

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

104th Legislative Day

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Speaker Mautino: "The hour of 11:00 having arrived, let's call the House of Representatives to order. Members and guests are asked to refrain from starting their laptops, turn off their cell phones, and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Pastor Duane Surels, who is with Springfield Road Church in East Peoria. Pastor Surels is the guest of Representative Smith. Pastor, welcome."

Pastor Surels: "The Lord's word says, and My people who are called by My name, humble themselves and pray. Seek My face, turn from their wicked ways, then I will heal here from heaven and will forgive their sins and heal their land. Let us pray. Lord, we do thank You, we thank You for this great land in which we are able to serve. Lord, Your word says, we have all sinned and fallen short of the glory of God. Your word says to draw nearer to You and You will draw nearer to us. And Your word says to let us love others as You have loved us. Lord, I pray that we would lean on You during this Session today as community leaders and Representatives. I pray that You will guide the decisions made here today that we'd be in unity and harmony and peace and one accord. That we would not strive for selfish ambition but we would lean on Your arms. Lord, we thank You and praise You, and it's in Jesus' name, Amen."

Speaker Mautino: "We'll be led in the Pledge of Allegiance today by Representative Durkin."

Durkin - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands,

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one nation under God, indivisible, with liberty and justice for all."

Speaker Mautino: "Roll Call for Attendance. Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives Coladipietro and Mathias are excused on the Republican side of the aisle."

Speaker Mautino: "Leader Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Boland, Dugan, Lyons, and Mell are excused today."

Speaker Mautino: "Mr. Clerk, take the record. 110 Members answering the roll, a quorum is present and the House is prepared to do its duties. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative McAuliffe, Chairperson from the Committee on Veterans' Affairs reports the following committee action taken on February 25, 2010: do pass Short Debate for House Bill 5678. Representative Howard, Chairperson from the Committee on Judiciary II-Criminal Law reports the following committee action taken on February 25, 2010: do pass Short Debate on House Bill 4598 and House Bill 5006; do pass Standard Debate for House Bill 4969 and House Bill 5510. Representative Verschoore, Chairperson from the Committee on Counties & Townships reports the following committee action taken on February 25, 2010: do pass Short Debate for House Bill 4945, House Bill 5283, House Bill 5477; do pass as amended Short Debate for House Bill 6062. Representative Washington, Chairperson from the Committee on Aging reports the following committee

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action taken on February 25, 2010: do pass Short Debate for House Bill 6063. Representative McCarthy, Chairperson from the Committee on Personnel & Pensions reports the following committee action taken on February 25, 2010: do pass as amended Short Debate for House Bill 4644, House Bill 5262, and House Bill 5511; do pass Short Debate for House Bill 4826, House Bill 4827, and House Bill 5818. Representative Bellock, Chairperson from the Committee on Medicaid Reform, Family & Children Services reports the following committee action on February 25, 2010: do pass Short Debate for House Bill 5086. Representative May, Chairperson from the Committee on Environmental Health reports the following committee action taken on February 25, 2010: do pass Short Debate for House Bill 5224."

Speaker Mautino: "Representative Myers is seeking recognition."

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

Speaker Mautino: "State your point."

Myers: "I would like the Body to help me celebrate the birthday of my seatmate, which the birthday is tomorrow. And you can all help us celebrate by participating in eating her birthday cake which is back in Representative Saviano's office area. So, you're welcome and let's wish Representative Suzie Bassi a happy birthday, tomorrow."

Speaker Mautino: "Happy birthday, Representative. Page 9 of the Calendar appears House Bill 4863, under the Order of Third Reading. Representative Watson. Read the Bill."

Clerk Bolin: "House Bill 4863, a Bill or an Act concerning finance. Third Reading of this House Bill."

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

Watson: "Thank you, Mr. Speaker. House Bill 4863 simply says that there will be no more administrative chargebacks to the State Employees Group Insurance Act which are... or fund which basically helps women's crisis centers provide insurance to some of their members and they otherwise may not be able to have it. Be happy to answer any questions."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4863. 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? Mr. Clerk... Representative Joyce wish to be recorded? Take the record. 110 voting 'yes', 0 voting 'no', 0 voting 'present', the Bill is declared passed. Page 10 of the Calendar appears House Bill 4864, Representative Cole. Read the Bill."

Clerk Bolin: "House Bill 4864, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Mautino: "The Lady from Lake, Representative Cole."

Cole: "Thank you, Mr. Speaker. House Bill 4864 is the Counselor Licensure Rules were changed a few years ago only to allow master's or doctoral degrees. Because the law was changed... because the rules were changed, the law wasn't. This Bill just cleans up that language. The Amendment to this Bill adds a grandfathering provision in case there is someone that's going after the bachelor's level application, which the Bill originally stated. It

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grandfathers them into being able to apply for the counselor licensure."

Speaker Mautino: "The Lady has moved passage of House Bill 4864. And on that... are there questions? The Lady from DuPage, Representative Bellock."

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

Speaker Mautino: "She indicates that she will."

Bellock: "I just wanted to ask, if in the master's or the doctorate degree, is there a stipulation as to what category that has to be in? Because I see the Undergraduate Degree does not have to be in any form of human services."

Cole: "For the counselor licensure?"

Bellock: "Yes."

Cole: "For the professional counselor, it requires two years of having a counselor licensure. But by rule, you have to have a master's or a doctorate degree to get a counselor degree."

Bellock: "Okay. Thank you."

Speaker Mautino: "The Lady's move passage of House Bill 4864. The question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. This Bill, having received 110 voting 'yes', 0 voting 'no', 0 voting 'present', is declared passed. Page 10 of the Calendar appears House Bill 4865, Representative Holbrook. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 4865, a Bill for an Act concerning financial regulation. Third Reading of this House Bill."

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

Holbrook: "Thank you, Speaker. House Bill 4865, as amended, does two things. It provides the language that is currently the standard boiler plate that the Illinois Department of Professional Reg has been using. It codifies that on revocation of a proxy and it also allows for the 90-day deadline to be waived for audit reports which puts them in conformity both with the federal credit unions and the banks. Came out of committee unanimously. And I know of no opposition."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4865. 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? Mr. Clerk, take the record. 110 voting 'yes', 0 voting 'no', 0 voting 'present', this Bill is declared passed. Page 10 of the Calendar appears House Bill 4895, Representative Poe. Read the Bill."

Clerk Bolin: "House Bill 4895, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from Sangamon, Representative Poe."

Poe: "Mr. Speaker and Ladies and Gentlemen of the House, this amends the Criminal Code of 1961. Creates an offense of false representation to a tattoo or body piercing business

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as a parent or legal guardian of a minor. And I ask for your support."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4895. 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? Have all voted who wish? Mr. Clerk, take the record. This Bill, having received 110 voting 'yes', 0 voting 'no', 0 voting 'present', is declared passed. Page 10 of the Calendar is House Bill 4896. Representative Poe. Read the Bill."

Clerk Bolin: "House Bill 4896, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from Sangamon, Representative Poe."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill that was brought to me by the March of Dimes. And it... does... or it works with metabolic screening for newborns. And what this does is, when they do the screening that first day, they can run 28 tests on a blood test and it saves a lot of things in the future as far as diseases. And what this would do is keep those funds from being swept that they collect. Ask for a favorable vote."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4896. No on 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? Mr. Clerk... Does Representative Burns wish to be recorded? Take the

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record. 110 voting 'yes' 0 voting 'no', 0 voting 'present', House Bill 4896 is declared passed. Page 10 of the Calendar appears House Bill 4961, under the Order of Poe. Read the Bill."

Clerk Bolin: "House Bill 4961, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from Sangamon, Representative Poe."

Poe: "Yeah. Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill similar to what we had last year, and what it does, it keeps the funds from being swept, our Illinois Historic Sites Funds. And the moneys collected usually works for the maintenance of those facilities. What happens when we sweep those funds, we don't... we're not able to keep our sites open and keep them fixed up. And then we had deferred maintenance down the years and we'll pay for it later. So, I'd ask for your support."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4961. No on 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 Froehlich, do you wish to be recorded? Mr. Clerk, take the record. 110 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 4961 is declared passed. House Bill 4966, Representative Rose, on Third Reading. Read the Bill."

Clerk Bolin: "House Bill 4966, a Bill for an Act concerning transportation. Third Reading of this House Bill."



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

Rose: "Thank you, Ladies and Gentlemen. Mr. Speaker, House Bill 4966 is a redo of the Soil and Water Conservation license plates that were passed last year. And additionally, we have added St. Jude Children's Research Hospital, which is a... St. Jude's children's cancer hospital to this for a plate for them. And that's what it does."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4966. 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? Mr. Clerk, take the record. 102 voting 'yes', 7 voting 'no', 1 voting 'present', House Bill 4966 has received the Constitutional Majority, and is declared passed. The Gentleman from Cook, Representative Colvin is seeking recognition."

Colvin: "Thank you, Mr. Speaker. I would like to Motion to Table House Bill 5349."

Speaker Mautino: "Is there leave to... for the Gentleman to table House Bill 5349? Leave is granted. The Bill shall be tabled. Page 10 of the Calendar appears House Bill 5093, Representative Ramey. Read the Bill."

Clerk Bolin: "House Bill 5093, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from DuPage, Representative Ramey."

Ramey: "Thank you, Mr. Speaker. House Bill 5093 is putting into Code something that we found that was missing in a

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classification for someone who escapes from a mental facility who has been deemed to have been serving there and can't leave on their own. Had an escape from the Elgin facility in my... close to my district. Individual wound up in one of my towns, in Bartlett, and when they returned him, they found that there was this glaring omission in our law. So, I wish to correct that. And I ask for an 'aye' vote."

