

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

109th Legislative Day

3/9/2010

Speaker Lang: "The House will be in order. We shall be led in prayer today by Rabbi Dovid Tiechtel who is with the Chabad Jewish Center in Champaign, Illinois. Rabbi Tiechtel is the guest of Representative Jakobsson. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. Rabbi."

Rabbi Tiechtel: "Thank you. Oh mighty God, we stand before You in prayer. As we stand before the holiday of Passover, a time of blessing, look favorably upon the Representatives of our great State of Illinois. We beseech You almighty and merciful God to extend Your grace to each and ever Member of this august Body and bestow upon them the joy of life, good health, and prosperity. Bless these distinguished individuals who have been chosen to make laws and decisions for the citizens of our state. Grant these public servants wisdom and understanding in their noble pursuit of justice and equality. Give them guidance so they will always be conscious of Your presence and will strive to enact laws with honesty and integrity in accordance with Your will. May they have the wisdom to turn advers... adversity into opportunity and to transform the hard challenges we face today into the siege... into the seeds from which will sprout the growth of tomorrow. And as they serve as a beacon of light for the people of all faiths and walks of life. And may Illinois help achieve the goals so powerfully stated in our Pledge of Allegiance that America's truly one nation under God, indivisible with liberty and justice for all. Now let us say, Amen."

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Speaker Lang: "We should be led in the Pledge of Allegiance today by Representative Arroyo."

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

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

Currie: "Thank you, Speaker. Please let the record reflect the excused absences of Representatives Fritchey, Graham, Joyce, Mendoza, and Turner."

Speaker Lang: "And Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present today, ready to do the work of the people and looking forward to having you, Mr. Speaker, in the Chair. We think it will be very exciting."

Speaker Lang: "Thank you. 112 Members being present, there's a quorum. The House is ready to do the people's work. The Chair recognizes Representative May for what reason do you rise?"

May: "Yes, a point of personal privilege."

Speaker Lang: "Please proceed."

May: "I'd like to note that we have a Senator on the floor right in front with Rabbi Tiechtel and Representative Jakobsson. A student at the University of Illinois who is a constituent of mine in my district. So, he came to volunteer at my office and already he's surpassed me. He's a great Senator at the University of Illinois, Max Ellithorpe. Welcome to the Illinois House."

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Speaker Lang: "Thank you, Representative. Mr. Clerk."

Clerk Mahoney: "Introduction of Resolutions. Hou... Referred to the House Committee on Rules is House Resolution 991, offered by Representative Mitchell. House Resolution 992, offered by Representative Harris. House Joint Resolution 111, offered by Representative Burns. Introduction and reading and Senate Bill-First Reading. Senate Bill 642, offered by Representative Bradley, a Bill for an Act concerning education. First Reading of this Senate Bill."

Speaker Lang: "We will begin where we left last week on House Bills-Third Reading, page 16 of the Calendar. House Bill 5294, Representative Black. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5294, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill was an initiative of the Community College Trustees Association. All it does is to say that the student trustee who's elected at a community college will begin their term on March 1 instead of April 15. The student trustees want this change because they were taking office generally in the middle of final exams. They didn't have time to get oriented to their job, et cetera. They think if their term would begin on March 1 that would give them about four weeks to orient themselves to the actions of the board. I know of no opposition. I'll be glad to answer any questions you have."

Speaker Lang: "Is there discussion? Seeing none, Mr. Black moves for the passage of House Bill 5294. This is Third

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Reading. Clerk... take the roll. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Bill, there are 110 (sic-112) voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5... House Bill... House Bill 5302, Representative Reis. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5302, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lang: "Mr. Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 5302 does two things: one is it prevents any new schools from getting in on the hold harmless extra money that school districts get. We're phasing this program out, but last year we allowed new schools to get into a program that were phased out. Second of all, it delays final repeal of this for another two years to allow schools that already got a 50 percent cut last year from having another 50 percent cut this year. Be happy to answer any questions."

Speaker Lang: "Representative Franks."

Franks: "It's great to see you up there, Mr. Speaker."

Speaker Lang: "Thank you, Sir."

Franks: "Will the Sponsor yield?"

Speaker Lang: "Of course he will."

Franks: "Thank you. Representative, what's the cost to the state if we pass this Bill?"

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Reis: "Well, it's interesting you said that. Last year or the year before the hold harmless amount was 30 million. Last year it took a 50 percent reduction, so it's down to 15 million. And this year they were wanting to cut that in half again which would be 7.5. I don't think of that as a cost because that's already in the budget. We're delaying the final repeal of this for two years. I have a district that lost half a million dollars last year, that coupled with the delay in payments, they're about 890 thousand behind. So, this would just let those school districts have a couple years of reprieve. They may face the general aid... state aid reduction next year anyway. Just give those schools some time to work through attrition and retirements without taking such a big hit. One school had 4 million and took a 2 million hit already last year."

Franks: "But by delaying two years and what you're saying is we're going to continue subsidizing seven and a half million per for an additional two years."

Reis: "Yes."

Franks: "So, would the cost be at least \$15 million?"

Reis: "Not cost, it just won't be a reduction."

Franks: "Well, no, because otherwise it would go away, correct?"

Reis: "Yes."

Franks: "And what you're trying to do is to extend this for an additional two years and have it funded?"

Reis: "Yes."

Franks: "Okay. So, there is a cost because you're extending a program that otherwise would be sunsetted, correct?"

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Reis: "It would be cut in half for this next fiscal year."

Franks: "No, but right now, as the law reads, it would be cut in half but then eventually in 2013 it would sunset and there would not be any supplementary grants, correct?"

Reis: "Correct. Correct."

Franks: "And what you're trying to do is to keep these grants alive for an additional two years, so this wouldn't sunset until 2015- 2016."

Reis: "Actually, it would sunset the year before because the 50 percent would phase out after the third year. No cut next year, no cut the year after, 50 percent reduction."

Franks: "Okay. So, what you're then..."

Reis: "So, it would phase out in three years."

Franks: "...we're doing is you're reversing the cuts. And it..."

Reis: "Delaying the cuts."

Franks: "Well, my point is, instead of the state being obligated for X amount now we're going to be obligated for X plus \$7.5 million."

Reis: "Correct."

Franks: "Correct?"

Reis: "Correct."

Franks: "Okay. That's what I needed to get to. So, this will be a cost to the state over this year and the following years, correct?"

Reis: "Yes."

Franks: "Okay, I appreciate your answers and I... I'd like to go to the Bill, Mr. Speaker."

Speaker Lang: "To the Bill."

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Franks: "I understand what the Gentleman's trying to do, but we have a \$13 billion budget deficit. We can't continue to have business as usual and expect a different result. We should not be putting forth any Bills that are going to be digging a deeper hole in our already broken budget. I know this is a good idea and I... and in a... and at different times this is a Bill that we should be supporting, but folks, we are not in normal times. We are in an economic crisis right now and we have to realize that. We can't continue to dig ourselves into a deeper hole. Today, if you read in the paper, the State of Illinois Department of Aging has, right now, free space that they use for their 143 employees. What they... that wasn't good enough for them though. So what they did is they've entered into a lease that's going to cost the state in excess of \$550 thousand a year so their employees could be together. Now, at a time when we're asking everyone else to do more with less, at a time when the Governor has decided that he wants to try to cut the reimbursement to municipalities to really pass our problems down to them so we can insure a tax increase at the municipal level if not only at the state level as well. We have to draw the line. No matter how well-intentioned about matter how... well needed, we cannot continue to go down this path. We should be moving to zero base budgeting. Starting at zero instead of starting at the previous year's numbers. We have to revamp our broken education funding system. Our education funding system has been set up to fail. Eighty-five percent of our school districts have been deficit spending. In my area, they want to lay off the

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teachers. I tell you, where my kids go to school there's no extra curricular and if it wasn't for the local church, we wouldn't have a place for the kids to play after school. Our whole system is broken. We cannot continue to put band aids on these bullet holes. We need to take a stand. Vote 'no'. Let's focus on the budget and nothing else. We're going to hear this tomorrow. Folks, we have to be responsible. Please vote 'no'."

Speaker Lang: "Representative Eddy."

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

Speaker Lang: "Gentleman yields."

Eddy: "Representative, I have to... I have to stand in disagreement with the previous speaker on one point and I'm not sure... I'm not sure you meant to answer the question the way you did. This does not add \$7 million of cost to next year's budget, does it?"

Reis: "No, it does not. It would be as the prior speaker said. This would be zero base budgeting because we would keep it the same as last year."

Eddy: "Ladies and Gentlemen of the House, I think this is an important point regarding this Bill. The previous speaker asked the question related to whether or not this would cost \$7 million. The answer to that question is no. This keeps hold harmless at level funding for next year. It doesn't cost money. What in fact it does is a projected... a projected savings might be eliminated. It does not cost \$7 million. Now, let's think about what hold harmless does for just a second. Whenever it was introduced and whenever it was passed in 1997, it was to try and keep school districts

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from falling off a cliff. A cliff that was created by a funding formula that if a school district was losing enrollment and/or increasing in EAV, they may have some drastic changes in the amount of state aid. The truth of the matter is, at the exact same time that that hold harmless was introduced we should have begin phasing it out so the districts got used to not having that money. All the Gentleman is doing is attempting to level off the effect of hold harmless and the best thing about his Bill.. the best thing about his Bill is it does not allow new school districts to get on to the hold harmless... and last year we had a Bill that would allow for the same type of gradual elimination of hold harmless that eliminated new schools from getting on and we didn't act on the Bill. Ladies and Gentlemen, school districts became eligible for hold harmless this year because we didn't do what Representative Reis is trying to do in this Bill. He's trying to eliminate the practice of providing additional money to schools who would not generate that money based on the formula. That's all he's trying to do. This is a good Bill. This is a good Bill because it allows for a gradual weaning of... of the hold harmless cash flow to school districts while also doing the most important thing, and that's eliminating any new school district from getting on that program. This Bill needs your support. I would appreciate an 'aye' vote. This is good solid budget practice and unfortunately I think the previous speaker's question was answered in a manner that was not exactly factual because it doesn't cost that money. It only cost

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that money in terms of the cut proposed. It's not additional money. It is not additional money for next year's budget because we're not even at that point yet. I would urge an 'aye' vote, move this concept along, and appreciate the body's attention to this matter."

