesses and they'll have snacks, but also items on sale. Your Bill would prohibit those employers from having a sex offender working inside those establishments because they are work... they're in association with the municipality, correct?"

Sente: "Are they trading or displaying goods?"

Durkin: "Both, both. Absolutely. So, what you're telling the... the small businesses that if there's someone who's made a mistake, particularly an 18-year-old in a Romeo and Juliet situation, who still has to register three or four years after the fact and they're gainfully employed, they're working at a small business in that town, that they cannot operate and work on those days in which there is that Christmas walk or some type of holiday festival that those towns are having. Correct?"

Sente: "Correct. I do definitely think, even for a Romeo situation, who is going to be on the child sex register for 10 years, that we do want to keep them away from children 18 years or under because they can have other jobs and after 10 years they can have this job."

Durkin: "All right."

Sente: "There was an offense and even a Romeo does know that they are breaking the law."

Durkin: "But the understanding... the local businesses are now the ones who are going to have remove individuals from there employ during these situations, correct?"

Sente: "The burden is on the sex offender."

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Durkin: "No, it isn't. It's on the businesses now, come on."

Sente: "Pardon?"

Durkin: "It's going to be on the businesses. They're the ones who are going to have to find the individuals to be replaced on those days during those..."

Sente: "Correct. You don't think they're going to be enough nonchild sex offenders to fill those positions?"

Durkin: "Well, I tell you what, let's get back to another question. Have you ever tried a case before? Are you a lawyer?"

Sente: "No, I'm not."

Durkin: "No. Do you think a... what do you think a state's attorney is going to do when they see this Bill, it goes into effect and how they're going to be able to interpret and actually argue this before a courtroom? You know, these are the things we do often down here. And we... we I understand that's well meaning what you're doing, but what you're doing is that you're creating headaches beyond belief for the individual, the poor state's attorney who is going to have to interpret it and enforce this in a court of law. No one is going to vote against this. We know what your... what, you know... but you know, I... I think that, you know, people have made some good suggestions that... that quite frankly should be adhered to, and I would hope that when this is passed out of the House that you can work with the Senate on tightening this up, 'cause I think there's been enough good questions and enough situations in which we've... hypothetical situations that I think have not been discussed nor contemplated in this. So, good luck with

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this, but I see a problem when this is ultimately at the end of the day that someone's going to have to enforce this in a courtroom."

Sente: "Thank you."

Speaker Mautino: "Further discussion? The Gentleman from Cook, the Honorable John Fritchey."

Fritchey: "Thank you, Chairman. I'm sorry, Speaker. To the Bill. And I will try not to reiterate the points and I won't put the Sponsor through this. It's amazing to me that time after time that we do this, and I'm not going to blame the Sponsor, but it coincidentally happens that it always winds up being the new Legislators that are given these Bills that make terrible laws, but very good mail pieces. And more often than not, these Bills pass because Members here don't want to be the subject of a mail piece as having been soft on a sex offender. To the point, this is at best a poorly drafted Bill, most likely a legally unenforceable Bill. It does not have any nexus to what it's trying to accomplish. Again, I mean no disrespect to the Sponsor, whatsoever, but time after time, after time we do this, sometimes well intended and well drafted, but the way that this is structured the definition of a local fair is so ambiguous as to capture many types of situations never intended by this to talk about an individual that's associated with a local fair. That could be somebody that is doing work with a PR firm that is helping to advertise a local fair that's coming up in a community. That would technically be associated with the local fair. Not everything that purports to make life tougher on

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individuals convicted of heinous crimes is necessarily a good law. At some point in time we have to put intellect before politics. We have to put common sense before politics. We have to do what's right. We have to understand what are responsibility is here and it's not to simply pander for votes. It's not to simply try to advance something so we can say that we did something that sounds good when it really turns the law on its head, but it's simply a time to take a stand. This is not a partisan issue, it's not a regional issue. It is one of legality, it is one of constitutionality, it is one of common sense. Ladies and Gentlemen, take... the language in this Bill is only a few lines long, take the time to read it for a second. If you read it, you will understand we're not accomplishing a goal here. Please let's have this be one of the exceptions here. Let's do the right thing. Let's vote 'no' and let's put this Bill out of its misery. Thank you."

Speaker Mautino: "Further discussion? The Gentleman from Fulton, Representative Smith, is seeking recognition."

Smith: "Thank you, Mr. Speaker. I move the previous question."

Speaker Mautino: "The question has been put. The Gentleman has moved the previous question. All in favor say 'yes'; opposed 'no'. The 'yesses' have it, in the opinion of the Chair, and the question has been put. Representative Sente to close."

Sente: "Again, I would like to just close by stating that this is a tweak and an addition to the existing Criminal Code. This legislation closes that loophole; it uses the exact

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wording that we have many existing exemptions for. And because you... combine the word 'knowingly' with when minors are present staged by a local municipality I feel it is very... something that can be defended in court. So, we want to keep children... or sex offenders away from our children. And so, I do urge your 'aye' vote."

Speaker Mautino: "And the question is, 'Shall this Bill pass?' 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 Durkin, Representative Sullivan, do you wish to be recorded? Mr. Clerk, take the record. 90 voting 'yes', 16 voting 'no', 6 voting 'present', House Bill 4675 is hereby declared passed. The Gentleman from Bond, Representative Stephens is seeking recognition."

Stephens: "Well, first of all, Mr. Speaker, what in the world does the Gentleman have to do this afternoon that he's in such a big hurry that he can't hear from the rest of us who wanted to talk on this Bill? There were others who wanted to speak on this very important issue. The Bill has problems. The Lady should have taken the Bill out of the record. Members on both sides of the aisle were willing to sit down and work on the Bill, but no, the Gentleman has to move the previous question, because what's happening so important in his life that he has to go do that instead of doing what he was elected to do."

Speaker Mautino: "Sir, Members have the right to move the previous question at any time from any Party."

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Stephens: "And I've got a right to complain about it. I've got a right to ask for a Role Call vote. I got a right to ask for a verification. I've got... I've got rights, too. The Bill has rights... the Bill has rights to be tabled or taken out of the record so that reason could prevail instead of this hysteria. I want my 'no' vote to record the process by which this Bill was passed."

Speaker Mautino: "So noted. The Gentleman from Champaign, Representative Rose."

Rose: "Speaker, with all due respect, what room were you in on the Motion... on the vote for the Motion? It was clearly 'no', people were screaming 'no'. There were 14 people punched in wanting to speak on this Bill, Mr. Speaker. What room were you in? I didn't hear one 'yes'."

Speaker Mautino: "I heard... I heard many 'yesses' in the course of the Bill."

Rose: "Are you kidding me?"

Speaker Mautino: "There were 'yesses' and 'noes', in the opinion of the Chair..."

Rose: "Speaker, all I wanted to do was ask the Sponsor... all I want to do... the Sponsor came over to me yesterday, was very nice. She asked... she said I heard you have a couple questions about this. I... I gave her my questions. All I want to ask her was what were the answers? What were the answers 'cause I didn't see them. There wasn't an Amendment to the Bill. I wasn't even given the opportunity. Fourteen people weren't given the opportunity. This is early, early in this Session, Mr. Speaker. I'll tell you what, I've sat in court and lost

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Motions defending laws because this Body doesn't take its time to do things right. Now, imagine what happens when a child sex offender walks out of jail because we didn't take the time to do this right. Mr. Speaker, that'll be on you."

Speaker Mautino: "Further discussion? The Gentleman from Lake, Representative Washington."

Washington: "Mr. Speaker, I'm not going to yell at you, but I would've liked a little more time with the Bill if we could've had it. I have some concerns with that Bill, but I think that my colleagues over to the right of me that we might... can appeal to our colleagues in the Senate when it gets over there and deal with it from there. Thank you."

Speaker Mautino: "Thank you, Sir. On page 4 of the Calendar appears House Bill 4675. Excuse me. House Bill 4681, Representative Jakobsson. Read the Bill."

Clerk Bolin: "House Bill 4681, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Mautino: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill creates an Air Force veteran license plate to be issued for \$15 to be deposited in the Secretary of State's special license plate fund. It's pretty simple. I urge an 'aye' vote."

