

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

133rd Legislative Day

4/29/2010

Speaker Turner: "The hour of 10:00 having arrived, April 29, 2010. We shall be led in prayer today by Scott Capp, Pastor of Outreach and Missions at the Village Bible Church of Sugar Grove, Illinois. Pastor Capp is the guest of Representative Chapa LaVia. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and the Pledge of Allegiance. Pastor Capp."

Pastor Capp: "It's a pleasure to be here with you and a honor. Appreciate all of your ministries here in the Illinois House of Representatives. Would you join me in prayer as we go to our Heavenly Father. Father Almighty, we acknowledge Your presence in this place. Lord, I worship You. You are holy; You are awesome. It is under Your ultimate rule that we live and move and have our being. It's in the context of You that we set our agendas, plan our way and make laws for this land. We remember Your great law, which is the foundation to our concepts of justice and truth, as these men and women attempt to set a right course for the State of Illinois. We thank You for Your providence. You have brought us to this place, not just as individuals but as a nation. You have guided us to this very juncture of time, and are comforted that You have many irrevocable promises towards those who seek Your face and put their trust in You. It is with this confidence that we face each new day and challenge. We ask for Your provision. I pray for these lawmakers, for their families, marriages, children, grandchildren and I thank You for the sacrifices that they make and ask for Your strength to

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endure the stress and strain that leadership sometimes brings. I pray, too, this morning for the people of the State of Illinois: the working men and women, the poor, the disabled, the immigrants, from the unborn to our elderly and especially today, Lord, our youth, many of whom are troubled and have lost their way. Forgive us, too, Lord, when we miss the way. For all of us who look to You each and every sunrise, we ask for Your daily bread. We ask You for Your perspective and guidance for the work of this day. These are difficult days not only in our land but around the world. We remember the words of Abraham Lincoln, 'If it were not for my firm belief in an overruling providence, it would be difficult for me, in the midst of such complication of affairs, to keep my reason on its seat. But I am confident that the Almighty has His plans and will work them out and whether we see it or not they will be the best for us.' And so, Lord, give us wisdom to walk in the way that we should go. Help us to lead responsibly and to act fiscally in a way that will enable us to leave behind a better world for our children and grandchildren. Help us to remember that with the powers of leadership come great responsibility and accountability. Help us to lead in humility and integrity in our hearts, words and actions. And as we get about our work today we give You praise and adoration. We don't deserve Your great love. I thank You for Your great grace that is ever active in our lives. And may all... we all draw nearer to You as we find hope for tomorrow in Your word. In the name of Your precious Son and Savior, Jesus Christ, I pray, Amen."

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Speaker Turner: "We shall be led in the Pledge today by the Lady from Cook, Representative Bassi."

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

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

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Durkin, Mathias, Rose and Watson are all excused on the Republican side of the aisle today."

Speaker Turner: "The record will reflect. Representative Currie, the Lady from Cook, for what reason do you rise?"

Currie: "Thank you, Speaker. Please let the record show that there are no excused absences among House Democrats today."

Speaker Turner: "The record will so reflect. 112 people answering the call, a quorum is present, we shall proceed with business. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Monique Davis, Chairperson from the Committee on Insurance reports the following committee action taken on April 29, 2010: recommends be adopted Floor Amendment #2 to Senate Bill 2819. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education reports the following committee action taken on April 29, 2010: recommends be adopted Senate Joint Resolution 114. Representative Reitz, Chairperson from the Committee on Health Care Licenses reports the following committee action taken on April 29, 2010: recommends be adopted Floor Amendment #1 to Senate

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Bill 851. Representative Phelps, Chairperson from the Committee on Agriculture & Conservation reports the following committee action taken on April 29, 2010: recommends be adopted Senate Joint Resolution 87. Representative Verschoore, Chairperson from the Committee on Counties & Townships reports the following committee action taken on April 29, 2010: do pass as amended Short Debate Senate Bill 580. Introduction of Resolutions. House Resolution 1173, offered by Representative Soto. And House Resolution 1174, offered by Representative Mell. These Resolutions are automatically referred to the House Rules Committee."

Speaker Turner: "Ladies and Gentlemen, if I can have your attention. We're going to proceed to the Order of Second Readings. There's some Bills that we need to adopt the Amendments on and have them ready to proceed with business later. And on... on that Order on page 9 of the Calendar, Representative Nekritz, we have Senate Bill 3118. Representative Nekritz on Senate Bill 3118. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3118, a Bill for an Act concerning transportation. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Nekritz, has been approved for consideration."

Speaker Turner: "The Lady from Cook, Representative Nekritz on Amendment #1."

Nekritz: "Thank you, Mr. Speaker. Floor Amendment #1 is some cleanup language that clarifies the... the role of collective

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bargaining in the... within the... under the auspices of the...
the Inspector General."

Speaker Turner: "Seeing no questions, the Lady moves for the
adoption of Amendment #1 to Senate Bill 3118. All those in
favor should say 'aye'; all those opposed say 'no'. In the
opinion of the Chair, the 'ayes' have it. And the
Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendment. No Motions are filed."

Speaker Turner: "Third Reading. Representative McAsey, we have
Senate Bill 3359. Mr. Clerk, the Lady wants to bring the
Bill back to Second. Read the Bill."

Clerk Bolin: "Senate Bill 3359, the Bill was read a second time
on a previous day. Amendment #1 was adopted in committee.
Floor Amendment #2 has been adopted. Floor Amendment #3,
offered by Representative McAsey, has been approved for
consideration."

Speaker Turner: "The Lady from Will, Representative McAsey."

McAsey: "Thank you. I would move for the adoption of Floor
Amendment #3 which is a technical Amendment. It deletes
the word 'offend' and I would be happy to discuss the
Amendment on Third Reading."

Speaker Turner: "Seeing no questions, the question is, 'Shall
the House adopt Floor Amendment #3 to Senate Bill 3359?'
All those in favor should say 'aye'; all those opposed say
'no'. In the opinion of the Chair, the 'ayes' have it.
And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Turner: "Third Reading. Representative Chapa LaVia, we
have Senate Bill 3635. Read the Bill, Mr. Clerk."

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Clerk Bolin: "Senate Bill 3635, a Bill for an Act concerning education. The Bill was read a second time on a previous day. No Committee Amendments. Floor Amendment #1, offered by Representative Chapa LaVia, has been approved for consideration."

Speaker Turner: "The Lady from Kane, Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker, Members of the House. House Amendment #1 just adds in a language to the Bill that the Republican side... Representative Roger Eddy asked me to put in there. And I'm asking for its adoption."

Speaker Turner: "Seeing no questions, the Lady moves for the adoption of Floor Amendment... I'm sorry. The Lady from Brown, Representative Tracy, for what reason... Okay. Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 3635?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Turner: "Third Reading. Representative Hoffman on Senate Bill 2556. Out of the record. The Lady from Brown, Representative Tracy, for what reason do you rise?"

Tracy: "Thank you, Mr. Speaker. I have a point of personal privilege."

Speaker Turner: "State your point."

Tracy: "I would like to ask my fellow House Members to welcome a very distinguished group of fine fifth-grade students from Brown County Middle School and their teachers. And

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among those teachers is Representative Jerry Mitchell's sister Jan Kelly. And they are up here in the gallery. And if you all help me in welcoming them to the Capitol today."

Speaker Turner: "Welcome to Springfield. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Howard, Chairperson from the Committee on Judiciary II - Criminal Law, reports the following committee action taken on April 29, 2010: recommends be adopted Floor Amendment #1 to Senate Bill 2987 and Floor Amendment #2 to Senate Bill 3695."

Speaker Turner: "Mr. Clerk, what's the status of Senate Bill 3681?"

Clerk Bolin: "Senate Bill 3681 is on the Order of Senate Bills- Third Reading."

Speaker Turner: "Bring that Bill back to Second. On page 3 of the Calendar, we have Senate Bill 941, Representative Nekritz. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 941, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

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

Nekritz: "Thank... thank you. Thank you, Mr. Speaker. Senate Bill 941 increases the limit for the working cash notes for the Regional Transportation Authority. That has not been the... the amount set in statute has not been changed in over 30 years and it needs to be increased at this time because in... in large measure because of the delayed payments by the state to the RTA. And the way they can manage their... wor... their cash flow is through the issuance of these short-term

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working cash notes. And so we... we want to give them greater flexibility to be able to manage the... the cash flow. I ask for your support."

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

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

Speaker Turner: "She indicates she will."

Sullivan: "Representative, if I remember right under the RTA Act that we passed a few years ago, that did, amongst other things, raise the... the sales tax. Did they have this authority then or am I mis... am I thinking of that differently from than another area where they had borrowing authority?"

Nekritz: "It... it's my understanding, I... that might be... might've been a different area, Representative. This... this has been their statutory limit on the working cash notes for about... for 30 years."

Sullivan: "If I remember right, we... we were able to... we reduced them from 400 million on some area where they can do notes down to a hundred million as a trade-off for passing the increased... inc... sales tax. I don't... unfortunately, I don't have any staff here to ask that question. So, you... you don't remember where that Section was?"

Nekritz: "I apologize, I don't."

Sullivan: "Okay."

Nekritz: "I didn't serve on the Mass Transit Committee."

Sullivan: "Yeah. I... I think we... we both served there. So..."

Nekritz: "No, I... I did not."

Sullivan: "Oh, you did not."

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Nekritz: "I did not."

Sullivan: "I'm sorry. I thought you did."

Nekritz: "No, I know everybody thinks I did."

Sullivan: "I guess I just assumed you did."

Nekritz: "Yeah, because I sat to next the Representative Hamos
everybody assumed I did."

Sullivan: "So, this authority, obviously, is because of the
financial times we have and you're just going to allow this
to go for 2 years, and then it'll expire their ability to
have the 400 million?"

Nekritz: "Correct."

Sullivan: "Okay. Give me two seconds here for a quick second.
Okay. My understanding from staff is that they did have
the ability at 400 million, but like you're doing now, it
sunsetted and... and that's the difference. So, thank..."

Nekritz: "And... and I'm reading through it. I'm reading through
a little bit further on some of my notes and I believe that
is... that... I misspoke."

Sullivan: "Okay."

Nekritz: "That... that's... you're correct."

Sullivan: "So, the reality is, we have done this before and
we're just allowing them to do it again."

Nekritz: "Correct. Thank you."

Sullivan: "Thank you."

Nekritz: "Thank you for that clarification."

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

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

Speaker Turner: "Indicates she will."

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Sacia: "Elaine, among other issues with the RTA and mass transit in general is free rides for seniors, which I, as a senior, am adamantly opposed to. The other night, in fact, it was a week ago last night, we struggled in Appropriations-Public Safety Committee for, in the neighborhood of four-plus hours to try to come up for a funding mechanism to reinstitute the 464 Illinois State Troopers that are being laid off. And this is allegedly costing the state, this program for the State Police, in the neighborhood arguably from 24 million to 32 million. That being said, we continue to provide free rides for seniors even though a senior by federal mandate already rides for half fare. And the mechanism that Representative Bassi had in her House Bill that flew out of here with 83 'yes' votes, the irony of my comments, the other night while we're struggling to find a funding mechanism in Representative Yarbrough's Appropriations Committee, we couldn't find a funding mechanism. But yet we have \$40 million in a bloated entitlement for seniors like myself who can afford it and her Bill actually has a mechanism so that low-income seniors would ride free. It is one of the biggest no-brainers I have ever seen in the short 8 years that you and I have been here. And I know this isn't what your legislation is all about, but it is about funding and we are literally leaving \$40 million on the table that is a given. Those of us who are of age to get the half-price fare and who can get by easily with the half-price fare are granted a free ride when the state is bankrupt. I... I would

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just ask for a moment's comment and I... I know this isn't the essence of your Bill, but it drives me nuts."