Speaker Lang: "Representative Black."

Black: "Thank you very much, Mr. Speaker. It's good to have you in the Chair. Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Black: "Representative, the Gentleman from McHenry and Gentleman from Crawford have certainly made points and explained the... the rationale behind the Bill. One, obviously, the Gentleman from McHenry said something that I don't fundamentally disagree with, but I would remind my good friend from McHenry that many of us did not want the budget address moved back until tomorrow. I have suggested repeatedly that we be meeting as a Committee of the Whole for two to four hours every day to discuss nothing but the budget, but that's not what your side of the aisle has chosen to do. We're in here debating Bills about whether female veteran's ought to get a female veteran plate... license plate and male veterans ought to get a male veterans license plate. That's not to me the most important issue of the state. The Gentleman from McHenry's right, the budget is important but at the same time as the Gentleman from Crawford said, this is extremely important to those school districts who can least afford to take the kind of massive cuts that we may hear tomorrow. So,

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Representative Reis, how many schools are on... would be on the hold harmless list for the next fiscal year?"

Reis: "Representative, I don't have that list in front of me, but it's several school districts and... as I... as was said by Representative Eddy, even more were added to that list last year to a program that we were phasing out. But it's anywhere from a few \$10 thousand up to the largest school on hold harmless received 4.2 million before last year. So, they took a \$2.1 million cut."

Black: "Would... would it be safe to assume that many of these schools are... are in areas where the equalized assessed valuation and... and the normal progression of the EAV and the appraisal, these school districts usually do not have the ability to capture new property tax revenue growth so it is really a lose - lose situation for those school districts."

Reis: "Absolutely, and if you tie declining EAVs with declining enrollments, you'll find that. We don't have a lot of jobs in these school districts, consequently people move away, our enrollments go down. So, it's a double... double hit when you lose a hold harmless so quickly, the way it was phased out last year."

Black: "And knowing you as I do, and I think it's... I think it's very important that we concentrate on Representative Eddy's remarks. You are not adding X million of dollars to the budget, correct?"

Reis: "No, this would make it flat with last year's appropriation."

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Black: "And if I understand it correctly, ISBE is not opposed to continuing the same level of hold harmless money in FY11 that they did in FY10, correct?"

Reis: "I don't know if they were unopposed or whether they were neutral."

Black: "Yeah. You're right. I think they were neutral. And then they would like to revisit a phaseout in either FY12 or FY13."

Reis: "Yeah."

Black: "So, in the meantime and the Gentleman from the other side of the aisle does bring up some cogent points but I know that you are not a budget buster. You do not spend the taxpayers money foolishly and this is not an increase in last year's appropriation. It simply keeps the same appropriation level and in a hold harmless situation, without that basic appropriation, I would assume... well, I'll let you tell me... Would it not be within the realm of possibility that a handful of these districts may not only end up on the financial watch list, they may not be able to get through the next fiscal year without some hold harmless dollars."

Reis: "And that's why they've come to me and asked for this two year delay in... in the final repeal. As I said, the one example, one school was getting a million dollars. They took a \$500 thousand hit last year. They're going to take a \$750 thousand cut over and above the 500 thousand plus they're not getting paid for hold harm... or mandated categoricals or transportation, plus they very well may see a cut in their general state aid next year. And they're

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just... they're raising the white flag saying help us work through this through attrition and retirements..."

Black: "Okay."

Reis: "...so we don't have to fire so many teachers and do away with so many programs."

Black: "Thank you very much, Representative. I rise in support of the Bill. And I... and I do not discount the Gentleman from McHenry's admonishment. All of us are going to have to be very, very careful about budgetary items this year. We should have been very, very careful in years past, but... but that's gone that... that's too late. But I would just remind many of you, there were some of us who opposed moving this budget address back until March 10. So here we are, six weeks into the Session and many of us, other than what we read in newspapers or have received from the Office of Management and Budget, we're... we're flying blind. But I think Representative Eddy made it very clear, this is not an increased appropriation. It is maintaining base level appropriation from last year with no increase and it could very well mean the difference between survival and closure for some of the most financially vulnerable districts in the State of Illinois. And I think it has earned and deserves an 'aye' vote."

Speaker Lang: "Representative Sullivan. Mr. Sullivan."

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

Speaker Lang: "Gentleman yields."

Sullivan: "Representative, for the areas up north where generally we are... are growing in population and growing in

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EAV, can you... can you explain how this Bill will affect more of the suburban areas?"

Reis: "Well, I don't know which... there are suburban school districts that are on this hold harmless list, so I'm not sure how it would affect those who aren't. I mean, this is a Bill that was passed back in the late '90s. I think it should've had a sunset date implemented at that time. It didn't and... So, I'm not sure how they would affect suburban school districts that aren't on the list."

Sullivan: "Two of the previous speakers had indicated that you're, in essence, not adding to what is being done here, but at the same time, we... we all know that we're going to have to reduce spending somewhere and this is... seems like an area that if... if you reduced it... I guess the crux of what I'm trying to get at is, if you don't reduce it here, where do you? Because you're, in essence, adding back into the budget to the level where it was previously so you're not adding above that, but where does the state board plan to cut to make up the difference for your Bill?"

Reis: "Well, that's a very good question and I want to make two points on that. One, is that we're not going back to where it was before. We're just keeping it flat with the current fiscal year."

Sullivan: "Yes."

Reis: "It was already cut by 50 percent and you're hearing a lot of negative comments from proposals just to cut areas of the budget by 10 percent."

Sullivan: "Right."

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Reis: "This line item has already been cut by 50 percent. I think these schools have paid their fair share in line reductions from last year. And you know me as well as anybody in this room does, I'm very conservative. I don't like to add to things, but at the same time we have to prioritize and do what's right and I think a 50 percent cut last year was more than their fair share of giving to help solve our budgetary problems."

Sullivan: "We certainly will not, at least this Member, will never... never question your... your credentials when it comes to the budget. Our fear up in the north is that, if we maintain this, where in this coming year it should be cut, that then that gap is made up by other programs. It may be transportation, maybe, you know, books, somewhere along those lines. So, that... that's the fear that we have up north."

Reis: "Absolutely, and I agree with that, but at the same time we have school districts that are laying off lots and lots of teachers. I mean, how do you... how do you plug a \$2 million hole in one of the largest school districts that's on this list. I mean, that's a lot of teachers. That's a lot of programs and instead of being a commonsense way of letting people retire and... and making up that difference in a commonsense way, we're trying to do it all at once. And that's our concern and that's the concerns of the school districts that's contacted me."

Sullivan: "Well, thank you for question... or your answers to my questions."

Speaker Lang: "Majority Leader Currie."

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Currie: "Thank you, Speaker and Members of the House. The hold harmless is an ancient relic of a broken system and in fact it's been on the books long enough that school districts should've figured out how they learn to live without it. The Sponsor is right that this money was in the budget, but this money says to school districts that have lost population, school districts that have gained property value we're going to pretend that neither of those things happened. If we pretend that these districts that have lost population will be treated as if they still had the population they used to, what are we going to do for the district where the population, in fact, has increased? We can't take care of their needs if we're going to spend seven and a half million dollars on the ones who do not meet the criteria. So, again... you guys talk about PAYGO and to say... to say that this seven and a half million is already there really is fallacious. It isn't there if the school districts that are growing in population or losing property value, if they are not going to be treated fairly. And I don't see how, unless you add seven and a half million, you can, in fact, take care of the needs of those in the fast growing areas. We're pretending with the hold harmless which we have done for far too long. I would urge a 'no' vote."

Speaker Lang: "Representative Coladipietro."

Coladipietro: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Eddy."

Speaker Lang: "Representative Eddy."

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Eddy: "Thank you. Mr. Speaker, I'll be brief. I think Majority Leader Currie is correct in many of her comments related to hold harmless and... and I, again, the most important part of this legislation is the fact that it does not allow new school districts on the hold harmless dole. Last year, we had legislation that would have allowed us to stop this gravy train, but we didn't act on it. And now we've put off another year, made the cliff steeper for these schools and if... if the Majority Leader's comment regarding, this is something that should have been done a long time ago, we could've started a ramp 5 years ago. Representative Jerry Mitchell has told me ever since I've been here we should've started a 10 year ramp when the hold harmless concept was introduced. We are where we are but these school districts have been led to the point because every single year including last year the budget process baited them along into thinking that they were going to get this money. Now, we're at a point where we're telling those school districts, okay, we're done with you. Last year school districts that gained wealth, actually property wealth, some of the richest districts in the state, got on hold harmless because we didn't do what is in the text of this Bill. We should stop school districts from getting on the hold harmless dole especially those districts who spend 20 or 25 thousand dollars per pupil. That's what this Bill does. That ends that practice. It... it makes the ramp longer. This... this is what we should've done a year ago. I wish we would've. Now we can... we can make a vote that

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makes some sense, to stop letting schools on hold harmless.
That's what his Bill does."

Speaker Lang: "Representative Bill Mitchell. Representative
Mitchell. This is for after the Bill? All right.
Representative Reis to close."

Reis: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the
House. As I said, people know me pretty well, but at the
same time, so many things we do in this chamber is
reactionary. And to come in and blow up several dozen
school districts with a phaseout of a program that should
have had a phaseout in it a long time ago, we all agree
with that, I think is irresponsible. And we hear a lot of
stuff in the Education Committee. We hear a lot of comments
on the floor. We're doing things for the children. We're
doing things for the children. Well, I know my district
has to get rid of 12 teachers next year. We have 450 kids
in our high school and the whole county goes to one high
school. They were not prepared for this at all. You know
how the unions work. You know how the taxpayers work. This
just gives them a couple extra years to work this phaseout,
this reduction in money, through their salaries, through
their general operating funds so that they can try to
piecemeal through this and do what's best for the kids.
So, I ask for your support on this vote."

