

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

131st Legislative Day

4/27/2010

Speaker Mautino: "The hour of 1:15 having arrived, the House shall be in order. Members and guests are asked to refrain from starting their laptops, turn off cell phones and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Reverend Chris Gearhart, who is with the Lakeview Presbyterian Church in Vernon Hills, Illinois. Reverend Gearhart is the guest of Representative Sente."

Reverend Gearhart: "Let's pray. Lord God Almighty, we ask for Your presence over the business we find before us today. We have significant financial difficulty as a nation and as a state and we feel the tug of need from so many often conflicting directions. In all this, for the greatness You've given our nation and to our state, we find ourselves ultimately to be very finite and limited. We, therefore, submit ourselves to You now. We formally and publicly acknowledge our dependence on You. You who govern the cosmos with such power and wisdom and parity and attention. And who are not fooled by appearances, but who sees directly to the heart of every matter. Help and guide us in that which is set before us. That You who made the laws of the cosmos would give us the ability to legislate well. And we also pray that as we meet here to do the work of state, that You would guide and bless each soul outside these chambers, going about the work of their lives, give provision and safety at every table, employment for every house, feed our poor, bless and empower our businesses, large and small. In each county, district, town and home, in every street corner and farm, may Your blessing,

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justice, and mercy be seen. We stand humbly before You and each other. In the name of Your Son, Jesus Christ, who knew our hardship and who wields the power of Your throne, Amen."

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

Brauer - 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 Mautino: "Roll Call for Attendance. Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Bellock and Representative Mathias are excused today. And part of my mind, obviously, because obviously I forgot that, but thank you, Mr. Speaker."

Speaker Mautino: "Majority Leader Currie."

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

Speaker Mautino: "Mr. Clerk, take the record. 114 having answered the Roll, a quorum is present and we are prepared to do our duties. Representative Cavaletto."

Cavaletto: "Point of...Point of personal privilege."

Speaker Mautino: "State your point."

Cavaletto: "Thank you, Mr. Speaker. In the gallery behind me today is a very special young lady from my district, Nancy Bean. She's a senior at Salem Community High School. For her senior project this year, she raised money for Invisible Children Foundation. The Invisible Children

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Foundation helps children suffering from the effects of the Civil War in the Sudan. Nancy sold advertisements and raised money and the awareness in our community for the Invisible Children Foundation. I would ask that you would all join me in and welcoming Nancy and her father and give her a nice round of applause and... for her hard work. Thank you."

Speaker Mautino: "Welcome to the House of Representatives. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on April 26, 2010: approved for floor consideration is Amendment #1 to Senate Bill 575, Amendment #5 to Senate Bill 941, Amendment #2 to Senate Bill 15... correction... Senate Bill 1826, Amendment #1 to Senate Bill 2551, Amendment #2 to Senate Bill 3047, Amendment #2 to Senate Bill 3070, Amendment #1 to Senate Bill 3281, Amendment #1 to Senate Bill... 3803. Approved for consideration and referred to the Order of Second Reading is Senate Bill 326. On the Order of Concurrence, a Motion to Concur is recommends be adopted on Senate Amendment #1 to House Joint Resolution 57. Referred to the House Committee on Rules is House Resolution 1165 and House Resolution 1166."

It is the intent of the Chair to go to Senate Bills on Third Reading. On page 2 of the Calendar, we'll begin. We'll start with... and go right down the list. Representative Franks, on the Calendar, page 2, appears

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Senate Bill 552. Would you like to call this Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate... Senate Bill 552, a Bill for an Act concerning public employee benefits. Third Reading of this Senate Bill."

Speaker Mautino: "Representative Franks."

Franks: "Mr. Speaker, I believe there's an Amendment waiting to be adopted. I'd like to move this back to Second for that Amendment."

Speaker Mautino: "Mr. Clerk, move this Bill to Second Reading. Representative Yarbrough, on page 3 of the Calendar is Senate Bill 851. Would you like to call this Bill on Third Reading? Mr. Clerk, call the Bill."

Clerk Mahoney: "Senate Bill 851, a Bill for an Act concerning health. Third Reading of this Senate Bill."

Speaker Mautino: "Representative Yarbrough."

Yarbrough: "Mr. Speaker, I'd like to move this Bill back to Second for purposes of an Amendment."

Speaker Mautino: "Mr. Clerk, place this Bill on Second Reading. Mr. Clerk, Committee Report."

Clerk Mahoney: "Representative Fritchey, Chairperson from the Committee on Judiciary-Civil Law reports the following committee action taken on April 27, 2010: do pass Standard Debate is Senate Joint Resolution Constitutional Amendment 121."

Speaker Mautino: "The Lady from Lake, Representative Osmond is seeking recognition."

Osmond: "Thank you, Mr. Speaker. The Republicans would wish to caucus in Room 118 for one hour."

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Speaker Mautino: "And the... for all Members, the Republicans will caucus now for one hour in Room 118, and the House will... so the House will return at 2:30. And so, the House will stand at ease. The House will recess to the call of the Chair. The House will come to order. Page 2 of the Calendar, Mr. Smith, on page 2 is Senate Bill 384. Out of the record. Representative Ford, Senate Bill 615. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 615, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Ford: "Thank you, Mr. Speaker and Members of the House. Senate Bill 615 creates a farm to school database to help facilitate the purchase of fresh produce and food products by schools. I know of no opposition, and I look for a favorable vote."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 615. Representative Rose."

Rose: "First of all, Speaker, there's still Members of our... from our caucus coming upstairs. I see a number have come in, but there's still a few waiting for elevators. I would've asked that maybe we could have waited an extra minute or two just to get everyone up here and have a full complement."

Speaker Mautino: "Well do you wish to speak to the Bill, Sir?"

Rose: "Well, yeah, let's ask a question on the Bill, Mr. Speaker."

Speaker Mautino: "Proceed."

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Rose: "Representative Ford, exactly what does your Bill do?"

Ford: "It creates a database so that..."

Rose: "What kind of database?"

Ford: "It creates a database so that the..."

Rose: "Like a computer database..."

Ford: "What are we..."

Rose: "...or an index card database? What kind of database?"

Ford: "I mean, I don't know what to say. I'm trying to get to the point, if you'd let me."

Rose: "Very good."

Ford: "Senate Bill 615 amends the Local Food and Farm and Jobs Act. It creates a farm to school database established by the Department of Agriculture to facilitate the purchase of fresh produce and food products by schools. The database shall be developed jointly with the Local Food, Farms, and Job Councils and..."

Rose: "And how much does it cost to develop the said database?"

Ford: "This Bill is subject to appropriation."

Rose: "So we're going to have a database that may or may not be created at some point in time in the future?"

Ford: "It's a possibility. There's already a database that could be used, according to the State Board of Education and there may be some costs to add new things to it, but right now we may not have to include a new database. We may be able to add this information to the current database that's on file."

Rose: "And once we have this database, at some unspecified point in time in the future, we're going to get fresh produce?"

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Ford: "No."

Rose: "But that's what our analysis says they're facilitate the purchase of fresh produce."

Ford: "No, this facilitates so that schools that would like to know where they can buy produce from and... and farmers that produce, produce. They will know... they would have a relationship with one another."

Rose: "So, what would stop a superintendent of schools right now from going to a local farmers market and buying fresh produce?"

Ford: "I don't know."

Rose: "Nothing?"

Ford: "I mean, I don't know of the obstruction there, but I do know that this Bill is... has for merit and I'd like to pass it. I don't know of any harm that this Bill would do."

Rose: "I... well, unless it costs money, which seems to be indeterminate at this point, but you know, 'cause we're a little bit broke, just a tad. Is..."

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

Black: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, to the Bill. I think the Sponsor is well-intended, but having grown up in a rural farming area and a uncle who farmed all of his life, let me just cut to the chase, if I could. The goal of this legislation is to devise a system to put schools in contact with local farmers so that local produce and food products can be added to school lunches. Now, there aren't many people in my... there aren't many farmers in my district that grow

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exclusively produce. The corn, the soy beans, the grain farmer, the...the wheat, the oats, the barley, none of these can be used in a school lunch without some kind of value-added process that is done by either a wholesaler, or a cannery, or a producer that takes the raw agricultural product and then turns it into a salable product either canned or fresh. There's no farmers' market in my area that could supply the food for any school, no matter how small. It's just not in today's farming. It's not economically feasible to get into the produce market in a given geographic area that would take care of all the schools in the 104th Legislative District. It's not the way modern agriculture is set up. Now you have to create a database so this database may show that if you contact five or six specialty farms who raise carrots or beets or tomatoes, or strawberries or whatever, they could be all over the State of Illinois. So then you've got the..."

Speaker Mautino: "The Gentleman being granted an additional minute."

Black: "I don't think it makes a lot of difference, Mr. Speaker, nobody's listening anyway. The logistics of implementing this are beyond a scale that most of us could imagine. You would be dealing with dozens of growers, dealing with dozens of people who would set dozens of prices, when most school districts simply contract today with the end user, a distributing company, a cannery, a local produce factory that takes the raw material, turns it into an inspected and edible crop. This Bill would have logistical nightmares. In all due respect to the Sponsor,



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if the Emergency Budget Act passes, the Governor will wipe out anything that's subject to appropriation anyway. We don't have any money. So, I don't know how we could say anything today would be subject to appropriation. Now.."

Speaker Mautino: "Would the... Representative Reboletti."

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

Speaker Mautino: "He indicates that he will."

Reboletti: "...it says here that there'll be federal and state funding necessary to implement the program. In what form does the federal money come, what grant? Is that part of the.."

Ford: "I'm not... I'm not exactly sure what grant, but I believe it would be an agriculture fund, so I'm not exactly.."

Reboletti: "Do we know how much that grant would be for? Are we matching federal dollars?"