Speaker Mautino: "The Lady has moved passage of House Bill 4681. Seeing no one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Lyons,

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Representative D'Amico, do you wish to be recorded on this Bill? Mr. Clerk, take the record. 105 voting 'yes', 7 voting 'no', 0 voting 'present', House Bill 4681 is hereby declared passed. Mr. Clerk, I have a Motion from Representative Durkin to reconsider, pursuant to Rule 61, having been voted on... by the prevailing side, I move to reconsider the vote by which House Bill 4675 has passed. Representative Durkin on the Motion. The Gentleman from Bond, Representative Stephens."

Stephens: "Representative Durkin is predisposed at this moment. So, I would... let's see, I guess the appropriate thing to do would be to move the previous question. I request..."

Speaker Mautino: "And you know what, we will go ahead and do that. You've done a fine job. On the Motion... is for reconsideration of House Bill 4675. On that Motion, the Gentleman from Cook, Representative Lang. You're up."

Lang: "Mr... Mr. Speaker, in response to the Motion. We had a thorough debate on the Bill; it got 91 votes. I don't know what is to be gained by a doing this again. So, I'm opposed to the Gentleman's Motion."

Speaker Mautino: "The Gentleman from Cook, Representative Durkin, to speak to your Motion, Sir."

Durkin: "Well, thank you. I just want to make it perfectly clear that my predisposition was getting my shoes shined, it was nothing else. I withdraw the Motion."

Speaker Mautino: "The Gentleman withdraws the Motion. Representative Jakobsson, do you wish to call 4681? Read the Bill. Representative Jakobsson on 4684. Do you wish to call that Bill? Read the Bill."

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Clerk Mahoney: "House Bill 4684, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Mautino: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This amends the Illinois Marriage and Dissolution of Marriage Act with respect to determining a person's net income for the purpose of child support payment. It would add to the... exemptions, foster care payments that are intended... that... that go to the... one of the couples. And the DCFS foster care payments are intended to be money strictly for the foster children. They are not considered to be taxable income. They are considered reimbursements for expenses that are generally not considered taxable. And I urge an 'aye' vote."

Speaker Mautino: "The Lady has moved passage of House Bill 4684. No ones seeking recognition on this question, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Mr. Verschoore, Mr. Fritchey, do wish to be recorded? Mr. Clerk, take the record. 112 voting 'yes', 0 voting 'no', 0 voting 'present', this Bill is declared passed. Page 4 of the Calendar appears House Bill 4708. Representative Connelly, do you wish to call this Bill? Mr. Clerk, read the Bill."

Clerk Bolin: House Bill 4708, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Mautino: "Representative Connelly."

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Connelly: "Thank you, Mr. Speaker. House Bill 4708 simply amends the Counties Code to allow public notice of a special-call meeting to be consistent with the Open Meetings Act. It cleans up an inconsistency in the County Code. This Bill is identical to House Bill 883 from last year, which passed overwhelmingly. The language was removed in the Senate by Amendment. I ask for a 'yes' vote."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4708. No one seeking recognition, the question is, 'Shall this Bill pass?' 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 Lyons, Representative Coulson, do you wish to be recorded? Mr. Clerk, take the record. 112 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 4708 is hereby declared passed. Page 4 of the Calendar appears House Bill 4715. Representative Pritchard, do you wish to call this Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4715, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Mautino: "Gentleman from DeKalb, Representative Pritchard."

Pritchard: "Thank you, Mr. Speaker. This Bill was brought to me by the parents of one of our Pages, here in front of us this... this afternoon. It amends the Criminal Code of 1961 to make it an offense to sell burglary tools, in particular, dealing with lock bumping and lock picks, for the purposes of terrorizing, I think, a lot of homeowners."

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According to the State Police, there have been thousands of unlawful entries into homes over the last two years, 78 thousand in 19... or 2008, and it's been growing at a four and a half percent rate over the last four years. There's a burglary every 6 minutes and 39 seconds. What we're trying to do is cut down on some of those unlawful entries by making it illegal to sell some tools that are being promoted now on the Internet and made available to a lot of people. There's the hope of those that have suffered illegal break-ins that by removing some of these very common tools that can work in seconds that we might be able to reduce these number of burglaries. I would ask for your support."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4715. On that Bill, the Gentleman from Jackson, Representative Bost."

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

Speaker Mautino: "Indicates he will."

Bost: "Representative, I just, I'm... I'm looking this over. What is the clear definition of what these tools are? For instance, you know, I know people that can use a coat hanger and break into an automobile if it's bent in a certain way. What qualifies as truly burglar tools?"

Pritchard: "So, the Bill defines lock bumping to mean a lock picking technique for opening a bin tumbler lock using a specially crafted bump key. So, bump keys is a specific type of tool that can be used and very quickly rearrange the tumblers in the lock to open the door."

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Bost: "So... so, somebody carrying around, say, for instance like dental tools that they might be using in their tool sheds and things like that, those..."

Pritchard: "Would not be covered."

Bost: "Okay. All right. Thank you."

Speaker Mautino: "No one seeking further recognition, the question is... Excuse me. The Lady from Cook, Representative Davis, is seeking recognition."

Davis, M.: "Thank you, Mr. Sp... Mr. Chairman. Will the Sponsor... Mr. Speaker, will the Sponsor yield?"

Speaker Mautino: "Yes, he will."

Davis, M.: "Would you name those items again?"

Pritchard: "Excuse me?"

Davis, M.: "Representative, would you name the items that are considered burglary tools."

Pritchard: "The Bill names those tools. And the Bill says a lock bump... a lock bumping key, and also it deals with lock picks."

Davis, M.: "Is it legal to sell a lock bumping key today?"

Pritchard: "Yes."

Davis, M.: "So, why would it be a Class IV felony if someone had in their possession a legally purchased lock bump?"

Pritchard: "This Bill does not deal with possession; it only deals with the sale of these tools."

Davis, M.: "Where do you buy them?"

Pritchard: "So, these tools can be bought on the Internet and I assume some of our master key shops might carry them."

Davis, M.: "And what purpose would they be selling them?"

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Pritchard: "Commerce. They have a tool to sell, someone might want to buy it."

Davis, M.: "So, how would you enforce this legislation?"

Pritchard: "It deals with selling the tools for any purpose. So, what we're trying to do is stop it before there is an intent to do damage. It is already an offense to possess some of these tools with the intent to use them illegally for illegal entry or burglary."

Davis, M.: "Which legal law enforcement agency would enforce this law?"

Pritchard: "All law enforcement agencies that uphold the statutes of the State of Illinois."

Davis, M.: "So, if I have purchased this bump... whatever this thing is... if I have purchased it and I intend to use it legally perhaps to get into my own home, because I'm locked out of my own home, I could be arrested and have a Class IV felony."

Pritchard: "No, no, you couldn't, because possession without the intent to use it illegally is not an offense."

Davis, M.: "Do you think someone is going to say I intend to use this illegally?"

Pritchard: "Well, certainly if someone is caught in the act. Or someone that is caught with stolen merchandise that has this in their possession, that would also qualify..."

Davis, M.: "Well, if someone is caught in the act, regardless of what tools they use, they would be committing a burglary. And they don't need to be, what shall I say, you know charged with the tools you have because they could merely have a hammer and a chisel."

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Pritchard: "Correct. So, what we're trying to do here is prevent some crime by outlawing the sale of tools that would be used for burglary."

Davis, M.: "So, you want to go to the... curren... no, where would they purchase this, Home Depot?"

Pritchard: "I'm not sure. I haven't done a survey of all of the retail outlets."

Davis, M.: "So, in other words, we want to get at that merchant who is selling these tools. Is that correct?"

Pritchard: "Correct."

Davis, M.: "Well, how does the merchant know what I'm going to use it for?"

Pritchard: "They probably wouldn't sell them."

Davis, M.: "So, you want to say to the merchant or Home Depot or hardware store that it is illegal for you to sell this manufactured distributed tool because someone may have an intent on using it improperly?"

Pritchard: "Correct."

Davis, M.: "So, then you are supportive of the gun laws."

Pritchard: "Excuse me?"

Davis, M.: "You support the gun laws. You know, people could use them incorrectly. Representative Pritchard, why is IRMA opposed to your legislation?"

Pritchard: "They were opposed to it before it was amended. Since it has been amended and it clarifies the tool in very specific language, they indicated they were in support. You might have an earlier analysis before it was amended."

Davis, M.: "Why are the truck operators opposed to this... tow truck operators, why are they opposed?"

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Pritchard: "Again, that was the earlier... the original draft before it was amended. And they were opposing it..."