Nekritz: "Well, Representative, I... I agree with you. I supported Representative Bassi's legislation and in fact, Senate Bill 941, in an earlier version, when I was the Sponsor, also included ending the Free Rides for Seniors program. This particular piece of legislation does not require any additional state funding. It's simply a change in a statutory limit for... that the RTA is authorized to borrow on a short-term basis."

Sacia: "Thank you, Representative. I... I deeply appreciate your support for that and I so hope the Governor's Office is listening because this \$40 million bloated entitlement would easily fund our Illinois State Police, put public safety back on the front burner where it belongs and those of us who can easily afford the ride could continue to do it. Thanks for your hard work, Representative."

Nekritz: "Thank... thank you."

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

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

Speaker Turner: "Indicates she will."

Winters: "This... this is probably the order of the county of Winnebago. I'm wondering if Representative Jefferson would like to follow up with a question after this. But I did notice that the \$100 million borrowing limit was established about 30 years ago, over 30 years ago. Has there been any request from the RTA to up that on a permanent basis? Have they, in fact, been using this

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borrowing authority and bouncing against the \$100 million limit at all or is this simply a request on a short-term basis because of the abysmal state of affairs of the state budget and the fact that we cannot reimburse them on a timely basis?"

Nekritz: "It is my understanding that they would like to make the 400 million permanent. In fact, if I think it... it's my... and I haven't done the math on it, but the RTA informs me that if you adjust it for inflation for the 100 million over the last 30 years it would be right about 400 million right now. But that... that was not... that's not the legislation that came forward. It does have this two-year sunset in it."

Winters: "Okay. So... but we might anticipate that a couple years from now, when this... this limit is facing that sunset, there may be a request to extend it. I was hoping that, in fact, seeing that sunset that that was an advance indication that within the next 2 years the state would actually be paying its bills on time. But you're telling me, if I could put this into your words, that there is no hope, that we probably won't be caught up in 2 years and we may have to extend that higher limit. Is that a fair statement to put it in your mouth?"

Nekritz: "I... I would just say that the Bill speaks for itself. It's got a two-year limit and we'll see what happens in those 2 years."

Winters: "A very good evasion. Thank you."

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

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

Speaker Turner: "Indicates she will."

Eddy: "Representative, I just want to make sure that as the... the working cash limit increase does not require an additional appropriation."

Nekritz: "That is correct. There is no additional state funding."

Eddy: "So, this is more of flexibility for a short-term and the hope for, I guess, better times so that the... the borrowing limit can... I guess, my question is, why... why are... why is it being sunsetted if there is the possibility that... that flexibility might be needed longer than just a couple of years and the inflationary factor would've warranted some type of increase on a more permanent basis. Is... is it just to kind of reign in what they're doing?"

Nekritz: "Well, I think... I think that's right, Representative. You know, we... we do have a... some concerns over the amount of debt that I think, you know, that we have at all levels of government and so this is... I think we wanted to try to keep an eye on it as best we can."

Eddy: "So, perhaps, I... and I don't know if you've read the... the Daily Herald today, but there's a story in the Daily Herald about the... the Metra chief, the bonus."

Nekritz: "Yes."

Eddy: "The \$56 thousand bonus..."

Nekritz: "Right."

Eddy: "...that the Metra chief apparently was provided, somehow I know..."

Nekritz: "Well, there's an allegation of that, yes."

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Eddy: "Well, the... the salary I think is about... the current salary for the Metra chief is \$269 thousand. So, I think the... the... the idea that there has to be a limitation comes with this type of story. That despite our best efforts or anyone's best efforts the... the... the borrowing is necessary for the riders and... and for services and not for this type of activity."

Nekritz: "I... I would agree especially in this time of... of fiscal crisis that... that that would be the goal, but I... I do understand that that is being... that that allegation is being investigated and would, you know, I'm not going to pass judgment until that investigation is complete. But you're right, there is no additional appro... this would... this would... isn't sending state dollars to the RTA to possibly be spent on that kind of thing. It's still within... and that's Metra. This is the RTA, so..."

Eddy: "Okay. And at the end of the day, there's not additional state appropriation."

Nekritz: "That's correct."

Eddy: "This is to allow working cash flexibility for an additional couple-year period of time..."

Nekritz: "At... at the end of the day, you're correct."

Eddy: "...and hopefully they'll... they'll investigate this and take proper action because we... none of us want to see this type of thing happen with those appropriations. Thank you."

Nekritz: "Thank you."

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

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

Speaker Turner: "Indicates she will."

Moffitt: "Before I go to the Sponsor though, I... Mr. Speaker, I want to commend you on your performance last night at Dancing with the Stars as well as everyone else in the chamber. It was tremendous."

Speaker Turner: "Thank you very much."

Moffitt: "You are swift of foot and a tremendous performance. Same for the Sponsor here and everyone else, so it was a great show. Representative, just a... and some of these questions I want to take it just a little further. You said there's no appropriation here from the standpoint of the state. I just want to make sure there's no financial obligation. This is not increasing or putting any potential burden on the state. Is that correct?"

Nekritz: "This is increasing a debt limitation set in statute. It has nothing to do with state funds."

Moffitt: "But... but the state would not in any way be obligated."

Nekritz: "I... not that I know of. I mean, I don't know that there's not, you know... that... I... the state does not stand behind these bonds. These are separate r... these would be separate RTA notes."

Moffitt: "Okay. I mean, in some cases in the state, you know, when certain bodies don't fully fund their punch... their pension and the state has to help bring them up to a certain level we... we know that law exists too. Would it be fair... is it correct that if the state were current on what it owes you probably wouldn't even be here with this legis...

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there wouldn't be the immediate need for this. Is that correct?"

Nekritz: "I don't think that there would be quite the urgent need for it. I'm not saying that there wouldn't be some need for it, you know, at... at some point because of the just... you know, this is... again, this is a number that was set in statute when the RTA was formed 30 years ago and you know inflation has occurred and the dollar isn't worth what it was 30 years ago, but... ther... but the... the crisis that's facing the RTA would certainly not necessitate that."

Moffitt: "Thank you, appreciate your response."

Nekritz: "Thank... thank you, Representative. Thank you for your kind remarks about the show."

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

Bassi: "Thank you, Mr. Speaker. I rise in strong support of this Bill. In spite of the fact that the Metra director is under some scrutiny right now, he's also been temporarily suspended until resolution of the... of the concerns that are out there, which I think was the appropriate action from the Metra chairwoman, to put it mildly. This is the kind of borrowing that we are allowing for a number of our school districts given the fact that the state is so much in arrears with their payments. And I would... I would ask for an 'aye' vote. Thank you to the Sponsor."

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

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

Speaker Turner: "Indicates she will."

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Dunkin: "Representative, I'm just curious, I mean, it's... it's the last couple of weeks possibly of this Session. Why... why are we just now hearing from RTA on this financial matter?"

Nekritz: "I'm sorry, Representative, I didn't hear the question."

Dunkin: "I say, we're in a... possibly our last couple of weeks down here in Session. Why is it that the RTA is just now coming down here on this particular... with this... with these lump-sum numbers?"

Nekritz: "Representative, I don't..."

Dunkin: "Surprised I haven't heard from them at all."

Nekritz: "...I don't think that they're just coming down here. I had carried this legislation in Veto Session this Senate Bill 941. It had some additional provisions in it, but this increase in the working cash notes was in that legislation last fall. So, this has been something under consideration for many months."

Dunkin: "Okay. I mean... I'm... I'm just curious because, again, it's the end of the Session. We... I'm just... I'm just now hearing from them. There's a transit crisis in January. Excuse me. I'm sorry, earlier this year in January as it relates to the CTA and some of the other service boards, but... and particularly CTA. How is this money going to translate into services in my respective district or any of... any of the other service boards to make sure that re... we restore or get services back to where they were prior to January of this year? How does this have a... a direct and immediate impact on that?"

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Nekritz: "Representative, I want to, you know, reiterate that this is not additional funding. This is not new money. This is... this is an addition... this is an increased borrowing limit and it's to man... it's to allow the RTA to manage their cash flow because the state is delayed in making the payments that it's supposed to be making. So, it doesn't increase anybody's budget. It doesn't change anybody's budget. It just makes sure that we can... that... that everyone can continue, vendors, I'm assuming personnel can continue to get paid on time."

Dunkin: "Personnel of RTA or the three service boards?"

Nekritz: "Well, all... the... the money flows through to the service boards..."

Dunkin: "Sure."

Nekritz: "...and so I would as... I'm assuming that it would im... impact all three service boards."

Dunkin: "Okay. What... what percentage of the moneys actually flow through? Is it 80 percent or 90 percent or what?"

Nekritz: "I... I have to admit, I don't know."

Dunkin: "Well, that's important because it could be 40 percent. I guess, my real concern is..."

Nekritz: "Are... are you talking about this particular money?"

Dunkin: "This particular money if we were to borrow this."

Nekritz: "Th... Okay. I... I don't... I mean, I don't... this is not... this is not new money. This is borrowing to manage their cash flow. So, this... whatever... whatever percentage is oper... in operation under the current laws would be the same percentage for this money, If... if any of it at all. I just don't... I don't know."

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Dunkin: "So, Representative, RTA is on the hook for... for this short-term loan, correct?"

Nekritz: "Correct."

Dunkin: "Not the State of Illinois?"

Nekritz: "Correct."

Dunkin: "Not any other service boards?"

Nekritz: "Correct."

Dunkin: "Thank you."

Speaker Turner: "And the last speaker is from... the Gentleman from Vermilion, Representative Black."

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

Speaker Turner: "She indicates she will."

Black: "Representative, just a little over 1 year ago the ninetieth... excuse me, the General Assembly increased the RTA's borrowing authority from 100 million to 400 million, from January '08 to July 1, '09. How much of that authorization borrowing did they use? Do you know?"

Nekritz: "I... I don't have that number, no."

Black: "Well, I think that would be very important to know because I'd like to know if they paid it back."

Nekritz: "Representative, I'm told that... that they used about 260 million of that."

Black: "And how much of that have they now repaid?"

Nekritz: "Everything. Because it's... it's..."

Black: "So, here we are..."

Nekritz: "...because it's now rolled back to a hundred million, so they have not... they have not..."

Black: "Okay."

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Nekritz: "...broken the law."

Black: "So, here we are not even a year out and they're asking again for the authority to increase their borrowing, i.e. working cash, from 100 million to 400 million dollars. Let... I remember when RTA was started back in the... either the late '70s, early '80s. Was there anything in th... I tried to find out, so excuse the question, I tried to find out and couldn't. Is there anything in the enabling legislation of the RTA that would let the full faith and credit clause be utilized by levying a property tax on the area they serve?"

Nekritz: "That would allow them to..."