Speaker Lang: "Representative Reis has moved for the passage of
House Bill 5302. This is final passage. All in favor vote
'yes'; vote... all opposed vote 'no'. The voting is open.
Have all voted who wish? Have all voted who wish? Have
all voted who wish? Representative Burns, Davis, Miller.

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Mr. Clerk. On this Bill, there are 69 voting 'yes', 41 voting 'no', (sic-1 voting 'present'). And House Bill 5302, receiving the Constitutional Majority, is hereby declared passed. Representative Bill Mitchell."

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

Speaker Lang: "State your point."

Mitchell, B.: "Thank you. Ladies and Gentlemen of the House, behind me in the Republican gallery, if they would stand up, are fine young people, 4-H club, from three different communities in the 87th District. Farmer City in DeWitt County, they go to Blue Ridge School. Atlanta, Illinois in Logan County and Edinburg in Christian County. So, let's give them a big House welcome. Thank you."

Speaker Lang: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker. On the previous Bill, I was voted... recorded as a 'yes'. I'd like to be recorded as a 'no'."

Speaker Lang: "The record will reflect your intentions. The Chair recognizes the Majority Leader."

Currie: "Thank you... thank you, Speaker. I have a Motion to suspend the posting requirements so that on... in the House Aging Committee we can hear this week: House Bills 5370, 5371, and 5499. In Elementary & Secondary, House Bills 4984 and House Resolution 636. In Environment & Energy, House Bills 5521, 5907; House Resolutions 500, 710, 765, 933, and 961. In Environmental Health, House Resolutions 816 and 884. In Executive Committee, House Bills 5545 through 5662 and House Bills 5732 and 5790. In House Financial

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Institutions, House Resolution 693. In Health Care Availability, House Resolutions 740 and 876. In Higher Education, House Resolutions 582, 920, 955 and House Joint Resolution 93. In Human Services, House Resolutions 578, 823, 913, 917, 927, House Joint Resolution 71 and House Joint Resolution 98. In Insurance, House Bill 5217. In International Trade & Commerce, House Resolutions 888 and 936. In Judiciary I, House Bills 5214 and 5369. In Judiciary II, House Bills 5494 and 5525. In Personnel & Pensions, House Bills 4788 and 6018. In Renewable Energy, House Bill 6202. In Revenue & Finance, House Resolution 893. In State Government, House Bill 5153, 6102; House Resolutions 517, 609, 679... 792, 797, 803, 901, 934, 954; House Joint Resolutions 43, 73, 104, and 110. In Transportation, Regulation, Roads & Bridges, House Joint Resolution 97. In House Vehicles & Safety Committee, House Bill 6135 and House Resolution 766. In Veterans' Affairs, House Resolution 678, 890, and 906. I know of no opposition to the Motion and I would appreciate your unanimous support."

Speaker Lang: "You heard the Lady's Motion. Is there leave? There being no objection leave is granted. And the Lady's Motion prevails. The Chair recognizes Representative Flider."

Flider: "Yes. Thank you, Mr. Speaker. Point of personal privilege."

Speaker Lang: "Please proceed."

Flider: "Yes. Mr. Speaker, behind me in the gallery we have some guests from Decatur, Macon County, and Mt. Zion. They

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are 4-H members and they're here to talk to us about the importance of the 4-H program. And I'd like you to give them a warm welcome to Springfield."

Speaker Lang: "Mr. Clerk. House Bill... House Resolution 999. Representative Pihos."

Clerk Bolin: "House Resolution 999, offered by Representative Pihos. Be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the Lincoln Foundation for Performance Excellence and its efforts to assist Illinois organizations to strive for performance excellence and thank each of the organizations the foundation has recognized for the devotion to excellence they have demonstrated."

Speaker Lang: "Representative Pihos."

Pihos: "Thank you, Mr. Speaker. The Lincoln Foundation for Performance Excellence was founded in 1994. It's a not-for-profit organization backed by both private and public funding. The Foundation seeks to help Illinois organizations continuously improve their performance by encouraging, developing, and highlighting excellence among five sectors: industrial enterprise, service providers, health care organizations, educational institutions, and government agencies. Today I'd like to congradu... congratulate Memorial Health Systems, Black Hawk College, the Illinois Municipal Retirement Fund, and St. Mary's Hospital on their awards. And if they would stand, I know that we have other Representatives that would like to congratulate them as well."

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Speaker Lang: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. I'd just like to join with Representative Pihos in honoring the individuals that have been mentioned. Black Hawk College is in my district, the campus at Kewanee and they're honored for their continuous quality improvement model. It continues to emerge and improve the quality of education. It's based on using the quality of tools and the Baldrige continue improvement model. Certainly those in our area, and it goes way beyond my district, that are familiar with Black Hawk College know the high quality of education that they provide, the need that is met there. And so, it's... I share that with my colleagues and I also have a... a campus in the quad cities. So we... honor the Moline and the Kewanee campuses of Black Hawk College. They're an important part of our educational community, a much needed facility and we... we just... we've known how good they were, but this just confirms by this recognition. So, congratulations to Black Hawk and I... I thank the Representatives that are here and congratulate them. Thank you."

Speaker Lang: "Representative Poe."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to join Representative Pihos in congratulating the Memorial Health Systems in Springfield. They received the silver award for the progress toward excellence. Memorial Health System had six affiliates in the central Illinois area a full range of inpatient, outpatient, home health, hospice, and primary care physician services. They have three hospitals, clinics in central Illinois and Memorial

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delivers a high quality patient oriented care and support of their mission to improve the health of the people in the communities surrounding Springfield."

Speaker Lang: "Representative Flider."

Flider: "Yes. Mr. Speaker, to the Resolution. I would like to congratulate and honor St. Mary's Hospital as one of 13 hospitals in the Saint... in the hospital sisters health system as a non-profit organization founded in 1878. This hospital is receiving one of the awards today for performance excellence and very proud of them. St. Mary's Hospital is an all private room health care facility that combines modern technology with caring spirit of the original founding sisters. St. Mary's is situated on a 21 acre campus overlooking Lake Decatur and offers a broad spectrum of comprehensive health services including a TomoTherapy radiation treatment for cancer patients, a newly revitalized radi... radiology department, and a wide range of neuromuscular services. St. Mary's has added a number of off-site physician offices to better help serve their patients and St. Mary's also offers a wide range of community education and screening programs to diverse groups throughout the region. I'm very proud and honored to be here to congratulate St. Mary's Hospital and I'd encourage you all to join with me in congratulating them. Thank you."

Speaker Lang: "Representative Boland."

Boland: "Thank you, Mr. Speaker. I always hate to follow Don Moffitt whenever I'm at an event or anything 'cause he always... is such an excellent speaker and story teller and

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so forth, but as the Representative in which Black Hawk College... is part of my district, I wanted to also extend my congratulations. I was once a student at Black Hawk College and so I can attest to their great teaching and their innovation, their creativity, and their being on the cutting edge of many, many programs. And the most important thing of all, the fact that I have realized over many, many years of dealing with Black Hawk College, its administrators and staff and students, that they're a really wonderful caring institution that cares deeply about their students and that's exemplified in many of their great students. Thank you and congratulations, Black Hawk."

Speaker Lang: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I also want to be part of this Resolution in that the Illinois Municipal Retirement Fund is also members and behind me in the gallery, if I can ask them to stand, the members of the Illinois Municipal Retirement Fund. And we salute their work and on behalf of all their members throughout the state of Illinois. And they provide death, disability and retirement benefits for working and retired public employees since 1941. So, I want to thank them and salute them as well."

Speaker Lang: "Representative Pihos to close."

Pihos: "Yes. I want to thank this group again for their commitment to excellence and ask you to join me in a round of applause for this group's work. Thank you."

Speaker Lang: "Representative Pihos moves for the adoption of House Resolution 999. Those who are in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the

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'ayes' have it. And the Motion... the Resolution is adopted.
Chair recognizes Representative Eddy."

Eddy: "Point of personal privilege."

Speaker Lang: "State your point, Sir."

Eddy: "The purpose of this is to... to discuss with Representative Flider a... a game that's taking place tonight out at UIS. As most of you know, this week is super sectional week for the Illinois High School Association and Robinson, Illinois will be taking on Decatur, St. Teresa tonight at 7:30 at the University of Illinois-Springfield and I think Robinson is the favored team in that and I would be willing to put up a giant HERSHEY candy bar in favor of them winning tonight. I wonder if Representative Flider would like to respond to that challenge."

Speaker Lang: "Sure, he'll be glad to take your candy bar. Representative Flider."

Flider: "Yes. Thank you, Mr. Speaker. And I have to say, I am very proud to represent the St. Teresa Bulldogs and I've very... I... I will take Representative Eddy up on that challenge. And I would offer up as a wager a huge bag of Dell's popcorn. And Dell's is located... it's a popcorn shop located in both Decatur and Mount Zion and you've probably had some here before but I tell you what I really will enjoy that HERSHEY's chocolate bar and... but I'm... want to rise to that challenge also add to the... these remarks that Representative Bill Mitchell is a graduate of St. Teresa High School, although St. Teresa is in my district. So, I'm sure that he would be more than pleased to work with me on this challenge, team work. Thank you."

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Speaker Lang: "Representative Bill Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker. As my friend Representative Flider mentioned, I am an alum of St. Teresa and I would say, Representative Eddy, how about double or nothing, but I want almonds in my chocolate bar."

Speaker Lang: "Representative Eddy, taking up the challenge."

Eddy: "I'll take up the challenge and I'll raise them a bag of HEATH candy bars. HEATH candy bar was invented in Robinson, Illinois and I'm putting an additional wager to include a bag of HEATH candy and a giant HERSHEY bar."

Speaker Lang: "You know, if you have that much candy sitting around, you might share with the rest of us, Representative. On page 16 of the Calendar, there appears House Bill 5307, Representative Leitch. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5307, a Bill for an Act concerning wildlife. Third Reading of this House Bill."