Speaker Mautino: "The Gentleman moves passage of House Bill 5093. And on that, the Gentleman from Cook, Representative Lang is seeking recognition."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Mautino: "He indicates he will."

Lang: "Thank you. Representative, does the... does the Bill require that while this person may be in this facility because they were found guilty... not guilty by reason of insanity, does it require that they have been found fit first or can a person who is still having mental health issues who escapes from one of these facilities, are they subject to these penalties?"

Ramey: "They do not have to be found fit first. The problem being is if a person escapes and let's say they went off to Wisconsin, we had nothing in the law that says we can go get them to return them to the facility. So, this is to help with that issue."

Lang: "Well, so... so, if the person has been put in this facility because they're found not guilty by reason of insanity and they still have mental health issues, and they escape in the throws of those mental health issues, you

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want to provide significant penalties for them for doing that?"

Ramey: "Well, the problem here is, is that DHS wrote this Bill for me. One, they needed a deterrence for them to.. that maybe think they are still unfit, but they shouldn't be deterred from escaping. Also, the idea that they're in these facilities is that they should be getting better, so not necessarily unfit anymore. And as I mentioned earlier, currently it's not a crime to escape or as they call it from these facilities 'elope'. And again, it helps with the extradition back to Illinois."

Lang: "But Representative, let's think through the logic of this. Here's a person who's incar... who's put in the mental health facility instead of prison because they've committed an act and they have been found not guilty of that act by reason of insanity, and so now they're in a mental health facility. And so now, they have a mental health issue and they escape from the facility for whatever reason, we assume in the throws of this mental health problem. And now you're going to find them and you're going to take them and put them in a prison because they escaped from a mental health facility because they were there because they were not guilty by reason of insanity."

Ramey: "They're not..."

Lang: "Does this make... wait a minute."

Ramey: "Okay."

Lang: "Does this make any logical sense to you?"

Ramey: "Well, the way you place it, Representative, and being a very logical man that you are, not quite, 'cause I asked

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the same questions. But the issue being is that they're not going to be put in the prison until they are released on their own having been found not so much insane anymore. So, that issue won't come until they are completed what their term DHS finds them fit to be released."

Lang: "But the escape would have come while they were still mentally ill, is that correct?"

Ramey: "That... and under consideration, correct, but as it was explained by DHS, they should be getting better. And if they... what would they have found in the four escapes or elopements as we talked about in committee, that these people planned these escapes. It wasn't just, you know, random. They were planned. So, they were cognizant of what they were doing."

Lang: "But you're... does your Bill say that they had to logically and methodically plan it? No."

Ramey: "No, it does not."

Lang: "Your Bill just simply says if they escape."

Ramey: "Correct."

Lang: "So, you have mentally ill person who's there because they didn't go to prison because they were found insane. Now they escape from the facility while they're insane, and now you want to charge them with a crime for that."

Ramey: "Correct."

Lang: "Mr. Speaker, to the Bill. I hope you folks are listening to this. I mean, I know we're all about law and order here, but the logic of this defies description. Here's a person who has been found not culpable because they're in... they have mental health issues. So, they may

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have committed a violent act, we've decided they're not going to prison... the jury's decided they're not going to prison because... because of their mental health issues. And so, they go to a mental health facility and in the throws of that mental health problem, they escape from this facility. And the Sponsor would have you say, well, this ought to be a crime. How can it be a crime to tell a mentally ill person who's in this facility because of their mental illness, that's a crime to escape from the facility. And so... then what? Then they get charged with this crime and they go to a court. Are they then able to argue that they should be exonerated from that because they were mentally ill? The Bill is silent on this. If we believe in treating the mentally ill, if we believe in this part of the law that says that you can be found innocent by reason of insanity, then certainly this Bill is illogical. This is not a good piece of legislation. While I have great respect for my friend Mr. Ramey, this is really a bad Bill that ought to be defeated."

Speaker Mautino: "Further discussion? The Gentleman from Champaign, Representative Rose."

Rose: "I was really hoping to hear Representative Reboletti's rebuttal to Representative Lang first, but I'm kind of listening to Representative Lang and this is the weirdest thing 'cause yesterday I agreed with Representative Hamos and now I'm kind of agreeing with Representative Lang. How on earth... I mean, if someone's been committed because they're unfit, I guess... I guess you could argue that five years ago they were declared unfit, it doesn't mean the day

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they escaped they were declared unfit. But was this happened?"

Ramey: "Yes, it has."

Rose: "How many times has it happened?"

Ramey: "Well, we... I had one recently by my district as of last August, and DHS came up with four other elopements that they discussed in committee. Now, here's the reason. I understand the previous speaker's logic, as he placed a foot on it, and I asked that same question to DHS. The reason for this change is that when a person is found unfit to stand trial, found not guilty by reason of insanity, there's no underlying crime by which to base the issuance of a warrant if they escape."

Rose: "Right."

Ramey: "So..."

Rose: "But they're still unfit to stand trial."

Ramey: "But..."

Rose: "You're going to charge them with a felony. They're going to come in pleading, you know, that they're unfit and you're going to have a..."

Ramey: "The... As a result, law enforcement agencies have no legal grounds to bring in the escaped individual. So with this Bill, it provides the legal basis for the issuance of a warrant for the arrest of the individual that has escaped. That's what we need in place. And this is what DHS found..."

Rose: "You mean you can't bring them back?"

Ramey: "No. There's no legal grounds to bring them back."

Rose: "That makes no sense whatsoever, Representative."

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Ramey: "I agree, Representative, that's..."

Rose: "So you're creating a new crime to go arrest them and bring them back?"

Ramey: "That is correct."

Rose: "Okay. If it... But hold on a second here, Representative. That makes no sense because if you were unfit to stand trial, then a judge would have to make that decision, you would then... if you left, and they're going to commit you, you'd be involuntarily committed, you would then be in violation of that court order, you go back to court and the judge could bring you back."

Ramey: "They could, but as it says, if they got to Wisconsin, they can't extradite them back."

Rose: "Sure they... sure they can."

Ramey: "This is what I was told by DHS."

Rose: "I'm glad you... I don't have as much faith in DHS as you do, Representative."

Ramey: "Well..."

Rose: "Let me ask you one other quick question, cause I could see this in the case of say an involuntary commitment for a sexual offense. If you were a sexual predator and you're involuntarily committed and you escaped, that doesn't mean you're unfit to stand trial because you've been involuntarily committed. So, I could see this in that scenario, but my... to my knowledge, and I stand to be corrected and probably should be, I thought that that population was all still within the Department of Corrections in a specialized treatment facility."

Ramey: "That may be, Representative."

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Rose: "In the IDOC."

Ramey: "But the issue being is that, the four... five individuals that we spoke of, all were part who have committed murder. Okay. So, they were found not guilty..."

Rose: "Right, but..."

Ramey: "...by reason of insanity. What... and now... and there's still one person out there that they have not found."

Rose: "All right. Well, Representative, I appreciate your answers. I'm going to hang up here and listen to Representative Reboletti's rebuttal. Thank you."

Ramey: "Thank you."

Speaker Mautino: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Mautino: "He indicates he will."

Leitch: "Are you telling us that DHS requested this legislation?"

Ramey: "Along with myself. When we had this escape last year in August, I had two concerns with what occurred. First one was the notification of local officials. There was a four... a five hour gap from when this person escaped to when he was found. Now, the issue being was, Bartlett police found this person, took him to a train station, didn't know he was gone. So, that was the first issue. Second issue was, DHS found that there was no enforcement of the escape. So, they had... they wrote this up so that if he was found, police could then hold him on the escape issue."

Leitch: "Who at DHS asked you to do this?"

Ramey: "Randy Wells and Pat Knepler."



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Leitch: "They are not part of the division of mental health, are they?"

Ramey: "Mr. Knepler is the lawyer for the Division of Mental Health."

Leitch: "Well, that's even worse. This is got to be the goofiest Bill I've seen in a long time, with all due respect. I can't imagine..."

Ramey: "This drives you crazy."

Leitch: "I think Representative Lang said this... made the points on this very, very well. I would just strongly suggest that you withdraw the Bill and take another look at this because I don't believe the assumptions brought to you by DHS are founded in any way. There are all kinds of people who are housed around the state unfit to stand trial. Very seldom do they elope, but when they do, it's just a matter of returning them to the facility. So, I think this is a Bill you ought to take another look at, with all respect. Thank you."

Speaker Mautino: "The Gentleman from DuPage Representative... the Gentleman from DuPage, Representative Ramey."

Ramey: "Thank you, Mr. Speaker. On the request of my learned colleagues, I will request this put back on Second to work on some better language."

Speaker Mautino: "The Gentleman takes the Bill out of the record. The Gentleman from Vermilion, Representative Black is seeking recognition. On the Calendar, page 10, appears House Bill 4866. Representative Reitz. Read the Bill."

Clerk Mahoney: "House Bill 4866, a Bill for an Act concerning State Government. Third Reading of this House Bill."

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Speaker Mautino: "The Gentleman from Randolph, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 4866 is a fee Bill for the Department of Agriculture. It was a companion of the Bill we passed last year to take... impose fees for DNR and Ag. This one was removed. They... we've worked with all of the interested parties. The Illinois Fertilizer Council and the Illinois Farm Bureau are neutral. I think they have both testified in committee how important it is for the Department of Agriculture to fund these positions and have this money to make sure that they can inspect the various items that fees are going to increase on. Most of these fees or some of them, but a lot of them haven't been raised since 2003. And I've talked to the Governor's Office. They've agreed their... they will not sweep this moneys, and actually the Department of Agriculture director testified that the moneys will not be there for them to sweep because there won't be any surplus in these funds. And I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman from Vermilion, Representative Black."