Ford: "No. We would be able apply for the grants to implement the program, and that's a good thing to put ourselves in a position to ask for money because we are prepared for something like this."

Reboletti: "And you did say was subject to appropriation. I guess my concern is, if we were able to appropriate it, but we all know we can't, how much would this cost?"

Ford: "And you know, I should have...and I think I misspoke, it's not really subject to appropriation. It is... it would be made possible when funds are available."

Reboletti: "So, this will stay on the book and maybe four or five years from now, if the economy turned around, there was additional revenue, maybe some cuts, more so than the

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Quinn administration has proposed, we may be able to prioritize this?"

Ford: "Or if we... if we're going to put ourselves in a position to receive federal dollars that they may come down, we're ready."

Reboletti: "But... would this take precedence then over other Bills that were subject to appropriation then?"

Ford: "Well, when you apply for the federal dollars, you probably have to be specific about what you're applying for. And this would be one that we will apply for, if grants are available at that time."

Reboletti: "Thank you."

Speaker Mautino: "Representative Reis."

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

Speaker Mautino: "Indicates that he will."

Reis: "Representative, it's subject to appropriation, it's not, and...and I think the other speakers have said very eloquently about the logistics of this, and as being one of the few farmers in the Assembly, I hope that people take those comments to heart, because as well-intentioned as your Bill is, it just won't work logistically. I think people have the option to do that now. My question is more pertaining to funding. You say it's subject to appropriation; it's not subject to appropriation. It's subject to if funds become available. And my comments in committee were, there are no funds available. You said it's free Obama money. Well, we're \$13 trillion in debt there. From a farming standpoint, I think we should say no to this Bill because the logistics from financial

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situation, I say we should say no because there is no funds available. What else is going to get cut? What county court house is not going to get their money because we are funding a program that I think we don't need, we can't afford, and won't work. So, I encourage the Body to vote 'no'."

Speaker Mautino: "Representative Stephens."

Stephens: "Well, Mr. Speaker, I would urge the Body to adopt the... what we'll call the rule of Bill Black. And I don't think we should use microphones anymore. Do we have concurrence on that or is there objection from your side of the aisle?"

Speaker Mautino: "To the Bill."

Stephens: "I'll be the last one to use a microphone, that's great. I wonder if the Gentleman will yield for a question?"

Speaker Mautino: "He indicates he will."

Stephens: "Representative, do you support President Obama's call for a freeze in discretionary spending? He announced it yesterday or this morning, a three-year freeze in discretionary spending?"

Ford: "I can't answer that."

Stephens: "You're not sure if you support the President of the United States freeze on discretionary spending..."

Ford: "I'm here to deal..."

Stephens: "...or you can't answer?"

Ford: "...with state issues right now, and that's what I want to talk about. Do you support the President?"

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Stephens: "Representative, it's your legislation that brought up the fact that there would be federal grants involved, not my idea."

Ford: "I'm telling you, I'm not dealing with President Obama at this time."

Stephens: "Is he aware of your lack of support?"

Ford: "I love President Obama. He's my President and yours too."

Stephens: "Well, now let's not bring that into the debate."

Ford: "He your President, Sir."

Stephens: "Let's not bring up... bring that..."

Ford: "You brought him up."

Stephens: "Your affection for the man is not..."

Speaker Mautino: "To the Bill, Gentlemen."

Stephens: "I want to know about whether you support his..."

Ford: "I do. Do you support your President?"

Stephens: "I support my President's freeze on discretionary spending."

Ford: "Okay, then."

Stephens: "And for that reason, Representative, I stand in absolute opposition of your Bill, because you...you oppose President Obama's freeze on discretionary spending, because if this Bill passes, Ladies and Gentlemen, it will cause the federal debt to increase. And we're against that. If you're against the Chinese..."

Ford: "You ought to be ashamed to say that I oppose President Obama."

Stephens: "...loaning us more money. If you're for President Obama's freeze on discretionary spending, stand with your

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Republican colleagues and vote 'no' on Representative Ford's Bill."

Speaker Mautino: "Representative Washington. To the Bill."

Washington: "Thank you. To the Bill. You know, it's interesting, I guess some things I'm going to walk away from this job never understanding. With the obesity of 50 percent of Americans obese, soda pop machine, candy machine, things that are not good for health, and here this Representative wishes to stand up to coordinate schools with farms for fresh produce and things that are healthy for our children and the school, I'm just kind of surprised that that kind of push back that I'm hearing would even be verbalized. Even if you didn't think it was a good thing to do, I'm surprised that you verbalized it. With the different cultures in an urban setting and a rural setting, and I support my colleagues and their way of life in a rural setting. I'm very much intune, but it behoves me to see that someone could stand up, and you especially, the last speaker, could stand up, how hypocritical of you. And then to use... to ask this man about the President. I suggest that we pass this Bill and we do more Bills like it. And get these students out of the classroom, get them more active, and have healthy Americans, not only willing to serve in the military, but right now, we restrict it. And I think this is a good start. I intend to vote for the Bill."

Speaker Mautino: "The Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to commend the Gentleman for this fantastic

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piece of legislation. I had the pleasure of sending my daughter to the agricultural school in the City of Chicago. And there they grew corn and they also planted beautiful flowers that was for sale, and they make all kinds of baskets, and all types of things that the children can sell to create jobs for themselves. And so, what the Representative is trying to do here is put forth legislation that would allow the products that's produced, the food that's produced by the schools to be sold and they're doing it now. And the fact of the matter is it's very innovative for the children. One thing about food, good food we know comes from the ground, and so Representative, you're to be commended for giving students the opportunity to be innovative, to... create their own jobs, and encourage more schools to create jobs. We used to be a manufacturing state or country, we're not that anymore, but we can continue to grow products. We can continue to grow food. There's only one school in the City of Chicago that I am aware of that is an agricultural school. There's a few colleges throughout the state that is...that are agricultural colleges. So, we do know through that, healthy, safe food is grown, and we should encourage it. And I would urge an 'aye' vote. Thank you very much."

Speaker Mautino: "Representative Black, you seeking recognition? Your name was used in debate."

Black: "Yes, Mr. Speaker, and I always appreciate that. It's wonderful to be noticed. Ladies and Gentlemen of the House, in all due respect to one of the other speakers, there's no push back on my part on this Bill. I represent

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an area that grows the food that you're eventually going to eat. So why would I push back? Has nothing to do with obesity, has nothing to do with getting kids out of the classroom. It has everything to do with the marketing and distribution system that is set up to take the produce and the food grains that are grown in my district, send it to a value-added facility, and then they are sold to schools. This Bill doesn't do anything that can't already be done. My...my director of food service in Danville has 7 thousand children to try and feed on any given day. She can't go to a farmers' market and buy a bushel basket full of strawberries. There aren't enough to go around. But she can go to a distributor or a wholesaler, and she can buy enough strawberries for every-body's meal in the school system of Danville on that given day. She knows how to do that. She's been doing it for years. She doesn't need a database. She knows how to call the Farm Bureau. She knows how to call her food distributors. She knows how to do this. You don't need to set up a database that could cost a serious amount of money, and make it subject to appropriation. We haven't even talked about appropriating money that we're suppose to be spending in...in less than seven weeks and here we are talking about a Bill that's subject to appropriation when there is no money to appropriate it. The Bill can be done with all the existing infrastructure today. And I would submit to you that there are many schools that are already doing it. We don't continually need new programs, we just need to be able to

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fund those that we already have. We've done a lousy job of that. We haven't even discussed the..."

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

Black: "I will, Mr. Speaker, and thank you very much. Here we are talking about a program to be funded sometime in the future, when we haven't spent one hour on this House Floor talking about services to our seniors talking about whether or not education gets cut by \$1.3 billion, whether or not we lay off 465 state troopers. Our priority should be on the budget figures we have. Maybe sometime, five, six years from now, you'll have money to make this subject to appropriation. All I'm saying is schools can already do this and they do it every day without our help or without our interference."

Speaker Mautino: "Representative Ford to close."

Ford: "Thank you, Mr. Speaker, and thank all of the Members for speaking. To this Bill. You know, we can always argue against things, but this right here makes it very friendly. It's like businesses connecting with the community. And a vote against this Bill is a vote against business. It's antibusiness. So, I would encourage everyone to consider voting for this because it is a connection between the schools and the businesses so that businesses would be able to get the word out to the schools. So, I think the farmers would be very much disappointed if you voted against legislation that would help get the word out for their business. And I ask for a favorable vote."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 615. All in favor vote 'yes'; opposed vote 'no'. The



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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Eddy, Representative Harris, Representative Hoffman, do you wish to be recorded? Representative Eddy. Mr. Clerk, take the record. 73 voting 'yes', 41 voting 'no', 0 voting 'present', Senate Bill 615 is declared passed. Representative Winters."

Winters: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I'd like to call the House's attention behind me in the gallery are two Commissioners from the Rockford Park District, Nate Martin and Chuck Brown, and the Executive Director Tim Dimke. And this, by the way, Ladies and Gentlemen, is one of the largest park districts in the state and by far the best. Again, the Commissioners and members."

Speaker Mautino: "Welcome to the House of Representatives. On page 2 of the Calendar appears Senate Bill 374. Majority Leader Currie, would you like to call this Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 374, a Bill for an Act concerning State Government. Third Reading."

Speaker Mautino: "Majority Leader Currie."