Davis, M.: "And what does the Amendment actually do? How does your Amendment change this Bill? How does it change the opposition from those people who are concerned with a businessman's right to sell a legally manufactured tool?"

Pritchard: "Because we have defined what the tool is. The earlier version used language that's in the Criminal Code that they thought was too broad and too ill defined. So, in an effort to be very clear and to deal very specifically with the two tools that are used frequently, and were used in the case with my constituent, we named those in the Amendment. And that's what's different about this Bill."

Davis, M.: "So, Representative, they would go to jail for how long? If you had this, you know, you got locked out of your house and you went to the store and you bought these items and the police stopped you on your way home and you have these items and you're arrested because these are illegal items. How long would you go to jail?"

Pritchard: "You would not go to jail because you were not using this illegal."

Davis, M.: "So, the act of burglary has to occur before this Bill takes effect... I mean, before this sentence takes effect, you have to be in the act of burglarizing something?"

Pritchard: "No, this Bill deals with the sale of two specific tools..."

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Speaker Mautino: "Time has expired, but I would ask the Lady to bring her remarks to a close and you'll be given time to answer."

Davis, M.: "I... just want to get this final thing. Are you saying that only the sales person will be guilty? Only the person who sells the item, not the one who carries it, not the one who uses it? Are you telling me, Representative, that just the seller will be guilty?"

Pritchard: "Of this offense, yes."

Davis, M.: "Okay. Thank you, Mr. Speaker. I think this is kind of ridiculous to say that a salesperson is to know what the intention... your intentions are when you buy an item. How does the salesman know what I intend to do with it? For example, if I have a gun and you sell it to me, how are you going to be responsible for what I do with that gun when you sell it to me? And I know you have the excellent intention of stopping burglaries, but I think this might be the wrong tool. Thank you."

Speaker Mautino: "Gotcha there. Let's see, here we go. Got three... three people left to... the Gentleman from DuPage, Representative Reboletti is next."

Reboletti: "Thank you, Speaker. I noticed that we've had a little bit more debate on this Bill than we did on the last one. So, let me ask Representative Pritchard a few questions, if he'd yield?"

Speaker Mautino: "He'll yield."

Reboletti: "Representative isn't the purpose of this Bill to only allow people in a profession that actually need to use this the ability to possess it and then say that those

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average lay people cannot possess it. Is that really what the intention is here?"

Pritchard: "Correct."

Reboletti: "So, what we're trying to do is keep the bump key, which is used in numerous burglaries throughout the state, out of the hands of criminals. Is that what you're trying to do with this legislation, Representative?"

Pritchard: "We're trying to deal with the lock... or the bump key as well as lock picks that are used very frequently in burglaries."

Reboletti: "And we also talked about in committee the fact that you could possess certain tools like a chisel or hammer that may not be burglary tools in and of themselves, but you needed some type of intent then to make them into burglary tools like obviously stolen property next to that. We talked about that, right?"

Pritchard: "We talked about that and that's already part of the Criminal Code."

Reboletti: "Well, thank you, Representative, for bringing this. Bump keys have become much more prevalent in burglaries, and I think this is a good way to keep them out of the hands of criminals. And I would urge an 'aye' vote. Thank you."

Speaker Mautino: "Further discussion? The Gentleman from Cook, Representative McAuliffe."

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

Speaker Mautino: "He indicates that he will."

McAuliffe: "Representative, I... a couple years ago, I had this Bill that defined bump key. And the idea I got was from a

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police officer that was finding people walking the streets miles and miles away from their house and the only thing they had on their possession was a bump key. If anyone... if you look on YouTube, there's five thousand different ways of opening up a lock without having a key, and what you can do is you can open that lock within a matter of minutes or within a minute. So, I think the Bill that you're trying to present today is a good Bill because anyone that's walking around with a bump key isn't walking around because they're afraid they're going to lose their keys, their intention, unless they're... unless they're a locksmith or something of that caliber, they're just looking to try to make a home invasion. So, I agree with... with your Bill, and I... I think that if any Members have any questions, just go on YouTube and you can see how easily and how fast you can open up a locked door. Thank you."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4715. The question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Brauer, Hernandez, Jakobsson, Poe, do you wish to be recorded? Mr. Clerk, take the record. This Bill, having received 108 'yes' votes, 4 'no' votes, and 0 'present' votes, is declared passed. The Calendar appears House Bill 4717. Representative Eddy, do you wish to call this Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4717, a Bill for an Act concerning transportation. Third Reading of this House Bill."

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Speaker Mautino: "Representative Eddy."

Eddy: "Thank you... thank you, Mr. Speaker. 4717 is in response to a constituent issue that related to the purchase of vehicle plates for a type... or Class B truck. Currently, the statute allows for electric car plates, but not truck plates. The Secretary of State's Office was contacted; they helped draft legislation that would allow for electric truck plates and this basically expands their authority to do so. There's no opposition to the Bill. And again, I want to thank the Secretary of State's Office for helping solve this issue."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4717. No one's seeking recognition, the question is, 'Shall this Bill pass?' 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 Biggins? Mr. Clerk, take the record. 112 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 4717 is declared passed. The Gentleman from Macon, Representative Mitchell, is seeking recognition."

Mitchell, B.: "Thank... thank you, Mr. Speaker. Point of personal privilege."

Speaker Mautino: "State your point."

Mitchell, B: "Thank you. Ladies and Gentleman of the House, in the gallery behind me are two gentlemen that represent the village of McLean in McLean, Illinois. It's the mayor... and I'd ask them to stand right now, the Mayor Jim Adams and trustee Dick McMann. Let's give them a big Springfield welcome."

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Speaker Mautino: "Welcome to Springfield. The Gentleman from Bond, Representative Stephens."

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

Speaker Mautino: "State your point."

Stephens: "On this Illinois Municipal League Day at the Capitol, I would like to welcome two members of my district from St. Elmo, Mayor Larry Tish and Alderman Chris Worman, who are in the Republican gallery. Let's give them a Springfield welcome."

Speaker Mautino: "Welcome to the House of Representatives. Mr. Clerk, on Page 4 of the Calendar appears House Bill 4744, Representative Tryon. Read the Bill."

Clerk Bolin: "House Bill 4744, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from McHenry, Representative Tryon."

Tryon: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4744 amends the State Property Control Act. It sets a threshold to which applies to the Executive Branch when they determine a property is surplus property. It sets that threshold at a million dollars. I believe many of you, like I, when we read or heard about the sale of the Thomson Prison ask ourselves how could the Governor or the Executive branch determine that it was vacant, number one, and surplus, number two. And that it was an asset that the replacement cost, which has been estimated as much as \$300 million could possibly be sold without General Assembly approval. I believe that, that needs to

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have full debate by the General Assembly. We are cobranches of government, and we need to essentially be a part and partner with the Governor in the sale of any asset such as that. If you look at Arizona, which is currently selling 20 of it's state owned buildings including the Arizona State Capitol, they're doing that in full debate of the General Assembly and the General Assembly is involved in that decision. So, this isn't about jobs, this really isn't even about the Thomson Prison; this is about public policy and how we are going to dispense with assets that are valuable to the State of Illinois and what that process would be. I would urge a 'yes' vote. I would take some questions."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4744. The Lady from Cook, Representative Nekritz is seeking recognition."

Nekritz: "Thank you, Mr. Speaker, to the Bill. We, in this Illinois House and in the General Assembly very jealously guard our role as the legis... as the Legislative Branch of government, vis-à-vis, the Executive Branch. I believe that this Bill violates that separation of powers between the Executive Branch and the Legislative Branch. As a member of the Commission on Government and Forecasting Accountability, I... we've been recently through several iterations or several decision making processes with regard to the closure of some facilities. We set up the State Facilities Closure Act so that the... so that there could be a public hearing process, but it was very clear when the State Facilities Closure Act was passed that the

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Legislature cannot dictate to the Executive whether a piece of property can be sold or not. I don't know what the Constitution in Arizona says that the... that the Sponsor mentioned, but our Constitution very clearly gives that role to the Executive. So, the State Facilities Closure Act as we passed it, in this Illinois House, gives COGFA an advisory role and... and gives an opportunity for there to be a public hearing, but we cannot dictate to the Executive whether and for how much and... and if they sell a piece of property. We also passed the Property Control Act, which was recently amended specifically to provide that if a... an IDOT facility is sold or a developmental center is sold that those funds would go into a special purpose fund for roads in the case of IDOT or for the developmentally disabled in the case of... some of those facilities. A piece of legislation like this simply delays and calls into question to whether or not that money is going to flow into those particular funds. And again, that is something that this General... this Body approved a few short... a few short months ago. I'm also concerned that this legislation would have a chilling... a very much of a chilling affect on bidders coming in to look at surplus property. If they know that they're going to have to put down some earnest money and then they cannot rely on the Executive to sign a contract and fulfill that contract, what happens to that earnest money? Are they going to sit around and wait for the General Assembly to act? Are they going to get their money back? Are we going to approve that they get their money back? So, I think that there's some real questions

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with regard to how this will impact our ability as a state to take advantage of surplus property. At its core, I really believe that this is unconstitutional and we have looked at this several times as... as COGFA... most recently with the Thomson hearing because we really wanted to try to... to say, yes, we can say to the Governor you must sell this. There were... you know, there was a majority vote to approve the sale, but we kept coming back to the fact that, no, that's... that's an Executive function and as the Legislature we cannot dictate to... that to the Executive. So, I would urge a 'no' vote."