Black: "To levy a property tax, if they really got into a bind, since these are full faith and credit bonds. Do they have any authority to request or levy a property tax in the areas they serve?"

Nekritz: "Rep... Representative, I... I have to say I... I don't know whether they have that."

Black: "Okay."

Nekritz: "I don't... I don't believe so. I don't ever remember seeing anything or... or hearing any discussion during any of the rather protact... protracted..."

Black: "Okay."

Nekritz: "...debates we had on..."

Black: "I... I don't know either."

Nekritz: "...on that that would... that would allow a property tax."

Black: "It's not a..."

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Nekritz: "And these are not, I'm being told these are not full faith and credit bonds."

Black: "It... it's not a trick question."

Nekritz: "The... they're... they're notes. They're just working cash notes. They're short term borrowing."

Black: "Well, I mean, but many government entities in Illinois do have the ability to levy a... a property tax to retire working cash notes, if they don't have the optimum income stream to retire those notes. Particularly community colleges and school districts would often have to do this."

Nekritz: "But they... but they levy a property tax to begin with and so that's one of the categories..."

Black: "Well, they do. They've had the enabling authority, yes."

Nekritz: "Right and I don't believe that the RTA has the enabling authority for a property tax."

Black: "Well, you know..."

Nekritz: "You know..."

Black: "...one of the..."

Nekritz: "...I wish... my... if... if Representative Hamos were here I could ask, but..."

Black: "Yeah. One of the fascinating things about history the Illinois Lottery sponsored by and was... was kind of the project of the late Zeke Giorgi. One of the things that Representative Giorgi mentioned that some of the proceeds from the lottery could be used to help finance the RTA. And that was one of the factors that I think helped pass it, but that's been changed over the years, I know that."

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Nekritz: "So, I could get that question at every town hall meeting I have versus the question about education?"

Black: "Right."

Nekritz: "Okay. That... that would be something new at least."

Black: "Yeah. I... I could... well, I could give you a copy of the Sun-Times when the lottery passed and that's what Representative Giorgi indicated that some of those proceeds could be used for the RTA and then that was changed in '85, '86. Representative, the... the only question I have, and I don't know the answer but I get nervous because we're borrowing so much money it's hard to keep track. I know your intent, as you have said, is that the working cash bonds would be retired by the revenue stream of the RTA, but if the revenue stream is not sufficient and the bondholders call in..."

Nekritz: "Again, these... they're not bond... they're not bonds. They're notes, but..."

Black: "Okay. But if... if... then if the issuers of the note get nervous and want payment prior to the end of this establishing the... the period of time here, I guess my concern is, what... what sources could the issuers of the notes go to? And I... I'm not trying to delay your Bill. I'm just trying to find out for my own edification. If... if they're working cash bonds, then there may be enabling legislation from years and years ago that would let... let that be repaid by a... a possible property tax levy. I don't know that that's the case. If these are working cash notes, then that may be a little different situation. What I would like you to do, and I trust your staff and our

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staff, is if you'd take this out of the record just for a few minutes... you're in the Majority Party you know you can always get back to the Bill... so we could look into any potential hazard, pitfall, whatever word we want to use, that what... what might be possible to retire these bonds or notes in case of a potential default."

Nekritz: "Representative, for... for you... I... for you, I'll be happy to do that."

Black: "Well, I... I would appreciate that and I know..."

Speaker Turner: "Bring your remarks to a close."

Black: "Yeah. I will, Mr. Speaker, thank you. I appreciate the Sponsor's willingness because I think it's a legitimate question and my good friend, Roger Eddy, brought this to my attention. It depends on how the language is written whether they're working cash notes, whether they're working cash bonds and what the enabling legislation of the original RTA Act might be. And... and believe me, we're not trying to stall the vote or... none of us have a desire to defeat this. We're just trying to make sure we know what we get into. And I appreciate the cooperation of the Lady... of the Representative."

Speaker Turner: "Mr. Clerk, the Lady asks to take the Bill out of the record. The Lady from Cook, Representative Gabel, for what reason do you rise?"

Gabel: "Thank you, Mr. Speaker. For a point of personal privilege."

Speaker Turner: "State your point."

Gabel: "I would like to welcome from Northwestern our new President, who's up in the gallery, Mort... Morty Schapiro."

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Thank you so much for coming today and I would love it if we could give him a big, warm welcome."

Speaker Turner: "Welcome, Mr. President. Mr. Clerk, Senate Bill 2499. What's the status of that Bill?"

Clerk Bolin: "Senate Bill 2499, a Bill for an Act concerning education. The Bill was read a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Turner: "Would you move that Bill to Third Reading. And then would you call Senate Bill 2499."

Clerk Bolin: "Senate Bill 2499, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Cook, Representative Farnham."

Farnham: "Mr. Speaker and Members of the House, Senate Bill 2499 changes the reporting of EAV data for purposes of calculating general state aid to require the Department of Revenue to provide the limiting rate for the county containing the most equalized assessed valuation for school districts spanning multiple counties. This corrects a situation particular this year for U-46 that has a multicounty that has affected our funding for some time, and would correct it this year for U-46. And it is not retroactive; it's just this year and going forward. I entertain any questions."

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

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

Speaker Turner: "Indicates he will."

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Ramey: "Thank you. Representative, how exactly does this help the District U-46?"

Farnham: "What this does is realize that Cook County, in reporting their... the valuation for their real estate, estimates that valuation for purposes of the EAV. And because they estimate it generally high, and then when the real valuation comes in, it's not corrected, U-46 ends up being shorted money."

Ramey: "How much more money with they get now, estimated?"

Farnham: "This particular coming year they would get \$22 million, roughly."

Ramey: "And since they're looking at a \$40 million hole in their budgets, this would be very, very appropriate for them, wouldn't it?"

Farnham: "It's very, very important to that school district, yes. The second largest school district in the State of Illinois."

Ramey: "Absolutely. To the Bill. Ladies and Gentlemen, this is a good Bill for the second largest school district in Illinois. They've been shortchanged over the years and they have a... a budget crisis as do many school districts. And I ask for an 'aye' vote to help support and fix this problem."

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

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

Speaker Turner: "Indicates he will."

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Black: "Representative, I also have one school district that crosses county lines. One county is in PTELL, one county is not. What... what attracted my attention to this is that the State Board of Education is opposed to this, and I don't understand why. Do you have an idea of what their opposition is?"

Farnham: "ISBE would like a more global solution to it, but right now we don't think that that can occur. And this has been going on for some time and it corrects a situation in a time when a very, very large school district needs to be treated properly."

Black: "So, I'm trying to think of the district in the 104th. Part of their territory in Vermilion is not PTELL, part of their territory in Champaign County is, and I'm having trouble thinking... if the levy can be a higher levy in Vermilion County, then that cannot be extended into Champaign County at the same rate because of the PTELL restriction?"

Farnham: "I think if they were to meet the criteria for this, that the EAV in the one county would be higher, then they would meet that criteria. So, I'm not sure if they meet that criteria or not, but if they did, they would qualify for this."

Black: "Off the top of my head, I think the Armstrong district the EAV is probably higher in the PTELL county than Vermilion, a non-PTELL county. So, would that penalize... is that a penalty to the district?"

Farnham: "Honestly, Representative, I don't know."

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Black: "Okay. Well, I appreciate you bringing this to our attention and I will certainly listen to the debate 'cause I think as Representative Tryon and others have said, we're just trying to figure out, as anything we do down here, does it help in our area or does it hurt in our area and how we work all of that out. Thank you very much."

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

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

Speaker Turner: "Indicates he will."

Tryon: "To the Bill. Three years ago we approved a law out of this chamber that went over and died in the Senate, and we approved it unanimously. If that would have been... become law, we wouldn't be here today trying to fix this for U-46. Essentially, this only affects taxing districts, school districts that are in multiple counties where they're using an estimate in the nonhome county and the estimate is overinflated. And when it's overinflated they give it to the home county and ISBE only makes the school aid formula calculation off of the home county, and they make a calculation off of an inflated number which drives down the amount of money they get from the state. That's wrong. That's being done at the expense of his school district. It happened to my school district. It could happen to your school district. This needs to be fixed. It is frustrating when you're in this situation because the school aid formula's calculated a couple years after the actual error occurs, and today what is frustrating is ISBE has the wrong number. They know it's the wrong number."

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Cook County knows it was the wrong number. Everybody knows it's the wrong number, but the right number is at IDOR. If somebody would just pick up the phone and call IDOR and say what was on the tax extension for the next year that corrected it as the two counties reconciled between each other, they would have the right amount of tax extension to calculate this year's formula. You would think we would be able to do that. This is a good Bill for his district, and it's a good Bill for anybody that's in a PTELL district, and next year we need to come back and fix this so this never ever happens again. Thank you."

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

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

Speaker Turner: "Indicates he will."

Eddy: "Representative, I think there are two very... two very essential points to this debate and really they're the only two, I think, should matter as far as the vote today on this particular issue. Number one, will the school district receive any more money than an accurate calculation based on non-estimated, but real information would have produced, using that formula? Would they receive any more than they would have if accurate information at the time would have been available?"

Farnham: "I believe the answer is no to that."

Eddy: "I believe you're right. I think that this fixes a miscalculation based on the fact that accurate information simply was not available at the time the calculation was made, and there's nothing in current law that allows for us

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to fix it, and for your district you're bringing forth a fix. The real issue here is what Representative Tryon alluded to, and that there is a fix for this entire problem. The State Board of Education really... I mean, there's sometimes nothing they can do about it. They can only use information they have and they don't get that information and it can't be certified in time to use for the calculation, the truth is the Elgin School District or any other school district in the state should not receive less money just because of the timing issues involved with that calculation. That's all you're trying to fix here. Representative Tryon had a Bill that we really should have passed to fix this. The State Board of Education has offered solutions of just removing the limiting rate from the GSA all together. They talked about focusing on EAV and the consumer price index as fixes. We need to do this because it's fair. It's the right thing to do, its fair, and then we need to fix that calculation in the future and I hope you'll join us in that so that we can get that Bill through and not have to do this. I would vote 'yes' for the Gentleman's Bill. I support it. It's the right thing to do."

Speaker Turner: "Representative Farnham to close."

Farnham: "I thank my colleagues for their support on this and I believe that it is the right thing to do. You know, this is... this is about correcting a situation; it's about making things right. It's about having teachers in place that we need in place. It's about educating our children. It's about early education. It's about any number of things

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that we all care passionately about. And I appreciate the attention that the Bill has gotten today and the support it's gotten. And I urge an 'aye' vote."

Speaker Turner: "So the question is, 'Shall the House pass Senate Bill 2499?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 113 voting 'aye', 0 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Supplemental Calendar #1, we have SJR114, Representative Smith. Read the Bill, Mr. Clerk... or read the Resolution"

Clerk Bolin: "Senate Joint Resolution 114 encourages the General Assembly to promptly review and evaluate the report on waiver of school code mandates filed by the State Board of Education to determine if the report should be disapproved in whole or in part."