Speaker Lang: "Mr. Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill comes to me from a retired conservation officer who is in my district and the long and the short of this Bill is that it would make the archery deer permits the same as the shotgun and muzzle loading permits. It would... in the case of archery, require a third single... or third combination buck/doe permit as they have with the other categories. And I would ask for your approval."

Speaker Lang: "Mr. Leitch has moved for the passage of House Bill 5307. There being no one who wishes to speak, those in favor of the Bill shall vote 'aye'; those opposed vote

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'no'. The voting is open. This is Third Reading Roll Call. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cultra, Representative Sommer. Mr. Clerk, please take the record. On this Bill, there are 111 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 16 of the Calendar appears House Bill 5376, Representative Jakobsson. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5376, a Bill for an Act concerning not-for-profit organiza... correction... not-for-profit corporations. Third Reading of this House Bill."

Speaker Lang: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5376 addresses not-for-profit organizations. Not-for-profit organizations with three or fewer employees do not have to provide unemployment insurance. What this Bill is asking and would require is for those not-for-profits who do not require... who do not provide unemployment insurance... it would require them to notify their employees that they're not getting unemployment insurance and also to notify their boards... the members of their boards of trustees. I ask for an 'aye' vote."

Speaker Lang: "Lady moves for the passage of House Bill 5376.

And on that Rep... Chair recognizes Representative Mulligan."

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

Speaker Lang: "Lady yields."

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Mulligan: "Representative, do you know how this would impact particularly ministers who are not affiliated with the denomination that picks up their living expenses when they work for, say, a hospital and the hospital does not provide for unemployment insurance but their employment is subject to termination and it's not because they belong to either a religious order. I've had that discussion a number of years ago where hospitals do not necessarily have to pay unemployment for individuals who are ministers even though the denomination is... is not responsible for sending them to a certain parish or a certain place. Do you have any idea how your Bill would impact that?"

Jakobsson: "If they're already not providing unemployment insurance, all they have to do is notify those people that's they're not covered. This doesn't change whether or not a person is covered. It just says they need to be notified."

Mulligan: "So, if they're notified and they disagree with... or are you saying if they have less than three employees they do not have to pay for unemployment insurance or that they just have to notify them and then the employees can argue the fact?"

Jakobsson: "The law is already there that if they have three or fewer employees they do not have to provide unemployment insurance. So, all I'm asking with this Bill is to notify the people who are not covered."

Mulligan: "How does that impact legislative offices where you may only have one employee?"

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Jakobsson: "If you provide... if you don't provide unemployment insurance let your employees know. That's all."

Speaker Lang: "Are you finished Representative Mulligan? There being no... Representative Black. Just in time, Sir."

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

Speaker Lang: "The Lady yields."

Black: "Representative, I don't see any language in your Bill that specifies how... how the non-profit employer is supposed to let them know. Can it be verbally? Does it have to be in writing?"

Jakobsson: "It should be written notice."

Black: "But does your Bill specifically say that. Let me... let me take a look on page 1. All right. Provide written notice. Okay. Has this been a problem in your district?"

Jakobsson: "There... I have a constituent who came to me who worked for a not-for-profit and they were... in this time it's very understandable... they were having some difficulties with their budgets and they were trying to figure out how to downsize. And in doing so, this person knew that she was going to be fired, not because of her wrongdoing but because of their fiscal situation, and it wasn't until after she was no longer employed when she tried to get her unemployment that she found out that she was not eligible."

Black: "Well, what... what confuses me. I know in my office we have to post a... I guess it's just a poster that outlines... and I think we get it from IDES or some agency of the state... that clearly outlines what is required. And anybody

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in my office, when they look at their check they ought to know that... that the employer is not paying the unemployment tax. The employee doesn't pay into the unemployment system. It's an employer generated tax and in a non-profit, if they had to pay the unemployment tax, it would just further erode what the non-profit can do. I'm just... I guess I'm having trouble visualizing how somebody that went to work for a non-profit honestly thought they would be covered under unemployment insurance. I mean I..."

Jakobsson: "They probably are not aware of the difference between the law that says three or fewer employees, the not-for-profit is not required to pay unemployment."

Black: "All right. So... so your intent is just constructive notice."

Jakobsson: "Yes."

Black: "It... it is not your intent that this be able to be able to used to try and browbeat a non-profit into offering a UI?"

Jakobsson: "Absolutely."

Black: "Okay. All right."

Jakobsson: "We're not trying to change that, just let people know."

Black: "So, you're... All right. So, you're just... all you want to do is constructive notice?"

Jakobsson: "Exactly."

Black: "I think that's reasonable. Thank you, Representative."

Jakobsson: "Well, thank you, Representative."

Speaker Lang: "Representative Jakobsson to close."

Jakobsson: "Thank you, Mr. Speaker. I urge an 'aye' vote."

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Speaker Lang: "Lady moves for the passage of House Bill 5376. Third Reading Roll Call. Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 112 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 16 of the Calendar appears House Bill 5193, Representative Pritchard. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5193, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lang: "Pritchard."

Pritchard: "Thank you, Mr. Speaker. House Bill 5193 is a Bill that I bring I think could help young people in all of our district. It deals with expanding the state financial act and the Illinois Vehicle Code to allow a license plate for our 4-H Club members and their families. 4-H Club, as I'm sure a lot of you have learned, if you're not alumni of that organization, is a great youth organization that deals with young people's development from age 8 all the way through 21. And we have lots of 4-Hers in the Capitol today advocating what that organization has done for them and what it is meant for them. It's an organization similar to scouts that provides after school and general purposes leadership development, citizenship development, skills and various programs that lead to careers and also responsibility. I have, in the gallery today, some young people from Ogle County in my district that are advocating

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very effectively for this as well. This Bill would set up a special license plate that would generate thousands of dollars to help support this program. I would ask for all of your support. Thank you."

Speaker Lang: "Gentleman moves for the passage of House Bill 5193. And there being no one who wishes to debate this issue, those in favor shall vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 106 voting 'yes', 6 voting 'no'. And House Bill 5193, having received the required Constitutional Majority, is hereby declared passed. On page 16 of the Calendar.. Is Representative John Bradley in the chambers? Page 17 of the Calendar, House Bill 5469, Representative Farnham. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5469, a Bill for an Act concerning financial regulation. Third Reading of this House Bill."

Speaker Lang: "Mr. Farnham."

Farnham: "Thank you, Mr. Speaker. I need to move this to Second for a... an Amendment."

Speaker Lang: "Mr. Clerk, please put the Bill on the Order of Second Reading. Page 17 of the Calendar appears House Bill 5507, Representative Careen Gordon. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5507, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lang: "Representative Gordon."

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Gordon, C.: "Thank you, Mr. Speaker. House Bill 5507 is initiative of the Illinois FOP. It creates their special license plate and fund, which I know is a odd request considering one of the arguments against license plates is usually that the FOP can't recognize them. However, they're doing this instead of their normal fundraising practices. There are special requirements. Only members of the FOP State Police Lodge will be allowed to have these plates and there will be special rules as... as designated by the Secretary of State's Office. And this fund is subject to General Assembly approval. This is something special for the FOP. And I would be happy to answer any questions of the Body."

Speaker Lang: "Lady moves for the passage of House Bill 5507. There being no discussion, those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'yes', 10 voting 'no', 0 voting 'present'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Page 17 of the Calendar appears House Bill 5509, Representative Nekritz. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5509, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Lang: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. A couple of years ago the General Assembly passed some legislation to allow condominium associations the ability, during a foreclosure,

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to recover six months of passed due assessments. What we didn't do was include a typical... a homeowners association or a common... common ownership organization that is not a condominium. And this Bill just... it seeks to include those and the ability to cover those... to recover those assessments."

Speaker Lang: "Lady moves for the passage of House Bill 5509. Is there discussion? Seeing none, those in favor should vote 'yes'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Miller. Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 5510, on page 17, Representative Farnham. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5510, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Lang: "Mr. Farnham. Out of the record. Next House Bill, 5511, Representative Eddy. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5511, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Lang: "Mr. Eddy."

Eddy: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 5511 corrects kind of a glitch in the... the cooperative school law and allows a cooperative high

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school to continue to levy for the IMRF retirement fund for noncertified employees of the cooperative high school. Basically, when cooperatives were set up, there was no mechanism that allowed for this to happen. And I've worked with the IMRF and others in Government Forecasting & Accountability to come up with a system to allow this levy to take place. And I'd appreciate your 'aye' vote."

Speaker Lang: "Gentleman moves for the passage of House Bill 5511. Is there discussion? Seeing none, those in favor shall vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mulligan. Mr. Clerk, please take the record. On this question, there are 109 voting 'yes', 3 voting 'no', 0 voting 'present'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Black on a Motion on House Bill 5240."

Black: "Thank you very much, Mr. Speaker. Pursuant to House Rule 61(a) I have filed the requisite written Motion to take House Bill 5240, 5240, from the table and return it to the committee to which it was assigned before it was tabled. Under House Rule 54(a)(2), all Motions are assigned Standard Debate status. I do wish to debate my Motion. Upon the conclusion of the debate, I would ask for a recorded vote on the Motion to take House Bill 5240 from the table. Under Rule 49 of the Section 8(c) of the Illinois Constitution, any vote shall be by a record vote whenever five Representatives so request. I believe I am joined by five Members on my side of the aisle to seek that

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request. Therefore, Mr. Speaker, at this time, I move to take House Bill 5240 from the table and return it to the committee to which it was assigned before being tabled."

Speaker Lang: "You've heard the Gentleman's Motion. The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker, and Members of the House. I don't think that it's appropriate to support the Motion. House Bill 5240 had a full and complete hearing in the House Human Services Committee and by a vote of 4 'yes', 2 'no' a do not pass Motion was approved. The committee that has jurisdiction in this arena heard full and complete testimony about this Bill and in the judgment of that committee this is not a good proposal, not a workable proposal. So, I would urge defeat of the Gentleman's Motion."

Speaker Lang: "The Chair recognizes Representative Bellock."