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

Speaker Mautino: "Indicates that he will."

Black: "Representative, as I look through this Bill, and it's obvious to me, and I think you would agree, this administration intends to put the Department of Agriculture on a fee basis, no General Revenue Fund at some point in the near future. Fair statement?"

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Reitz: "I hope not. That's not my intent. My intent is to supplement the changes that have already been made, and I will support substantive additions of moneys for the Department of Agriculture out of General Revenue Funds."

Black: "Let me... let me ask you just... a few questions about some of the sections of the Bill. Under the Egg and Egg Product Act, until I read this, I had no idea how many ways we could go after somebody that is in the egg business. I guess we should go after the chicken, but that's not what we're going to do here. There's a section in here that says, 'the director can suspend and revoke a license for an egg producer'. What's the due process? If I'm an egg producer and I used to have one in my district when I was up in Iroquois County, I can get fined up to \$600 and the director can simply suspend and revoke my license to be a producer and provider of eggs. So, what's my due process?"

Reitz: "There are provisions within the appeals process... the administrative appeals process to allow for anyone to appeal a decision of the director."

Black: "All right. And I suppose although, what happens, and you know this as well as I, many small businesses can't afford to go to court. I mean, that's the ultimate due process. I assume that any business could say, well, I just don't agree with this at all and I'm going to ask the court to intervene. But that gets very expensive."

Reitz: "Right."

Black: "And I... that gives one individual a great deal of authority and power over a particular industry. And I... I wasn't aware we were having a whole number of problems

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about the egg business in Illinois. So, I mean this... to me the Egg and Products Act just seems to be in there because of increased fees. Now, let's get into the Animal Disease Laboratories Act. If you have to have your hogs checked or your cattle checked, those fees are going to go up a great deal, correct?"

Reitz: "Yes. Under the livestock management, is that the one you're looking at?"

Black: "Right."

Reitz: "Yes. They are currently \$10 and they will go up to... they'll go up to 30. From \$10.00 to 30."

Black: "I'm sorry? Ten dollars..."

Reitz: "Ten dollars to \$30.00."

Black: "All right. In this recession, doesn't that seem a little excessive?"

Reitz: "Well, as I said earlier, I think the department has worked with all of the affected industries and they have... I have not heard any opposition from any entity that is going to be regulated by this. In fact, kind of the opposite. They really feel that we need to do some of these to make sure the people are there so they can do inspections. Because absent the state doing these inspections, the Federal Government will come in and they... they don't want that."

Black: "Well, I think the fear of the Federal Government coming in and taking over most everything is probably a legitimate fear at this point. But as I... I look in these things, you know, it's one thing to have the Farm Bureau involved and other entities involved, I just have a hunch that no

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production farmer in any of our districts was involved in any of these meetings. Some of these fees with the wet spring, the late harvest, the uncertainty in the ag commodities pricing, the increased cost to dry corn, farmers are operating on the edge, Representative, as you well know. I mean, we both come from similar districts. When you... when you raise the pesticide product registration fee from the current 200 to 300, the experimental use of permit fee by a hundred.. holy cow, the late registration assessment goes up a \$100. The applicator fee goes up by \$20. I mean, it goes on and on and on. All of that... all of that is translated into an increased cost per acre of input. And as you know, the farmer is the only person who does not control the price of his or her product. I mean, it's whatever the market the Chicago Board of Exchange, whatever. Whatever they say a bushel of corn is worth, that's what it's worth and that's what you have to sell it for unless you have a lot of storage on your land, and many don't because that's so expensive. It just seems like a very bad time in the agricultural industry, after the disastrous year we've had to increase input costs when there's no way for the production farmer to increase his unit cost per bushel. And at some point and long before Willie Nelson discovered Farm Aid, there were a lot of farmers going out of business in my district and a lot of foreclosures, you're getting bigger and bigger and bigger to even operate today. I don't... I don't question the efficacy of the Bill. I know where we're headed, and I think the Farm Bureau feels that

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we will need some of these services from the Department of Agriculture and we will have to pay a little more for some of them because general revenue is not going to be able to make up that difference. But this is relatively early in the Session. Believe it or not, I still have farmers in my district who haven't taken out their corn. I don't even know what that would be worth at this point. I... I just... Representative, I'm not standing in opposition to the concept, I worked with you last year on DNR fees, and I thought... think that was necessary and I think Director Miller has made it very clear that those fees will be used to enhance our parks and our recreational facilities. I'm just... I just stand in opposition at this point to this Bill that increase input costs, no matter how small per acre of product, there's no way to recover that cost. I know we have to visit it. I just think we're coming off of a terrible year to impose new costs on the agribusiness industry. One of the largest soybean extraction plants in my immediate area announced Tuesday that they were closing. That cost a 100 jobs in the City of Danville. Because of over capacity in the soy bean..."

Speaker Mautino: "The Gentleman bring his questions to a close."

Black: "Yes, Mr. Speaker. Thank you. If Bunge North America, a huge elevator operator, feels it necessary to close the soybean extraction unit at a plant that has been in Danville for more than 70 years because of uncertain markets, uncertain capacity, I just can't, in good conscience, vote for this Bill today based on the

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difficulty that our agribusiness industry is having from one end of this state to another. And I know many of the people in this chamber, not you, Representative, but many of the people in this chamber are generations removed from the farm. They don't even connect anymore about what that farmer does and what they can buy in the supermarket or grocery store. It... I know that you're on the right track, I know this is where we have to go, I just think it's the wrong time, too many fees for farmers to absorb in what... in what has been a horrible year for agribusiness. And I intend to vote 'no'."

Speaker Mautino: "Further questions? The Gentleman from Crawford, Representative Eddy."

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

Speaker Mautino: "He indicates that he will."

Eddy: "Representative, I think I heard correctly, but I want to double-check one of the concerns that many have related to this type of fund establishment. Is there specific hard language in this Bill as it's written that would not allow any of the funds to be swept?"

Reitz: "No. But there... but the department director said that the way this fund works that there really are no excess funds in this because they go out directly into the funds to make sure that people are out there doing... checking all of the various duties that they have to make sure the product's the same."

Eddy: "I... I understand that, but I got to tell you, Representative, I heard that before when we swept funds, they called those funds not excessive, but that... I mean,

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the same argument was used, albeit by a different administration, but maybe the same budget people. And the last I looked, we had one of those budget folks still involved with crafting budgets on the second floor. So, I guess for me, that's almost a prerequisite when it comes to a fund is to have the hard language in there, and it's not.. it's not anything against the director of Agriculture, it's not against the Governor, it's just plain.. you fool me once shame on you, you fool me twice shame on me. And then I'm going to go back and these funds are going to be at some time or another, maybe not next year, maybe not the next fiscal year, but at some time they're going to be in peril for some kind of a sweep, and I will have voted for a fund that could be.. could be swept. And I think that's a major flaw.. a major flaw in the Bill right now. Let me.. let me explore another avenue that Representative Black kind of turned down a little bit that road, and it had to do with establishing the.. in the Department of Agriculture, kind of almost a fee department rather than a GRF supported department. Are we headed down that road with this type of legislation?"

Reitz: "This... this will generate additional fees, you're correct at that, but I don't know that we're headed down there, and a lot of that depends on the Legislature whether we are going to make sure that we keep the funding in there... in the General Revenue Fund for Ag. I personally think Ag and DNR have been decimated that last few years, and would enlist anyone's help to try and make sure that we fund those to the level that they're at this year."



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Eddy: "So, how much is the estimated revenue that all of these individual increases will..."

Reitz: "It's about \$2 million, a little over 2 million."

Eddy: "Okay. So, for about \$2 million in additional fees, will we see a corresponding decrease in general revenue for the Department of Agriculture, dollar for dollar? Is that some kind of agreement that's been made or..."

Reitz: "For my part, no. And I appreciate enlisting your help when you vote for the budget. Out..."

Eddy: "Well, you know..."

Reitz: "But I think I will..."

Eddy: "...once the people..."

Reitz: "...pass that on to the Governor. But..."

Eddy: "...of the State of Illinois has helped the Governor construct the budget, we might get to there."

Reitz: "Yeah."

Eddy: "But my concern is, I mean, it's obvious, and I also... I have to echo some of what Representative Black said. I... last year we had DNR fees and a lot of us participated in that because we felt comfortable, but that was going to directly impact the programs that we in our area of the state were concerned about. We felt comfortable with that. I just don't feel comfortable in the same way with this, especially this... at this time, and especially if we don't have that hard guarantee. We got a long way to go with the entire budget process. The Governor asked for the process itself to be delayed for a period of time. I think that it would be appropriate to also delay this type of a fee increase until we've heard from the Governor. And maybe

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we have an opportunity for those individuals who we supposedly wanted to hear from. Why don't we wait and see how many people go on the Governor's Web site from my district or rural areas of the state and make a comment regarding this type of thing. I mean, we got time. The Governor asked us to take that time. Let's let the people speak."

Reitz: "They can speak. This is not going to be part of the General Revenue Fund. These are additional fees so that the department can do their job and inspect them, and as I said earlier, I wouldn't bring this legislation forward if there was opposition from the groups that represent them. They have testified. They feel we need this to keep these operations going so that they can deliver a product in a safe manner to the people of Illinois."

Eddy: "I appreciate that, and for the record very quickly, I know my time is up, I'll finish. The groups that opposed it haven't supported it; I think they've gone neutral."

Reitz: "Correct."