Speaker Turner: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. This is our semiannual review of the school mandate waivers and the waivers which have been submitted to us by the State Board of Education. Let me take just a minute to remind you of the procedure that we go through. School districts throughout the state can ask for waivers. The state board will approve many of those on their own. There are some that the state board does not act on, and those are the ones that we see. So, they give us a report. The

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Education Committee has met and taken testimony and in consultation with the Senate Education Committee, we have before you today our recommendation of those vouchers that should be denied or should be modified... I'm sorry... those waivers, not vouchers. Specifically, this Resolution would uphold the state board's denial of the waiver request from Elgin School District 46 with respect to its transitional bilingual education. That actually is an appeal of a decision by the state board and so we are recommending that that appeal be... or that that decision be upheld. And then further, we would approve waivers to behind-the-wheel instruction for up to one year only and allowing school districts to substitute a ratio of four hours of simulator training for every one hour of behind-the-wheel instruction. Those are the only recommendations we have with regard to the waivers that have been submitted to us. Again, we have to take action to deny or to modify those that we wish to. All of the rest of the waivers that have been submitted to us will be approved without our action. I'd be happy to answer any questions, Mr. Speaker."

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

Bost: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, just for the purpose of new Members, 'cause we've done a lot of changing here over the last couple weeks and of having those new Members here, the important thing to remember about this is, is if you vote 'yes' you're stopping... you're basically saying that the board is correct and you're denying the waiver to these districts,

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correct? And so a 'yes' is a 'no', and a 'no' is a 'yes', if you're wanting to support your school district?"

Smith: "Yes."

Bost: "Okay. Okay. We have to go through that and you and I have gone through this now for about 16 years doing this, so just the new Members need to know that that if their school district is on here and they believe that they should receive the waiver, they should vote 'no' on this at this time."

Smith: "Yes. And really this Resolution only addresses a very few of the actual waivers that were submitted to us, but yes."

Bost: "Yeah. I noticed there's only seven, and I think that's the first time we've ever had that small of amount, but..."

Smith: "I think it may be the fewest we've seen. Yes."

Bost: "Well, I was just wanted to make sure that we cleared that up especially for new Members. Those of us who've been here awhile understand that, but know how to vote on that."

Smith: "That's right. Thank you."

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

Eddy: "Thank you, Mr. Speaker. I'm not sure the analysis is working on this side of the aisle related.. is it there now? Okay. Thank you very much. I think the important thing for Members is to look at whether or not a school district that you represent received an approval of the waiver or a denial of the waiver, and whether or not you want to vote in favor of accepting this report or against it based on

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whether or not your district was approved or denied. Example: as Representative Smith mentioned, the Elgin School District was denied a waiver related to a request on class size for English as a second language. So, if you feel like Elgin should have received that waiver, and it was denied, you may not want to vote for this because this is upholding the denial of that waiver. If your... if your district like Wheaton, or Lyons, or Triad, or Maine receive their waiver for driver's education mandates, you're probably going to support this because your district was successful in their waiver request. It's pretty simple that way, but I would just urge Members to look at the report to see if there's any district that you represent, how they did as far as the recommendation in this Resolution is concerned, and then act accordingly. I just want to quickly talk about the Elgin request because I think it's a legitimate request that could not be approved because of rules that are currently in place related to English as a second language. There's no question that we need to do something to allow some flexibility to a program that's only being funded at 82 percent. We should allow some flexibility, but in 1986 we passed a law that stated there had to be a certain ratio for English as a second language classrooms, and we limited the state board's ability to even grant a waiver beyond that 90 percent. So, that couldn't be approved because of statutory reasons. I don't think the state board has a problem with looking at this. We've talked about it and we need to look at how we might provide some waiver relief. But just take a look at

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it, make sure that you're representing your area correctly based on the action to the waiver... the waiver request they receive. Thank you, Mr. Speaker."

Speaker Turner: "The Lady from DuPage, Representative Bellock, for what reason do you rise?"

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

Speaker Turner: "Indicates he will."

Bellock: "So, several of these waivers on here were regarding driver's education?"

Smith: "Yes, that's right."

Bellock: "And in here is what the waiver was from the school was to take away the driving part of the driver's ed. course and to go on to the..."

Smith: "Strictly on the simulators, right."

Bellock: "Okay. So, what you would be doing is allowing schools to no longer have actual driving time, they would just be on simulators?"

Smith: "That's what the schools were requesting, Representative Bellock."

Bellock: "Right."

Smith: "But we are... we have established a precedent. The last several of these reports where we basically have modified those waivers to say that the school has to meet the current four hour to one hour ratio of simulator training and behind-the-wheel training."

Bellock: "So they still have to be behind-the-wheel for a certain amount of time?"

Smith: "That's right."

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Bellock: "Okay. And the other waiver is taking away physical education in the school in Cook? Is that correct?"

Smith: "Those... I'm sorry. Which one are you referring to?"

Bellock: "On... this Palatine?"

Smith: "The Palatine?"

Bellock: "The physical waiver on my thing it says Cook."

Smith: "Oh, yes. I'm sorry. This is... this was just a note at the request of Senator Murphy that although the waiver request is being approved, he had asked to have this stated in there that basically we realize the importance of physical education."

Bellock: "But they're giving him a waiver to not have physical education?"

Smith: "No. We actually allow several waivers for that, Representative Bellock, and they're for various reasons, whether it's for other extracurricular activities and so forth. We do that on a routine basis, so this is nothing different. The only reason that particular Section is in there is at the request of Senator Murphy."

Bellock: "Well, it's hard to tell when we get these because a lot of us are really opposed to taking physical education out of the schools. Now, if it's a waiver because they do, you know, 20 hours every month on a swim team or something like that, that's different, but for kids that get no physical education to take that out of the schools, it's hard to understand."

Smith: "I don't believe... I don't believe we have any mandates that would totally eliminate... or any waiver requests that

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totally eliminate physical education. I think the committee took a stand on that a long time ago."

Bellock: "Okay. Thank you very much."

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

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

Speaker Turner: "Indicates he will."

Bassi: "With regard to the Palatine 15 waiver, the wavier should have read, states that 'neither approval nor disapproval' would be interpreted for the recess policy for the District 15. And I would like that in the record that it should read 'neither approval nor disapproval' of the recess policy. Thank you."

Speaker Turner: "Representative Smith to close."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen. I know this process is always very confusing. I ask you to trust those of us in the Elementary & Secondary Education Committee. We have worked on this in consultation, both sides of the aisle, and with the Senate Education Chair, and both caucuses in the Senate. We are basically taking action to support the state board in one appeal and to modify seven of the waivers that were submitted to us. And I'd ask for your 'aye' vote in approving the Resolution."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass SJR114?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Franks, Fritchey, Sullivan, Winters... Clerk, take the Roll. On this question, 96 'aye', 15 'nay', 1 'present'. And

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this Resolution, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Black, Representative... the Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I know we're no longer allowed to explain our vote, so I want to explain... I don't want to explain my vote on that Bill, but I have every year for the last seven or eight years. I don't know why we're the super school board. I've filed legislation this year to get those waiver reports out of the Illinois General Assembly. I told the state board they ought to come up with a review process. It should be handled within the education community. There wasn't anything on that waiver report that I knew anything about. They aren't my districts. I don't know why they're seeking a waiver, and yet every year we have to vote on this. I remember when we passed it. Many of us said then we would rue the day we did and I hope somebody will carry on my crusade. The General Assembly should not be in the business of second guessing or validating a school board's decision on a waiver request. Let the state board figure out how to handle it. They know what's going on. They know what the educational issue is. They should handle it. It shouldn't come to the General Assembly."

Speaker Turner: "On Supplemental Calendar #1, we have SJR87. Read the Resolution, Mr. Clerk."

Clerk Bolin: "SJR87 urges the Congress of the United States to authorize and fund the U.S. Army Corps of Engineers'

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Comprehensive Plan for Flood Control in the Upper
Mississippi River Valley."

Speaker Turner: "The Gentleman from McDonough, Representative
Myers."

Myers: "Thank you, Mr. Speaker. SJR87 is an initiative of
several county farm bureaus along the western side of the
state that are in the flood plain all the way from the
bottom of Illinois to the top of Illinois. And it's an
attempt to encourage the State... or the Federal Government
to fund the Comprehensive Plan for Flood Control in the
Upper Mississippi River Valley and that also includes Iowa,
and Missouri, and Minnesota, as well, Wisconsin. The whole
initiative behind this is to reduce the cost for flood
damage. Once a flood occurs like it happened in 1993 and
again in 2008, the cost for flood damage and flood repair
and flood fighting is much more expensive than it would be
to go ahead and improve the levees along the Ill... or
Mississippi River. I ask for adoption of SJR87."

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

Bost: "Thank you, Mr. Speaker. I rise in support of the
Resolution. Ladies and Gentlemen, many of us that have the
western side of the state and along the flood plain have
beginning to notice all of our levees and the problems that
exist with the gates. Many concerns that we've had, and
they've been a problem since the '93 flood. I think this
is a positive move to try to encourage the Army Corp of
Engineers to move forward, get the Federal Government to
invest back into those flood plains and make sure that

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those gates and everything are sealed and the repairs are done. So, thank you... thank the Gentleman for moving it forward."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass SJR87?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 114 voting 'aye', 0 'noes', 0 'presents'. And this Resolution, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 580. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 580, a Bill for an Act concerning local government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Turner: "Third Reading. On page 3 of the Calendar, we're going to Senate Bill 941, Representative Nekritz. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 941, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

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

Nekritz: "Thank you, Mr. Speaker. I wanted to oblige my colleagues on the other side of the aisle and take the Bill out of the record. I think we've clarified the questions that came up. And I would ask for an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 941?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now

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open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 72 voting 'aye', 43 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, we have Senate Bill 2819. Read the Bill. Representative Osmond."

Clerk Bolin: "Senate Bill 2819, a Bill for an Act concerning insurance. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Mautino, has been approved for consideration."

Speaker Turner: "Representative Osmond on Amendment #2."

Osmond: "Thank you. I'd like to move to adopt Amendment #2."

Speaker Turner: "The Lady moves for the adoption of Floor Amendment #2. All those... Seeing no questions, all those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the Amendment's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Turner: "Third Reading. Representative Acevedo, we have Senate Bill 2987. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2987, a Bill for an Act concerning..."

Speaker Turner: "Mr. Clerk, take the Bill out of the record. Representative Mendoza, we have Senate Bill 3695. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3695, a Bill for an Act concerning corrections. The Bill was read a second time on the previous day. No Committee Amendments. Floor Amendment

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#2, offered by Representative Mendoza, has been approved for consideration."

Speaker Turner: "Representative Mendoza on Amendment #2."

Mendoza: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Amendment #2 creates the State Police Operations Assistance Fund and it generates revenue for this fund by imposing a fee on persons found guilty of or given supervision for any felony, traffic, misdemeanor, local ordinance, or conservation violation. This new revenue source can be expected to generate anywhere between 22 and 23 million dollars for the Illinois State Police. The purpose of the creation of this fund is to eliminate the need for the 500 layoffs and the district closures that the Illinois State Police are threatened with today. I'd be happy to answer any questions and would appreciate the adoption of this Amendment."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 3695?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Turner: "Third Reading."

Speaker Lyons, J.: "Representative Joe Lyons in the Chair. Representative Turner, you have on the Supplemental Cal... on the Order of Second Reading, Senate Bill 3295, Representative Art Turner. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3295, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. No

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Committee Amendments. Floor Amendment #1, offered by Representative Turner, has been approved for consideration."