Speaker Mautino: "On House Bill 4744, the Gentleman from Cook, Representative Fritchey."

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

Speaker Mautino: "He indicates he will."

Fritchey: "Brother Tryon."

Tryon: "Yes."

Fritchey: "Question for you. So, as... as it pertains, right now we're talking about sales of a million dollars or more, what if either with the intention directly or indirectly to avoid General Assembly oversight or approval on this, rather than entering into a purchase, they enter into a long-term lease agreement well in excess of a million dollars. That would trigger this, is that correct?"

Tryon: "No. No, only a sale of a property. And... and the threshold... this Bill just says this is a threshold that when it's declared surplus property."

Fritchey: "Under... understood, but I guess, you know, aren't you inviting people to end run the statute by covering... by

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setting a sale threshold, but not any type of sale lease back or just a straight out lease where that could have a value well in excess of a million dollars as well. I guess, without even getting into the merits of what you've got here, it just seems that you're opening up a door for, you know, a problem down the road. Where somebody says, look, you know what, the General Assembly left this door wide open... these parties, specifically because they wanted to avoid having to get approval through the GA, entered into a lease that is structured in a way that's going to have the same type of revenue stream as in the sale, but technically the title's not going to transfer. So, the GA doesn't have the oversight."

Tryon: "Well, I... I'm actually not trying to deal with future leases. I do believe that the Executive branch executes leases on a continual basis. If we occupy a building in one of our counties for driver's license facility or whatever it is, we already enter into lease agreements on that. We also have many buildings that we lease part of the building out to somebody else. So, we're already doing that. The leasing of the facility such as Thomson, if somebody wanted to lease it, they could do that now under current law."

Fritchey: "But I... I guess, to the extent that you're trying to get at Thomson, you're... you're taking a shotgun approach instead of a scalpel approach. And if the intent is to get at making sure that this General Assembly oversight of the disposition of properties, you're... you're leaving... you're leaving a big area uncovered."

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Tryon: "Well, actually, Representative, I believe that the debate should center about what the future use of Thomson is. I believe that asset has a future to the taxpayers of Illinois. I believe there's such a need for secured detention in this state that we should be full... full every day."

Fritchey: "And... and that may or may not be the case, but what I'm getting at, though, is this Bill does a lot more than that. If you wanted it tailored to Thomson, you don't set this at \$1 million you set it at \$50 million. This does a lot more than..."

Tryon: "I... I'm not trying to get at Thomson. I'm... trying to get at a public policy that says assets of significant value we need to decide about because, you know what, we make decisions in this Body on a land conveyance of a sliver of land that IDOT wants to give to a city. I mean, we vote on those all the time."

Fritchey: "So, we're... we're actually closer... we're actually closer in agreement now. But I guess what I'm saying is if the intention isn't aimed squarely at Thomson, if the intention is aimed at General Assembly oversight of disposition of state property, we're simply going to encourage people to have that disposition be through a long term lease rather than through a sale and they're still going to avoid our oversight. So, we don't actually get, to the extent that I agree with you even, you don't get to it then. You're simply going to encourage people to structure these deals differently to avoid the oversight. I guess, if that's your intention, I'm going to take it at

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face value that it is, then I think you would say, you know, any sale of property or lease of property where the anticipated lease revenues are in excess of a million dollars should then be given General Assembly oversight. Now, that then, that really gives the General Assembly hands on control of state assets, because now we're going to take a look into the situation of these leases where we look at the scandals in the past at the Secretary of State's Office, et cetera, with lease.. with lease agreements that were made and sweetheart deals on leases. Now, we would have oversight over that. With that oversight, obviously, comes responsibility, but I think right now you're either biting off too much if you're just going after Thomson, or not enough if you're going after overall oversight of disposition of property."

Tryon: "Well, I am only targeting the sale of property, not the use of property. I'm not trying to hamstring the Governor when it comes to leasing a piece of property. I think he has that right. Now, I think he might have to do that from time to time. That's not what this Bill is. This is about liquidation of an asset."

Fritchey: "Understood, but I.. I guess from a practical standpoint for our purposes and our life spans, there's little difference between a sale of a property or a 99-year lease of that property. They both accomplish the same thing essentially, only we have oversight in one.. of one under your Bill, but not the other. So, I.. I don't want to quibble. I just.. I want to bring that up to you to think about. When this Bill was first brought to my attention

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the other day, the first thing that jumped into my mind was that we were almost encouraging people to circumvent the intention of the Bill by going to a different type of structure rather than a sale. So, I guess I just ask you to think about that. Do with it what you will or won't, but just be mindful that..."

Speaker Mautino: "Will the Gentleman bring his remarks to a close?"

Fritchey: "Yeah, I pretty much did. You... you get where I'm going. Thanks."

Speaker Mautino: "Further discussion? The Gentleman from Jasper, Representative Reis."

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

Speaker Mautino: "He indicates he will."

Reis: "To the Bill. I rise in support of the Gentlemen's Bill, conceptually. Maybe some think that there might be some changes in the threshold whether that's a million dollars, a half a million, five million, fifty million, maybe it's something that could be changed as the Bill proceeds to include only bonded purchases. But I think that if the General Assembly is asked to vote on the selling of bonds for an asset that they should have the right to determine whether or not that Bill or that facility is sold through surplus. This is a very major purchase and... and I don't think this should be a political issue whether you're for or against moving the... federal inmates in and the criminals from Guantanamo Bay. I hope you don't bring that into it because that isn't what this is about. The General Assembly has to vote on bond issues; they should get to

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vote on the closure of the sale. And I came to this General Assembly three years in a row to try to convey a land that was going to build a prison, spent \$40 million on it, it was growing up in trees, but yet I had to come and talk to the Speaker and talk to the Members and pass that Bill over a three-year period of time just to give that land back to the city that purchased it to build the prison. We should do the same thing with this. The General Assembly voted for those bonds; they should get to vote for the closure. So, I rise in support of the Gentleman's Bill."

Speaker Mautino: "Further discussion? The Gentleman from DuPage, Representative Reboletti."

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

Speaker Mautino: "Indicates he will."

Reboletti: "Representative, talking about Thomson a little bit more, obviously that was declared surplus. Was the property being used at the time that the Governor declared it as surplus?"

Tryon: "Yes, it was."

Reboletti: "And if it may not have been at full capacity, but it was... there were inmates there, right?"

Tryon: "Yes, it... there were."

Reboletti: "So, can the Governor, prior... under current law can the Governor declare any state asset a surplus if he..."

Tryon: "Well, that's a... that's an interesting question, Representative. Under the State Property Control Act, which was the... the General Assembly's Act which actually put in place statutes for selling properties that also put

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in rules that were adopted by CMS. There are three mechanisms to which the Governor or the Executive Branch could declare surplus property. And one of them is, is has to be vacant for three years with no foreseeable use in the next three years; one is it has to be vacant for at least the past six years; and one is that it is reported or transferred to the Director of the Central Management Services as unused property for which there is no foreseeable use. I submit to you that this was not unused property and that there is a foreseeable use for it. And I don't even believe that CMS met their own rules when they took this proposal to COGFA."

Reboletti: "Well, what about... could then we transfer the U of I to CMS director and we could count that as a surplus property or the lottery or the tollway. Is that really where we're at or does that fall under a different jurisdiction?"

Tryon: "Under that... under the interpretation that's in this... currently being made, you could do that by transferring it to CMS."