Eddy: "At least that's what the Farm Bureau folks in my area and quite frankly, they've gone neutral, someone felt like they were threatened almost, and if you don't go neutral on this or at least back off, you could see a corresponding decrease in GRF. I just think we'd be well served to wait on this. And if we're going to vote on this... this today, I'd encourage a 'no' vote."

Speaker Mautino: "The Gentleman from Knox, Representative Moffitt."

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

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Speaker Mautino: "He indicates that he will."

Reitz: "Yeah."

Moffitt: "Representative, I heard the discussion in committee as well as today, although you made a comment or two. I want a clarification on the answer. Did you state how much this is estimated to generate?"

Reitz: "Two million dollars. A little over..."

Moffitt: "Two million..."

Reitz: "According to the director, it was just a hair over \$2 million. And I'm looking for my notes here, 2... \$2.034 million increase."

Moffitt: "Okay. And of course the concern that I raised in committee and has been mentioned here, looking back, have any of these funds ever been swept?"

Reitz: "Without looking, I would assume you know, so if you would tell me if they have. I would say... I would assume there aren't too many funds out there that haven't been swept sometime in the past."

Moffitt: "Okay. Now you're saying these... these won't be swept. Is that... so that would be a change if the..."

Reitz: "Excuse me?"

Moffitt: "And you're saying they won't be swept now?"

Reitz: "Have a commitment from the Governor's Office that they don't... they will not sweep these. And the director does not believe that the funds that go in here will have a chance to be swept because they use these moneys on an ongoing basis to run this department."

Moffitt: "Have you... have you done any estimates of what do you suppose this adds to costs for an average farmer? You can

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paint whatever scenario you want, but just wonder what kind of costs we'd be looking at."

Reitz: "Well, in discussions with the fertilizer council and the Farm Bureau and some of the interests... interested party, they... most of these we paid by the bigger users by the... or the corporate users, and it'll be like everything else, it'll pass down to the farmer or to the consumer sometime in the future."

Moffitt: "My concern is simply the track record. I appreciate that, you know, you saying you're a man of your word and you'd indicated the Governor and the director so they wouldn't be swept, but my concern is the past. And of course, we can look at other things and, you know, the Fire Prevention Fund had never been swept 'til last year, and 10.4 million could have gone for public safety, fire trucks, training, equipment, and it was swept after having never been. And that's my concern, is what's happened in the past. I thank you for your indulgence and your... answer to the questions. It's just that is a concern that I have."

Reitz: "Frank, Frank. Mr. Speaker, would you just pull this Bill out of the record and I will be happy to go over and talk to the other side and see if I can find someone else to help Sponsor this."

Speaker Mautino: "The Gentleman requests the Bill be pulled from the record. Page 10 of the Calendar appears House Bill 5120, Representative Rose. The Gentleman from Champaign. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5120, a Bill for an Act concerning transportation. Third Reading of this House Bill."

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Rose: "Thank you... thank you seatmate. That was great. Mr. Speaker, Ladies and Gentlemen of the House, House Bill 5120 is very simple. Last year we passed a Bill to require all school buses to have two-way telecommunication devices out of student safety concerns. The problem with that is, in many years of rule in downstate Illinois, those devices do not have coverage and service... they don't have service coverage. In fact, Arthur School District, which myself and Representative Bob Flider split Arthur's school district territory, they already had cellular phones for emergency communications, you know, they... kids gone missing or a kid maybe's been dropped off at the wrong house, and we effectively outlawed what they already had, one, and forced them to go buy something that doesn't have service coverage in their area anyway. So, this Bill would simply allow the use of cellular radios, telecommunication devices or a cell phone in addition to what was already in the law from last year. It should be a commonsense change. And I'd appreciate your support."

Speaker Mautino: "The Gentleman has moved passage of House Bill 5120. 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? Mr. Clerk, take the record. 108 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 5120 is hereby declared passed. Page 10 of the Calendar appears House Bill 5125, Representative Pihos. Read the Bill."

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Clerk Mahoney: "House Bill 5125, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Mautino: "The Lady from DuPage, Representative Pihos."

Pihos: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. 5125 is a Bill I've had before you, previously. This is a Bill that has been in negotiations for years. We passed it out of the House last year with 107 votes, but it got held up in the Senate. And basically it's an affordable housing Bill. What it does for 501(c)(3) only that have bought affordable housing units in townhome or condo associations, although, at this point they're all townhome associations, if indeed they ban rentals, that 501(c)(3) can continue to rent until such a time as they sell, and then new owner comes under the new association rules. So, I'd be happy to answer any questions."

Speaker Mautino: "The Lady moves passage of House Bill 5125. And on that question, the Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker. Just briefly to the Bill. Ladies and Gentlemen, the Sponsor has worked on this Bill steadfastly both on her own and through committee. This Bill has been significantly tailored to address a very specific situation, one that's laudable and protects everybody's goal of having affordable housing available throughout our state. I commend her for her work on this. I would urge everybody to support this Bill, and request an 'aye' vote. Thank you."

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

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Tryon: "Thank you, Mr. Speaker. I rise to ask the Sponsor a question. Will she yield?"

Speaker Mautino: "Yes, she will."

Tryon: "Thank you. Representative, I believe had the founders of our Constitution ever envisioned condominium associations, they'd probably have made sure that you couldn't have one cause I think condominium associations, in many cases, take away people's property rights even after they buy the property. So, my question is, if I'm just a property owner, whether I'm a non-profit property owner or a regular property owner, and they change their bylaws and their declarations to say that from this day forward nobody can rent their condo unit out 'cause... Can they do that?"

Pihos: "Apparently, yes, they can."

Tryon: "Okay. Do they have to pay any kind of damages to the property owner because they may have, in effect, affected their value?"

Pihos: "They do not."

Tryon: "Is this situation a situation where an existing condo owner took... association took away an existing right, or was this... did this group actually purchase the condo knowing that they would never be able to lease it?"

Pihos: "No. These groups purchased the condo and the association rules allowed them to lease them at the time of purchase."

Tryon: "So, they changed the rules?"

Pihos: "Correct."

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Tryon: "I think you have a good Bill here. I just think you should make it applicable to everybody, because I do not think in the State of Illinois, if you purchase a condo in a condo association, and you have a declaration that sets forth the rules and regulations and there's no mention whether or not you can... you can rent your unit out, and they then they take that right away, and they harm you financially because they took that right away. I can see them saying, in all future uses, that I actually think you should amend this for everybody. So..."

Pihos: "Thank you, Representative."

Tryon: "...maybe I'll support this and come back and work with you on a Bill that... that... "

Pihos: "I would love to do that."

Tryon: "...for all Illinoisans."

Speaker Mautino: "The Lady has moved passage of House Bill 5125. No one else seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 108 voting 'yes', 1 voting 'no', 0 voting 'present', House Bill 5125 is declared passed. Representative Hoffman, on page 10 of the Calendar appears House Bill 5150. Read the Bill."

Clerk Mahoney: "House Bill 5150, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Mautino: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5130 is an initiative of the Illinois



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State Police, and it addresses some audit findings that were a result of there not being proper funds being able... It's 5130, I believe. There it is. Thank you, Mr. Speaker."

Speaker Mautino: "5130. Mr. Clerk, can you correct the board, please. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5130, a Bill for an Act concerning law enforcement. Third Reading of this House Bill."

Speaker Mautino: "Mr. Hoffman on 5130."

Hoffman: "Is this my Bill now, Speaker?"

Speaker Mautino: "It looks like a fine Bill. Yes."

Hoffman: "Thank you. Well, my Bill is House Bill 5130. And House Bill 5130 is an initiative of the Illinois State Police, and it does two things. It... it sets up a fund to address an audit finding where there was no fund in existence and it sets up the Money Laundering Asset Recovery Fund to... and adds as a list of special funds to the State Finance Act. These special funds are funds in the State Treasury and what it... it ensures that money that comes from... that is collected by the Department of State Police will go specifically into this fund for the use of the State Police. In addition, it sets up a second fund which would be called the... which deals with money that is collected by the State Police as a result of drug fines and drug forfeitures. And what it does is it provides that this fund shall be separate and apart from the general fund and other State Police funds in order to be used for the enforcement of drug laws and the metropolitan enforcement drug groups. I ask for a favorable Roll Call."

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Speaker Mautino: "The Gentleman has moved passage of House Bill 5130. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Cavaletto, do you wish to be recorded? Mr. Clerk, take the record. 109 voting 'yes', 0 voting 'no', 0 voting 'present', the Bill is declared passed. On page 10 of the Calendar, appears House Bill 5150 that the Chair called earlier. Representative Reboletti. Read the Bill."

Clerk Mahoney: "House Bill 5150, a Bill for an Act concerning criminal law. Third Reading."

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

Reboletti: "Thank you, Mr. Speaker, Members of the Body. This Bill is an initiative from the Cook County State's Attorneys Office. We worked on this Bill last year. We've come back with some changes, but what this Bill does is allow... it actually makes the Department of Corrections file a warrant... get a warrant to pick up individuals who are on parole and commit a Class III felony or above, all the way up to murder. In the past, it's been discretionary; however, I worked with Representative Howard and the Attorney General last year, I believe, because we had an instance where a parole warrant was not issued and somebody ended up murdered. So, we don't want that to happen. There was no objection in committee. And I stand ready to answer any questions. Thank you."

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Speaker Mautino: "The Gentleman has moved passage of House Bill 5150. And on that question, the Gentleman from Champaign, Representative Rose."

Rose: "Thank you. Will the Gentleman to my left yield?"

Speaker Mautino: "Absolutely."

Rose: "Thank you."

Reboletti: "Hi, seatmate."

Rose: "Hello, seatmate. Is this... Representative, it seems to be some pretty commonsense legislation here that, you know, are you basically saying that DOC ought to issue parole violations and issue the warrant for people who commit crimes when they're out on parole?"