Bellock: "Thank you very much, Mr. Chairman. This Bill is a Bill that's all about Medicaid reform; \$15 billion is what we spent on Medicaid last year in the State of Illinois. What this Bill does is just about income verification. We think that this Bill should be heard and heard again. It was sent on a do not pass Motion. I think that it deserves to have more discussion. Fifty percent of all births in the state of Illinois this year are on Medicaid. One out of every five people in Illinois is on Medicaid. The task force this summer reviewed a lot of issues to make our system in Illinois better. This was one of the issues that a bipartisan committee of Democrats and Republicans, Senators and Representatives thought was a good idea to

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have income verification in the State of Illinois. We are not looking to have people cut off the rolls of Medicaid that should not be on them. We are looking to make the system better. We want to provide a medical home and primary care physicians for people on Medicaid rolls, but we think it's only common sense and this is what this State of Illinois did and did do for years. Until four years ago, the state of Illinois always did a monthly income verification and then under Governor Blagojevich they switched to what they call the one stub rule. You can make \$500 in a 2-month period... I mean, a 2 week period and in the second 2 weeks make \$3500. What the income verification is in House Bill 5240 is to just say that we should have income verification on a 30-day period for people who are going to go on the Medicaid system in Illinois. This was a suggestion from the Medicaid Reform Task Force this summer. We all agreed that we thought this was a good idea and so that's why we're debating this Bill right now to see if we can get this Bill discharged from the Rules Committee. I think everyone in the State of Illinois was spending \$15 billion of taxpayer dollars would agree that it's only common sense that we see what the income verification of 30 days is for the 2.6 million people that are being served in our Medicaid system this year. Thank you."

Speaker Lang: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. House Bill 5240 was heard in Human Services. It was passed on a do not pass Motion with four 'yes' votes to do not pass. And it did receive a

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hearing there were a number of proponents... opponents present at the hearing. And I would urge a 'no' vote."

Speaker Lang: "Representative Tryon."

Tryon: "Thank you, Mr. Speaker. I rise in support of discharging this Bill from Rules Committee. How can you be against accountability? How can you be against making sure that people who are not eligible for Medicaid? I don't understand the thought process that we as a Body who are in serious financial difficulties would put in place income verification rules that might let people get this that aren't entitled to it. And if we can't agree on this how we going to agree on the big things when it comes to Medicaid reform? You know what, other states require four paychecks to be able to verify income. And you know what, they found out? They found out that about five percent of the people that were getting Medicaid weren't even eligible for it. Our state went from in 2005 spending 9.9 billion on Medicaid to spending \$15 billion now. Don't you think that we should make sure that just those people who are eligible for it are getting it? I mean, come on, this is an easy vote here. Why would you send this back to the Rules Committee? Why wouldn't you actually make this happen? So, I hope you'll join with us and... and do the right thing and work with us to get this Bill heard."

Speaker Lang: "Representative Pritchard. Mr. Pritchard."

Pritchard: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen, we've reached a point where we're very partisan in our discussions and even consideration of good Bills. This is one of those examples of things that deal with a

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growing expenditure in our budget with a clientele that I think we all have compassion for, but we're reaching a point in our budget that we can't afford to continue to devote more and more dollars to this particular expenditure. We must look for efficiencies, we must look for fraud, we must look for people that don't qualify for certain programs. This idea is an idea that we need to debate and need to consider in a bipartisan fashion. This is an idea that allows those of us that were concerned about human services to still deal with it in a very fiscally responsible fashion. I would urge you, Ladies and Gentlemen, to not let this idea drop. Certainly it was heard in subcommittee, but it didn't really receive a worthy hearing, simply it had someone say it's a do not pass idea. Well, this is an idea that needs to be incorporated. We need to look for ways that we can improve efficiency, still provide a safety net for those that need Medicaid services, but not provide services for those over income levels, or perhaps through fraud are eligible for the program and increasing expenditures. I would ask for you all that are concerned about human services to look for ways that we can incorporate this idea and if we can't bring this to the floor for debate, that we incorporate it in other kinds of legislation. Thank you."

Speaker Lang: "Representative Bill Mitchell."

Mitchell, B.: "Thank you... thank you, Mr. Speaker. To the Bill. You know, I rise in support of the Lady's Motion. It just makes sense that we try to root out waste, fraud, and abuse in the welfare system. As my friend from McHenry County

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mentioned, it's grown... that program has grown exponentially in the last few years. As every Member, and this is not a Republican or a Democrat issue this is a commonsense issue for the Members of the House not to be able to debate a commonsense Motion is absolutely absurd. As everyone knows, particularly in downstate Illinois, if you go through your communities you pass by your schools and they have on their billboard what the state owes them. I can look Argenta-Oreana 258 thousand, District 61 in Decatur 2.1 million. There's a reason we're not paying our bills on time. Medicaid has grown exponentially in the last few years and this Body, not to debate it, defies logic. We should vote for the Lady's Motion. Thank you."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Lady's Motion. I was in committee that day and I remember her testifying and I also remember that she, too, admitted that there were some problems with the Bill that needed to be fixed. And right now, we do have a process in which people who want to apply for Medicaid there is certain documents in which they must bring in and the department will either certify that they are or are not. There's a process in place already. One of the previous speakers spoke about 9.9 versus 15 million people... \$15 million now and you have to take in consideration these are very difficult times and lots of people are being laid off their jobs and we should not try to delay them the necessary monetary as well as medical need... needs that they will be in need of because they are

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no longer working. That's what this type of care is for. That's what the Medicaid budget is all about. And if there's fraud, we will find out when they come to apply and reapply. So, once again, I rise in opposition to the Lady's Motion in regards to House Bill 5240. Thank you."

Speaker Lang: "Representative Mautino."

Mautino: "Thank you. To the... to the Motion itself and the... It's kind of interesting that in the... in the course of the audit commission, as well, we came up and found that a lot of the issues that they wished to discuss are worthy of their issue. We're not doing them yearly now, let alone monthly. However, the Motion before us is that this Bill was before a committee and it got its hearing. It's got... it received its day in committee and the Bill failed. And I think that's what we have to keep in mind is if we are going to put our faith in the committee process and decide which of the eight thousand Bills that are out there before us we're going to hear, we do have to respect that process. So, I would respectfully ask the Members to look at this Motion and deny."

Speaker Lang: "Representative Bost."

Bost: "Thank you, Mr. Speaker. To the Motion. Actually, Ladies and Gentlemen, possibly to just the process. As I've spoke on a couple of weeks or the last couple weeks of the concerns of what I see going on in committee regardless of whether you agree with this Bill that it's ready to move forward or not, which I believe it is, but that being said, the fine Gentleman that's in the Chair and I at one time used to teach for freshmen orientation. And one thing that

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we would teach the freshmen is... is that you know you can do it, it's well within your rights in this House to make a Motion of do not pass, but just to make the Motion is a slap in the face to the people, to the person that is sponsoring the Bill because of what it does to the Bill and to the process. It is better to let the Bill fall for lack of Motion than move do not pass. I think the concern that I have is once again the deterioration and the partisan politics that continues to be played in this House this year and what will happen to us in the long run as we keep trying to move forward. My real concern is that we're forgetting the respect that is owed to each Member in this Body. And we are proving it over and over and over again. I rise in support of the Motion, but I really rise in the concern that I have that the process is deteriorating to this level."

Speaker Lang: "Mr. Black to close. Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Let me just review a couple of things. First of all, this is not a discharge Motion to take from the Rules Committee. This is a Motion to take House Bill 5240 off the table and send it back to the committee in which it originated. Now, Ladies and Gentlemen, in 25 years here I can't remember more than six do not pass Motions in the committee. It is very, very rarely used. And when it is used, it is generally used... and I cast no aspersions on those who made the Motion... but I have found that it is generally made on a personality clash or a purely partisan issue. When you make a Motion

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do not pass then the Bill can't be amended. The Sponsor of House Bill 5240, if the committee had taken any time to say, well, if you change this, if you'd add that, if you'd do this maybe we could consider the Bill next week. But when you make a Motion do not pass, you can't amend the Bill, you can't bring the Bill back. How many times already has your side of the aisle today said, and I quote from the esteemed Majority Leader, you talk about PAYGO. Well, we'd like to talk about PAYGO, but you won't let us. You won't let that Bill out of the Rules Committee. We'd like to talk about the fastest rising cost to the state taxpayer and that's Medicaid. It will consume all of the money we have in this state in 5 years if you don't grasp this problem. This Bill does not deny anybody Medicaid, it doesn't delay the process, it simply says bring in 30-days worth of income data instead of one paystub. Now, I just had a case in my district, if I remember this correctly, a gentleman was on Medicaid. He got a settlement on an unemployment case; he won the settlement. And as I recall and I may be wrong, and if I am I apologize, I think it was in excess of \$2 thousand, but he didn't report that. It took the computers almost three months to catch up with that fact that he didn't report that income, then they cut him off of Medicaid, three months after the fact. It took my office staff another 35 days to get him back on once he qualified. All we're saying is that you need to bring in 30 days of income data. There isn't any delay; it's not going to refuse anybody Medicaid that needs it. I represent a district that has a heavy Medicaid population.

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I don't want to throw anybody off. I just want to make certain as the Sponsor of House Bill 5240 said that we do our due diligence to make sure that they are qualified and eligible for the benefit. You're spending \$15 billion this year. I have no idea what you'll spend next year, but budgetary experts have said we cannot sustain the growth in Medicaid expenditures unless you are willing to pass a tax increase, the level of which hasn't even been discussed in this chamber and I doubt will in my lifetime. All we're asking is that this Bill be taken from the table sent back to committee where the Sponsor will be willing to say how can I amend it? How can I make it better? How can I remove some of your opposition? It's not a discharge from Rules. It's just trying to keep this Bill alive in committee so that maybe just once both Parties can agree to try and move forward on an... onan expenditure that threatens the very solvency of the State of Illinois. This Motion to take off the table deserves your support and this Bill deserves another chance to be heard in committee and amended if possible. But I could tell you a Motion to do not pass is very, very seldom used in this chamber in my tenure here. And I've found it's being used more this year than all the years that I've been here. That's wrong. That's absolutely wrong. You can stifle ideas, but you can't kill them. I simply ask for an 'aye' vote to take House Bill 5240 from the table, send it back to committee where they might be able to work out Amendments, strengthen the Bill, water something else down, and have a full,

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complete, and fair, and unbiased hearing. Vote 'yes' to take from the table."