Reboletti: "Well... well, to the Bill. And Mr. Speaker, this is exactly why people don't trust their government. In the middle of the night, the Governor goes off to visit the President and they talk about transferring property. There is no accountability here, there's no transparency, there's none of that. What it is, is a backroom deal to transfer some property to the Federal Government without any oversight, without any discussion. Maybe we'll transfer the tollway next to get ourselves out... out of this

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financial quagmire that we find ourselves in. Surplus property is just that. There is no use for it, there's not going to be a use for it; so, therefore, we can dispose of that property in a professional manner at a value that is at market value. So, I would urge an 'aye' vote. Thank you very much."

Speaker Mautino: "Gentleman from Champaign, Representative Rose, for what reason are you seeking recognition?"

Rose: "Just a point of clarification, if I may, with the Sponsor. A previous colleague... I think discussed that her opined that this may not be constitutional to restrict an executive's authority to enter into contracts and for sale of... of assets. However, Representative, if I'm... memory serves correct here, we have to authorize the sale of all kinds of things, real property. I mean, I had to run a Bill last year, the State of Illinois bought a bunch of worthless units of former railroad right-of-way, I had to come to us in order to give it to my locals to use for parks... Speaker. Okay."

Speaker Mautino: "Please turn the mic back on."

Rose: "Thank you. You know, I had to come to this Body to turn over that real estate for railroad right-of-way usage to local municipalities. Every year we have an IDOT jurisdictional transfer Bill that comes before us to do jurisdictional transfers. Routinely, this Body engages in authorizing and essentially permitting real-estate transfers. So, I guess I would disagree with my colleague who opined that somehow this is constitutional and because, quite frankly, this is exactly how we do business in

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Illinois. If there's anything out of place right now it is selling real estate that is owned by the taxpayers of Illinois to the Federal Government to warehouse these detainees, and I use that phrase extremely loosely, that is what is out of place. This Body should make that decision not one person. And I salute the Sponsor for bringing this forward. Thank you, Mr. Speaker."

Speaker Mautino: "Further discussion? The Lady from Cook, Representative Hamos."

Hamos: "Thank you. Before I ask a question, I just want to point out that there was some suggestion made that we, the General Assembly, in our wisdom would never look at an issue like this in a political way. No, we would never think about the political context and yet, I heard one of the speakers talk about middle of the night, secret deal with the President, that's exactly what happens to Bills like this. It's not about the Bill itself anymore it's not about the... the substance it's about one issue at one moment in time and that's why we're getting ready to change public policy. Now my question, the question to the... to the Sponsor, please. So, as I understand by reading this... this surplus law, there's a public auction for surplus property under our law?"

Tryon: "That's correct."

Hamos: "So, the concern that I would have is that in thinking about circumventing the process, which is what one of the other speakers spoke to. Let's say, that in fact, the appraisals come in at \$800 thousand, but there's an active bidding process going on. Doesn't a million dollars

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actually put a cap on what could be a much better deal that the state of Illinois could get? In other words, when they get close to \$999 thousand, no businessman voluntarily is going to go into a million dollar bid if they know that it completely destroys their bidding process, it gives it over to the General Assembly, they could lose all their money, their... down payment, earnest money."

Tryon: "Well... and in answer to your question..."

Hamos: "So, doesn't it actually put an artificial cap in our public auction process?"

Tryon: "It does not. In fact... in fact, CMS testified that their currently looking at only 20 properties that this might actually affect. But I would like to kind of point out to you that it's not unusual in a real-estate transaction for a businessman to put a contract in contingent on certain things from happening and in contingent on zoning. Zoning may take two, three, four years, and he's not going to close on that property until he gets zoning. So, I think businessmen are used to contracts that they have to be held for as long-term until they get what they want."

Hamos: "So, but again I think..."

Tryon: "The other thing is the Governor should really package these together and come before he auctions them off or declares them surplus. That's what I think."

Hamos: "But... but again, I think that what the business community talks about all day long, which I have heard them talk about, is the need for certainty and... and clarity and this completely creates a process where certain kinds of

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properties below a million are treated one way and somehow if it gets to this... close to that cap, I still call it a cap, then they're treated a totally different way and completely subject to the whims of the General Assembly. So, doesn't this, in fact, put a kind of an artificial cap on the public auction process? That's the question I really wanted to understand."

Tryon: "I don't think it puts a cap on the public auction. I think if it went over a million dollars there would have to be a part of the auction that would disclose that this property, if it exceeds a million dollars, would have to have General Assembly approval. My guess is, the Governor or the Executive Branch will put packages together on assets that want to be sold and that assets that they think may generate more than a million dollars and they'll bring them here as a package, just like in Arizona and we'll vote on it."

Hamos: "Okay. Well, I... guess I don't... I don't believe that business people would voluntarily seek to go over that million dollars if they can... and I think they would..."

Speaker Mautino: "The Lady's time is expired. Would you please bring your remarks to a close."

Hamos: "I guess I'm... I'm urging a 'no' vote. I think that we are overreacting to a specific situation and not even considering the merits of... of the... what some people are suggesting is the true intent of this. And I urge a 'no' vote."

Speaker Mautino: "Further discussion? The Gentleman from Lake, Representative Washington."

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Washington: "Thank you, Mr. Speaker. The Sponsor, I just want to ask a couple of questions. What brings this about now?"

Tryon: "Well, I'm like many people I think here in the General Assembly we're surprised that a facility that was occupied was suddenly going to be declared surplus property and sold out from underneath the taxpayers of Illinois without full debate in front of the General Assembly. That... that... I was... I was appalled that... that... could happen."

Washington: "Okay. But... now, prior to, the art of doing business has been the same under all different administrations, correct?"

Tryon: "I don't ever remember a significant piece of property being sold without General Assembly approval, especially one of 200 million."

Washington: "I'm not talking about the act of the selling of the property. I'm saying, prior to the incident that you referred to, the Governor of the State of Illinois had had an antinomy to make a decision on behalf of the people of Illinois. Is that not correct?"

Tryon: "If, yes, if he did it according to the State Property Control Act, that's correct."

Washington: "Okay. The... the point I want to make, and Julie said it so beautifully, so beautifully, I'm going to vote 'no' on it as well, for these following reasons. I understand the spirit in which you are crafting or have stated in committee about the Bill. This is not Rod Blagojevich... this is Governor Pat Quinn. I don't know the circumstances that brought about him in a position to make a decision as to the sale of that institution, but I'm glad

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that he did because Illinois yesterday was still a part of the United States of America, and the President is not a hostile foreign entity. And if the Federal Government has need of a property that was being underutilized, not necessarily surplus, I think he made the best decision. And I'm glad that it was more than 145 million that we're talking about because that was the only problem that I had with it. And I think this is not a normal course of business but is an extreme circumstances of a state that falls so far behind, considering all the other states and the economics of this state I'm glad that I got a leader who saw an opportunity and moved on it. And it was Senator Christine Radogno, whose position I agree with to increase it to \$100 million more to take care of the bonding issues, and I thought why go halfway and then still we have a problem. So, I'm glad under those circumstances whatever the Governor saw, and I can't speak for him, I didn't see it, but I knew had he not moved on it, I'm sure another state would've been more than glad to unload something in another state, when this state is really behind the eight ball with a \$13 billion deficit. To the Bill. I'm going to recommend a 'no' vote and that we think this out. Why are we at this time, and I have more of a problem with the timing of it than anything else, that this strips a new Governor, who is not Rod Blagojevich, but is Pat Quinn, of an opportunity to make good decisions on behalf of the State of Illinois. And I also, like my colleague Ms. Hamos, ask you to consider and vote 'no'."