Reboletti: "When they're on parole, we believe that a warrant should automatically be issued, yes."

Rose: "Yeah. It's stunning that that isn't the case already, isn't it, Representative?"

Reboletti: "It is. And what this would require is that they be returned back to the department and they would have a hearing in front of the admin... the PRB. And then most likely, their parole would be violated and they would serve the remainder of their parole awaiting trial on the new charges."

Rose: "You know, it's amazing to me that, you know, when I was in the State's Attorneys Office talking to cops, talking to parolees, people out on parole commit crimes in our communities, and DOC wouldn't bring them back. It made no sense. So, I'm really happy you're doing this today, Representative."

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Reboletti: "Well, I appreciate that. There were times when we called the department to ask for warrants, that they wanted to pick somebody up, and they declined, and that person went back on to the street. They were on bond and unfortunately, committed new crimes."

Rose: "Well, Representative, I'm glad you're doing this because this is just common sense, and I think the average Joe in the State of Illinois, the average taxpayer, would demand this. And so, I appreciate you doing this. It's frankly unconscionable that the department has done it for as long as they have. And I'm looking forward to voting for this Bill."

Reboletti: "Thank you."

Rose: "Thank you, Mr. Speaker."

Speaker Mautino: "Further questions? The Gentleman from Vermilion, Representative Black."

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

Speaker Mautino: "He indicates that he will."

Black: "Representative, I'm confused, we've had so many of these Bills today. Does this Bill say that if I'm on parole and I somehow escape from parole, I'm going to go back to prison? I mean, does that make any sense? Is that logical?"

Reboletti: "It is absolutely logical, and the fact of the matter is, that the Department of Corrections should already be lodging warrants against people who commit new crimes, and that's why we've introduced this. Because if these people go in front of a bond court and get a bond,

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which could be low, they're back on the street, and not necessarily... the parole is not necessarily violated at that time. We have to wait for an adjudication of the new crime to determine if they should go back to the Department of Corrections. But they should... they should serve the remaining balance of their parole time in custody."

Black: "But if I was found unfit, and was under the care of the Department of Human Services, and I committed another crime, surely... surely it's not logical to say I have to go back to prison. I should go back to an institution."

Reboletti: "That's where..."

Black: "Or is that the other Bill?"

Reboletti: "That was the other Bill, Representative."

Black: "Oh that was the other Bill. Oh, well, that's where I was getting confused. I thought you had picked up the Representative Ramey Bill. I..."

Reboletti: "That one's being worked out, Representative."

Black: "I see. Okay. So this says, if a person on parole or supervised release for a forcible felony... Give me an example of a forcible felony."

Reboletti: "Home invasion, armed robbery, aggravated use of a weapon."

Black: "Good grief."

Reboletti: "Terrorism."

Black: "So, they're on parole for home invasion, and while on parole they create... or commit another home invasion, and because somebody's home they stab the homeowner to death, you're asking that they go back to prison?"

Reboletti: "Absolutely."

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Black: "Well, what are we going to do with parole officers? Are we going to lay any off?"

Reboletti: "I don't think we'll be laying the parole officers off. They already have a pretty heavy burden of people to monitor as is, Representative."

Black: "Well, Representative, I just want to congratulate you. This appears to be a commonsense measure that you got out of the Judiciary II Committee. Would you call this an enhanced penalty Bill?"

Reboletti: "No, I would not call it an enhanced penalty Bill."

Black: "Well, everything I take there is considered to be an enhanced penalty Bill and it goes to some subdivision and they meet once... once every other year on an island off the coast of Borneo. So, I don't have a lot of hope for any of my Bills."

Reboletti: "Leader Black, I do have some news for you. I've talked to the chairman of the committee, and you'll be getting a hearing on your Bill next week."

Black: "I... and maybe I'll even bring the grandparents over so they can testify about the death of their grandchild. So, what you're saying here is if a violent criminal who's for some reason on parole or supervised release, commits another violent crime, they should go back and finish their prison sentence. Is that what you're saying?"

Reboletti: "They should finish their prison sentence while they're awaiting trial on the new crime, yes."

Black: "My goodness. What... what a remarkable idea. Most people out there think that's the way it already is. I'm glad you brought this forward because people we represent

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need to know that is not the way it is. And there are very violent people walking among us on parole or supervised release and then commit another violent crime. Holy mackerel. I thought that was the purpose of criminal justice and incarceration. I think you've stumbled onto something here, Reboletti... Representative Reboletti. And I'm proud to vote for your Bill. And I would enjoy being a cosponsor."

Reboletti: "Thank you, Leader."

Speaker Mautino: "The Gentleman has moved passage of House Bill 5150. And on that question, the Gentleman from Cook, Representative Davis."

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

Speaker Mautino: "He indicates he will."

Davis, W.: "The way our analysis reads, Representative, is that if someone is out on parole or on release, and they commit one of these crimes, as you identified them there, that the supervisor has the ability to issue or not to issue the warrant, correct?"

Reboletti: "That's correct."

Davis, W.: "Are you familiar in a situation where the supervisor... and the way it's online here, we're talking about first degree murder, Class X felonies, you know, I would assume violent crimes..."

Reboletti: "Right. We're..."

Davis, W.: "...pretty violent crimes. So, are we... is there a situation we're responding to where a supervisor did not respond by issuing a warrant for someone that's done this?"

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Reboletti: "Well, actually, Representative Howard had a Bill last year dealing with when people were arrested for domestic battery and there wasn't a warrant issued. In dealing with a violation of order of protection, there was not a warrant issued and that lady ended up murdered by her former boyfriend. And we rectified that last year. There are situations where... I don't think there should be a discretionary ability of a parole supervisor to issue a warrant or not issue a warrant when you have a murderer or armed robber out on parole who commits a Class III felony or above. A Class III felony, Representative, could be aggravated battery of a police officer or pregnant woman. A Class II felony could be burglary. Class I could be aggravated robbery using a firearm. So, these are people who already have violent convictions. We're not looking for somebody who is on parole for a drug offense such as possession of cocaine and then they violate that. We're not looking at that. We're looking at violent offenders who pick up new offenses. They have to serve the remainder of their parole time. It may be... most of these guys are going to have three-year parole. So, they're going to probably be revoked. They'll have a hearing by the PRB. The Prison Review Board will determine if there's enough probable cause to violate their parole, and they'll go back and serve the remainder of that parole. While they're serving the remainder of that parole, they will then be awaiting the charges in whatever county it was committed, and then they can defend themselves against those charges with their lawyer."



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Davis, W.: "So... so, 'cause I just want to make sure I understand. Now, you say the supervisor has the ability to issue or not to issue it. So, it wouldn't just be automatic that if they violate..."

Reboletti: "This is..."

Davis, W.: "...their parole that they would automatically just go back?"

Reboletti: "This is... we're only issuing a warrant for their arrest. They still are entitled to a hearing once they're returned to the Department of Corrections and they have due process there to determine if there was enough evidence for the new arrest for them to be violated. When you're on parole, Representative, you cannot even commit a new offense."

Davis, W.: "Right."

Reboletti: "That's one of the conditions of parole. So, at that point, they can determine if there's enough. They go to a hearing. If there's enough to... to withstand that burden of preponderance of the evidence... actually for probable cause, then they can be returned to serve the balance of their parole."

Davis, W.: "Well, that's what I want to just be clear on. 'Cause if they violate their parole, isn't there something that automatically invokes... I mean, that would not require us necessarily to do this 'cause it automatically happens?"

Reboletti: "It doesn't automatically happen. So, we don't auto... the Department of Corrections does not automatically pick somebody up on... with a new felony. They have the discretion to pick them up on a warrant or not to issue a

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warrant. So, they don't have to violate them for picking up a new offense."

Davis, W.: "So... so... is it possible that... 'cause I'm... and maybe I'm again, very parochial on my thinking, but I just want to be clear. So, I'm out on parole, you know, I'm like Representative Black. So, we're out on parole. We're hanging out together, you know, and something... something happens, but isn't... aren't there certain things that you automatically violate parole? And so, is this Bill trying to make sure that things... that things may happen that aren't necessarily automatic parole violations are kind of included so that they're automatic parole violations?"

Reboletti: "This war... this Bill only addresses the commission of a new offense. This does not tell a parole agent that if they're random urinalysis shows that's dirty for drugs, that they have to now issue a warrant and they have to go have a hearing to see if their parole is revoked. That's still left in the discretionary. We're saying if you commit an aggravated battery to a police officer while on parole, a warrant should be issued for your arrest to then have your hearing to determine if you should spend the rest of your parole, not as a free person, but incarcerated back in the Department of Corrections."

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

Reboletti: "You're, welcome. Thank you."

Speaker Mautino: "Final speaker, the Gentleman from McHenry, Representative Franks."

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

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Speaker Mautino: "He indicates he will."

Franks: "Representative, I'm reading the analysis, and I'm not sure I understand one aspect of this. This... your Bill will require that if one is on supervised release for a forcible felony and then they commit an act that constitutes first degree murder or any Class X, I, II, or III felony, that the offender's supervising officer must request the Department of Corrections to issue a warrant for the offender's arrest. Is that correct?"

Reboletti: "That's correct."

Franks: "Now, under what circumstances one... would one be on supervised release for a felony? What felonies would have supervised release?"

Reboletti: "Well, besides people who are sentenced to natural life without parole or to the death penalty or serve a hundred years, at some point, people are going to be... once they've served their sentence, they're then put on mandatory supervised release or what's commonly know as parole."