Currie: "Thank you, Speaker and Members of the House. You all voted on this Bill last year under a different number, and I think you all voted 'yes'. I hope you will again. This is a measure that calls upon our state agencies to try to take into account transportation and services when making... and housing when making decisions about housing and about transportation. There is no mandate in this Bill, but it

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does offer both the Department of Transportation, the Illinois Housing Development Authority and other state agencies. We guide them to look at the... how housing and transportation should connect. People should live near where they work or close to transportation that will get them there. Seniors need to be connected to the services that they require. They shouldn't be in housing that's out in the cornfield when, in fact, the doctor they need to visit and the grocery store where they'll be able to buy their food is miles and miles away. So, again, I know of no opposition. This is a pretty straightforward proposition. I'd be happy to answer your questions, and I would appreciate your support for what I think could be better planning for housing and transportation in the State of Illinois."

Speaker Mautino: "This Bill is on Short Debate. The Lady moves passage of Senate Bill 374. And on that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. It gives me a great deal of pleasure to rise in support of this Bill. I spoke in favor of it last year. Let me just very briefly, this is not a Chicago Bill, a suburban Bill, a downstate Bill, this is as Majority Leader said, a commonsense Bill. And I've seen in my own rural district what happens when you don't make plans. We have developers come into our rural area, find a cheap piece of land, and they build housing, federally subsidized housing, for senior citizens. That's good, but the cheap piece of land may not be on any bus route. It may be two miles from a bus route. It may be

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five miles from a grocery store. It may be six miles to the doctor's office. And everybody assumes these seniors are always going to drive. Well, they don't. I saw this happen to my mother-in-law. The planning should be, where is the nearest grocery store? Is there public transportation? Can they walk to places where they need to be? And oftentimes in my area, they can't walk to places they need to be. And it takes forever to get our relatively small mass transit district to figure out how to serve these senior citizen complexes that are becoming more and more popular as rural counties age. All this does is to say, plan ahead, think ahead, for when people can't drive, their children move away. You can't isolate people away from the services that they need. This is a good Bill. It doesn't punish nor reward any area of the state. It simply says, think ahead, plan, and avoid some of the problems that we're already seeing in my downstate district. It's a good Bill. Vote 'aye'."

Speaker Mautino: "The Lady moves passage of Senate Bill 374. All in favor will vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take... Representative Walker, do you wish to be recorded? Mr. Clerk, take the record. 114 voting 'yes', 0 voting 'no', 1 voting 'present', Senate Bill 374 is declared passed. Representative Monique Davis, Senate Bill 663. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 663, a Bill for an Act concerning regulation. Third Reading."

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Speaker Mautino: "The Lady from Cook."

Davis, M.: "...Speaker House Amendment 1 states that if an individual was dropped from the plan because he or she reached the...the lifetime benefit cap, and rejoins the plan when... within 90 days after the cap is raised, that individual will not have to serve the six-month exclusion period when preexisting conditions are not covered by the plan. This is the CHIPS Bill. I don't know of any opposition."

Speaker Mautino: "The Lady moves passage of Senate Bill 663. And on that question, Representative Reis."

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

Speaker Mautino: "She indicates that she will."

Reis: "Representative, what is the fiscal impact of raising these caps?"

Davis, M.: "I don't think there's any fiscal impact."

Reis: "What's the..."

Davis, M.: "We're looking. I don't believe there is."

Reis: "What's the purpose of your Bill then? You're obviously trying to raise the caps which means the state's going to be able to pay more."

Davis, M.: "CHIPS stated that if there were any fiscal impact, it would certainly be minimal."

Reis: "What...what's the genesis of your Bill? Where did this come from?"

Davis, M.: "There is a... there is a customer who would be kicked off of insurance very soon because on August 24 the amount will be 1.5 million... reduced to... reduced from 2 million to 1.5 million. That's the genesis. What the Bill does, it

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raises the lifetime maximum benefit to \$5 million. And we put one Amendment on it that will waive the six-month preexisting condition, or waiting period, for CHIP participants. Oh, if someone gets kicked off in the meantime. So, that's the genesis of the Bill. I hope that answered your question."

Reis: "Yes it does. Thank you, Representative."

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

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

Speaker Mautino: "Indicates that she will."

Eddy: "Representative, I just want to get some further clarification. This increases the cap from two to five million?"

Davis, M.: "That is correct, Representative."

Eddy: "What affect does increasing the cap have to the total overall cost of the program?"

Davis, M.: "CHIP tells us that any increase will be minimal because no one usually hits that max. It's very rare that people get to that maximum."

Eddy: "Well, I think there's a projected decrease in the amount of allocation for CHIP funding for next year. Is that not the case?"

Davis, M.: "There is a proposed cut, that's correct."

Eddy: "Okay. Taking into account that proposed cut, how will the increase in the cap from 2 to 5 million coincide with the appropriation being reduced?"

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Davis, M.: "Well, the fact that the cap is hardly going to be used, it should be minimal. I mean there... that cap of five million will hardly ever be reached. So..."

Eddy: "Okay."

Davis, M.: "...so, any affect on that budget, it will be absolutely minimal."

Eddy: "Now, that brings me to my next question because it has to do with the... the impact of this. How how many individuals are... what are we talking about here? Is this a very minimal impact in the number of...of individuals who are even affected by this?"

Davis, M.: "Seven CHIP participants currently have claims in excess of a million dollars, and one is over 1.5 million, only seven in the State of Illinois."

Eddy: "So..."

Davis, M.: "So, right now, we're only talking about one individual."

Eddy: "Okay. And if they... if they go beyond the existing \$2 million cap, then part of this..."

Mautino: "The Gentleman... go ahead and continue your question. Sorry."

Eddy: "I just have one final question, I... I for clarification. So, part of this would be that they would not have to go through the six-month exclusion period again if they have gone over that two million to the five million. This allows the coverage to be continual without that six-month exclusionary period?"

Davis, M.: "That is correct."

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Eddy: "Okay. Thank you, Representative. I know a lot more about it now. I appreciate your explanation."

Davis, M.: "Thank you."

Speaker Mautino: "The Lady moves passage of Senate Bill 663. And the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Lang, Representative Pihos, do you wish to be recorded? Mr. Clerk, take the record. 115 voting 'yes', 0 voting 'no', 0 voting 'present', Senate Bill 663 is declared passed. Representative Hoffman, 735. Out of the record. Representative Lang, Senate Bill 1381. Out of the record. Senate Bill 2065, Representative DeLuca. Read the Bill."

Clerk Mahoney: "Senate Bill 2065, a Bill for an Act concerning local government. Third Reading."

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

DeLuca: "Thank you, Mr... thank you, Mr. Speaker and Members of the House. The Village of Crete, which is located in my district, this Bill is extending three TIFs that they have and also extending a TIF for the Village of Champaign. I ask you to support. Thank you."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 2065. No one seeking recognition, all in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Cultra, Mr. Sommer, do you wish to be recorded? Mr. Cultra. Mr. Clerk, take the record. 105 voting 'yes', 9

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voting 'no', 1 voting 'present', this Bill, having received the Constitutional Majority, is hereby declared passed. The Senate... excuse me. The Lady from Cook, Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Mautino: "State your point."

Mendoza: "Thank you. Ladies and Gentlemen of the chamber, if I could have your attention for just a quick minute here. I wanted to make an announcement that... and more importantly, an invitation to all of you. If you could please join us, Speaker Madigan, Secretary of State Jesse White, and Senate President John Cullerton, along with the members of the Joint Task Force on Turkish-Illinois relations tonight. It's commemorating the creation of the joint task force. We're going to have some important dignitaries from Turkey here tonight that would love to get to know each and every one of you. It would certainly mean a lot to me personally if you could please join us between 5:30 and 7:30 p.m. tonight in Secretary White's Office. We'll be taking up the hallway and his office. We'd love to see you there. Please be there. Tonight 5:30 to 7:30 in Secretary of White's Office. Thank you."

Speaker Mautino: "Also, I'd like to call the attention of the Members of the House today. We are joined by a new Member to the House of Representatives. We are honored and privileged to welcome Representative Lilly. And Representative Lilly has joined us. She is... replaced... Representative Graham has moved on to the city. Welcome to



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the House of Representatives. You picked a really interesting time to come. Representative Lilly."

Lilly: "Thank you. It is indeed an honor to be here this...this morning representing the District 78. I am hoping that I can fill the shoes of the great Representative Graham, now alderman of the 29th Ward in the City of Chicago. I am so looking forward to joining each of you in the work that we do for the people. The relationship that I know we will build to... together today will make our state a great state. Thank you. Look forward to working."

Speaker Mautino: "Welcome to the House. Representative Fritchey, Senate Bill 2476 appears on the Calendar. Would you like to move this Bill, Sir? Read the Bill."

Clerk Mahoney: "Senate Bill 2476, a Bill for an Act concerning transportation. Third Reading."

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

Fritchey: "Thank you, Speaker, Members of this Body. Every now and then we have to legislate common sense. What this Bill does, it provides that if we have a parking meter that is rendered inoperable by snow and ice, and that that parking meter has been reported as being defective, that any individual that is cited for a violation resulting from being parked in front of that meter, can raise that issue as an affirmative defense. We know of no objection to the same. I request an 'aye' vote."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 2476. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote

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'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Hatcher, do you wish to be recorded? Mr. Clerk, take the record. 115 voting 'yes', 0 voting 'no', 0 voting 'present', Senate Bill 2476, having received the Constitutional Majority, is declared passed. Representative Phelps, page 3 of the Calendar is Senate Bill 2529. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2529, a Bill for an Act concerning local government. Third Reading."

Speaker Mautino: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2529 is an initiative of the Illinois Coroners and Medical Examiners Association. This is a fee increase that they haven't over 20 years and they're just trying to bring in more revenue like everybody else. I ask for an 'aye' vote."

Speaker Mautino: "The Gentleman has moved passage of Senate Bill 2529. On that question, the Gentleman from Crawford, Representative Eddy is seeking recognition."

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

Speaker Mautino: "He indicates he will."