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Speaker Mautino: "Further discussion, the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Bill. I don't necessarily think that we would not sell the property, what I do think it leaves us open to various ways perhaps doing something. I was more for a lease and I certainly don't want to see the money going right into the general revenue fund, which is my understanding when I discussed this with the Governor's people for Thomson, in particular, that's where the money would go, and we seem not to have any say on that. This Bill has outstanding... this facility has outstanding bonds. If you get to discuss a sale of a property in the General Assembly, I think you could put some caveats on that sale as to appropriately where the money would go, what kind of uses, you could look at several alternatives. I was more for a lease, where you'd put a board together that would govern it. I wasn't against totally having it here or using that money for something, but we have no discussion if we don't have a Bill like this. And who's to say we're not going to have another Governor or some Governor at a future date is not going to mimic the one we just previously had that discussed all kinds of selling or if we're going bankrupt, what's going to happen. I think this just spreads the discussion over a broader group of people, one who may have various ideas, doesn't allow someone to cut a sweetheart deal on the side with a similar administration of another Party in order to assist them in placing people and selling it at a fire sale or the amount of money that would not go

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back into the way we would pay the bills off. I think that... I certainly support the area for this... for the one particular sale, but I think this looks at overall all sales and I think the Sponsor was being responsible in putting forth the fact that the General Assembly should take a look at it. I certainly don't think he meant anything by it for just one particular sale and I certainly also support the Representatives from the area where this particular prison lies as far as their economy goes, but I think there was a better way to serve the economy than the proposal that came out of the Governor's Office. And unfortunately, it was pretty stilted in the way it was presented and a lot of other people didn't have a discussion. I think there were a lot of better ways of doing it, which might have happened if it had come through the General Assembly. So, I support the Sponsor and his Bill; I think this is a good Bill. And I certainly think in the future we may want to have those discussions about other facilities. So, I would urge an 'aye' vote."

Speaker Mautino: "Further discussion. The Gentleman from Cook, Representative Davis. Will Davis."

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

Speaker Mautino: "He indicates that he will."

Davis, W.: "Representative, how much pressure are you receiving from your district to do something like this?"

Tryon: "The pressure isn't coming from my district. I've had phone calls... if you're talking about the issue on Thomson, both ways. I'm not getting a lot of pressure. I just feel that inherent in our authority is to deal with issues of

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substances in this Body and that a \$300 million liquidation of a piece of property is significant. We ought to be involved in it."

Davis, W.: "Well, your Bill says that if it's over a million dollars that it should come to us, correct?"

Tryon: "Absolutely, and... and I think that... that is a significant amount of money. But more importantly, Representative, what I have issue with is the fact that the current rules and statutes are being interpreted to even think that this could happen. The... the rule that is being interpreted to allow this is it says that a property is reported or transferred to the director of Central Management Services as unused and for which there is no foreseeable future use."

Davis, W.: "Okay. So... where does... where does..."

Tryon: "I don't know how you get that you can sell something if it's being used."

Davis, W.: "So... so, now you want the General Assembly to make the decision. So, are you negating the input of a COGFA? Because their job is to make recommendations on whether things like this should happen. So, you're just eliminating them completely out of the conversation and that we should be the ones to make that decision..."

Tryon: "Not on... not on properties under a million dollars."

Davis, W.: "...and then more importantly, then that, like your Representative who's sitting next to you talked about whether or not the money should go... or where the money should go. So, if we can't agree on what should happen

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with the money that means the deal is just off the table then, right?"

Tryon: "Yeah. This doesn't have anything to do with COGFA."

Davis, W.: "Correct?"

Tryon: "The current Act... the State Facility Closure Act, which is what COGFA has to vote on, doesn't... this doesn't change this. This is a State Property Control Act. So, COGFA still has to vote and to declare it surplus property and then if it's more than a million dollars, then it'd have to come here."

Davis, W.: "Okay. So... so, you feel COGFA still has a role in this."

Tryon: "Absolutely."

Davis, W.: "So, again, we're talking about what happens to the money. What if we can't agree on what happens to the money?"

Tryon: "Well, we're not talking about what happens to the money. We're just talking about we're going to have a debate..."

Davis, W.: "Well, you said the General Assembly should approve it. You don't think that when we're talking about millions of dollars that folks in this Chamber aren't going to want to have some say in what happens to the money? So, what happens then when we don't agree on that? Deal's just off the table."

Tryon: "No, that's not what happens. It has nothing to do with the money generated from the sale and what it's used for, has nothing to do with it."

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Davis, W.: "It does have something to do with it, Representative, because again, if you're talking about my vote to say 'yes' or 'no' whether we should sell a property, yes, I'm going... I want some say in what happens to the money. I'm going... to want some say, whether it's human services, whether it's to go back into Corrections, since in this case, we're selling a prison, whether or not it should go back into Corrections. So, again, if we can't agree on what happens to the money then does that mean the deal is just off the table? If this Bill passes... which means that we have the ability to say yes or no, that conversation about what happens to the money is going to be a very real conversation. Because everybody in here, whether your side would agree or not, believe me they want some money on their side as well, 'cause they got some ideas on where the money should go as well. So, what happens when we don't agree?"

Tryon: "You're making my case on why it should come to the General Assembly. For those reasons, that should come to the General Assembly. If we sell a piece of property and we have unappropriated revenue coming in, it'll be dispensed within that budget just like anything else would... would happen. If we had... the gas taxes that went up more than we had anticipated, we would appropriate and spend the money during the budget cycle. But you are making the case for why this needs to be debated. Because there are... there is a future use for that piece of property, in my opinion, and that's what we need to... that's what we need to debate."

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Davis, W.: "Obviously, I... obviously, have some trepidation with it and... and don't necessarily agree with you. And I think I don't disagree specifically for the reasons that your colleague said in terms of us having a debate on what happens to the money. Now, where they may not agree that the money should go into the general revenue fund and I can understand that, but again, obviously they want that money to go somewhere. And my thing is that we all want resources to... to fulfill needs that we have in the state, but if you bring it here and we have to vote, that means that there has to be some agreement on what happens to the money and unfortunately, I just don't see that happen particularly from what I've been hearing here debated on the floor for the past several days, because we can't agree on anything down here. So, if we can't agree on something like that then I don't think that this Bill is really going to get us to where we're trying to go other than just putting another control on the second floor. And I wonder if the second floor was under your control whether or not this Bill would be relevant as well. So, thank you very much, Representative."

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

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

Speaker Mautino: "He indicates he will."

Sacia: "Ladies and Gentlemen of the House, there are few Bills that have come before this General Assembly in the eight years that I've had the privilege of being here that I feel more passionately either for or against and in this case,

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certainly against. I have had two passions in that eight-year period. One is the expansion of Highway 20, the other is the opening of the Thomson prison. In 2002, when I was elected, this state had financial issues. I was elected at the same time Governor Blagojevich was and we could not afford to open the prison. We now are some eight years later, our financial condition has deteriorated to the point that it is almost a total embarrassment just to be in this unbelievable crisis. I think it's important to say that I don't represent Thomson, my good friend, Representative Boland, does. I'm just north of that and just east of it, but I think it's fair to say that a minimum of 50 percent of the employees at Thomson prison would come from my district. That being said, the Gentleman, who is the Sponsor of the Bill and is one of my dearest friends, made a comment in his opening remarks that this is not about jobs. That's a direct quote, 'This is not about jobs.' Ladies and Gentlemen, for eight years I have watched the citizens of northwest Illinois, rural America, 15 percent unemployment. I know personally many citizens in and around Thomson that built gas stations, motels, car lots, houses, because if they build it, they will come. The state spent \$145 million building a state of the art maximum security penitentiary to house 1600 maximum security prisoners. They said, bring us the worst, we'll gladly take them, we need the jobs. And for eight years, Representative Boland and I and others from the other side of the aisle have worked tenaciously to open Thomson prison. Financially, Ladies and Gentleman, we've

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not been able to do it. I will never argue that it wouldn't be good to have. The reality is we cannot afford to open it, and believe me, if we couldn't afford it eight years ago, we can't afford it today. Here's where we're at today. Out of the clear blue, the Federal Government comes to us and offers us an opportunity of \$85 million a year in economic impact. Let me restate that, \$85 million a year in economic impact, if we open that prison. And in the first four years, Ladies and Gentlemen, the first four years, \$1 billion due to the addition of another fence and more building on the facility. Everyone of us in here, from time to time, have new jobs come to our community. Guess what, Jim? We're going to have a new factory coming. It's going to employ 20 people and they're going to get \$13 an hour, and we are excited and rightfully so. All of a sudden the Federal Government tells us we aren't willing to bring two to three thousand new jobs, all federal law enforcement positions, every position there will be federal law enforcement all paying 50 to 100 thousand dollars a year. Never have I seen anything like that in my eight years in this General Assembly. And it's not about jobs? Ladies and Gentlemen, I can't even comprehend what it must be like to be the Governor and try to work through the maze of balancing dollars in this great state when we are in such a financial crisis. And to say that somebody went off in the middle of the night and did a backroom deal, come on, that's a good press pop, but it's not even close to reality. Another Gentleman, a dear friend of mine from the other side of the aisle, used a very excellent word, he