Franks: "But my question would be then, and that's not... and I wasn't sure of the answers, so thank you. Why wouldn't we do this for everyone who's on supervised release? Why would we just require a warrant being issued for those who happen to be on supervised release for a forcible felony? Wouldn't it be more incumbent... encumbert... encompassing if you had it for all those on supervised release? Wouldn't that really get to what you're trying to do?"

Reboletti: "Well..."

Franks: "To try to... to try to help get quicker warrants?"

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Reboletti: "I agree, Representative, with you on that. I don't... we've looked at that. I think we wanted to start with this first and see where the Body was at. I think if you violate parole even for misdemeanors, like domestic battery or sex crimes, that a warrant should be issued. Now, if the person is on mandatory supervised release, and picks up a Class E misdemeanor cannabis, then we have to discuss as a Body if we want a parole warrant to be issued, a parole agent to execute the warrant on that Class E misdemeanor."

Franks: "I'm not asking that. I'm asking here... because the way you're writing this is if the person cons... if the act they commit constitutes first degree murder or any Class..."

Reboletti: "Speaker, I'm having trouble hearing Representative Franks."

Franks: "The way the Bill is..."

Speaker Mautino: "Will the chamber bring the noise level down, give the Gentlemen your attention."

Franks: "The way the Bill is written, you would require it only if it constitutes a first degree murder or any Class X, I, or II, III felonies, correct?"

Reboletti: "That's correct, Representative."

Franks: "Assuming we keep that, which I think is... it makes good sense, my point is, would you be amenable to amending the Bill to have this... if they commit that type of offense, not just for someone who is on parole for a forcible felony but for anyone who is on parole for any felony, if they would commit these type of offenses?"

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Reboletti: "Representative, I wouldn't have an issue with that.

I would be more than glad to file that Bill. I think that it should be mandatory for anybody who is on mandatory supervised release but this was... this was what we started working with the Cook County State's Attorneys Office on last year. And we were trying to work with all interested parties to see if we could craft something that makes sense that we could pass. I think this was our first step."

Franks: "Okay. See, you wouldn't want to move this back to Second and make it more encompassing, you want to pass it as is and then perhaps file another Bill?"

Reboletti: "I think that would be the way I'd like to go on it or work on it in the Senate with a Sponsor that I have well, I have... not talked to a Sponsor yet over there yet."

Franks: "Okay. And that's... my concern was, as I'm reading this, it just didn't... it just didn't seem to me to make any sense why we would differentiate between those people who are on parole who've committed felonies. I just didn't see any distinction. I don't know why we would create that distinction, because I think by passing it the way we... the way it's written, I think it leaves a gaping loophole."

Reboletti: "Representative, I would be more than willing to work with it in the Senate or file a new Bill or take a shell Bill. And I think Representative Black hit the nail on the head by saying people in the State of Illinois already assume that if you violate parole, that you're going back to prison or you're going to be rearrested by the Department of Corrections. And that's not happening."

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Franks: "Correct. So, that's why I was hoping this would be more encompassing. But I appreciate the first stop. I just don't... I'm concerned if we pass it like this, that this would be the only thing we do. I think we have a great opportunity now and I'd hope that you would consider moving this back to Second 'cause I think you have the will and the Body to be able to pass it as it ought to be passed."

Speaker Mautino: "The Gentleman has moved passage of House Bill 5150. 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 Burke, Mendoza, do you wish to be recorded? Mr. Clerk, take the record. 107 voting 'yes', 2 voting 'no', 0 voting 'present', and House Bill 5150 is declared passed. Mr. Clerk."

Clerk Mahoney: "Introduction and reading of Senate Bills-First Reading. Senate Bill 355, offered by Representative Nekritz, a Bill for an Act concerning elections. First Reading of this Senate Bill."

Speaker Mautino: "Page 10 of the Calendar appears House Bill 5206, Representative Brady. Out of the record. House Bill 5194, Representative Brady. Do you wish this Bill to be read? Out of the record. House Bill 5219, Representative Lang. Representative Lang. Read the Bill."

Clerk Mahoney: "House Bill 5219, a Bill for an Act concerning public aid. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from Cook."

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Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill relates to the MDS, the Minimum Data Set. It's a federally mandated care tool utilized by nursing homes to record the care that they provide. Every so often, an audit is performed by a compliance review team to check the facility's record keeping. This Bill would extend the responsibilities of the compliance review team. Under current practices, if somebody's not in compliance, they don't have to tell them why. In essence, this Bill simply requires these review teams to tell a nursing home if they're not in compliance, why they're not in compliance, so that they can rectify the problem. So, that's all the Bill does. I know of no opposition."

Speaker Mautino: "The Gentleman has moved passage of House Bill 5219. 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? Representatives Riley, Gordon, do you wish to be recorded? Representative Gordon wish to be recorded? All in... Mr. Clerk, take the record. 109 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 5219 is declared passed. Page 10 of the Calendar appears House Bill 5194. Representative Brady. Read the Bill."

Clerk Mahoney: "House Bill 5194, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Mautino: "Representative Brady."

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Brady: "Thank you, Mr. Speaker. The actual Bill that we're trying to call is my fault, 5206. I made a mistake. It is not 5194, I apologize. It is 5206."

Speaker Mautino: "Mr. Clerk, Would you take 5194 out of the record. Read 52... House Bill 5206 for Representative Brady. Read the Bill."

Clerk Mahoney: "House Bill 5206, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from McLean, Representative Brady..."

Brady: "Thank you very much."

Speaker Mautino: "...on 5206."

Brady: "Thank you, Mr. Speaker. House Bill 5206 would amend the Election Code. Would grant authority to county clerks to cancel voter registrations of deceased residents upon the establishment of what is now the electronic reporting... of filing a death certificate system. I'll be happy to answer any questions."

Speaker Mautino: "The Gentleman has moved passage of House Bill 5206. On that Bill, the Gentleman from Jackson, Representative Bost."

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

Speaker Mautino: "He indicates that he will."

Bost: "Representative, I need to know how exactly is this going to affect the voter turnout in Chicago? Just wondering."

Brady: "I... I can only believe that it will help things in a more secure fashion in that particular area."

Speaker Mautino: "Further questions? The Lady from Cook, Representative Graham."



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

Speaker Mautino: "Absolutely."

Graham: "Representative..."

Brady: "Yes."

Graham: "I can appreciate that... this piece of legislation. With some families sharing... members of the same family sharing the same name, I do know that there is different birth dates and that sort of thing. How much information is registered to make sure they remove the right person from the rolls?"

Brady: "First off, Representative, the electronic filing system has been now developed across the State of Illinois as it continues to be worked on. With the county clerks, when they would be allowed, there would be a certain access code which they would only have. Some of them happen to be registrars already, and they would have to, in accessing that code, make sure from the electronic system itself that they indeed did have the correct individual, and that would be certified by the Department of Vital Records. So, that the individual who is deceased is the actual correct individual that they are trying to purge from the voter roll."

Graham: "I appreciate that, you know, but we're still dealing with, in our communities, fathers and sons of the Social Security being mixed up and claim information being mixed up. And I'm talking... this is live action going on today with father and son..."

Brady: "Uh huh."

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Graham: "...with names being similar. I would just be concerned with... and I'm going to support your legislation, I'm not saying that I won't."

Brady: "Sure."

Graham: "But this is something I want to put on your mind. If a person is in fact removed from the rolls, presumed deceased and it's the wrong person, how quick or how fast will that take place of the person being able to do a rebuttal and say, no, that's not me; that's my dad. You know, how long will it take that to get worked out? 'Cause I'm assuming the person will be in the election... will be in the polling place at that time once that's discovered. Is there any notification that goes out? Some verification that this is, yeah, this is in fact my father not my brother or my uncle or...?"

Brady: "Right. Actually, Representative, you bring up a very good point. And right now, it has been done actually by looking by paper in obituaries. Some clerks have used this being a more sophisticated system with a special access code. The information that is actually entered into the Department of Vital Records by the funeral home which is in charge of the decedent would have the factual information from the family that is certified with Department of Vital Records before it would go to any clerk's office. So, there's a process that's in place to make sure that all of it, all the information and the individual is, in fact, correct before the... before the certificate would even be issued. That has to be done first before the clerk, in this case, could access things. So, that has to be done... that

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it would prevent a mistake from being made of purging the wrong person off the rolls. So, I certainly understand your question. It's a good question, but the safeguards are there, in fact, to make sure that who's purged off the voter records match with the actual official document that's being electronically filed with the Department of Vital Records."

Graham: "Thank you, Representative. I urge an 'aye' vote."

Brady: "Thank you."

Speaker Mautino: "Further discussion? The Gentleman from Crawford, Representative Eddy."

Eddy: "Would the Spon... will the Sponsor yield for a question?"

Speaker Mautino: "Indicates that he will."

Eddy: "Representative, in the language of the Bill it says, The cancelation of a deceased voter's registration. Upon establishment of an electronic reporting system for death registrations as provided in the Vital Records Act. What does the Vital Records Act require as far as notification? Is it certified... a death certification that's been..."

Brady: "The Vitals Record Act dealing with births and deaths in the State of Illinois, when you're talking about the death side of things, what it requires is certain information within the certificate itself, date of birth, social security, different things along those lines that verifies that, one, the death has occurred and it's actually the individual in which the certificate which will become a certified copy is issued for."

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Eddy: "Okay. So, this would take a certified copy of a death certificate so that the proceeding would take place to cancel the voter's registration?"

Brady: "Correct. What it is, is the certified copy of the death certificate except being electronically done."

Eddy: "Seems reasonable. Just one other question. I think this is important legislation. Does this... will this also apply, it doesn't under the current Bill, to people who are holding public office?"

Brady: "I... I saw that I'm... what was that again, Representative?"