Eddy: "Representative, I...I just want to make sure we clarify that the fees... where are those kept, once collected? Are they kept locally?"

Phelps: "Yes, it is locally, Representative."

Eddy: "So, they're kept within a special account and they're used solely... I think, the intention, for the purchase of certain equipment for forensic identification?"

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Phelps: "Electronic and forensic identification equipment, supplies, operating expenses for the coroner's office, correct."

Eddy: "So, they're absolutely not subject to any sweeps? It's kept locally?"

Phelps: "No. The coroner can even... they can even waive... waive the fees if they want."

Eddy: "Okay. Thank you, Representative."

Phelps: "Thank you."

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

Brady: "Thank you very much, Mr. Speaker. To the Bill, Ladies and Gentlemen of the House. First off, this is a piece of legislation that I've... with the help of Representative Phelps, written an Amendment, some changes into the legislation. One of the things the Body should be aware of in these challenging times financially, I will say it's affecting every aspect of government and private business, and nothing's different from the side of death. The situation the coroners have found themselves in, one area, is the fact that when we have electronic filing of death certificates and funds that have been directed to the coroners across the State of Illinois from this system, over the years, those dollars have been fund swept. Last year, a minimal amount; this year they will see nothing. What this particular Bill does, specifically deals with only the type of information request from a coroner's office, probably through a complex investigation, and what I was very concerned with was that the funds would go

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directly to a line item within the coroner's budget for specific operations of that office through the county treasurer, so that the county coroner was not having to go back and ask for additional funds to the county board. What they would raise in particular, documentation fees would go back directly to that office. No one likes increased fees, but the cost of doing everything nowadays has increased, and the coroner's office is not exempt to that. So, I'll be voting 'yes'. And I appreciate the work that has come on this Bill from Representative Phelps and myself. Thank you."

Speaker Mautino: "Representative Phelps to close."

Phelps: "I just ask for an 'aye' vote, and thank you, Representative Brady."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 2529. All in favor vote 'yes'; opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 69 voting 'yes', 46 voting 'no', 0 voting 'present', Senate Bill 2529 is declared passed. Representative Reitz, Senate Bill 2579. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2579, a Bill for an Act concerning State Government. Third Reading."

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

Reitz: "Thank you, Mr. Speaker. Senate Bill 2579 gives the State Treasurer discretion to waive late payment fees imposed by county treasurers for the late remittance of a

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state tax in the case of a extraordinary force, specifically a natural disaster. And I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman's moved passage of Senate Bill 2579. No one seeking recognition, all in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cultra, Mitchell, Sommer, do you wish to be recorded? Mr. Clerk, take the record. 115 voting 'yes', 0 voting 'no', 0 voting 'present'. Senate Bill 2579 is declared passed. Representative Fritchey, on the Calendar appears Senate Bill 2581. Representative Fritchey, do you wish to call this? Read the Bill."

Clerk Mahoney: "Senate Bill 2581, a Bill for an Act concerning financial regulation. Third Reading."

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

Fritchey: "I request an 'aye' vote."

Speaker Mautino: "The Gentleman moves passage of 2581. No one seeking... the Gentleman from Crawford, Representative Eddy is seeking recognition."

Eddy: "Thank you, Mr. Speaker. You seem to be baiting... baiting someone to ask questions, so I thought I'd... I'd make your wish come true and...and perhaps have the Gentleman, in a little more detail, explain what this does. I see that the...the board is cut... the size of the board is cut from 17 to 12 members?"

Fritchey: "Yes, Sir."

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Eddy: "Does... how does that affect how different in... parts of the banking community are represented on the board or different parts geographically? Is it... does it address those issues?"

Fritchey: "Well, Representative, as you have no desire to let me save whatever voice I have left, the size of the board has been cut down to actually make it easier for them to have a quorum which they've... been having difficulty doing the...doing it in the past. The...the board would still be comprised of a cross section of banks, ranging from the smallest in the state to the largest to make sure that every segment of the banking industry is represented. This came at the request of the department with the support of the banking industry. And what they want to be able to do is have a more efficient and responsive board that can actually meet and help govern and take care of the issues affecting the banking industry now more than ever."

Eddy: "And you're not suggesting that any members of the National Guard be appointed to the... the board or enforce this in... in any way, is that correct?"

Fritchey: "Only if you keep asking me questions."

Eddy: "Thank you."

Speaker Mautino: "No other Members seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Jerry Mitchell, Representative May, do you wish to be recorded? Mr. Clerk, take the record. 113 voting 'yes', 0 voting 'no', 2 voting 'present', Senate Bill 2581,

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having received the Constitutional Majority, is declared passed. Representative Schmitz, Senate Bill 2590. Read the Bill."

Clerk Mahoney: "Senate Bill 2590, a Bill for an Act concerning criminal law. Third Reading."

Speaker Mautino: "Representative Schmitz."

Schmitz: "Thank you, Speaker. Ladies and Gentlemen of the House, Senate Bill 2590 actually comes out of an issue in my county that the state's attorney brought forward is... found a loophole in the statute where a concealment of a death, even though it wasn't caused by a homicide, is a... is an area that they couldn't press any charges against an individual. This thing would make it a felony at that point, and we've had two Amendments that we were... had adopted on this. And I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 2590. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Collins... Ms. Collins. Mr. Clerk, take the record. 115 voting 'yes', 0 voting 'no', 0 voting 'present'. Senate Bill 2590, having received the Constitutional Majority, is declared passed. Representative Collins. On page 3 of the Calendar, under the Order of First Bills, actually Senate Bill 2601, Representative Gabel, do you wish to call this Bill? Mr. Clerk, read the Bill."

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Clerk Mahoney: "Senate Bill 2601, a Bill for an Act concerning regulation. Third Reading."

Speaker Mautino: "Representative Gabel on Senate Bill 2601."

Gabel: "Yes. Senate Bill 2601 is an initiative of the Cook County Department of Public Health. It is related to an outbreak of hepatitis B, and HIV in a long-term care facility in suburban Cook County. The Bill amends the Nursing Home Care Act. It requires verbal screening for risk of hepatitis and HIV, and offers testing and immunizations."

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

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

Gabel: "Yes."

Black: "Representative, I thought we'd already passed this Bill? Under the outstanding leadership of Representative Hernandez?"

Gabel: "No, it was on... we passed it... no we haven't."

Black: "It was House Bill 4927. You might want to look on your computer."

Gabel: "It was. It was a similar... it was the same Bill. Yes, that's true."

Black: "Yes. That's what I thought. Why...why are we going to pass it again? Mr. Speaker, unlike Jeopardy, I hope the clock doesn't work while she's checking on this very difficult question."

Speaker Mautino: "Actually, for her first Bill..."

Gabel: "No, they..."



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Speaker Mautino: "...I hadn't turned the clock on you as a matter of fact."

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

Speaker Mautino: "I knew that you would have that concern."

Gabel: "Oftentimes, Bills are passed in both Houses and they've decided not to continue passing the Bill in the Senate. So, we're going to pass this... this...the Bill that already passed... already passed the Senate."

Black: "Well, I was under the impression that if a House Bill was the first one to pass in the process, now this is your Leader not mine, that the House Bill would have to pass and we would not consider the Senate Bill. So, do you know whether Representative Hernandez's Bill passed first or the Senate Bill passed first?"

Gabel: "The... the..."

Black: "And if so, who's on second?"

Gabel: "Yeah. The Senate Bill..."

Black: "And I don't know who's on third."

Gabel: "The... the Senate Bill passed first."

Black: "Oh, the Senate Bill passed first. All right. This appears to be a mandate. These people... if I'm taking my grandparent to a nursing home, I have to have my grandparent screened for various factors dealing with hepatitis and HIV and all of these things? Doesn't my grandparent have an expectation of the right of privacy?"

Gabel: "Well, it they... it's a screening. There's only one or two questions, and they can answer or they cannot answer."

Black: "So, in other words, if... if I were to whisper in my grandfather's ear, you don't have to answer this grandpa."

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He could say, in all due respect to the administrator of the nursing home, I decline to answer on the grounds that it might be self-incriminating? They wouldn't deny me.. they wouldn't deny my grandparent the admission?"

Gabel: "Correct."

Black: "So, they can't discriminate based on the fact that the senior is not going to answer the question?"

Gabel: "Correct."

Black: "Okay. If they don't have to answer the question, why do we ask it?"

Gabel: "Well, it is an attempt to really provide some good public health policy. Which is, if they do answer, and if they do seem to be at high risk, they will then be offered testing and offered immunizations. They also.. it is not mandated that they be tested nor that they be immunized. It's an opportunity."

Black: "What... what would be... what would be the criteria for somebody who might be at a high risk for hepatitis B or hepatitis C? I mean, what... what would they be looking for? What kind of behavioral patterns?"

Gabel: "They would be looking for IV drug use."

Black: "We're talking about my grandparents. IV drug use? What else?"

Gabel: "Prostitution."

Black: "Wow. Mr. Speaker, Ladies and Gentlemen. For heaven's sake."

Speaker Mautino: "I'm looking forward to allowing another minute here."

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Black: "There may be children... there may be children in the gallery. My dear departed grandmother couldn't spell prostitution let alone define it, and now... now if she were still alive she would have to go to a nursing home and be asked if she had ever engaged in prostitution and if she said yes, she might not get... might not get admitted. And if she said no, it could she could be still discriminated against? My God. Is nothing sacred in this state anymore? How in the world... how in the world can we subject our grandparents to this kind of intrusive, illegal, if not immoral questioning? And all they want to do is go into a nursing home. This is a terrible idea. I would be embarrassed to take my late grandmother if we had to answer these questions when she went into a nursing home. I don't know what kind of Representatives we have down here anymore. But in my years, I've never seen such a thing. We obviously should have a license for Legislators..."