Speaker Lang: "You heard the Gentleman's Motion. He's moved to remove House Bill 5240 from the table. This Motion requires 71 votes. All in favor shall vote 'yes'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Motion, there are 48 voting 'yes', 64 voting 'no'. And the Motion fails. On page 17 of the Calendar appears House Bill 5678, Representative Pritchard. Mr. Pritchard. Out of the record. Mr... I'm sorry, Mr. Pritchard is here. House Bill 5678, Mr. Clerk please read the Bill."

Clerk Mahoney: "House Bill 5678, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Lang: "Mr. Pritchard."

Pritchard: "Thank you, Mr. Speaker. This Bill deals with providing Members of the United States Armed Forces and the National Guard as well as our Reserves system a way of indicating their preference in how remains might be handled if they succumb during service. This is a Bill that has been brought to me by the U.S. Department of Defense. And I ask for your support."

Speaker Lang: "Gentleman's moved for the passage of House Bill 5678. Is there discussion? Seeing none, those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Jerry Mitchell? Mr. Cultra? Mr. Clerk, please take the record. On this question, there are

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111 voting 'yes', 0 voting 'no', and 0 voting 'present'.
And this Bill, having received the court required
Constitutional Majority, is hereby declared passed. Page
17 of the Calendar appears House Bill 5718, Representative
Reitz. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5718, a Bill for an Act concerning
transportation. Third Reading."

Speaker Lang: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 5718 amends the
Vehicle Code. This allows explosives to be used in the
definition of mine... rescue emergency response vehicles. We
had a Bill a few years ago that allowed them to use
oscillating colored lights on mine rescue vehicles and this
would just expand that to the vehicles that DNR uses to
haul explosives. And I'd be happy to answer any
questions."

Speaker Lang: "The Gentleman moves for the passage of House
Bill 5718. Is there discussion? Seeing none, those in
favor shall vote 'yes'; those opposed vote 'no'. The
voting is open. Have all voted who wish? Have all voted
who wish? Have all voted who wish? Representative Currie?
Mr. Clerk, please take the record. On this question, there
are 112 voting 'yes', 0 voting 'no', 0 'present'. And this
Bill, having received the required Constitutional Majority,
is hereby declared passed. Is Mr. Bradley in the chamber?
Mr. Bradley. On page 17 of the Calendar appears House Bill
5761, Representative Bradley. Mr. Clerk, please read the
Bill."

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Clerk Mahoney: "House Bill 5761, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lang: "Mr. Bradley."

Bradley: "Basically, just makes it clear that... ham radios were not intended to be included in distracted driving legislation."

Speaker Lang: "Gentleman moves for the passage of House Bill 5761. And on that question, Representative Jerry Mitchell."

Mitchell: "Thank you, Mr. Speaker. I just would like the record to reflect that on House Bill 5678 I was not voted. I intended to vote 'yes'."

Speaker Lang: "Record will so reflect. Is there discussion on Mr. Bradley's Bill? Seeing none, those voting... those in favor should vote 'yes'; those... just in time, Representative Franks."

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

Speaker Lang: "Gentleman yields."

Franks: "Mr. Bradley, can you tell me why the Illinois State Police is opposed to this Bill?"

Bradley: "I don't know the answer to that. I don't think they want anybody doing anything driving."

Franks: "Okay. And why do we want to give this exemption to an amateur radio receiving and transmitting equipment individual?"

Bradley: "I... I don't position myself to be an expert on Ham radios."

Franks: "Yeah, well, what do you know about Hams?"

Bradley: "What?"

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Franks: "Do you know anything about Hams?"

Bradley: "Can I challenge the germaneness of that?"

Franks: "Please direct the witness to answer?"

Bradley: "Can I have a parliamentary ruling on the germaneness of that question?"

Franks: "Well... I'm seriously... I'm not... I understand the Bill, but I'm not sure why we'd want to do this unless they're in an emergency situation. Would we... would this be limited to emergency situations or would anybody with this license can do... can talk whenever they want?"

Bradley: "Well, I think the legislation last year Ham radios were not intended to be included. We weren't outlawing cell phones, right? We were outlawing texting and things like that. But we weren't outlawing cell phones themselves and the idea was to make it clear that Hams were not considered to be part of the texting ban."

Franks: "I'm sure you said something. I couldn't hear it, but... but thank you and we'll discuss..."

Bradley: "I think I answered your question pert... patently and perfectly."

Franks: "We'll talk about lunchmeats later."

Speaker Lang: "Mr. Bradley to close."

Bradley: "I ask for an 'aye' vote."

Speaker Lang: "Those in favor shall vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Wait. Clerk will take the record. On this question, there are 112 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the

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required Constitutional Majority, is hereby declared passed. On page 17 of the Calendar appears House Bill 5818, Representative Farnham. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5818, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Lang: "Mr. Farnham."

Farnham: "Thank you, Mr. Speaker. This... this Bill would take away the pension of anybody convicted.. impeached by the House and convicted by the Senate. It amends the General Assembly Article of the Illinois Pension Code. And provides that none of the retirement benefits provided in the article shall be paid to any person who is impeached by the House of Representatives and convicted and removed from office by the Senate, provides that all participants in service or entering service after the effective date shall be deemed to have consented to the provisions as a condition of participation in the retirement system. I'll take any questions."

Speaker Lang: "Gentleman moves for the passage of House Bill 5818. And on that question, the Chair recognizes Representative Rose."

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

Speaker Lang: "Gentleman yields."

Rose: "Representative, before we get too busy patting ourselves on the back, this does not impact former Governor Blagojevich at all does it?"

Farnham: "That is correct."

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Rose: "So, Representative, I mean, I appreciate your being here and offering this legislation, but I just want to make sure people realize what this is and frankly what this is not. And it does not in any way shape or form impact the former Governor. So, thank you, Mr. Speaker."

Speaker Lang: "No further debate, Representative Farnham to close."

Farnham: "I think this Bill sends a pretty clear message that if you're convicted and impeached then you shouldn't get any retirement benefits. I think it's as simple as that. We need to be very clear in going forward and telling the people of the State of Illinois that we're not going to put up with this sort of thing. It does not impact the former Governor that's true, but it sends a clear message. So, I... I would urge that we vote for this Bill."

Speaker Lang: "Those in favor shall vote 'yes'... I'm sorry, Mr. Clerk. Chair recognizes Representative Washington."

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

Speaker Lang: "Gentleman yields."

Washington: "Representative Farnham, you know, I know this is the right way to go, but I got a question. You know, and I... I look at the former Governor George Ryan and you know, I know this man did something wrong, but I... you know, I look at his situation and I thought about how would I feel if I was in that place and I look at his wife and I got to know that his family, and I got to know every day that, that man was Governor every day that man didn't do something wrong. So, isn't it... is it a way that we can craft this language that kind of picks up where the wrong

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is discovered and... at least leave... I mean, because right now if he was... if he was to get his pension his wife would benefit from that and those who are not guilty of any wrongdoing. So, you know, it's kind of a hard one for me and I really would like to hear your thoughts on is there a way that we can pull this from the record and re-craft this to say that the pension is not payable upon the person being found to be guilty of something, but every day the man didn't do something wrong and every day his family shouldn't be penalized as it relates to that."

Farnham: "Thank you, Representative Washington. Governor Ryan was not impeached; he was convicted in court, but I believe that this is the right Bill. I believe that it sends the right message, so I would prefer to stand with this Bill."

Washington: "But Representative, and I know it's too late to change it and I can tell by your answer, but do you think that what I'm saying doesn't have any merit? That, I mean, when we do wrong how many of us actually set out to do wrong? And then when we come into that conflict of whether we're going to do something that's right or wrong, I mean, when... should the clock just cover everything irregardless? I really would like you to just give me your personal response and we're going with the vote. But I would like to hear, does it have any merit to what I'm saying or you just think that it just should be a blanket. Hey, if you do something wrong, you're just a wrongdoing guy and we don't look at anything good that was done. Representative, I see you're back there discussing with somebody, but I'd

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like you to respond to me. Representative Farnham, I'm talking to you."

Farnham: "Yes. Actually, State Law would have given Governor Ryan part of his pension, but the Illinois Supreme Court ruled against it. So, I still... I stand by the Bill."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "Gentleman yields."

Black: "Representative, I... I was talking to staff and I think I... I was off on the wrong track which is not unusual. Former Governor Ryan lost his pension because he was convicted of crimes in a court of law. Now, I assume that that will hold if the immediate past Governor is found guilty at his trial, then he will lose his pension. Correct?"

Farnham: "I would believe so."

Black: "But your Bill would kick in if for some reason... and by the time he's through with all of his reality shows I don't know where we're going to find an unbiased jury pool... but anyway, if... if he is not convicted in a court of law, then your Bill would kick in and say, but you were impeached you were convicted of impeachable offenses and you shall not draw your pension, correct?"

Farnham: "No, this would not apply to Governor Blagojevich."

Black: "All right. I'm sorry. You're right. It's only prospective?"

Farnham: "That's correct."

Black: "All right. Is there a reason why only Executive... constitutionally elected officeholders and judicial people

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are in it? What about a Member of the General Assembly? Not that any Member would ever be considered for an impeachment."

Farnham: "Thank you, Representative Black. No, this wouldn't cover the General Assembly. I believe there is something in the works there, but this Bill would strictly be for the Constitutional Officers."

Black: "Okay. Well, there's one question that comes to mind as I read your Bill. If you are facing impeachment then it would seem to me the smart thing might do, if this becomes law, is to just simply resign, quickly. Then, I don't know, I'm not an attorney. It would seem to me that that might stop the impeachment trial. You resign and then you might be able to maintain your pension. Is that maybe a law of unintended consequence?"

Farnham: "I... I think you're correct on that."

Black: "All right."

Farnham: "That if they were to resign then their... their pension is protected."