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said it has been underutilized. Governor Blagojevich brought around a hundred to a hundred and twenty minimum security prisoners to that facility. To all practical purposes, Ladies and Gentlemen, it sits vacant. All of a sudden, out of the clear blue, through imaginative work and I don't know how they made it happen. And I understand where my good friend, Representative Tryon, is coming from, but at this time when we have this opportunity, this opportunity, Ladies and Gentlemen, not only for Thomson, Illinois, but for all of the great State of Illinois, that kind of economic impact is unheard of. And we're going to try and kill it. And let's face it, folks, in many cases not on this floor, I don't believe, but in many cases there have been those that have tried very, very hard to make this a partisan issue. Twice I've appeared on national syndicated radio and television and they say, well, Representative Sacia, you're taking... you're taking an opposite view of your Republican colleagues. Give me a break. All I want to do is see jobs come to northwestern Illinois. The rarest opportunity we have ever had. And yes, I can make the argument let's sell it to the INS or lease it to the INS. I personally wrote a letter to Haley Barbour, the former Governor of Mississippi. I wrote to the Governor of Louisiana following Katrina, when they had 2 thousand prisoners and no place to put them. Said bring them on. Twice... twice I went to Governor Blagojevich's Office and asked for his help to open this facility. Let's lease it; let's do something. We have people that really need the jobs in northwest Illinois. This is a legal

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effort of the Governor. This is an opportunity. It will be appraised and yes, you can make an argument that we still need a new one and it'll cost more than \$140 million to build. Ladies and Gentlemen, there's \$238 million in the federal budget to buy Thomson prison. Is that what's going to be spent on it? I have no idea. From my perspective, I don't mind what we get for it. You bring \$85 million a year in economic impact to northwest Illinois, you can be a Republican, you can be a Democrat, you can be a Libertarian, you can be a Green Party, that.."

Speaker Mautino: "The Gentleman's time has expired. Please bring your remarks to a close."

Sacia: "Thank you, Mr. Speaker. I apologize. Ladies and Gentlemen, if I have... and I'm sure I've asked for markers from time to time. We talk to each other about helping with legislation. I'm on the opposite side of my good friend, Representative Tryon. I understand where he's coming from. I truly do. I cannot imagine returning to northwest Illinois where I have received no less than 27 resolutions from communities in and around Thomson, 27, Ladies and Gentlemen, saying please sell this to the Federal Government. You guys, Representative Boland, myself... Senator from the other side of the... in the rotunda, across the rotunda, I'm sorry. We have worked so hard to open this. We haven't been able to do it. To go back and tell these folks that once again we get shot down. I... I can't even imagine it, Ladies and Gentlemen. And again, I understand the legislation, I understand the solid points about it, but to take away two to three thousand new jobs,

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high paying, federal positions to northwest Illinois because to some it makes more sense. Put partisanship out of your mind on this one, folks. This is one that really..."
Speaker Mautino: "Further discussion? The Gentleman from Rock Island, Boland, Representative Boland."

Boland: "Thank you, Mr. Speaker. To the Bill. I think that Representative Sacia, who is my neighboring district right across from mine... my district has Thomson in it, like Representative Sacia over the years, I've tried everything possible to get the Thomson prison open. I've had negotiations with the State of Iowa, with their Representatives, with their Governor's staff, with their State Senate staff. I've tried other states. I've tried getting the Federal Government to take it over. None of these have been successful, sad to say, and as Representative Sacia said, we have disappointed the people time and time again in getting this open. And finally, by some miracle or by some... thing of fate, we have a great opportunity opened up to us. And Representative Sacia was a little bit modest in saying that this would bring about twenty-some thousand... or two thousand-some jobs. The prognosis of the economic impact would be probably twenty-five to thirty-five hundred federal jobs, good middle income... actually, for our region of the state we might even call them upper middle income jobs to the area, which would have a reverberating effect of another thousand jobs in retail and services, things like real estate and insurance and small businesses and so forth. This is like somebody took a... a giant thing of vitamins and just gave them all to

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our region of the state. And these economic vitamins, which will be about three-quarters of a billion to a billion dollars over three or four years in further improvements to a facility that is top of the line today, state of the art. Nobody... I've been in Thomson prison several times, nobody's ever going to escape from that thing. And with the federal enhancements, a new additional fence around further out around the area, more enhancements to the security, this is going to be extremely secure. We have nothing to fear. And the people of northwest Illinois are tough people; we don't fear anything. And we want those jobs. We have hardworking people that are struggling, struggling from paycheck to paycheck. Small businesses struggling to stay open, struggling to keep their number of employees. We desperately need this. We don't need anything that is going to interfere with this or cause the Federal Government to, for some reason, question what they're doing and instead go to Colorado or other states that are begging for the same facility. We would just be plain nuts in the State of Illinois if we were to turn this down to interfere in any way with this offer that has been made to us. Now, yes, we'll someday need a new state prison. Everybody knows that eventually down the line, we've got old prisons that are going to have to be either rehabbed or we'll have to build a new one somewhere and hopefully that will be in northwest Illinois. But in the meantime, we have a great opportunity here. Please, I almost beg of you, please do not turn this away. Do not

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send any signal that we are not wholeheartedly welcoming this great opportunity. It is too much..."

Speaker Mautino: "Further discussion? The Gentleman from Bond, Representative Stephens."

Stephens: "With all due respect, I move the previous question."

Speaker Mautino: "The Gentleman had.. actually, there is one person seeking recognition. The Gentleman is within his rights. He has asked that the question be put. All in favor say 'yes'; opposed 'no'. The 'yeses' have it. The Motion is adopted. And the question is, 'Shall this Bill pass?' House Bill 4744, Representative Tryon to close."

Tryon: "This Bill is about public policy change for the State of Illinois. It's about how we are going to liquidate assets of value within our state. That's all this Bill is. It's not a debate about the Thomson prison and it's for that reason as you heard today from Representatives on both sides of the issue why we need to debate these types of transactions. But let me tell you since we've started talking about Thomson why I don't think it's in the best interest to liquidate that asset. It's because there is such a need across this country for secured detention between INS, the U.S. Marshalls, other counties, and other states that we shouldn't even have a prison that has vacancies. We should be able to fill that up by having a prison that rents space to other entities such as U.S. Marshall or INS. When I was County Board chairman, my county did an addition to its jail and we entered into an intergovernmental agreement with the U.S. Marshalls and INS and every day in McHenry County we house 300 Asian female

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detainees who are awaiting for adjudication in Chicago. My county made \$12 million doing that last year. The INS representatives told me when I was County Board chairman that on any given day there were 500 detainees in Texas that had to be shipped to Chicago for adjudication because the law was you had to adjudicate at the point of entry. Now, that has merit; that is worth debating. That is a use that the State of Illinois could put forth for Thomson and keep control of the asset and 20 or 30 years from now when we need more prison space we could have more prison space. So, you see, these types of things need to be debated. We shouldn't be out trying to interpret the rules that are set forth for disposal of surplus property that say it has to be unused and try to skirt that by saying, well, we don't see there's any foreseeable use for it. That's not right. This law that we operate under today isn't being interpreted in a correct way. It needs to be done right under full debate. We need to have 118 of us have input into that. I respect COGFA, but I didn't give up my right to vote on something like this to COGFA. I would urge an 'aye' vote. In Arizona, they're doing it the right way. In other states they're doing it the right way. Let's do it the right way, have a debate. Find a use for Thomson that creates jobs and opportunity for the Thomson area and let's find a use that's in the best interest of all of Illinois. I urge an 'aye' vote."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4744. All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Representative... Mr. Clerk, take the record. 81 voting 'yes', 31 voting 'no', 0 voting 'present', House Bill 4744 is hereby declared passed. Mr. Clerk, committee reports. Committee announcements."

Clerk Bolin: "The following committees scheduled for this afternoon have been canceled. The Juvenile Justice Reform Committee scheduled for 2 p.m. has been canceled. The Environment & Energy Committee scheduled for 4 p.m. has been canceled. And the Disability Services Committee scheduled for 4 p.m. has been canceled. The following committees scheduled for this afternoon will meet. At 2 p.m., the Business & Occupational Licenses Committee will meet in Room C-1; at 2 p.m., the Labor Committee will meet in Room 118, and at 2 p.m., the State Government Administration Committee will meet in Room 114. At 4 p.m., the Higher Education Committee will meet in Room 122B, and at 4 p.m. the Job Task Force will meet in Room 413."