Speaker Mautino: "Further comments on Representative Black's grandma by Representative Lang."

Lang: "Well, if I didn't have so many questions I wanted to ask, I would yield my time to Mr. Black. But alas, I cannot do so. So, will the Sponsor yield on her first Bill? So, thank you. Representative, welcome to the Illinois General Assembly. We're happy to have you here. I note that this Bill is identical to House Bill 4927. Is that correct?"

Gabel: "Yes."

Lang: "And who was the House Sponsor of that Bill?"

Gabel: "Representative Hernandez."

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Lang: "And wasn't Representative Hernandez also the original Sponsor of this Bill?"

Gabel: "Yes, she was."

Lang: "Well, how did you get ahold of the Bill?"

Gabel: "She gave it to me."

Lang: "What do you mean she gave it to you? We have a process here. So what process did you go through? We need to make sure that you handled this correctly. What did you do?"

Gabel: "I approached Representative Hernandez and said that I would be very interested in carrying this Bill, and she thought it was a wonderful idea."

Lang: "And so you signed various forms?"

Gabel: "Yes."

Lang: "Where did you bring those forms?"

Gabel: "I gave them to Representative Hernandez..."

Lang: "No, you let her take care of it for you. So, you're not really sure of the process yet, are you?"

Gabel: "I think you give it to..."

Lang: "No. It's too late now, Representative, much, much too late now. So, let me ask you a question. So, this says that all persons determined to be susceptible to the Hepatitis V virus shall be offered immunizations. How do they determine if they're susceptible?"

Gabel: "They are just a...a couple of questions that are asked in a screening."

Lang: "And in the Bill, it says the word 'verbally screened', verbally screened. What does that mean?"

Gabel: "It means that they don't have to have a piece of paper in the file. That they don't have to sign a document."

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Lang: "So, verbally screened doesn't mean a blood test."

Gabel: "No."

Lang: "So, how do we know that these people are susceptible?  
How does a patient know if they're susceptible?"

Gabel: "The... usually ask them if they have used IV drugs in the  
past."

Lang: "So, is the only way to get hepatitis B through IV  
drugs?"

Gabel: "No, another way is through sexual intercourse."

Speaker Mautino: "Let's grant Mr. Lang another minute."

Lang: "Thank you. So, the only way to get hepatitis B is  
through IV drugs or sexual intercourse?"

Gabel: "I believe so."

Lang: "But you don't know for sure."

Gabel: "Also, you know, you can also get it from your mother at  
birth."

Lang: "From your mother at birth?"

Gabel: "Yes."

Lang: "And... and is someone supposed to ask their mother before  
they go into a nursing home if their mother had hepatitis B  
at birth?"

Gabel: "Well, you could ask if their mother had hepatitis B."

Lang: "I don't think this is a well thought out part of the  
Bill. I'm not going to ask my mother if she had hepatitis  
B. Let me ask you a question. At the end of the Bill, it  
talks about a... an exemption for veterans' homes. Is that  
correct?"

Gabel: "Yes."

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Lang: "And so, it... so no one that goes to a veteran's homes, we're not worried if they have hepatitis B?"

Gabel: "Well, the... it was a financial issue. And the veterans' home were saying that this was going to be a financial burden for them."

Lang: "And does that mean that no one that ever goes to a veteran's home can have sexual intercourse?"

Gabel: "No, no. It's unfortunate that we had to... that we had to excuse them, but we had to."

Lang: "Well, so are they... would they be opposed to this Bill if you took it out?"

Gabel: "Probably. Yes."

Lang: "Only probably."

Gabel: "Yes."

Lang: "Did you check with Representative Hernandez as to whether she tried that before you stole this Bill from her?"

Gabel: "I... I did check with the Cook County Department of Public Health."

Lang: "Well, wouldn't Representative Hernandez be a better source? It was her Bill, not theirs."

Gabel: "I... I think you're correct."

Lang: "Well, you want to take this out of the record and check with her?"

Gabel: "No."

Lang: "You don't?"

Gabel: "No."

Lang: "Well, Ladies and Gentlemen, I'm not sure we ought to vote for a Bill for a Sponsor who stole the Bill from

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another Legislator and then won't even ask her why certain exemptions are in the Bill. We work and we struggle and we try to learn these Bills, Representative.."

Speaker Mautino: "Further discussion? Representative Reboletti."

Reboletti: "Inquiry of the Chair, Speaker."

Speaker Mautino: "Yes, Sir."

Reboletti: "Is it considered a first Bill if it's actually a Senate Bill? Was that... is that actually her... her first Bill, or is this actually... isn't it... it's actually, Senator Trotter's Bill, right?"

Speaker Mautino: "Well, this would be her Bill as the House Sponsor, so her first Bill before the chamber."

Reboletti: "So..."

Speaker Mautino: "She will still have to introduce her own, I'm sure, as...as time goes on."

Reboletti: "That... that was my inquiry, and would the Sponsor yield?"

Speaker Mautino: "Absolutely."

Gabel: "Yes."

Reboletti: "Representative, I see that you have Representative Hernandez as...as your chief cosponsor. And then I'm looking at the Senate and they had six or seven Sponsors, and I see that it's a Democratic Bill so far. Have...have you talked to any of my Republican colleagues on this side of the aisle about some bipartisan support on your legislation?"

Gabel: "Well, the Bill... the Bill did come out of the Senate 46 to 10. And I do believe the Bill came out, the other Bill,

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the original House Bill, came out of this chamber with bipartisan support as well."

Reboletti: "Well, I appreciate that, but I don't see any Republican House Sponsors on there. Did you ask any of my colleagues if they would join you on this Bill?"

Gabel: "No. This is only my fifth day here. I'm sorry, I... I didn't."

Reboletti: "Did you ask any Members of the Italian Caucus what their position on the Bill was?"

Gabel: "No."

Reboletti: "And the other question I have is, did you talk to Representative DeLuca regarding the Red Coat Caucus? And I would at this time Speaker, yield to Representative DeLuca regarding the red coat on the first Bill."

Speaker Mautino: "Representative DeLuca."

DeLuca: "Thank you, Mr. Speaker. I heard my name used in debate."

Speaker Mautino: "I have no idea... but why, but go ahead."

DeLuca: "Representative Gabel, where's your red jacket?"

Gabel: "I... didn't think the Bill was going to get called 'til tomorrow."

DeLuca: "Who's the staff that's working with you on this Bill?"

Gabel: "Leah."

DeLuca: "And you weren't notified of the proper attire? Representative Dugan, I can't see you back there, where are you? No, not today. What do you think, Representative McAsey? Okay. Well, it appears as though we're going to get another pass. No, maybe not. Bring it on down."



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Speaker Mautino: "For further abuse? Now that you are properly attired, a question from Representative Eddy, the Gentleman from Crawford."

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

Gabel: "Yes."

Eddy: "Representative... over here... over... Representative. Hi, how are you? I like your jacket. I have a question for you. This has to do with nursing home rules. How many votes does this take?"

Gabel: "This Bill? Sixty."

Eddy: "Well, is... isn't it subject to Home Rule?"

Gabel: "I don't... I don't think so."

Eddy: "It's a Home Rule Bill, clearly. Clearly, it's..."

Gabel: "I don't think so."

Eddy: "Shouldn't it take 71 votes to pass? I don't know that you're going to get 60, but what about... what about home rule for nursing Home Rule? Does that apply to this? Have you done any research on that?"

Gabel: "I don't think it does."

Eddy: "Well, let me ask you this. You said you've been in the House for five days now."

Gabel: "Correct."

Eddy: "Where did this idea come from?"

Gabel: "This... it came from the Cook County Department of Public Health."

Eddy: "Well... well, let me ask you this. Have you had an opportunity to poll your constituency regarding whether or not the issue related to prostitution and drug use among the elderly is a problem in your area that warrants you

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introducing and pursuing language to change a rule? Is this a problem in your legislative district?"

Gabel: "Well, the... I do have many nursing homes and long-term care facilities and in my district. This biggest outbreak has happened in the south suburbs, but it could be something that could happen in my district, and I think that they would appreciate being able... with the... screening their clients."

Eddy: "So, Representative, in your first five days in the General Assembly, you've noticed a problem with marauding gangs of prostitutes who are on drugs in your district that requires you to bring forth this important legislation right now to save your community. Is that the deal?"

Gabel: "I would say that's a slight exaggeration."

Eddy: "Well, Representative, what we do when we come to the General Assembly, is we represent our constituents."

Gabel: "Right."

Eddy: "This is your first Bill. Your first Bill seeks to solve a problem that you yourself has attribute... you've attributed to drug use and prostitution among the elderly population in your district. I'm... I'm not sure that's the representation you want of your district. I'm not sure that that actually describes accurately the people that you represent. And I can't imagine voting for a Bill that would paint the folks in your district under that type of an umbrella."

Speaker Mautino: "Representative McCarthy."

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

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Speaker Mautino: "The Gentleman moves the previous question. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. The Lady... Representative Gabel to close."

Gabel: "Well, thank you all very much for helping me work on this Bill and teaching me very... many lessons about what a first Bill means. This legislation is really cutting edge public policy. The Center for Disease Control is very interested in this legislation and it really puts Illinois in the forefront of disease prevention. So, it will help prevent future outbreaks, save lives, and the quality of life, and reduce costs associated with disease investigation. So, I'm asking for a 'yes' vote, and thank you very much."

Speaker Mautino: "The Lady moves passage of Senate Bill 2601. All in favor vote 'yes'; opposed vote 'no'. The voting is open. I think your Bill is in trouble. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 107 voting 'yes', 8 voting 'no', and 0 voting 'present', Senate Bill 2601, having received the Constitutional Majority, is hereby declared passed. Welcome to the General Assembly. Representative Hoffman, Senate Bill 2573. Read the Bill."