Black: "Okay. I... So, if they resign... I couldn't hear you because Representative Bradley was talking on his Ham radio to Representative Franks and..."

Farnham: "Happens all the time."

Black: "I know. And so, in other words, if you... that might be a loophole in the law you want to take a look at because I think if they immediately resign and that stops the process then it may be a way for somebody who perhaps should not get a pension to salvage that pension."

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Farnham: "Thank you, Representative Black. I would like to move forward with the Bill as is."

Black: "Okay. That's... fine. Thank you very much."

Farnham: "Thank you."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "Yes, he will."

Mulligan: "Representative, I'm just wondering if you think that self-righteous indignation over these things equates to ethics in your reelection campaign?"

Farnham: "In my election campaign? I don't think that has anything to do with this."

Mulligan: "So, are you planning on being here long enough or running for Governor that you think that this will be a big issue for you at some point..."

Farnham: "I think it should be..."

Mulligan: "...and that the courts can't handle it?"

Farnham: "I think it should be a big issue for all of us."

Mulligan: "Don't you think it's been handled?"

Farnham: "I think it was handled this past time, but I... I think going forward that this is... this makes a statement."

Mulligan: "I think it does make a statement. I, too, think so."

Speaker Lang: "There being no one further wishing to speak and having Mr. Farnham already closed earlier, those in favor shall vote 'yes'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mell? Representative Schmitz? Clerk, please take the record. On

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this Bill, there are 111 voting 'yes', 1 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 17 of the Calendar appears House Bill 5819, Representative Beiser. Mr. Beiser. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 5819, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lang: "Mr. Beiser."

Beiser: "Thank you, Mr. Speaker. House Bill 5819 corrects a drafting error that was made in House Bill 2424 last year which was part of the capitol Bill, in which, inadvertently, three paragraphs were deleted. Without these three paragraphs the Illinois Vehicle Code is silent on when a semi-truck and trailer can access local roads and when they cannot. This restores the three deleted paragraphs that allows access for lengths solely for the purpose of loading, unloading, or the purpose of food, fuel, repairs, and rest provided the vehicle meets local weight and width restrictions. This deals solely with vehicle length. It does not alter the weight limits or the width limits. It passed unanimously in committee. And I would ask for a favorable vote and answer any questions should there be some."

Speaker Lang: "Gentleman moves for the passage of House Bill 5819. There being no debate, those in favor shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Cole? Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', 0 voting 'no', 0

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voting 'present'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, can you tell us the status of House Bill 5510?"

Clerk Mahoney: "House Bill 5510 is on the Order of House Bills-Third Reading."

Speaker Lang: "Please place that Bill on the Order of Second Reading. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 986, offered by Representative Careen Gordon. House Resolution 987, by Representative Cavaletto. House Resolution 988, by Representative Myers. House Resolution, 989, by Representative Beiser. House Resolution 990, offered by Representative Howard. House Resolution 993, offered by Representative Currie. House Resolution 994 and House Resolution 995, both offered by Representative Currie. House Resolution 996, offered by Representative Colvin. And House Resolution 997, offered by Representative Duncan."

Speaker Lang: "Mr. Clerk, committee announcements. Representative Currie moves to adopt the Agreed Resolutions as read by the Clerk. Those in favor shall vote... say 'yes'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, committee announcement."

Clerk Mahoney: "Committee changes. One change for tomorrow... tomorrow on Wednesday the Judiciary Civil Law-Jud I Committee was supposed to meet at 8 a.m. is now meeting at 9 a.m., 9 a.m. in room C-1. Committees for today. At 2

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p.m. today Agriculture & Conservation is in 122B. At 2 p.m. Appropriation-Elementary & Secondary Education in Room 118. Insurance at 2 p.m. in 114, Public Utilities at 2 p.m. in D-1, and Transportation, Regulation, Road & Bridges in Room C-1 in at 2 p.m. The 4 p.m. committees are Cities & Villages in Room 115, Consumer Protection at 4 p.m. in Room D-1, Elections & Campaign Reform in Room 122B at 4 p.m., Financial Institutions in Room 114 at 4 p.m., and Health Care Availability & Accessibility in Room 118 at 4 p.m. Those are committee announcements for today."

Speaker Lang: "Representative Lyons now moves that the House stand adjourned, allowing perfunctory time for the Clerk, 'til Wednesday, March 10 at 11:30 a.m. Those in favor 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does stand adjourned."

Clerk Bolin: "The House Perfunctory Session will come to order. Committee Reports. Representative Colvin, Chairperson from the Committee on Consumer Protection reports the following committee action taken on March 9, 2010: do pass as amended Short Debate for House Bill 6252. Representative Froehlich, Chairperson from the Committee on Cities & Villages reports the following committee action taken on March 9, 2010: do pass as amended Short Debate for House Bill 5923 and House Bill 6257; do pass Short Debate for House Bill 4663 and House Bill 6035. Representative Monique Davis, Chairperson from the Committee on Financial Institutions reports the following committee action on March 9, 2010: do pass Short Debate for House Bill 5044; & recommends be adopted House Resolution 693. Representative

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Nekritz, Chairperson from the Committee on Elections and Campaign Reform reports the following committee action taken on March 9, 2010: do pass as amended Short Debate for House Bills 4821, 5157, 5278, and 6077. Representative Monique Davis, Chairperson from the Committee on Insurance reports the following committee action taken on February 23, 2010: do pass Short Debate for House Bill 4817, House Bill 5085, House Bill 5217, and House Bill 6105; do pass as amended Short Debate for House Bill 5107 and House Bill 6066. Representative Phelps, Chairperson from the Committee on Agriculture & Conservation reports the following committee action on March 9, 2010: do pass Short Debate for House Bill 5221, House Bill 5300, House Bill 5713, and House Bill 6008; do pass as amended Short Debate for House Bill 5799 and House Bill 6099; and recommends be adopted Floor Amendment #1 to House Bill 1900. Representative Collins, Chairperson from the Committee on Public Utilities reports the following committee action taken on March 9, 2010: do pass as amended Short Debate for House Bill 4990, House Bill 5378, and House Bill 6208. Representative Will Davis, Chairperson for the committee on Appropriations-Elementary & Secondary Education reports the following committee action taken on March 9, 2010: do pass as amended.. as amended Standard Debate for House Bill 391. Representative Beiser, Chairperson from the Committee on Transportation, Regulation, Roads & Bridges reports the following committee action on March 9, 2010: do pass Short Debate for House Bill 5178 and House Bill 5330; do pass as amended Short Debate for House Bill 5181; and recommends be

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adopted House Joint Resolution 97. Introduction and First Reading of House Joint Resolution Constitutional Amendment #58, offered by Representative Coulson.

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 adoption of this resolution a proposition to amend Article VI of the Illinois Constitution by changing Sections 7, 8, and 12 and adding Sections 12.1, 12.2, 12.3, 12.4, and 12.5 as follows:

ARTICLE VI

THE JUDICIARY

SECTION 7. JUDICIAL CIRCUITS

- (a) The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large.
- (b) Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county.

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(c) Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their number to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

SECTION 8. ASSOCIATE JUDGES

Each Circuit Court shall have such number of Associate Judges as provided by law. In the First Judicial District and in each Judicial Circuit that adopts Sections 12.1 and 12.3 by a local option referendum under Section 12.2, no new Associate Judges shall be appointed, but existing Associate Judges shall be eligible for reappointment by the Circuit Judges in each circuit as the Supreme Court shall provide by rule; otherwise Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

SECTION 12. ELECTION OF CIRCUIT JUDGES

(a) In the First Judicial District and in Judicial Circuits that adopt Sections 12.1 and 12.3 by a local option referendum under Section 12.2, Circuit Judges shall be selected in the manner provided by those Sections, unless that manner of selection is terminated by referendum under Section 12.2; otherwise, Circuit Judges shall be elected in the manner provided by this Section.

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(b) Circuit Judges shall be nominated at primary elections or by petition and shall be elected at general elections as provided by law. A person eligible for the office of Circuit Judge may cause his or her name to appear on the ballot as a candidate for Circuit Judge at primary and at general elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions. A Circuit Judge elected to office under this subsection (b) may stand for retention for a full term under Section 12.4.

(c) The office of a Circuit Judge shall be vacant upon the incumbent's death, resignation, retirement, or removal, upon the conclusion of a term without retention in office, or an additional Circuit Judge is authorized by law.

(d) A vacancy occurring in the office of Circuit Judge shall be filled as the General Assembly may provide by law or, in the absence of a law, by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Circuit Judges shall serve until the first Monday in December following the general election next following the appointment. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Circuit Judges shall serve until the first Monday in December following the second general election following such appointment.

SECTION 12.1. APPOINTMENT OF JUDGES

(a) This Section governs the selection of Supreme and Appellate Judges and the selection of Circuit Judges of the First Judicial District and Circuits that adopt this

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Section and Section 12.3 by a local option referendum under Section 12.2. For purposes of this Section and Section 12.4, the term "Judge" includes all Supreme, Appellate, and Circuit Judges selected in accordance with this Section except where a distinction is indicated.

(b) Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions.

(c) The office of a Judge shall be vacant upon the incumbent's death, resignation, retirement, or removal, upon conclusion of a term without retention in office, or whenever an increase in the number of Judges is authorized.

(d) As soon as a vacancy occurs in the office of Judge or will occur within 6 months by a day certain, or upon receiving notice from the Governor that all 3 nominees on a list have been rejected, the administrative director of the Illinois courts shall promptly notify the chairperson of the appropriate Judicial Nominating Commission, who shall immediately convene the Commission.

(e) Within 42 days after receiving notice from the administrative director of the Illinois courts, the Commission shall submit to the Governor a list of 3 nominees in alphabetical order, who are qualified for review by the Commission. For the purposes of Sections 12.1 through 12.5, "qualified for review by the Commission" means persons who by their character, temperament, professional aptitude, experience, and commitment to equal justice under law are deemed by the Commission to be best qualified to fill the vacancy. The Commission may not include on a list a nominee who is on another list pending

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before the Governor to fill a vacancy in the same judicial office or who was a nominee on a list rejected by the Governor to fill a vacancy in the same judicial office. No list shall have any effect after the required appointment is made from the list or all 3 nominees on the list are rejected by the Governor.