Speaker Lyons, J.: "Representative Turner on Amendment #1"

Turner: "Thank you, Mr. Chairman. Amendment #1 is a technical Amendment that was presented by the State Police. It just expands the... the vehicles that can be used for dealing with expungement. It deals with impounded records as well. And I move for the adoption of Amendment #1 to Senate Bill 3295."

Speaker Lyons, J.: "Seeing no discussion, Representative Turner moves for the adoption of Amendment #1. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Any further, Mr. Clerk?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Lyons, J.: "Third Reading. Art Turner back in the Chair."

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

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House, I rise to a point of personal privilege."

Speaker Turner: "State your point."

Black: "Yes. I believe I have some visitors from my district in the Danville area. Students from the Concept College of Cosmetology should be in the gallery behind me as I... unless they've already left. Where are they? Of course, over here to my right. They do an excellent job and they've

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offered to trim and shave my beard, as soon as we discuss the budget, for a very reasonable fee. So, I welcome the students from the Concept College of Cosmetology to Springfield. Thank you."

Speaker Turner: "Welcome to Springfield. Ladies and Gentlemen, we're going to start at the top of the Calendar dealing with Third Readings on page 3, and we'll go through the Calendar doing Third Readings. I'd like to ask that we keep the noise level down so that questions can be heard and answered as the Members accordingly request. The first Bill we're going to hear is Senate Bill 387, Representative Berrios. Representative Berrios. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 387, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

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

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 387 is just an addition to the State Employment Plan, the Hispanic Employment Plan. Back in '05 we passed this legislation asking for information on Latino hires in all state agencies and we just want to expand that language to include Constitutional Officers, education departments, and the Tollway Authority. It doesn't cost the state any extra money because CMS already does this report. I'd ask for your favorable vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 387?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish?"

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Flowers. The Clerk shall take the record. On this question, 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Phelps on Senate Bill 575. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 575, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from White, Representative Phelps."

Phelps: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 575 creates the Alexander-Cairo Port District in Alexander County. As many of you know, Cairo is one of the most depressed areas in the state. It's constantly a persistent poverty area and we're just trying to do everything we can to help this struggling community. And I ask for a favorable vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 575?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Berrios. The Clerk shall take the record. On this question, there are 77 voting 'aye', 39 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lang, we have Senate Bill 1381. Out of the record. Representative Mau... Representative Reboletti, we have Senate Bill 2350. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2350, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

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Speaker Turner: "The Gentleman from DuPage, Representative Reboletti. Read..."

Reboletti: "Thank you, Speaker, Members of the House. What this Bill seeks to do is to allow veterans returning home, when they purchase a home, that they will be able to get the homestead exemption immediately instead of having to wait a year to get that exemption. That's as simple as that. It's a \$5,000 exemption which they will be entitled to within a year. I think it's only fair they would get that on the front end as they're doing the purchase price. I'll entertain any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 2350?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 116 voting 'aye', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Smith, we have Senate Bill 2497. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2497, a Bill for an Act concerning government. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker. This is an initiative that would apply, as it turns out, to only one school district in the state that employs its own police force. And this changes the Public Labor Relations Act by adding peace officers employed by a school district, as the school

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district's own police department, to the definition of public employee essentially allowing those individuals who are employed by the Peoria District 150 as police officers to collective bargain as a unit. I know of no opposition. I'd be happy to answer any questions."

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

Eddy: "Will the Sponsor yield for some questions?"

Speaker Turner: "Indicates he will."

Eddy: "Representative, I just want to make sure I understand. Are these police officers that are now school-based? Are they employed as education support personnel at the present time?"

Smith: "No, they're not. They are... I believe they were originally employed as security officers and they're now peace officers. They're fully granted police authorities... police powers. To my understanding, Representative Eddy, Peoria District 150 is the only school district in the state that employs its own police."

Eddy: "So, as they are employed currently by a school district, do they have any guaranteed employment rights under any... any statute?"

Smith: "Yes, they do."

Eddy: "What statute are their employment rights covered by, currently?"

Smith: "Well, I believe they are covered under the same statute, the Public Labor Relations Act."

Eddy: "So... well, I don't... unless they're employed by the school district as school district employees, I don't know how

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they're covered currently by the Illinois Education Labor Relations Act."

Smith: "I'm sorry, I'm sorry. They are covered under the Education Labor Relations Act."

Eddy: "So, then, currently they are noncertified employees of the school district? They just happen to be... Well, let me ask you this. Are they certified, licensed police officers just as a city or other police officers... have they received the training and the certification?"

Smith: "Yes. Yes, they have."

Eddy: "So, their... their purpose in the school is simply law enforcement and supervisory of rules and discipline. I mean, what..."

Smith: "Yeah. As you know, Representative, many schools have police officers on-site, on campus and they do so in cooperation with the municipality, with the local municipal police departments."

Eddy: "Right. So, those are student res... they're SROs, normally called, student resource officers..."

Smith: "Right. And this..."

Eddy: "...who are employed by the local police department. They're deployed to the school district and there are different arrangements on how to compensate those, but these are actually police departments that exist within the school. These individuals are hired by the school district."

Smith: "Right. For whatever reason, Peoria District 150 has a long history of employing their own police officers. Originally, I believe, they started out as security

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officers and they are now fully certified, sworn police officers."

Eddy: "Okay. So, are they... what pension system are they part of, the IMRF as noncertified municipal type? I mean, what..."

Smith: "They are members of IMRF."

Eddy: "They are members of IMRF. Does this change that in any way?"

Smith: "No, it does not."

Eddy: "This does not, but it makes them employees of the school district for purposes of the Illinois Labor Relations Act. Let me ask you this question 'cause... if the IEA has, let's say, noncertified teachers in a district, they're having a work action and for whatever reason the custodial or cafeteria workers or bus drivers are at a stalemate and they're not going to work. Is... are these folks subject then, the resource officers who now become police officer employees of the Peoria school district, are they members of any association or union, or does this make them subject to laws that dictate public safety officials related to job action?"

Smith: "Yes. It's my understanding that this would allow these peace officers, these police officers to form their own bargaining unit and I assume that would be with..."

Speaker Turner: "Representative Eddy, bring your remarks to a close."

Smith: "I assume that would be at the, you know, the discretion of those officers but probably with one of the organizations that represents law enforcement."

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Eddy: "Okay. Well, Representative, it's an interesting concept. I have not heard of this. A truly sad statement that we have to be talking about schools needing a police office inside the school, but certainly you're trying to do something that makes sense for the... is this limited? One final question. Is this limited to Peoria and/or certain school districts, or does this apply statewide so that school districts statewide now can have police departments within the school?"

Smith: "This is not specific to Peoria. It would apply to any school district that employs its own police officers, and we're told that Peoria's the only one that does that."

Eddy: "Thank you, Representative."

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

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

Speaker Turner: "Indicates he will."

Black: "Representative, if these resource officers in Peoria are transferred the way you want them to be done in the Bill, then it's my understanding that they will no longer be able to strike... to go on strike. Is that your intent?"

Smith: "Yeah, that is correct. It'd be similar to other public safety employees."

Black: "How will disputes be settled then? Will they be settled by the Educational Labor Relations Board or by arbitration?"

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Smith: "It would be interest arbitration under the Public Labor Relations Act, as exists for other law enforcement agencies."

Black: "Okay. And if... if I... I think Representative Eddy asked you this question. This only is for the Peoria school district?"

Smith: "Well, the... the language does not specify that it's only Peoria. That's just the reality that Peoria is the only school district that employs its own police officers."

Black: "Okay. Fine. Thank you very much."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 2497?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 102 voting 'aye', 14 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, page 4 of the Calendar, we have Senate Bill 2551, Representative Walker. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2551, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Turner: "Gentleman from Cook, Representative Walker."

Walker: "Thank you, Mr. Chair, Members of the Body. Senate Bill 2551 is the Public Corruption Profit Forfeiture Act. It is similar to Representative Cavaletto's Bill, House 5539, which passed out unanimously. For three triggering offenses of public corruption involving extortion, bribery,

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or kickbacks, all of which are defined in current state and federal criminal codes, the Bill provides for forfeiture of profits, proceeds, and property interest acquired in violation of these offenses. If convicted of these offenses, after a forfeiture hearing that occurs after the conviction, the Bill outlines distribution to various areas of investigation and prosecutorial activity with the intent that those funds will be used to help investigate public corruption. I think this is a strong Bill. It is identical... almost identical to the one that passed unanimously. I urge an 'aye' vote."

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

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

Walker: "Yes."

Speaker Turner: "Indicates he will."

Fritchey: "Representative, I applaud you for trying to do this. I've got questions about certain aspects of this. It provides for what's characterized in the analysis as remedy for an innocent person. And what I want to clarify here and I'm not... I really don't know what the answer is, but what I'm trying to clarify is this. So, if an individual was convicted of taking a kickback in order to award a contract to Company A, would Company B then be able to turn around and sue company A for treble damages saying that they would have gotten the contract but for the illegal action. I mean, as I understand this, it provides an innocent person whose business was harmed or who was individually suffered damage by virtue of the underlying

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crime could sue for treble damages. So, I'm wondering how you envision that coming into play in the real world?"

Walker: "I believe that they have the right to sue for those damages, in fact, I also believe that a forfeiture hearing following conviction would require that ill-gotten gains are, in fact, forfeited."

Fritchey: "Well, I... I understand. And the forfeiture provisions, I think, are laudable and very straightforward. If these moneys were obtained by illegal action, they should be given back, but... and I'm not sure, even if the answer is yes to what I'm saying, I'm not sure that I... I still wouldn't support the Bill. I just want to make sure that we understand what we're doing. So, if... if a company gets... well, let's... here, Mark, bear with me for a second. This is actually more complicated than I thought. You have an elected official that is convicted of taking a kickback to award a contract, and to award a contract to a specific company. Could the company that did not get the contract, are they then able to sue the elected official for treble damages? Treble the val... three times the value of that contract or do they sue the company that got the contract for three times the value of the contract or both?"

Speaker Turner: "Being no further questions, the question is..."

Walker: "No, no."

Speaker Turner: "I'm sorry."

Walker: "The ...my understanding is that they will sue the defendant."

Fritchey: "So, they'd sue... so the... the individual that's convicted of bribery... let's say they took a bribe for \$10

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thousand. They had to forfeit the \$10 thousand, and they'd also be able to be sued for three times the value of the contract. So, if they took a \$10 thousand bribe or received a kickback, whatever it may be, in awarding a contract that was worth a million dollars, they would then have to forfeit the \$10 thousand and would be liable for \$3 million in damages to the company that didn't get the contract?"

Walker: "I am not saying they are liable. I am saying they could be sued for it."

Fritchey: "Well, but this... this provides a cause of action for three times the damages. So, what... I mean, basically the company that didn't get the contract is in a position to make a windfall. I would understand why they can sue the defendant for the value of the contract that they didn't get, but allowing them to sue for three times the value of that contract against the elected official, not against the company that got the contract, not against the state or the municipality that they work for, but against that elected official. What's the rationale on that? And Mark, I'm not... Representative, I'm not trying to give you a hard time, but this..."

Walker: "The rationale is, as in the rest of the Bill, a deterrent for public corrupt acts."