Clerk Mahoney: "Senate Bill 2573, a Bill for an Act concerning State Government. Third Reading."

Speaker Mautino: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2573 would amend the Motor Fuel and Petroleum Standards Act, the Wages (sic-Weights) and

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Measures Act, and the Soil Conservation Act. With the exception of increased fines and penalties that are contained in this Bill, the changes in this Act are already mandated by Federal Law... at the federal level, as a result, most biodiesel manufacturers and distributors are already operating under these standards. This would require various things including the proper registration of service persons who do field standard testing, the proper education and fines and fees if they don't do it. It also requires... proper labeling of biodiesel and adds Mid-grade or Plus 89 and Premium or Super Grade 91 that'll list the minimum octane numbers for all leaded and unleaded gas. I believe that the Amendment that was adopted in committee took care of any opposition. And I ask for a favorable Roll Call."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 2573. The Gentleman from Crawford, Representative Eddy."

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

Speaker Mautino: "Indicates that he will."

Eddy: "Representative, is there an estimate as to how much revenue this is going to generate?"

Hoffman: "I really don't have an estimate. Hopefully not a lot because everyone will comply. But when we know that that's not going to happen. I can give you an example of current fines. Current files are \$100 for a first violation, we would raise that to 500. Second violation is 750... 750 currently, we would raise it to 1500. And from 1500 to 2500 for third and subsequent offenses."

Eddy: "Now those are pretty..."

Hoffman: "It's hard to estimate."

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Eddy: "...hefty increases, wouldn't you agree? I mean we're talking about a fine being raised double. You said 750 to 1500, 100 to 500. Those are... when... when were the fines originally established and... what's the justification for five times the amount?"

Hoffman: "It's my understanding that the fines have been established for some time and all we're doing here is we're adopting the federal standards, but we are increasing the fines in order to ensure compliance. The petroleum marketers who would have... who would be the ones who essentially would possibly have an issue with this, have no problem with the increase in the fines."

Eddy: "Where does the money go currently that the fine produces? At... at the current time, if you pay this fine, is it deposited into a fund that the state... is it..."

Hoffman: "The department of... the fines are actually paid to the Department of Agriculture and I believe that they... I'll have to check with staff. I believe they remain there, but... for enforcement of this, but if they don't they would go to the General Revenue Fund."

Eddy: "Okay. And... and my concern related to this, has to do with whether or not there's language in here that protects those funds from being used in... in the... you know, last week I think the Governor proposed the possibility, I don't know what he called it this time, I know we've called them sweeps, raids, transfers, but he proposed the idea that, you know, to come up with some revenue that we look at borrowing, I think that was the word, borrowing up to a billion dollars in funds and then paying those back in some

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type of a cash availability basis over 18 months. Do you know if these funds are protected?"

Hoffman: "It would take an Act of the General Assembly like any other funds I think. I don't believe that even if we were to pass a law that says you can't sweep funds, that doesn't mean that we can't change that law. So..."

Eddy: "Yeah. We've proven that."

Hoffman: "Yeah, right. It's certainly is not my intent to... to create a revenue stream for the state. The intent here is to create an enticement to enforce so that people won't break the law."

Eddy: "Well, and I agree with your intent. Unfortunately, past practice has demonstrated in this state that our intentions are often neglected and those funds are swept, and I... and I think without specific language that shows that intention, at least on the onset for these type of pieces of legislation, we should not vote for them until that specific language is in there. Thank you."

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

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

Speaker Mautino: "He indicates that he will."

Reis: "Representative, I want to thank you for amending this Bill and making it more palatable. Just to make sure, this removed all are references to the NIST Handbook 130 Section, the new standards of oxygen, it blends that Illinois was thinking about imposing this summer?"

Hoffman: "Yes. And it not only removes the reference, but also it's my understanding that there has been an agreement with

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the Petroleum Marketers Association and the various interested parties and the Department of Agriculture to put off enforcement of that rule for some...for some period of time. I don't remember if it's six month or year, but there has been an agreement reached and this specifically took out all references to that."

Reis: "Okay. Again, I want to thank you for amending the Bill and giving it an extra week so that we could clear that up. And I encourage people to support this Bill."

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

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

Speaker Mautino: "He indicates that he will."

Davis, M.: "Representative Hoffman, do you know a Hoffman who writes books?"

Hoffman: "He's well established."

Davis, M.: "He's well established?"

Hoffman: "Yeah. But..."

Davis, M.: "What's the title of his book?"

Hoffman: "It's called Hope from the Heartland, and I hope you all got a copy today 'cause I sure can't sell them. So, I'm giving them away."

Davis, M.: "Hope for the Heartland."

Hoffman: "Hope from the Heartland... from the Heartland."

Davis, M.: "Hope from... Okay. Well, they were reasonable enough. I think we can give you 14.95. Thank you."

Speaker Mautino: "No one seeking further discussion, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Representative Bassi, Representative Burns, D'Amico, do you wish to be recorded? Representative D'Amico. Mr. Clerk, take the record. 85 voting 'yes', 31 voting 'no', 0 vot... excuse me. Correct the record. 84 voting 'yes', 31 voting 'no', and 0 voting 'present', Senate Bill 2573, having received the Constitutional Majority, is declared passed. Representative DeLuca. I'd ask that the House welcome Professor Mike Phillips joining with us, noted... geologist from the central Illinois region. Welcome, Professor. Representative DeLuca. Out of the record. Representative Feigenholtz, Senate Bill 2622. Out of the record. Representative Reitz, Senate Bill 2635. Read the Bill."

Clerk Mahoney: "Senate Bill 2635, a Bill for an Act concerning professional regulation. Third Reading."

Speaker Mautino: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 2635 is identical to... or Senate Bill 2635 is identical to House Bill 4935, which overwhelmingly passed the House earlier this year. It simply clarifies the health profes... care professionals may be employed to serve as independent contractors. We have... we have made this Act more consumer friendly. They had a transparency, and it says these employment relationships that are currently allowed and nothing in this Bill changes the nature of these relationships. This a fee splitting Bill that I... I'm sure you've been getting some correspondence on. We did not change or loosen the current prohibitions on fee splitting. We've discussed



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this language with the Attorney General's Office and this is, I believe, simply a clarification, because last year we were asked to make some other changes. And with that, I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 2635. And on that, the Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you, Speaker. Will the Sponsor yield? Representative, I... I'm getting a lot of e-mails on this, and... and they have to do with the physical therapists opposing this. Could... could you tell us if there has been an attempt to satisfy the concerns of that one group and if... if so, why are they still opposed?"

Reitz: "There's been a number of attempts. We've had a number of meetings, both on the House Bill and one on the Senate Bill trying to find some accommodation. We just simply weren't able to reach an agreement. We had 20... 21 different discipline... medical disciplines that...that had an interest in this or are affected by this, and 20 of those are in agreement with this Bill. And we just simply... I think they're just philosophically opposed to changes in their Act. We've tried to address the concerns that they had, and simply weren't able to do that."

Eddy: "Well, specifically, what I'm hearing from the group is that patient choice is... is going to be comprised under this. So, as physical therapists they're not going to... or patients aren't going to have kind of the choice that they have now, and that could drive up costs. They're concerned about the possibility of elimination of jobs, if they're

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not aligned with a particular physician. I... I mean, those seem to be concerns that at least in my representative district, they take very seriously. And... want to make sure that those concerns are taken into in consideration because this is their livelihood, and they... they're very sincere about the fact that they... they may lose their jobs."

Reitz: "And I don't believe they will. I don't think that's... that's definitely not the intent of this legislation. They were opposed to this Bill and... but what we're trying to do is clarify that physical therapists that are employed by doctors can continue to be so. There's about a hundred or so that are employed by doctors right now, maybe a little... few more than that. And this simply clarifies, if they have a relationship, what they will do that's considered fee splitting and then we have... we have the transparency in there to make sure, if there are referrals, that they will identify... or basically say that they have a relationship with those physical therapists. So, the intent is not to change anything, it's simply to clarify existing law."

Eddy: "So... so, you don't think that their claim, that there's some kind of a financial remuneration for these referrals will drive the cost up, is legitimate in any way? Because that's the claim. That if there's a referral process involved, then it's going to increase the cost and then increase the overall cost of health care. I think that's their concern. You don't... you don't share that concern obviously."

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Reitz: "No. There's State and Federal laws that you know, that prohibit... anything that you're alluding to. So, I believe... I believe that's..."

Speaker Mautino: "Grant another minute."

Eddy: "Thank you. Well, I appreciate the answers."

Reitz: "Okay..."

Eddy: "I'll listen to the debate. I certainly understand what you're trying to do here. I just think this group perhaps has some concerns that they can document with some studies, and we should pay some attention to. But I'll listen to the rest, if any, of the additional debate. Thank you."

Speaker Mautino: "Representative Coulson."

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

Speaker Mautino: "He indicates he will."

Coulson: "Thank you. Representative, in the original Bill there were several other health care groups, licensed groups that were included, and they were exempted out. Can you tell me which groups those were, and why they were exempted?"

Reitz: "In the original Bill? I don't..."

Coulson: "I think... well, I guess... I think the podiatrists were originally in this Bill. The optometrists were originally in the Bill and then they were taken out and given a separate piece of legislation. Isn't that true?"

Reitz: "I don't know that they were in the original Bill. I don't... I really don't remember them being... They had a separate Bill of their own to be able to do the fee splitting that was passed a couple years ago. They... that was an initiative of their own to allow them to be able to

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do that. I don't know that they were in the original Bill.  
I don't recall if they were."

Coulson: "Okay. The next question then is... is there are 27  
other groups that I believe that are okay with this, that  
they don't feel this will change their practice. Is that  
correct?"