(f) Immediately upon receiving a list, the Governor shall make it public. Not less than 28 nor more than 56 days after receiving a list, the Governor shall appoint from the list a person to fill the vacancy or notify the administrative director of the Illinois courts that all 3 nominees on a list have been rejected.

(g) In the First Judicial District, half of the vacancies and new positions on the Circuit Court shall be filled by persons residing anywhere within the District and half shall be filled by persons residing within the divisions of the Circuit provided by law in accordance with subsection (a) of Section 7 of Article VI, if any. The appointments from the divisions, if any, within the Circuit shall be allocated equally among the divisions.

(h) A person appointed to fill a vacancy under this Section shall serve an initial term ending on the first Monday in December following the next general election held after the completion of one year in office. At that general election the Judge may stand for retention in office for a full term under Section 12.4.

SECTION 12.2. CIRCUIT LOCAL OPTION REFERENDA

(a) The electors of a Judicial Circuit may by a local option referendum adopt a proposition requiring Sections 12.1 and

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12.3 to govern the selection of Circuit Judges of that Circuit. The electors of a Circuit shall vote on the proposition at the next general election held not less than 3 months following the filing of petitions with the Secretary of State, signed by at least 5% of the total number of electors who voted at the next preceding general election in that Circuit, asking that the proposition be submitted to referendum. If a majority of votes cast on the proposition are in the affirmative, Sections 12.1 and 12.3 shall thereafter govern the selection of Circuit Judges of the Circuit Court of that Circuit.

(b)After the eighth year following a local option referendum in which the electors of a circuit have adopted Sections 12.1 and 12.3 to govern the selection of Circuit Judges, the electors of the Circuit may terminate, by a local option referendum, their adoption of Sections 12.1 and 12.3. The referendum shall be subject to the same requirements and shall be conducted in the same manner as a referendum for adoption of Sections 12.1 and 12.3. If a majority of the votes cast on the proposition to terminate are in the affirmative, the selection of Circuit Judges and Associate Judges of that Circuit shall be governed by Sections 12 and 8, respectively, unless Sections 12.1 and 12.3 are again adopted under this Section.

(c)To provide time for the establishment of District Judicial Nominating Commissions, vacancies occurring in the offices of Supreme and Appellate Judge and, in the First Judicial District, Circuit Judge on or before June 30th following the date this Amendment takes effect shall continue to be

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filled, using the procedures in Section 12 as it existed before the effective date of this Amendment, for a term ending the first Monday in December after the next general election.

(d)To provide time for the establishment of a Circuit Judicial Nominating Commission, vacancies occurring in the offices of Circuit Judge on or before March 31st following the adoption of Sections 12.1 and 12.3 in a local option referendum in a Judicial Circuit shall continue to be filled, using the procedures applicable before the referendum, for a term ending the first Monday in December after the next general election.

SECTION 12.3. JUDICIAL NOMINATING COMMISSIONS

(a)There shall be a Judicial Nominating Commission in the First Judicial District for the nomination of Judges for the Supreme, Appellate, and Circuit Courts for that District, in each other Judicial District for the nomination of Judges for the Supreme and Appellate Courts for that District, and in each Judicial Circuit that, by a local option referendum, adopts Section 12.1 and this Section for the nomination of Circuit Judges for that Circuit.

(b)Each Judicial Nominating Commission shall consist of 12 members who are residents of the appropriate District or Circuit.

(c)The President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives shall each appoint 3 members to each Judicial Nominating Commission. Each appointing authority shall appoint one

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lawyer and 2 non-lawyers. Each member shall serve for a term of 6 years, except that the 3 initial members appointed by each appointing authority shall serve terms of 2, 4, and 6 years as designated by the appointing authority. Vacancies shall be filled for the unexpired term by the appointing authority who appointed the member whose office is then vacant. "Appointing authority" means the office, not the individual or political party affiliation of the individual who may hold that office from time to time.

(d)The chairperson of each Judicial Nominating Commission shall be selected by vote of all the members of the Commission. The term of a chairperson shall be for 3 years unless his or her remaining term as a member of the Commission expires sooner.

(e)A person who holds an office under the United States or this State or a unit of local government or school district and receives compensation for services rendered in that office or who holds any office or official position in a political party is ineligible to serve on a Judicial Nominating Commission. Compensation for service in the State militia or the armed services of the United States for a period of time to be determined by the Supreme Court by rule shall not be considered a disqualification. No member of a Judicial Nominating Commission may be appointed to judicial office while serving on the Commission or for a period of 3 years after his or her service on a Commission has ended.

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(f)A member who has served a full term of 6 years on a Judicial Nominating Commission may not serve on a Commission during the next 3 years. No person may serve on more than one Judicial Nominating Commission at the same time.

(g)A Commission may conduct investigations, meetings, and hearings, all of which may be secret, and employ staff members that may be necessary to perform the Commission's duties. Members of Commissions shall not receive any compensation for their services, but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for reimbursement of those expenses and for all other administrative expenses of the Commissions.

(h)Nominations shall be submitted to the Governor only upon concurrence of not less than two-thirds of all members of the Commission.

(i)All lawyer and non-lawyer members of each Judicial Nominating Commission shall be subject to ethics and economic disclosure requirements as provided by law.

SECTION 12.4. RETENTION ELECTIONS

(a)Not less than 6 months before the general election next preceding the expiration of the term of office of (i) a Supreme, Appellate, or Circuit Judge who was elected to that office or (ii) a Supreme, Appellate, or Circuit Judge who was appointed to that office under Section 12.1, he or she may file in the office of the Secretary of State a declaration of candidacy for retention in that office for a full term. Not less than 63 days before the election, the

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Secretary of State shall certify the Judge's candidacy to the proper election officials. At the election the name of each Judge who has timely filed a declaration of candidacy for retention (except each Supreme, Appellate, and Circuit Judge who, under Section 12.5, has been found qualified for review by the Commission and qualified to serve for the succeeding term) shall be submitted to the electors, separately and without party designation, on the sole question of retention in office for another term. Retention elections shall be conducted at general elections in the appropriate Judicial Districts and Circuits. The affirmative vote of three-fifths of the electors voting on the question of retention shall elect a Judge to that office for a full term commencing on the first Monday in December following the election.

(b) A Judge eligible to file a declaration of candidacy for retention who fails to do so within the time specified in subsection (a) or, having filed, fails to be retained shall vacate the office on the first Monday in December following the election, whether or not a successor has yet qualified. If an incumbent Judge, eligible to do so, does not timely file a declaration of candidacy for retention, the selection of a successor, if any, shall proceed immediately in the manner provided in Section 12 or 12.1, whichever applies, so that the successor may take office as soon as a vacancy occurs.

(c) An authorized reduction in the number of Judges shall be without prejudice to the right of Judges in office at the time to seek retention in accordance with this Section. The

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reduction shall become effective when a vacancy occurs in the affected unit.

SECTION 12.5. JUDICIAL REVIEW COMMISSIONS

- (a) In the First Judicial District, in each other Judicial District, and in each Judicial Circuit that, by local option referendum, has adopted Sections 12.1 and 12.3 for selection of Circuit Judges for that circuit, a Judicial Review Commission shall be created and empowered to determine qualification for retention of appointed Supreme, Appellate, and Circuit Judges.
- (b) The members of a Judicial Review Commission shall be appointed in the manner specified in subsection (c) of Section 12.3 for appointment or election of members of a Judicial Nominating Commission.
- (c) The terms of all members of a Judicial Review Commission shall begin 6 months before the general election in each year in which a general election is held and shall expire on the first Monday in November of the same year. Appointments to a Judicial Review Commission may not take place earlier than 45 days before the term is to commence.
- (d) A vacancy in the membership of a Judicial Review Commission shall be promptly filled as provided in subsection (c) of Section 12.3 with respect to vacancies on a Judicial Nominating Commission.
- (e) Judicial Review Commissions shall be governed by subsections (b), (d), (e), (g), and (i) of Section 12.3 with respect to Judicial Nominating Commissions as well as by this Section.

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(f) A person who has served on a Judicial Review Commission may not serve on a Judicial Review Commission until 8 years have elapsed since the date his or her service on a Judicial Review Commission ended. A person who has served on a Judicial Nominating Commission may not serve on a Judicial Review Commission until 8 years have elapsed since the date his or her service on a Judicial Nominating Commission ended. No person may serve on a Judicial Nominating Commission while serving on a Judicial Review Commission.

(g) In each Judicial District and in Circuits governed by this Section, for each Supreme, Appellate, and Circuit Judge who has timely filed a declaration of candidacy for retention in office under Section 12.4, the Secretary of State shall, within 14 days after receipt of the declaration of candidacy, submit the Judge's name to the administrative director of the Illinois courts. Not more than 6 months nor less than 5 months before the general election next preceding the expiration of the term of office of the Judge, the administrative director of the Illinois courts shall notify the chairperson of the appropriate Judicial Review Commission of the Judge's candidacy. The chairperson shall then promptly convene the Commission.

(h) If, by concurrence of not less than two-thirds of its members, the Commission finds the candidate to be qualified for review by the Commission and qualified to serve another term, the candidate shall be retained in office for a full term commencing on the first Monday in December following the election. Not less than 84 days before the election,

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the Commission shall prepare and submit to each candidate its finding as to whether the Commission finds or fails to find that candidate qualified for review by the Commission and qualified to serve for another term. Not less than 77 days before the election the Commission shall submit to the Secretary of State a list stating by name:

(i) which candidates it has found qualified to serve another term;

(ii) which candidates it has failed to find so qualified; and

(iii) which candidates have withdrawn their candidacy by written notification to the Commission.

(i) Failure of a candidate to be found qualified for retention by a Judicial Review Commission shall be without prejudice to the candidate's right to stand for retention by the electorate at a general election under Section 12.

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State. This has been the First Reading of House Joint Resolution Constitutional Amendment #58. There being no further business, the House Perfunctory Session will stand adjourned."