Fritchey: "I don't want to belabor this right now, but... this is something that may come back to bite us in the rear end somewhat down the line. I don't know that penalizing the defendant for an illegal action would make them subject... or could appropriately make them subject to three times... to a

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damage award of three times the value of the underlying contract. I think this is going to be a disproportionality argument here that's going to be looked at, but thank you for trying to answer this."

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

Durkin: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Durkin: "Representative, at what point in the criminal process does the forfeiture hearing take place? Is it... it can be done in conjunction with a trial or is it after the trial?"

Walker: "It is after the trial at sentencing."

Durkin: "Is that specifically stated within the legislation?"

Walker: "It is stated that a conviction has to have occurred."

Durkin: "Okay. If the... if there is no conviction, the proceeds... can they still be seized since a forfeiture proceeding is a civil proceeding?"

Walker: "This Bill requires a conviction for these acts."

Durkin: "Okay."

Walker: "This Bill is about that."

Durkin: "Most other forfeiture provisions allow for a forfeiture proceeding to take place prior to a trial, whether it's a conviction by jury, a judge, or a plea of guilty. And the point is, is that sometimes it's easier to forfeit the money because an individual who wants to assert their Fifth Amendment privileges it could be used against them and they generally will not appear at a forfeiture hearing. So, I am going to support your Bill, but... I'll read through it a little bit more, but I think that the

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other provisions under our forfeiture statutes specifically allow for the proceedings to take place prior to the conviction at trial, but thank you for the clarification."

Walker: "Thank you."

Speaker Turner: "No further questions, the question is, 'Shall the House pass Senate Bill 2551?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Beiser. The Clerk shall take the record. On this question, there are 114 voting 'aye', 1 'no', 1 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have Senate Bill 2612. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2612..."

Speaker Turner: "Okay. Mr. Clerk, the Gentleman asks leave to have the Bill brought back to Second. Could you place this Bill on the Order of Second Readings? Next Bill is Representative McAsey on Senate Bill 3028. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3028, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Will, Representative McAsey."

McAsey: "Thank you, Mr. Speaker, Members of the House. I urge your 'aye' vote on Senate Bill 3028, which is a technical change in the criminal code. What it does is it corrects a cross reference related to fines, specifically with petty.. petty offenses and strict liability offenses."

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Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 3028?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Clerk shall take the record. On this question, there are 115 voting 'aye', 1 'no', 1 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Careen Gordon on Senate Bill 3029. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3029, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Grundy, Representative Gordon."

Gordon, C.: "Thank you, Mr. Speaker. Senate Bill 3029 amends the Criminal Code by replacing the DUI related references in the forfeiture Section of the Criminal Code with the description of a certain DUI related crimes and operating a motor vehicle knowing it was not covered by the liability insurance policy. It also is needed because of when the recodification of the DUI statutes were done last year, it changes the cross-reference numbers to make it uniform. A lot of it's just some technical numbers to make sure that we got it right when it was done last year. And I'd ask for an 'aye' vote."

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

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

Speaker Turner: "Indicates..."

Gordon, C.: "No."

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Reboletti: "That's fine; then, I'll go to the Bill. This Bill looks very similar to House Bill 5444. And I'm a little surprised that it couldn't make its way all the way through the Senate because I think it's similar language. But even though my Bill didn't survive in the Senate, I would still urge an 'aye' vote."

Speaker Turner: "Being no further questions, the question is, 'Shall the House pass Senate Bill 3029?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bellock, we have Senate Bill 3039. Out of the record. Representative Flowers, we have Senate Bill 3047. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3047, a Bill for an Act concerning health care. Third Reading of this Senate Bill."

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

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 3047 creates the Health Care Justice Implementation Act of 2010 and a corresponding task force to monitor and implement the Federal Health Care Reform. In addition, Senate Bill 3047 require by September 1, 2010, that the Health Care Justice Implementation Task Force be created to accomplish the following: monitor and implement the Federal Reform and make recommendations, file a report with the General Assembly on the recommendations

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by January the 1 of each year, provide a quarterly assessment on the state's progress, provide additional recommendation regarding the reform by March 1, and assess the current program. And I'll be more than happy to answer any questions you may have."

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

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

Speaker Turner: "Indicates she will."

Reis: "Representative, the things you just described, were they included in the House Amendment that changed the Senate Bill as it was introduced?"

Flowers: "The things I just described?"

Reis: "Yeah. What was the original Bill like? We're going off of the Senate vote, which was very, very split. So, we're just all want to make sure we know what's included in your House Amendment. Did it become the Bill? Did it add to the Bill?"

Flowers: "There's a couple Amendments that was added to the Bill. One of them is... were to add hospitals and unions and... hospitals, unions and pharmaceuticals companies to sit at the negotiating table. The other was to add Member's district that may participate in the various areas where the task force have to go and have the hearings. All Members would be able to come in and participate and make a statement toward... have an input. And the Bill was already subject to appropriations."

Reis: "Okay. So, just so everyone knows, your Bill just establishes a task force to look into implementing the

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Federal Health Care. This has nothing to do with actually implementing it. It just creates a task force, so those recommendations would have to come back to the General Assembly."

Flowers: "Implement the task force, monitor the program, come back with a report as to what we are hearing in the community, yes."

Reis: "Okay. When you say it's still subject to appropriations, do you... are the board members going to be reimbursed? What would be subject to appropriation?"

Flowers: "The... some of the board members... I don't quite know if staff may have to be hired."

Reis: "But there's no expenditures for actual health care or actually..."

Flowers: "No, none whatsoever."

Reis: "...that's included in the appropriations?"

Flowers: "Absolutely."

Reis: "Okay. We just wanted to get a lot of those things cleared up, Representative. Thank you."

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

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

Speaker Turner: "Indicates she will."

Black: "Representative Flowers, who is on the task force? I couldn't find it. Are they appointed by the Legislative Leaders?"

Flowers: "Well, let me just clarify that this task force, the Health Care Implementation Task Force was originally the

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Health Care Justice Task Force that was created in 2007. And this bill changed the name, and... but it kept the 29 members. And in 2000, House Bill 2568, which become Public Act 93-973, it included 5 members that will be chosen by the Governor and 4 Legislative Leaders would appoint 6 people each. And there will be a total of 29 members on the task force."

Black: "Do you know whether all 29 of those members have been appointed?"

Flowers: "I would imagine that these will be 29 new members, but..."

Black: "So, it's your intent that this legislation supersede the legislation that's already on the books? I thought we were just changing the name?"

Flowers: "We're changing the name, but the task force... maybe some people that were on the task force before may not be able to serve again..."

Black: "Okay."

Flowers: "...or remember, we have a different Governor and we have different Leaders. So, those Leaders should also have the opportunity to make their appointments as well, so I would not assume."

Black: "All right. The... this had considerable opposition in the Senate and I think that was because this Senate Bill passed before the National Health Care Act passed. So, it'd be my guess that some Senators wanted to wait until the Act had actually passed. Now that has happened, so in simple terms, at some point, I guess we'd have to have a task force to figure out what the impli... what the

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implications are for the State of Illinois under the National Health Care Reform Act. We're going to have to figure out how we coordinate Medicaid. We'll have to figure out who's covered and who isn't. What happens to the comprehensive health insurance program? Who may or may not be eligible under Medicaid, whether we have to rewrite our rules. So, all you're doing... you're not... the Bill doesn't say the federal plan is good and never needs to be amended. It just simply now says, in reality, the Bill has passed and we're going to have to figure out what implications there are for the State of Illinois."

Flowers: "Absolutely."

Black: "Okay."

Flowers: "What's in the best interest for the people from the State of Illinois?"

Black: "So, it doesn't say, oh, hallelujah, we're all for it. We're all going to get onboard. It just simply says now that it's passed, we have to do our homework and that's what... why the task force is created."

Flowers: "You're correct."

Black: "Okay. Fine. Thank you."

Flowers: "Thank you."

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

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

Speaker Turner: "Indicates she will."

Watson: "Representative, what's the date that the task force will respond back with whatever it is that they're supposed to present?"

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Flowers: "The reform provide information and recommendation by March 1 of 2012."

Watson: "Of 2012?"

Flowers: "And the implementation of the health care reform will start March... I mean, January 1 of 2011."

Watson: "I guess my point is, is that we're... some people are aware that the director of insurance is circulating language to implement the national health care Bill that was passed. And my point is, I'm assuming that our goal here, as a Body, is to let this task force do its job before such language would even be addressed. Is that... is that your intention?"

Flowers: "Some of the provisions that's in the Federal Law start September 23 of this year. So, we will be getting started, as far as the implementation and the collecting of the data and having hearings, to see, you know, once it gets started, how it's going to work and impact the people of the State of Illinois."

Watson: "Is it... Go ahead, Representative, I'm sorry."

Flowers: "It is my understanding that the director of insurance proposal is assuming that we will not meet before September 23."

Watson: "Okay. It's not your intention to use this Bill to implement his plan?"

Flowers: "No way."

Watson: "This is a stand alone."

Flowers: "Totally... totally different."

Watson: "Okay."

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Flowers: "This is a task force. His, the director, is the actually implementation..."

Watson: "Check."

Flowers: "...of the Bill."

Watson: "All right. Thank you, Representative."

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

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

Flowers: "Yes."

Speaker Turner: "Indicates she will."

Mulligan: "Representative, what was the Bill before you amended it?"

Flowers: "The Bill before I amended it, Representative, merely talked about the task force and how many people were going to be on it and the dates. And there was not clarification as to what members would be able to participate in the task force... in the hearings, and it was not specific as to who may participate as far as the pharmaceutical companies, the unions, and the hospitals. And so, when you take into consideration the purpose of the legislation that we're going to implement, is about the pharmaceutical companies, is about the hospitals..."

Mulligan: "Well, the reason... the reason I ask is because... well, first of all, what Amendments actually ended up on the Bill?"

Flowers: "All of them. Amendment #1 and Amendment #2."

Mulligan: "Okay. Because I passed a similar Bill over for three years and the Senate Democrats have... they killed it the first year. Last year they killed it and then they

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resurrected it 'cause they needed a Bill to put something for public health in. And this year they just plain out killed it again. And the goal of the Bill was similar to what you were talking about because we knew health care was coming and it increased the number of people that would be involved to discuss the cost and what Illinois was going to do. I'm just wondering if they're not going to do the same to your Bill as it comes over there because there are certain people that are Sponsors on this Bill that are very proprietary about the original Bill and where it's going. So, I would very much... we included, and Representative Mautino was a cosponsor... we included business and insurance companies. We wanted everybody at the table discussing the cost and how was the best implementation plan for Illinois. And for some reason, Senate Democrats decided they did not want to do that... or one or two of them in particular. I'm wondering if you have talked to anybody over there about what they're going to do with your Bill when it comes over?"

Flowers: "Well, Representative, this is a Senate Bill and hopefully they would concur with what we've done here in the House. That's number one. And number two, I want to commend you, but I'm going to assume, and I cannot speak for other Members of the House, but maybe the reason why your Bill was not successful because we were waiting on the actual health care language. And now, we have the language and we have the dates and now we have the orders as to what the task force... what their mission should be."

Mulligan: "I think that's a very generous way of looking it."

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Flowers: "Trying to be kind, Representative."

Mulligan: "But quite frankly, considering what's happening with the insurance... the director of insurance and what they want to do with implementing the Bill ahead of what the Federal Government is implementing, we would have been in a better spot if we had all been on this task force ahead of time to discuss what we're going to do... and I would hope that your idea of this would not be just be to oversee it but to make recommendations over how Illinois should be involved in certain portions of the federal plan, because some things create programs that will cost us quite a bit of money."