Reitz: "Correct."

Coulson: "But the physical therapists feel that that... this will  
change in some way their practice and perhaps they should  
have been treated the same way some of these other groups  
were that were in a separate Bill. Is that one of things  
that we discussed in those negotiations?"

Reitz: "That's one of the things that were discussed. Yes."

Coulson: "Okay. And... and so I know you've done some  
negotiations and of course I appreciate that. I'm just  
concerned that this is not an emergency. It's not  
something that actually... to the Bill, I should say. It's  
not actually something that needs to be done right this  
minute. I do believe that there is a compromise that can  
be made. One of which is to exempt physical therapists  
from this Bill but to have their own separate Bill as we  
did with several other similar types of professions. And  
so I would encour..."

Speaker Mautino: "Grant the Lady a... a moment to... She is  
finished. Representative Thapedi."

Thapedi: "Thank you, Mr. Speaker. Will the Sponsor yield for a  
few questions?"

Speaker Mautino: "Yes, he will."

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Thapedi: "Representative, are there Federal and State Laws that restrict or somehow prohibit self referral of patients to hair... to healthcare facilities where a physician has a financial interest?"

Reitz: "Yes, Sir. That's what I indicted with the Representative earlier that there are Federal and State Laws that restrict and prohibit referrals to facilities outside of the physician's practice, where there may be a financial interest."

Thapedi: "Now, the Acts that you just referred to, did they affect referrals within that particular physician's practice group?"

Reitz: "No. Referrals inside the practice are specifically permitted by these laws. That's why a physician is able to offer services of many employed healthcare professional in his or her office."

Thapedi: "Now, earlier, you mentioned there was an earlier Bill, and I think I heard someone on the floor mention an earlier Bill, and I'm assuming that they were referring to House Bill 4935. Now with respect to House Bill 4935, and the current piece of legislation, they were both amended to require that patients who need a referral for physical therapy, occupational therapy, athletic trainer services, or genetic counseling, be informed by the referring physician that they may request a referral to another practice to obtain services. Is that correct?"

Reitz: "That's correct."

Thapedi: "All right. Now who requested that particular Amendment?"

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Reitz: "It was part of the negotiation with the Physical Therapy Association."

Thapedi: "And did the Physical Therapy Association support that Amendment?"

Reitz: "Yes, they did."

Thapedi: "But is it true to say that at this point, the physical therapists are still not satisfied and they want to change the law to prohibit these referrals to employ therapists. Is that correct?"

Reitz: "That's correct."

Thapedi: "And your Bill simply removes any doubt that the current law allows for the employment of physical therapists and other health care professionals, and that referrals within a practice group are..."

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

Thapedi: "I think that you heard the last part, and then my question was whether or not that's appropriate or not. Is that correct?"

Reitz: "That's right. That's the intent of this Bill. We're simply wanting to clarify it and keep the status quo."

Thapedi: "Thank you, Representative."

Reitz: "Thank you."

Speaker Mautino: "Further discussion? Representative Tryon."

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

Speaker Mautino: "He indicates that he will."

Tryon: "Representative Reitz, how many physical therapists are currently employed by doctors in Illinois?"

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Reitz: "There's around a hundred or so, a few hundred is best we can estimate."

Tryon: "So, if... if this Bill doesn't pass under the interpretation of IDPR, they would essentially have to leave their employment, and either become independent contractors or go to work for a independent contractor or physical therapy association. They can no longer keep their employment. Is that correct?"

Reitz: "I assume that's right, yes."

Tryon: "All right. So the interpretation here... and when you talk about fee splitting, it kind of sounds like a kickback, okay? And what Representative Thapedi was talking about, if I'm not mistaken, is that we are already have laws that prevent that. Is that not correct in the Medical Practice Act?"

Reitz: "That's correct."

Tryon: "So, it is illegal for any doctor to go up to a physical therapist association or a physical therapist contractor or company and say, I'll refer you patients if you give me a part of the fee. Is that correct?"

Reitz: "That's correct."

Tryon: "The... the Physical Therapy Association is actually interpreting then, that if I employ a... a physical therapist and I offer them benefits like health insurance and a retirement account, that that somehow is a fee splitting, correct?"

Reitz: "I assume, yes."

Tryon: "Yes. Well, I... you know, to the Bill. I believe that doctors historically have hired all kinds of health care

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professionals. They have hired nurses, they hire dietitians. They hire a whole host of professionals to work with them and to be in their business and offer the best service and compete with other doctors. If this Bill passes, you're essentially pu..."

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

Tryon: "You're putting physical therapists currently employed on the unemployment line, or making them have to find another job. I think that's wrong. I think this is a good Bill. I think this is a good solution to clarify the law and I think this keeps things just as it is and has been in the past. And I would urge an 'aye' vote."

Speaker Mautino: "No one seeking recognition, the question is 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 88 voting 'yes', 26 voting 'no', 1 voting 'present', Senate Bill 2635, having received the Constitutional Majority, is declared passed. Senate Bill 2622, Representative Feigenholtz. Read the Bill."

Clerk Mahoney: "Senate Bill 2622, a Bill for an Act concerning children. Third Reading."

Speaker Mautino: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 2622 amends the Abused and Neglected Child Reporting Act to clarify that unfounded reports that are not already addressed by statute will be retained for a period of 12 months. I'd be glad to answer any questions."



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Speaker Mautino: "The Lady moves passage of Senate Bill 2622. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative McAuliffe, do you wish to be recorded? Mr. Clerk, take the record. 115 voting 'yes', 0 voting 'no', 0 voting 'present', Senate Bill 2622, having received the Constitutional Majority, is declared passed. Majority Leader Currie, Senate Bill 2810. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2810, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Mautino: "Majority Leader Currie."

Currie: "Thank you, Speaker and Members of the House. This is an...an initiative of the Procurement Policy Board and the effort is to try to provide more transparency and more accountability when local school districts enter into contracts to create energy efficiencies. It requires that the RFPs be posted for 30 days instead of 14. If a contractor participated in drawing up the RFP, the RFP will say so. It would also provide that these energy contracts can be entered into for a term of not 10, as is current statute, but 20 years. That's the same length of time that applies to universities and other units of local government. I know of no opposition to the Bill. I'd be happy to take your questions. And I'd be grateful if you vote 'yes' on Senate Bill 2810."

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Speaker Mautino: "The Lady has moved passage of Senate Bill 2810. The Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you, Speaker. Would the Majority Leader yield for a couple of questions?"

Speaker Mautino: "She indicates she will."

Eddy: "Representative Currie, I think I remember this from last year and Representative Hamos had the Bill, and there was a lot of negotiation around whether or not those with the expertise in this area could be involved somehow in the establishment of the... the rules related to the RFP and still bid 'cause it's kind of a limited pool. And this is the agreement based on negotiations related to that?"

Currie: "That's right. And what it says is that if a contractor participates in drawing up the request for proposals, then that information should be made available to all who might want to bid for the job in the request itself."

Eddy: "Okay. So..."

Currie: "It doesn't bar... it doesn't bar somebody who helped write the proposal from being able to bid, but it puts everybody on notice that somebody may have a leg up when it comes to getting the final bid."

Eddy: "Okay. And I think that helps a lot because in some cases this is such a technical area that there's going to be very few places a school district can go to get the help they might need to draw up the specs and to do the studies related to the energy conservation area that they're looking at."

Currie: "Right."

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Eddy: "So... so, this does take care of that concern and the intent is to allow them to participate, but with full disclosure as to the fact they participated and to share the findings of any work that was done as a consultant for the RFP."

Currie: "Right."

Eddy: "Okay. Thank you, Representative. I think it's a compromise. It adds transparency, but it doesn't eliminate school districts from a very valuable resource as they.. they move into an area that we're all hoping provides a lot more efficiency for schools with energy and cost savings in the future. Thank you."

Speaker Mautino: "No one seeking recognition, the Lady moves passage of Senate Bill 2810. All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Turner, do you wish to be recorded? Mr. Clerk, take the record. 115 voting 'yes', 0 voting 'no', 0 voting 'present', Senate Bill 2810, having received the Constitutional Majority, is declared passed. Mr. Clerk, committee announcements."

Clerk Mahoney: "Immediately following Session Transportation, Regulation, Roads & Bridges will meet in Room 114. The Executive Committee will meet in Room 118. Vehicle Safety will meet in Room 115. Agriculture & Conservation in Room 122B. Judiciary-Criminal Law in Room D-1. Environmental Health in Room C-1. Counties & Townships in Room 413. At 5 p.m. the following committees will meet: Financial Institutions in 114, Elementary & Secondary Education in

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Room C-1, Labor in Room 118, Environment & Energy in Room D-1, Revenue & Finance in Room 115, and Juvenile Justice Reform in Room 122B."

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

Clerk Mahoney: "Agreed Resolutions is House Resolution 1163, offered by Representative Cavaletto. House Resolution 1164, offered by Representative Moffitt. And House Resolution 1167, offered by Representative Hoffman."

Speaker Mautino: "Representative Currie moves adoption of the Agreed Resolutions. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. The Agreed Resolutions are adopted. And now Representative Currie moves, allowing perfunctory time for the Clerk, when Session adjourns today, the Session will be on Wednesday, April 28 at the hour of 11 a.m. All those in favor say 'yes'; opposed 'no'. The 'yesses' have it. And the House stands adjourned until Wednesday, April 28 at the hour of 11 a.m."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of House Bills-First Reading. House Bill 6855, offered by Representative Yarbrough, a Bill for an Act concerning appropriations. House Bill 6856, offered by Representative Jerry Mitchell, a Bill for an Act concerning local government. And House Bill 6857, offered by Representative Zalewski, a Bill for an Act concerning animals. Senate Joint Resolution Constitutional Amendment 121, offered by Representative Currie. Second Reading of this Constitutional Amendment.