Eddy: "Does this apply to people who are holding public office, 'cause I... once in a while I think we have to go around and check individuals even here."

Brady: "Only if they die in public office."

Eddy: "Okay. And you're here just in case to certify that, so I think we're safe. I think you have something that's very reasonable here, and given the technology that we have now, it's an advancement in how this is done so that we can have more accurate elections. Thank you."

Brady: "Thank you very much, Representative."

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

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

Speaker Mautino: "He indicates that he will."

Sullivan: "Representative, this is interest to me because my father and I live in the same precinct. I don't think he's going to die any time soon, but the previous... one of the previous speakers asked if there was a mistake made, don't

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we already have provisions within the Election Code for this, through provisional ballot, catching a provisional ballot at the polling place? Should you arrive and you're... you're all of a sudden not on the... on the roll?"

Brady: "You have that in a way of a provisional ballot if I understood your question correctly."

Sullivan: "Yes."

Brady: "Yes."

Sullivan: "So, while you have a good Bill here and you're trying to do all your due diligence to not make errors, potentially a data entry error could happen, but you have recourse at the ballot?"

Brady: "Well, they have recourse at ballot, yes."

Sullivan: "Okay."

Brady: "And I doubt very seriously that anybody dead is going to make their way to the ballot box."

Sullivan: "But say I got removed from... on accident. I could go cast my ballot provisionally and have it worked out after the fact?"

Brady: "That is correct."

Sullivan: "Thank you."

Speaker Mautino: "Our final speaker is the Gentleman from DuPage, the Honorable Doctor Fortner."

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

Speaker Mautino: "He indicates he will."

Fortner: "I really appreciate this... this Bill. I think it's going to be a great addition. I do have one question in regards to how it would apply to those jurisdictions where the clerk is not in charge of elections. In one county and

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a number of municipalities, there are separate Election Commissions. How does that voter registration cancelation work in that... in those circumstances?"

Brady: "Presently right now in those circumstances, it's done by actually trying to match through obituaries that appear in print media. In this particular situation, we're starting with the clerks as we have the system developed over the last nine years which has now gone statewide. Other election authorities, once this would be worked through, I anticipate would be added as well."

Fortner: "So, this Bill would then only apply to those 101 counties where the clerk is in charge for the other jurisdictions. That's something we anticipate adding in the future?"

Brady: "Correct."

Fortner: "Thank you very much."

Speaker Mautino: "The Gentleman has moved passage of House Bill 5206. All those in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Burns. Mr. Clerk, take the record. 109 voting 'yes', 0 voting 'no', 0 'present', House Bill 5206 is declared passed. House Bill 5219, Representative Lang. Did we do... House Bill 5417, Representative... 5412, Representative Moffitt. Read the Bill."

Clerk Mahoney: "House Bill 5412, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Mautino: "Representative Moffitt."

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Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5412 is an initiative of the Fire Caucus. It's been approved by all the associations in the fire service. It would... what it does is, provide that the Fire Investigation Act is amended so that it would require 2.5 percent of the Fire Prevention Fund would be directed to the Cornerstone Training Program. It's one that impacts fire training around the state. This reaches all parts of the state: Chicago, the collar counties, downstate. They usually figure they train 10 thousand firefighters a year. I guess last year was... it reached 13 thousand, but it would guarantee that... that funding. This helps fire departments across the state with training and reimbursing them for coming and it helps fund the training at the University of Illinois Fire Institute. Be happy to entertain any questions."

Speaker Mautino: "The Gentleman has moved passage of House Bill 5412. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 109 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 5412 is hereby declared passed. On the Calendar appears House Bill 5463, Majority Leader Currie. Read the Bill."

Clerk Mahoney: "House Bill 5463, a Bill for an Act concerning government. Third Reading."

Speaker Mautino: "Representative Currie."

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Currie: "Thank you, Speaker and Members of the House. This came to me from several constituents, and we have done this by Resolution in some years past, but the idea here amending the State Commemorate Dates Act is to say that every... every first week in January will be an opportunity to remember and celebrate the Emancipation Proclamation of finally introduced by President Abraham Lincoln on January 1, 1863. It is not a holiday in which people take time from work nor do school children spend time at home not in class, but it is an Amendment to the Commemorate Dates Act. And I'd be happy to answer your questions. And I'd appreciate your support for passage of this Bill, so permanently, the first week in January in Illinois will be remembered because of the Emancipation Proclamation."

Speaker Mautino: "The Lady has moved passage of House Bill 5463. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Turner, Mr. Brady, do you wish to be recorded? Mr. Clerk, take the record. 109 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 5463 is declared passed. Page 11 of the Calendar, House Bill 5481, Representative Kosel. Read the Bill."

Clerk Mahoney: "House Bill 5481, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Mautino: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker. This Bill simplifies the process of applying for special... for gifted education funds



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should those ever become available through the State Board of Education. Currently, the process requires that you address every part of the comprehensive plan. This would say that you could address specific parts of the comprehensive plan and will allow more schools to participate in the gifted education program should funds become available. Thank you."

Speaker Mautino: "The Lady has moved passage of House Bill 5481. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mitchell, do you wish to be recorded? Mr. Clerk, take the record. 109 voting 'yes', 0 voting 'no', 0 voting 'present'. House Bill 5481 is declared passed. Representative Kosel, on page 11 is House Bill 5486. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5486, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Mautino: "Representative Kosel."

Kosel: "Thank you very much. This Bill passed out of here last year with 117 'yes' votes, got tied up in the Senate and didn't get passed, and so I am bringing it to you again. When a person enters a taxicab in the State of Illinois, they have an expectation that they have some safety concerns. We have no statewide... statewide requirements for taxicab drivers. This would make sure that the driver was legally licensed, that he had not been convicted of street racing or drag racing or homicide with a vehicle. This was

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worked on with the Secretary of State's Office, and it is very similar to the provisions that we have for church bus drivers, for senior citizen cars, and for school bus drivers. So, I would ask for your approval once more, and hopefully this time we'll get it through the Senate."

Speaker Mautino: "The Lady's moved passage of House Bill 5486. On that question, the Gentleman from Cook, Representative Joyce."

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. I would like to just add my support for the Bill and urge an 'aye' vote because the Lady's worked very hard for a couple of years to respond to some very bad tragedies that happened in downtown Chicago with a constituent of hers. And I just want to express my admiration for her constantly staying on top of this issue. So, thank you."

Speaker Mautino: "Further discussion? The Gentleman from Knox, Representative Moffitt."

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

Speaker Mautino: "Indicates she will."

Moffitt: "Representative, I certainly support your Bill, I just... you were listing things that there was some background checks for. I was reading, trying to find it. Does this specifically, I mean, a cabdriver is sometimes would be... passengers would be children perhaps by themselves. Does it require a background check that would include if they had any criminal record involving children?"

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Kosel: "I think that would be covered under the stipulations of the offender to begin with, that he would not be allowed to do that, but no, we do not have that in here as of this point. Very frankly, we worked very hard to even get these things in there to start with. And I am very, very willing and able to look at further things to add to this list."

Moffitt: "I certainly commend you for this. I'm going to support it, but I just think if we have omitted something like that and there's always concern when someone can be, in effect you know, you be alone with children that... and not be someone with a criminal sex record or something like that. So, if that needs... that'd be a future Bill and certainly work with you, but..."

Kosel: "I would agree with you. And if there's any Amendments made in the Senate, I would actually ask that that be added also. Thank you."

Moffitt: "Okay. Thank you very much."

Speaker Mautino: "The Lady has moved passage of House Bill 5486. 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? Mr. Clerk, take the record. 109 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 5486 declared passed. On page 16 of the Calendar appears House Resolution 825, Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is a rather simple Resolution. It was brought about by an issue that occurred right at the turn of the

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year. You will recall that we passed legislation last year to raise registration fees and title fees, and there is little question in my mind that legislative intent was for titles to be included in the legislation for the turnover to be right at the time of the year. As the issue evolved, it became apparent that the Secretary of State's Office was demanding that title fees of \$65 be received no later than the 31st day of December. This put an unbelievable encumbrance on dealerships throughout the state. I know my office has received concerns. Representative Eddy's did. You will recall I passed around a letter directed to all of you right after the first of the year asking you to join me in opposition to this. And I would appreciate your support on this Resolution. I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman has moved adoption of House Resolution 825. The Gentleman from Crawford, Representative Eddy is seeking recognition."

Eddy: "Ladies and Gentlemen of the House, I think everyone should be paying some attention to what happened here and be as outraged as Representative Sacia is. Let me... let me just explain in practical terms what happened with... what was intended to be by this Body an increase when the Capital Bill was passed to pay for costs associated with those projects of a title fee from 65 to 95 dollars that was supposed to take place January 1. That was what individuals in this Body voted for. The Secretary of State's Office, or someone at the Secretary of State's Office, decided that even if you bought a car within a 20-day period of January 1, they're going to go ahead and

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charge you \$95 instead of \$65. So if you bought a car on December 27, 28, 29, 30, you didn't pay \$65. You didn't pay \$65 because somebody at the Secretary of State's Office decided it's going to \$95. And not only that, when my constituents called to complain about it, the people at the Secretary of State's Office said, that's what your Representative voted for. Did anybody in here vote for the registration and fee to go up before January 1 for those of you who voted for that fee increase? You voted for the fee increase to take place after January 1, isn't that right? That's what we thought was happening. When somebody in the Secretary of State's Office decides they're going to supersede the will of the people who are elected to represent them, we need to stand up together and say, oh no, you don't. The Secretary of State, the Honorable Jesse White who I've always known to be a very honorable person, I've known him since his days when he used to come to my high school with his tumblers. Needs to step in and stop this. Because people across the State of Illinois were cheated. They were cheated out of 30 bucks by the Secretary of State's Office. That's what happened. We should be outraged. Hopefully Secretary of State White is listening or someone in his office is listening. And those people that paid this extra \$30 will get their money back, because this is absolutely outrageous. It's thievery, it's thievery... from the people of the State of Illinois."