Flowers: "Well, you know what, Representative, I would appreciate if you would join me because I, too, am going to ask the Speaker to appoint me to this committee. And I would appreciate if you would join me on this legislation as well, so we can do exactly what we've been doing over the years and working on health care together for the people of the State of Illinois. So, would you, please?"

Mulligan: "Representative, I will vote for your Bill, and I will support it. I will not put my name on it just in case they don't want it on over there. So, I think I'm doing you a favor by not sending it over with my name added on to it at this point, but I certainly support what you're doing and probably would ask my Leader if I could be one of the Members."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 3047?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all

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voted who wish? Tryon. The Clerk should take the record. On this question, there are 76 voting 'aye', 41 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Macon, Representative Mitchell, for what reason do you rise?"

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

Speaker Turner: "State your point."

Mitchell, B.: "In the Republican gallery, if they would stand, the students from... the fourth-grade students from Sangamon Valley which consists of three towns: Niantic, Harristown, and Illiopolis in Macon and Sangamon County. This is their 40th trip... 40th year that they have brought them. Mr. Jeff Deramia, a former teacher there, has brought this group of fourth-grade classes for 40 years to meet the Governor of the State of Illinois. They interview the Governor. We just came down from second and they spoke to the Governor. So, on their 40th visit here for the class of Harristown... Harristown, now Sangamon Valley, let's give them a big Illinois welcome."

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

Bost: "Thank you, Mr. Speaker. We need to excuse Representative Ron Stephens on the roll for the rest of the day, please."

Speaker Turner: "The Clerk will be notified. Representative Yarbrough, we have Senate Bill 851. Read the Bill, Mr.

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Clerk. The Lady asked leave to bring the Bill back to the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 851, a Bill for an Act concerning health. The Bill was read a second time on a previous day. No Committee Amendments. Floor Amendment #1, offered by Representative Yarbrough, has been approved for consideration."

Speaker Turner: "The Lady from Cook, Representative Yarbrough on Amendment #1."

Yarbrough: "Thank you, Mr. Speaker. Amendment #1 to Senate Bill... House 51 passed out of Committee today 9-0-0. It adds to the underlying Bill. It allows a licensed marriage and family therapist to be a qualified examiner under the Act. I move for its adoption."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 851?' All those in favor should vote 'aye'; all those.. no, should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Turner: "Third Reading. Read the Bill, Mr. Clerk."

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

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

Yarbrough: "Thank you, Mr. Speaker. Senate Bill 851 is a Bill brought to me by the American Lung Association and the Health Care Council. It deletes the provision in the law that allows smoking in nursing home.. residential rooms when

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the occupants have requested to do so in writing... and instead, allows smoking at designated common area of a nursing home. This exemption is an effort to comply with Federal Law and instead the Bill adds facilities under the Nursing Home Care Act to the exemption that allows smoking in a designated common area smoking room within a veterans' care facility. Ultimately, this Bill will prohibit smoking in residential rooms of a nursing home, but allow it at a designated common area where smoke will not infiltrate other rooms. Be happy to answer any questions."

Speaker Turner: "Seeing no questions, the Lady moves for the adopt... no. Seeing no questions, the question is, 'Shall the House pass Senate Bill 851?' The Lady asks leave to take the Bill out of the record. Representative Tryon, we have Senate Bill 3070. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3070, a Bill for an Act concerning safety. Third Reading of this Senate Bill."

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

Tryon: "Thank you, Mr. Speaker. Senate Bill 3070 makes a change in the way that the state will require an action plan to be submitted to EPA in cases where there's carcinogenic compounds found in the water. Right now, the Safe Drinking Water Act sets acceptable levels of compounds at certain limits. And as you know, in the City of Crestwood they had a carcinogenic compound in their water and people were drinking it and not knowing it. Last year, we changed the right to know, for the public to be notified if there's a detection of a carcinogenic compound that is

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greater than 50 percent of the maximum contaminant level allowed by U.S. EPA. This year, we are going to amend it, with this law, the statute to say, any municipal water supply that has a threshold of 50 percent of the maximum allowable contaminant will have to submit an action plan to EPA within 45 days of how they're going to remediate and when they're going to remediate and have that action plan approved, so that people are assured of safe water and people are assured that there's going to be a solution and they'll know when the water treatment process will be taking place. This was initially opposed by the Municipal League. We were able to work together with the Municipal League to come together with an agreed Amendment, which we passed yesterday. With that, I would be pleased to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 3070?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Tryon. The Clerk shall take the record. On this question, there are 113 voting 'aye', 3 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mell, you have Senate Bill 3084. Out of the record. Representative Chapa LaVia, we have Senate Bill 3117. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3117, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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Speaker Turner: "The Lady from Kane, Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the House. This Bill is similar to a House Bill that we ran over to the Senate, but we're carrying this one instead. It allows school districts to transfer funds from one SILO to the next to pay their bills during this really rough time. This is one of the tools that they have to be able to accomplish paying their bills. And I would take any questions and ask for an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 3117?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Beiser. The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', and 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Burns, we have Senate Bill 3146. Out of the record. Representative Ramey, we have Senate Bill 3176. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3176, a Bill for an Act concerning sex offenders. Third Reading of this Senate Bill."

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

Ramey: "Thank you, Mr. Speaker. Senate Bill 3176 was brought to me by an officer of Elk Grove Village. And what we're intending on doing is making some modifications on notification of child sex offenders when they leave their

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area of residence. Currently, if they are gone for three or more days, they are supposed to report in the places they go and there are some loopholes that need to be filled. So, we... they moved this out of the Senate without any resistance and we look to move it here in the House. I ask for an 'aye' vote."

Speaker Turner: "The Gentleman from Cook, Representative Davis."

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

Speaker Turner: "Indicates he will."

Davis, W.: "Representative, our analysis if... if I'm understanding this... our analysis."

Ramey: "I'm not a lawyer either."

Davis, W.: "Never mind. Never mind. Requires a homeless person categorized as a sexual predator to report every other day in person with the local law enforcement agency in which that person is located."

Ramey: "Correct."

Davis, W.: "So, what happens if they miss a few days because homeless people are technically transient, maybe today the shelter is in this town, maybe tomorrow the shelter's over here, next day the shelter's over here. So, maybe it's a week by the time they get back to the shelter in which the town, if you will, that they're suppose to register in. So... so, what happens? Are they then locked up because they fail to report? Just curious."

Ramey: "As... and forgive me for responding this way. This part of the Bill was written by the Senate Democrats and... and I

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apologize, I mean, and I wasn't quite clear and I have the same question as you do. And I never got..."

Davis, W.: "No, that's all right. They don't get it right either. I understand. Okay."

Ramey: "You know, and I didn't get an answer to that question... to my question on this..."

Davis, W.: "Yeah."

Ramey: "...this moved fairly quickly, but from my understanding, they are not put in jail. The concern was... is that they are mobile, they're transient, they're in various places. They want to make sure that they are making the attempt to get in. And so they work with the local agencies where they know these folks have been known to have resided per se and they'd be able to make sure that they're there and they can get them reported."

Davis, W.: "Okay. Well, obviously, you see my concern with this..."

Ramey: "Yes, Sir."

Davis, W.: "...and I would think local law enforcement would have a concern as well because I'm sure they don't want to just lock them up to be locking them up. I mean, that means they got to process them and then the next thing you know they'll be saying they need more money..."

Ramey: "Correct."

Davis, W.: "...because they got to process more people. So..."

Ramey: "As I... as I understand it, we did pass some legislation to help some of those transients to get I.D. cards at the places where they're getting their services, so that way

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they've had offices where they can get the registration to the police departments."

Davis, W.: "And just one more thing..."

Ramey: "Sure."

Davis, W.: "...very quickly. In order for them to be classified as a sexual predator, does this mean that they have been arrested for a sexual related crime or is there a crime associated with being a sexual predator..."

Ramey: "Yes, Sir."

Davis, W.: "...that they have been arrested for?"

Ramey: "Yes, and prosecuted."

Davis, W.: "And prosecuted."

Ramey: "Yeah."

Davis, W.: "Now, does that mean that they've been convicted and then once they're convicted the term sexual predator is then attached?"

Ramey: "Yes, Sir."

Davis, W.: "Okay. Thank you."

Ramey: "You're welcome."

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

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

Speaker Turner: "Indicates he will."

Fritchey: "Representative, how long would this continue for? So, if an individual is homeless who remains in one jurisdiction, would they have to report every other day as long as they remain in that jurisdiction?"

Ramey: "As I understand it, yes."

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Fritchey: "So, if an individual, let's say, was homeless in the City of Chicago, as long as they remain in the city or any... any jurisdiction they'd have to report every other day."

Ramey: "Correct."

Fritchey: "Do you see there being an impact on their ability to hold down meaningful employment?"

Ramey: "Well, once they establish employment and then... or hopefully establish a residence... Did you just blow a bubble at me?"

Fritchey: "That... that was inadvertent. That was inadvertent. I apologize."

Ramey: "I thought we were playing baseball here. Then... currently, they already have to... to register weekly. So, the problem was, is that they weren't doing the same thing. So, they wanted them to shorten the days down."

Fritchey: "Now... now, you threw me for a loop. Well, here, I'll..."

Ramey: "I don't think I've ever had that happen, but go right ahead, Representative."

Fritchey: "All... all kidding aside. You know... you know, we have an issue now where a number of people that even do have some means of employment still are not able to get back up on their feet for some time in order to, you know, put down a security deposit, find some place to live, et cetera. And so we have a growing number of people that are employed yet still homeless. You know, employed yet still in a shelter. And my concern is that having a requirement that they report in to law enforcement authorities every other day may make it difficult for them to hold on to that job

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that was difficult for them to find in the first place, thus actually extending their period of homelessness."

Ramey: "Right. Well, Representative, that wasn't the meaning of the original Bill, and as I said, it was added on by the Senate Democrat staff, and they moved it out of the Senate for whatever reason. The original intent, what we were looking at, was when persons leave their jurisdiction and... I guess what happened originally was the gentleman was going on a canoe trip and he was camping along the river and said, well, I don't have to report to you and he was kind of throwing it in the face of law enforcement. So, that's how they came up with this."

Fritchey: "Well, and I... I under... and I understand that. I think we may have taken a good Bill and made it not so good."

Ramey: "I would agree."

Fritchey: "And when I say we, I mean the Senate Democrats in this case."

Ramey: "I would agree, Sir."

Fritchey: "But the... somewhat here. To the Bill. And you know, I'll miss the Sponsor, but I won't miss these kind of Bills. In the interest of appearing to be tough on crime, we are continuing to throw up roadblocks that are making it difficult if not impossible for these people to reintegrate into society. And I will say as I have done dozens of times before, you know, as a father, you know, and as a husband, as a Legislator, you know, I have no more sympathy for these individuals and the crimes they commit than anybody in this chamber does, but at this same point, I

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think we are starting to see a time now when we are starting to have a backward bending curve and in our efforts to be overzealous in putting restrictions on these individuals, we are actually driving them to the point where we may creating more problems for ourselves as a society. Chicago Tribune had an article maybe two Sundays ago that the restrictions that we've put on them may be leading these people to situations where they have been more likely to reoffend than before these laws were put in place. I know that's not the intention of the Sponsor; it clearly wasn't the intention of the underlying Bill, but it may be a collateral effect of what we are about to do here, I think. But thank you."