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF

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REPRESENTATIVES 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 Sections 2 and 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

- (a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the Senate, by resolution, shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.
- (b) In 2012 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.
- (c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be

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elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly. No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts and Representative Districts shall each, in order of priority, be substantially equal in population; provide racial minorities and language minorities with the equal opportunity to participate in the

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political process and elect candidates of their choice; provide racial minorities and language minorities who constitute less than a voting-age majority of a District with an opportunity to control or substantially influence the outcome of an election; be contiguous; respect, to the extent practical, communities of interest; respect, to the extent practical, municipal boundaries; and be compact.

(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts, subject to the hearing and notice requirements of subsection (c). A bill passed by the General Assembly pursuant to this subsection shall be presented to the Governor not later than June 3. The foregoing requirement shall be judicially enforceable. If the Governor approves the bill, then the Governor shall sign it by June 10 and it shall become law. If the Governor vetoes the bill or makes specific recommendations for change to the bill, then the Governor shall return it with his or her objections or specific recommendations by June 10 directly to the house in which it originated whether or not the General Assembly is in recess or adjourned. Any bill not so returned on or before June 10 of that year shall become law. A vetoed bill or bill returned with specific recommendations for change shall be considered in the manner set forth in this subsection notwithstanding any provision of Section 9 of this Article to the contrary. Not later than June 15, the originating house may either override the Governor's veto or specific recommendations for change by a record vote of

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three-fifths of the members elected or accept the Governor's specific recommendations for change by a record vote of a majority of the members elected. If the originating house passes the bill by the required vote, then it shall be delivered immediately to the second house, which, not later than June 20, may take the same action as the originating house by the same record vote requirements applicable to the originating house. A bill having received the required record vote in both houses shall become law and shall take effect immediately notwithstanding any provision of Section 10 of this Article to the contrary. If no redistricting bill for the Legislative Districts or Representative Districts, or both, becomes law by June 20 of that year, then the General Assembly may not redistrict by law for the remainder of that year, except as provided in subsection (f). If no redistricting bill for the Legislative Districts or Representative Districts, or both, becomes law by June 20 of that year, then the Senate may redistrict Legislative Districts and the House of Representatives may redistrict the Representative Districts, as applicable, by resolution adopted by a record vote of three-fifths of the members elected to that house, subject to the hearing and notice requirements of subsection (c). An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the house that adopted the resolution not later than July 20. If no redistricting resolution is filed for the Legislative Districts or Representative Districts, or both, by July 20, then not later than August 20 the Senate



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Redistricting Commission shall redistrict the Legislative Districts and the House Redistricting Commission shall redistrict the Representative Districts, as applicable, each in a manner consistent with subsection (e).

(c) In the year following each Federal decennial census year, the Senate and House of Representatives shall each establish a committee to consider proposals to redistrict the Legislative Districts or Representative Districts, as applicable. Each committee must conduct at least four public hearings statewide to receive testimony and inform the public on the applicable existing Districts, with one hearing held in each of four distinct geographic regions of the State determined by the respective committee. All hearings of a committee shall be open to the public. The Chairperson of each committee shall, no later than six days before any proposed hearing, post a notice with the Secretary of the Senate or Clerk of the House, as applicable. The notice shall identify any measure and subject matter that may be considered during that hearing. The notice shall contain the day, hour, and place of the hearing. If a committee favorably reports a redistricting resolution or bill redistricting the Legislative Districts or Representative Districts, or both, as applicable, then the committee shall conduct at least one final hearing in each of four distinct geographic regions previously determined by the committee in order to receive testimony and inform the public of the proposed Districts. All hearings of a committee shall be open to the public. The Chairperson shall, no later than two days before any

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proposed hearing, post a notice with the Secretary of the Senate or Clerk of the House, as applicable. The notice shall identify any measure and subject matter that may be considered during that hearing. The notice shall contain the day, hour, and place of the hearing. After the committee completes the required hearings, then the Senate or House of Representatives, or both, as applicable, may amend a redistricting bill or resolution and may take final action on the bill or resolution.

(d)As soon as practical, the General Assembly shall make available to the public, the Commissions, and the Special Masters all Federal decennial census data it receives from the Federal government and any other data required by law. The General Assembly shall provide a means by which members of the public may submit redistricting proposals or comment on or obtain a copy of any proposal submitted to the Senate, the House, a Commission, or a Special Master.

(e)By February 1 of the year following each Federal decennial census year, a Senate Redistricting Commission shall be constituted and consist of ten members, no more than five of whom shall be members of the same political party. The President and Minority Leader of the Senate shall each appoint five persons to the Commission, no more than two of whom shall be Senators and at least three of whom shall be persons who do not hold an elected or a political party office, are not employees of the General Assembly, are not employees of a political party, are not immediate family members of a member of the General Assembly or Congress, and are not lobbyists as defined by

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law. By February 1 of the year following each Federal decennial census year, a House of Representatives Redistricting Commission shall be constituted and consist of ten members, no more than five of whom shall be members of the same political party. The Speaker and Minority Leader of the House of Representatives shall each appoint five persons to the Commission, no more than two of whom shall be Representatives and at least three of whom shall be persons who do not hold an elected or a political party office, are not employees of the General Assembly, are not employees of a political party, are not immediate family members of a member of the General Assembly or Congress, and are not lobbyists as defined by law. An "immediate family member", for purposes of this subsection, is a person with whom the person has a bona fide relationship established through close blood or legal relationship, including parents, siblings, children, spouses, and first cousins. Persons appointed to each Commission should reflect the racial, ethnic, geographic, and cultural diversity of the State. The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. For each Commission, a Chairperson and Vice Chairperson shall be chosen by a majority of all members of the Commission. Each Redistricting Commission shall conduct at least ten public hearings statewide to receive testimony and inform the public, with two hearings held in each of five distinct geographic regions of the State determined by the

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respective Commission. All hearings of a Commission shall be open to the public. The Chairperson of the Commission shall, no later than six days before any proposed hearing, post a notice with the Secretary of the Senate or Clerk of the House, as applicable, who shall immediately make the notice available to the public. The notice shall identify any measure and subject matter that may be considered during that hearing. The notice shall contain the day, hour, and place of the hearing. Each Commission shall conduct the public hearings by April 1 of that year and must file a report with its respective chamber regarding its hearings, including hearing transcripts. Each Commission shall also file a copy of its report and hearing transcripts with the State Board of Elections, which shall make the report and hearing transcripts available to the public. If no law redistricting the Legislative Districts or Representative Districts, or both, takes effect by June 20 and the Senate or House, as applicable, fails to file a redistricting resolution with the Secretary of State by July 20, then the applicable Redistricting Commission, by resolution adopted by a record vote of at least six Commissioners, shall redistrict the Legislative Districts or Representative Districts, as applicable. If a Commission adopts a redistricting resolution, then the Commission shall conduct at least one public hearing in each of the five distinct geographic regions previously determined by the Commission in order to receive testimony and inform the public of the redistricting plan. The Commission must complete the required hearings prior to filing an adopted

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redistricting resolution with the Secretary of State. All hearings of a Commission shall be open to the public. The Chairperson of the Commission shall, no later than two days before any proposed hearing, post a notice with the Secretary of the Senate or Clerk of the House, as applicable, who shall immediately make the notice available to the public. The notice shall identify any measure and subject matter that may be considered during that hearing. The notice shall contain the day, hour, and place of the hearing. The Commission shall file an adopted resolution with the Secretary of State not later than August 20. If a Redistricting Commission fails to file an adopted resolution by August 20, then the Supreme Court Judges most senior from each political party represented on the Supreme Court shall jointly appoint one person to act as Special Master to redistrict the Legislative Districts and a different person to act as Special Master to redistrict the Representative Districts, as applicable. A Special Master shall be a person who does not hold an elected or a political party office, is not an employee of the General Assembly, is not an employee of a political party, is not a member of the General Assembly or Congress, is not an immediate family member of a member of the General Assembly or Congress, and is not a lobbyist as defined by law. The Special Master shall be appointed and certified to the Secretary of State not later than August 27. The appointment of the Special Master by any Supreme Court Judge shall not be considered an actual or potential conflict of interest for which the Judge shall recuse

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himself or herself from any action concerning redistricting the House and Senate. The Special Master may consider any redistricting plan filed by members of the General Assembly, the applicable Commission, or members of the public. The Special Master shall conduct at least one public hearing in each of the five distinct geographic regions previously determined by the applicable Commission in order to receive testimony and inform the public of the redistricting plan. The Special Master must complete the required public hearings prior to filing a redistricting plan with the Secretary of State. All hearings conducted by a Special Master shall be open to the public. The Special Master shall, no later than two days before any proposed hearing, post a notice with the Secretary of the Senate or Clerk of the House, as applicable, who shall immediately make the notice available to the public. The notice shall identify any measure and subject matter that may be considered during that hearing. The notice shall contain the day, hour, and place of the hearing. The Special Master shall file a redistricting plan of the Legislative Districts or Representative Districts, as applicable, with the Secretary of State not later than October 5.

(f) If a redistricting bill, resolution, or plan is invalidated in whole or in part by a court of competent jurisdiction or a redistricting plan is not filed with the Secretary of State by October 5, then the General Assembly may redistrict by law.

(g) A redistricting resolution or plan filed with the Secretary of State shall be presumed valid, shall have the

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force and effect of law and shall be published promptly by the Secretary of State.

(h)The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to redistricting beginning in 2011 and to the election of members of the General Assembly beginning in 2012. This has been Second Reading of this Senate Joint Resolution Constitutional Amendment 121 in its entirety. There being no further business, the House Perfunctory Session will stand adjourned."