Speaker Mautino: "The Gentleman has moved adoption of House Resolution 825. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. And the Resolution is adopted. The

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Gentleman from Jackson, Representative Bost is seeking recognition."

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

Speaker Mautino: "State your point, Sir."

Bost: "Ladies and Gentlemen, over the last couple of weeks a few things have happened that I think need to be brought to the attention of the Body. And I think that... we've got several months here left for this particular Session, and it is my hope that it doesn't continue or deteriorate to a level that it looks like it's going to. Twice last week, I tried to move a Bill through a committee, two separate committees, and though the procedure that was used was well within the rights of the chairperson of each of those committees, it isn't necessarily the things that we normally do in this House out of respect to other Members. If we're not going to allow the Member to call a Bill for a vote or we're going to actually stop someone for making a Motion, as I did in one committee... Actually one Democrat Member made a Motion to pass a Bill of mine and that chairman refused to take it, and then a Republican Member later on in that same committee made that same Motion and the chairman refused to take it. Now, true, it is within the chairman's power to do that, but as the spokesman of that committee, I guess I should have probably been told a little bit in advance so we kind of knew what we were going to deal with. Then likewise, we got ready to testify and I got to the committee and found out... another committee, found out that, no, we couldn't testify. Now, since that...

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since then, we have testified this week on that, but maybe the Member that was trying to present the Bill, and I was going to let that go, I was upset and a little bothered, but then yesterday... yesterday a senior Member of our side of the aisle set for 45 minutes while others were passed and allowed their... them to pass their Bills, and hear their Bills, while this Member set and waited. It is the... it is a courtesy that has been in this chamber all the years that I've been here that more senior Members, Leadership Members, for their time sake, are allowed to call their Bill, but instead, what happened is, a staffer was sent out to whisper in this Leader's ear, your Bills are not going to be called today. Ladies and Gentlemen, is that the right way to treat another Member of this Body, one that has 25 years in this chamber, 25 years in this chamber. That occurred yesterday to Representative Black. And I know you all know that Representative Black is very capable of defending himself, but folks, is that the way we want to continue down this path because if we do, it's going to get very uncomfortable around here. There is certain respect that should be given to each of our colleagues. And here, I'm going to explain this to you as well. One Member of your side of the aisle, she actually tried to push the chairman into going ahead and calling for Representative Black because she said, when she was called on, she said, the Leader is here, knowing good well... good and well the process, he should go first. The chairman then bypassed her Bill and went to another. Ladies and Gentlemen, you don't want to start ruining the relationships that we have

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here. Now, all of us... many of us, have been around here a long time. We also know the procedure that, okay, hey, your Bill has got a brick ru... got a on it. It's not going anywhere. And we understand that, but give us our hearing. Allow us an opportunity to speak on our Bills. You know, we keep hearing about how it is that we don't want to participate from our side of the aisle. Ladies and Gentlemen, I want to participate. I want to work for my constituents. I want to serve the people of the 115th District. I ask you to stop playing the games and if your Leadership is pushing you to do it, then stand up to your Leadership and say, enough is enough. I'm asking for you to give the respect to every Member in this Body when you're in your positions of authority, in those chairs. I believe it's the right thing to do, but I've seen it over and over and over again this year already. And we don't want to continue down that path."

Speaker Mautino: "Mr. Clerk."

Clerk Mahoney: "Introduction of Resolutions. House Joint Resolution 107, offered by Representative Mendoza, referred to the House Committee on Rules."

Speaker Mautino: "Representative Yarbrough."

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

Speaker Mautino: "State your point."

Yarbrough: "As a part of our ongoing efforts to celebrate Black History Month, this is the last time we will be here in this chamber this month, I'm proud to rise today to speak about Nelson Mandela, one of the greatest speakers in the ongoing struggle for equality. According to his biography



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on Noble.org, he was born in South Africa in 1918. His father was Chief Henry Mandela of the Tembu Tribe. He was educated at the University College of Fort Hare and the University of Witwatersrand, and qualified in law in 1942. As a lawyer, Mandela spent his career defending blacks against the harsh policies of apartheid. After his first conviction for activities related to the banned African National Congress, he was again tried for attempting to overthrow South Africa's government by force. In his favorite statement and famous statement in his defense, he said, and I quote, 'During my lifetime I have dedicated myself to the struggle of African people. I have fought against white domination and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It's an ideal which I hope to live for and to achieve, but if needs be, it is an ideal for which I am prepared to die'. End of quote. Nelson Mandela was best known for his commitment to the values he held so dear. And this commitment that earned him a life sentence in prison and kept him behind bars for 27 years. In 1990 he was released from prison. This month is the 20th anniversary of that famous release and gives us a great chance to reflect on his work for equality, his accomplishments since being released from prison. In 1993 he won the Nobel Peace Prize. In 1994 he was elected the first black President of South Africa. He helped secure the World Cup of Soccer for South Africa in 2010. And he continues to be a voice for equality and against human

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suffering. Our state faces many problems today, and they may seem trivial compared to the suffering of apartheid, but many families are struggling every day just to eat. Let us keep Mandela's struggle in our minds and think about the value of fighting for what you know is right, even if it means making great personal sacrifice. Thank you, Mr. Speaker."

Speaker Mautino: "Thank you, Representative Yarbrough. The Lady from Cook, Representative Nekritz is seeking recognition."

Nekritz: "Thank you, Mr. Speaker. Point of personal privilege. I get the sense that we are about adjourn, and I'm looking at the clock and it's 1:03. And I just am really troubled by that and I felt the same way last week when we left at 1:30, and I in many ways feel like we're fiddling while Rome is burning. The state's got some serious fiscal problems and for us to be departing at this time when there are... I think that there are things that we could be doing as a Body and joining together with the Senate to try to solve some of these problems and look at what's happening, not only for fiscal '11, but how we're even going to get through the rest of fiscal '10. So, I would just like to, you know, encourage our Leadership and the Members to see if there aren't ways that we can come together and maybe stay past 1:00 in the afternoon on a Thursday, and start really addressing this crisis in a very serious manner. I appreciate it."

Speaker Mautino: "Thank you, Representative. The Lady from Cook, Representative Davis is seeking recognition."

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Davis, M.: "Thank you, Mr. Speaker. I really want to commend State Representative Yarbrough for her report on Nelson Mandela. I had the privilege of meeting Nelson Mandela when I traveled to South Africa with the former Governor, George Ryan. We visited him at his home and he only allows six people at a time to see him, and I thought it was such an honor for me to have been chosen as one of those six with Governor Ryan, his wife, the Senate President and his wife, Senator Clayborne, and I want you to know that Nelson Mandela bore absolutely no ill will toward those who had imprisoned him for 27 years. He said that he felt he had been enlightened through his opportunity to read and learn and share with those who also had been imprisoned with him. Again, I want to commend... commend you, Representative Yarbrough, and I think the American people can take a page from the African people who stood in line for hours, in the rain, to vote, and for us to continue with our democracy. People in America must learn to value that privilege of voting. Thank you, Sir."

Speaker Mautino: "Thank you, Representative. Mr. Clerk, Adjournment Resolution."

Clerk Mahoney: "Senate Joint Resolution 108, offered by Representative Currie.

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, February 25, 2010, the Senate stands adjourned until Tuesday, March 2, 2010 at 12:30 p.m.; and

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the House of Representatives stands adjourned until Tuesday, March 2, 2010, at 12:00 noon."

Speaker Mautino: "Majority Leader Currie moves adoption of the Adjournment Resolution. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. The Resolution is adopted. And now, allowing perfunctory time for the Clerk, the House will stand adjourned until Tuesday, March 2 at 12 noon. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. And the House is adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction, referred Resolutions to Rules. House Resolution 954, offered by Representative Davis. House Resolution 955, offered by Representative Rose. House Resolution 961, offered by Representative Phelps. House Joint Resolution 104, offered by Representative Davis. Introduction and reading of House Bills-First Reading. House Bill 6621, offered by Representative Coulson, a Bill for an Act concerning the legislature. First Reading of this House Bill. Introduction and reading of Senate Bills-First Reading. Senate Bill 365, offered by Representative Flider, a Bill for an Act concerning State Government. House Joint Resolution Constitutional Amendment 50, offered by Representative Madigan Second Reading of this House Joint Resolution Constitutional Amendment.

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

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adoption of this resolution a proposition to amend Article V of the Illinois Constitution by changing Sections 1, 2, 3, 6, and 7 and by repealing Sections 4 and 14 as follows:

ARTICLE V

THE EXECUTIVE

SECTION 1. OFFICERS

The Executive Branch shall include a Governor, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

SECTION 2. TERMS

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, General... Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election.

SECTION 4. JOINT ELECTION (REPEALED)

SECTION 6. GUBERNATORIAL SUCCESSION

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be the elected Attorney General, the elected Secretary of State, and then as provided by law.

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- (b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.
- (c) Whenever the Governor determines that he may be seriously impeded in the exercise of his powers, he shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he shall do so by notifying the Secretary of State and the Acting Governor.
- (d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor.

SECTION 14. LIEUTENANT GOVERNOR - DUTIES (REPEALED)

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This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies beginning with the term of office otherwise commencing in 2015. This Constitutional Amendment has been read a second time in full. There being no further business, the House Perfunctory Session will stand adjourned."