Speaker Mautino: "Representative Annazette Collins is seeking recognition. Representative Collins."

Collins: "I thank you, Mr. Speaker. In honor of Black History Month, I would like to read a poem that was given to me by Ed Lawrence. It's Life Without Black People. A very humorous and revealing story is told about a group of white people who were fed up with African Americans, so they joined together and wished themselves away. They passed through a deep, dark tunnel and emerged in sort of a twilight zone where there is America without black people. At first, these white people breathe a sigh of relief. At

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last, they said, no more crime, drugs, violence, and welfare. All the blacks have gone. They suddenly real... then suddenly, reality set in. The new America is not America at all, only a barren land. There are very few crops that have flourished because the nation was built on a slave-supported system. There are no cities with tall skyscrapers because Alexander Mills, a black man, invented the elevator, and without it, one finds great difficulty reaching higher floors. There are few, if any cars because Richard Spikes, a black man, invented the automatic gear shift. Joseph Gambol, also black, invented the supercharged system for internal combustion engines. And Garrett A. Morgan, a black man, invented the traffic signals. Furthermore, one could not use the rapid transit system because its procurer was the electric trolley, and it was invented by another black man, Albert R. Robinson. Even if there were streets on which cars and a rapid transit system could operate, they were cluttered with paper because an African American, Charles Brooks, invented the street sweeper. There were few, if any newspapers, magazines, and books because John Love invented the pencil sharpener. William Purveys invented the fountain pen and Lee Burridge invented the type-writing machine. And W.A. Love invented the advanced printing press. They were all, you guessed it, a black man. Even if Americans could write their letters, articles, and books, they would not have transported by mail because William Barry invented the postmarking and canceling machine. William Purveys invented the hand stamp and Philip Downing invented the

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letter drop. The lawns were brown and wilted because Joseph Smith invented the lawn sprinkler and John Burr the lawn mower. When they entered their homes they found them to be poorly ventilated and poorly heated. You see, Fredrick Jones invented the air conditioner and Alice Parker the heating furnace. Their homes were also dim, but of course Lewis Latimer later invented the electric lamp. Michael Harvey invented the lantern. And Granville T. Woods invented the automatic cut off switch. Their homes were also filthy because Thomas W. Steward invented the mop and Lloyd P. Ray the dust pan. The children met them at the door, barefooted, shabby, motley, and unkempt, but what could one expect... expect? Jan E. Matzeling invented the shoe lasting machine, Walter Sammons invented the comb, Sarah Boone invented the ironing board and George T. Samon invented the clothes dryer. Finally, they were resigned to at least have dinner amiss all of the turmoil. But again, the food had spoiled because another black man, John Standard invented the refrigerator. Now, isn't that something? What would this country be like without the contributions of blacks as African Americans? Martin Luther King Jr. said, by the time we leave for work millions of Americans have depended on the inventions from the minds of blacks. Black history includes more than just slavery: Frederick Douglass, Martin Luther King Jr., Malcolm X, and Marvin Marcus Garvey and W.E.B. DuBois. Thank you very much."

Speaker Mautino: "Well said. The Gentleman from Cook, Representative Will Davis."

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Davis, W.: "Thank you very much, Mr. Speaker. I want to just take this opportunity as joint chairman of the Legislative Black Caucus to thank all of the Members, both the House and the Senate, as well as staff and others under the sound of my voice that came out last night to our annual soul food soirée dinner. Of course, your presence there made it a huge success, and I certainly hope that you enjoyed the food as well as the entertainment. So again, thank you very much on behalf of the Legislative Black Caucus for your participation and those of you came out last night. Thank you very much."

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

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

Speaker Mautino: "Yes, Sir. State your inquiry."

Bost: "The Clerk read in when the committee meetings were to meet and actually said at 2:00 and I'm not sure, but maybe I'm wrong, I think 2:00 passed. Did I miss that? The what... the time the meetings are actually supposed to go."

Speaker Mautino: "The 2:00 committees will go immediately upon adjournment of the House."

Bost: "Okay. And then the 4:00... should be done by 4?"

Speaker Mautino: "Four o'clock committees will be at 4:00. Yes, will remain. Representative Davis."

Davis, W.: "Thank you, Mr... thank you, Mr. Speaker. I would just like to announce that Health & Healthcare Disparities, which was scheduled for 10 a.m. tomorrow morning, will not meet tomorrow morning at 10 a.m. Health & Healthcare

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Disparities will not meet tomorrow morning at 10 a.m.
Thank you."

Speaker Mautino: "Representative Bellock with an announcement."

Bellock: "Thank you very much, Mr. Speaker. The Medicaid Reform Committee, which was supposed to meet at 10:00, will not be meeting tomorrow also. Thank you."

Speaker Mautino: "Mr. Clerk, are there any further changes in committees for tomorrow... for the... if the Body would give their attention."

Clerk Bolin: "The following committees as scheduled for tomorrow morning have been canceled. The Electric Generation & Commerce Committee scheduled for 9 a.m. has been canceled. The Health & Healthcare Disparities Committee scheduled for 10 a.m. tomorrow has been canceled. The Medicaid Reform, Family & Children Services Committee scheduled for 10 a.m. tomorrow has been canceled. And the Railroad Industry Committee scheduled for 10 a.m. tomorrow has been canceled."

Speaker Mautino: "The Gentleman from Champaign, Representative Rose, is seeking recognition."

Rose: "Speaker, there's some confusion. What... what... what was canceled this afternoon."

Speaker Mautino: " Mr. Clerk, would you a restate the committees for this afternoon."

Clerk Bolin: "Three committees scheduled for this afternoon have been canceled: the Juvenile Justice Reform Committee has been canceled, originally scheduled for 2 p.m. today. The Environment & Energy Committee scheduled for 4 p.m. has been canceled. And the Disability Services Committee

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scheduled for 4 p.m. this... this afternoon has been canceled."

Rose: "Thank you, Mr. Speaker."

Speaker Mautino: "The Gentleman from Rock Island, Representative Verschoore, is seeking recognition."

Verschoore: "Personal privilege, Mr. Speaker. Thank you very much. The Illinois Pipe Trades is having a reception at the Hilton tonight from 5:30 to 7:30. All the local unions from all over the state will be there. Everyone's invited and come over and have a drink with your favorite plumber or pipefitter. Thank you."

Speaker Mautino: "The Gentleman from Cook, Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, for the purpose of an announcement. Proceed? The Personnel & Pensions Committee scheduled for 10 a.m. tomorrow morning will be canceled. Personnel & Pensions will be canceled. Thank you."

Speaker Mautino: "Representative Davis, the Lady from Cook."

Davis, M.: "Thank you, Mr. Speaker. We really did not hear the announcement of what's canceled. Please repeat that. Thank you."

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

Clerk Bolin: "Agreed Resolutions. House Resolution 923, offered by Representative Cross. House Resolution 924, offered by Representative Cross. And House Resolution 925, offered by Representative Berrios."

Speaker Mautino: "Representative Currie moves adoption of the Agreed Resolutions. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. Agreed Resolutions are adopted."

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Allowing perfunctory time for the Clerk, the House will stand adjourned 'til Thursday, February 18 at 12:00 noon. Representative Currie moves the House now stand adjourned. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. The House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Rita, Chairperson from the Committee on Business & Occupational Licenses reports the following committee action taken on February 17, 2010: do pass Short Debate is House Bill 5486. Representative Osterman, Chairperson from the Committee on Labor reports the following committee action taken on February 17, 2010: do pass as amended Short Debate is House Bill 4683. Representative Boland, Chairperson from the Committee on Higher Education reports the following committee action taken on February 17, 2010: recommends be adopted is House Joint Resolution 84. Representative Franks, Chairperson from the Committee on State Government Administration reports the following committee action taken on February 17, 2010: do pass Short Debate is House Bill 4704, House Bill 5194, House Bill 5412, and House Bill 5463; do pass as amended Short Debate is House Bill 4700, House Bill 4863, House Bill 4896, House Bill 4961, and House Bill 5130; recommends be adopted is House Joint Resolution 90 and House Resolution 825. Introduction and reading of House Bills-First Reading. House Bill 6298, offered by Representative Myers, a Bill for an Act concerning education. House Bill 6299, offered by Representative Jackson, a Bill for an Act concerning finance. There being

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no further business, the House Perfunctory Session will stand adjourned."