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

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

Speaker Turner: "He indicates he will."

Nekritz: "Representative..."

Ramey: "Yes."

Nekritz: "Can you tell the story again about what gave rise to the underlying Bill and..."

Ramey: "Sure. I have the letter from the officer if you want to stop the clock for the question. It's up to you."

Nekritz: "Or just... just... they're going... but..."

Ramey: "Okay. The idea came... a gentleman who is a registered offender was taking a boat trip down the Illinois River with stops at various campgrounds. He refused to tell the local officials... local police where he would be, because the law states for any one place five days in a row. He

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wasn't going... he was on the river, but he was stopping every night at a different spot, so he wasn't in any one place in five days in a row and he was refusing to tell them where he was going. So, they found that if we moved it from the five days to the three days it would close that loophole and it doesn't put any unnecessary burden on them."

Nekritz: "So... I apologize. Was he going to be gone less than five days?"

Ramey: "No. His argument was that because where he stopped was a different spot every night he wasn't in one residence for five days."

Nekritz: "And how would shortening it... I apologize. And I don't understand how shortening it to three days when... if he's just flaunting it, why would shortening... he could flaunt it whether it's three days or five days."

Ramey: "Well, as it goes on to say, changing the definition of a temporary domicile from five days to three days improves the law without making an unreasonable restriction. It is not so restricted that it will create the criminal act of failing to notify law enforcement in the event of an overnight stay or even a short weekend trip. However, the requirement for an itinerary and I think that was the point, the itinerary, will close the loophole when an offender is not in the same place for consecutive nights."

Nekritz: "Well, I... I... Okay. I'm not sure I agree with that..."

Ramey: "Okay."

Nekritz: "...with the analysis that it just seems to me that if someone is going to flaunt the law, they're going to flaunt

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it whether it's three days or five days. And... and I agree with the previous speaker that we continually put more and more burdens on these people. I'm not sympathetic to the crime, but there are some... you know, our criminal justice system is much less than perfect. We do have people that are caught up in this system that may be just simply downloaded some pornography from the Internet or, you know, at... got drunk as a college age student and end up registering for life. And I understand this is for just... the second... the House Amendment was just for sexual pred... the Amendment was just for sexual predators, but you know, there are people who... who are not repeat child offenders who are caught up in this system and we just make life almost impossible for them. And so I just have some real concerns about adding to that."

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

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

Speaker Turner: "Indicates he will."

Lang: "Representative, I know there will be zeal on this floor to vote for this 'cause it has the word sex offender up there and of course anything we do to be nasty to sex offenders we ought to do, but I want to zero in on the Amendment that you adopted to the Bill and try to add... see if you can tell me the public policy purpose of singling out homeless sex offenders for special treatment?"

Ramey: "Representative, as I stated earlier, that Amendment came to us from the Senate Dem staff. I did not get an explanation of why they were singling out the homeless sex

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offenders. I asked the same question. I did not get that answer."

Lang: "Well, I'm frankly concerned that it may render the Bill unconstitutional. So, it's one thing to say we're going to set sexual predators or convicted sex offenders out from everybody else, that seems to be okay to do, but now you've created a new category, homeless sex offenders. As if to say because they're homeless they're more dangerous than some other sex offender. And I believe this is not a constitutional provision. I believe you can't set somebody aside simply because they're homeless and require something else of them that the rest of society does not have to do. It seems as if you're saying, you're not so thrilled with the Amendment either so why don't you move this back to Second and take this Amendment off the Bill?"

Ramey: "The Bill passed 55 to 0 in the Senate and was..."

Lang: "But not with this Amendment."

Ramey: "Yes."

Lang: "This is your Amendment, Sir."

Ramey: "No. It's... Well..."

Lang: "This is a House Amendment."

Ramey: "You are correct. It was a Amendment offered by Senate staff, Senate Democratic staff."

Lang: "Well, it might have been suggested by Senate Democratic staff, but of course it's on your Bill. It is your Amendment, Sir."

Ramey: "Currently, under the law, homeless sexual offenders have to report once a week already."

Lang: "Correct."

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Ramey: "You are aware of that, correct?"

Lang: "But so do all other sexual... sex offenders."

Ramey: "Not once a week. If you have a place of residence, it's twice a year."

Lang: "And so we already set out in the law different rules for homeless sex offenders."

Ramey: "Because they have no residence, they could be wandering anywhere."

Lang: "And so, it's more likely that if someone is homeless, they're more likely to be a sexual predator than if they have a home?"

Ramey: "If they're already convicted, I'm not making that stipulation. They're just saying because they don't have that residence they want them to report more often. So, currently it's a week; we're moving it down to the two days."

Lang: "Well, you've enlightened me a little, Sir, and I appreciate it. I still believe this is an inappropriate provision and since you don't believe that it was yours, and you... it came to you from somebody else, I would ask you to take the Bill from the record, move this back to Second, move the Amendment off the Bill, and then you would have my unqualified support, if my support matters to you."

Ramey: "It always matters, Representative. Speaker, I'd like to move this back to Second, please."

Speaker Turner: "Mr. Clerk, the Gentleman asked leave to move the Bill back to Second Reading. Representative Mautino in the Chair."

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Speaker Mautino: "Mr. Verschoore, on page 4 of the Calendar is Senate Bill 3288. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 3288, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Mautino: "Representative Verschoore."

Verschoore: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 3288 is some cleanup language. It's intended to statutorily clarify that auto liability and representation and indemnification are not subject to fiscal year limitations. CMS has always felt they retain the authority to cross fiscal years and the program's finances have always functioned that way, but the Comptroller has requested that the statute be clarified so they have noth... that they have something specific to refer to. I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman has moved passage for Senate Bill 3288. And on that question, Representative Mulligan."

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

Speaker Mautino: "Indicates that he will."

Mulligan: "Representative, I don't know how I feel about your Bill because, quite frankly, when you brought it out and talked about it, it was very hard to understand. Could you explain to me one more time, what does this Bill do?"

Verschoore: "Well, there's so many dollars that are appropriated every year for settlements of accidents and claims. And sometimes the amount will go over that amount. What this does is let them go into another pot of money to pay for this."

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Mulligan: "Do you have a pot of money that perhaps some of us know nothing about that the state could be using for some of this?"

Verschoore: "I wished I did."

Mulligan: "So, do you think that perhaps we would be more liable to have to pay this particular type of claim at the expense of others who have bills that are unpaid or do you think you could add interest or postpone part of it?"

Verschoore: "What it says is fisc... current practice and interpretation is a liability is due when the claim is settled. Fiscal implication is the form of interest and penalties will occur if the Amendment is not ratified. This can occur if a large settlement is effectuated that exceeds current appropriations."

Mulligan: "And how many claims do we have out there that would qualify for this?"

Verschoore: "Give me a minute. In auto claims, and I am assuming this is in '09, have received 468 claims year-to-date."

Mulligan: "Is that liability that was incurred by state employees driving state autos or what kind of claims were those?"

Verschoore: "Yes. That covers all the autos that are driven by state employees."

Mulligan: "So, if we eliminated state cars and paid a amount for each employee per mile that carried their own insurance, we would eliminate that liability and make them liable for their own cars?"

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Verschoore: "I cannot answer that whether that would be... would release them or not relief the state or not. I don't know."

Mulligan: "You know, I'm not sure this is a bad Bill. I'm just not sure that we can afford it and..."

Verschoore: "Well, we're doing it now, Representative."

Mulligan: "But you're not taking it from different pots of money."

Verschoore: "No."

Mulligan: "What if it's a pot of money that pays my DD facility or a mental health bill, something like that. How do you determine which pot of money it's going to come out of?"

Verschoore: "I can't answer that, Representative, I don't know."

Mulligan: "So, this is... a proponent is CMS, Office of the Attorney General and the Illinois State Police. This is all very interesting."

Verschoore: "Right."

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

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

Speaker Mautino: "He indicates that he will."

Black: "Representative, I'm like... like the previous speaker, I'm having trouble trying to figure out just exactly what CMS wants us to do. Are they saying that there's a finite amount of money appropriated to pay claims and that when that money is gone, then any other claims pending will just be rolled over into the next fiscal year?"

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Verschoore: "It says... Representative..."

Black: "Which is what they're doing now, as I understand it."

Verschoore: "CMS handles the liability exposure for the state and because settlements can sometimes take as long... a long time to finalize, after a period of time, they move to a small claims court which can compound the initial cost of the state in interest and fees and penalties."

Black: "So, what do they want to do? In our analysis it shows that the oldest claim that CMS still hasn't settled goes back to 2001. So, I don't think it would go to small claims court, it would go the Illinois Court of Claims, correct?"

Verschoore: "Fiscal limitations... Staff believes, yes, it would go to Court of Claims."

Black: "Okay. So, what exactly are they asking? Are they asking for an additional appropriation or is it because the Comptroller said we don't think you have the statutory authority to roll these claims over to the next fiscal year?"

Verschoore: "CMS believes the statute provides that multi-fiscal year flexibility, but the Comptroller has asked to see this clarified in legislation."

Black: "And so, then what this Bill is asking us to do, is to... is to say clearly to the Comptroller that if CMS runs out of their self-insurement... self-insured payments, then they'll roll over the claims in the next fiscal year?"

Verschoore: "I think that's correct. I think that's correct, Representative."

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Black: "Well, then that begs the question, if they have a claim that our staff points out they haven't settled and that claim was initiated in 2001, how many fiscal years are they going to roll some of these claims over? I mean, there seems to be an open end here that claims they didn't pay in fiscal year '10 will be rolled over to fiscal year '11, that could be rolled over to fiscal year '12, '13, '14, '15, '16, ad nauseam. The claimant may die before they ever get paid."

Verschoore: "I guess that would be for CMS to decide, Representative, whether they roll them to the next year or how long they roll them, or how long they're allowed to roll them, I guess."

Black: "I think what concerns me is, that our staff has pointed out that the oldest claim is 2001, so they obviously have the ability to roll claims over and evidently now the Comptroller has said, well, we don't think you do. So, we want legislation to say you do. So, evidently we're codifying something that they already do. My concern is, I don't see anything in this Bill that would give any constituent of mine or yours some idea of when their claim may be paid. I mean, if it's... if it's infinity and they can roll it out through 10, 12, 15, fiscal years, then your constituent and my constituent who has a claim due and payable could go years without payment. I just don't think that is fair. I'm not sure that's what we want to set up here."

Verschoore: "According to some of the information that was provided to me that says that the process of resolving a

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claim in a suit is very lengthy and can extend over multiple fiscal years. Current practice and interpretation of that liability is due when the claim is settled. Large places almost never settle quickly in the case of death or something like that, Representative, I guess."

Black: "I have a constituent I know who took years to get a settlement in a motor car accident that... because of a faulty lane marker from IDOT. And in our analysis it says that IDOT has two and a half million dollars in road fund money to settle claims. So, are we talking about claims from IDOT and claims that end up at CMS with different sums of money?"

Verschoore: "I... I think it's any vehicle that is driven on a state function, any state vehicle."

Black: "You know, I'd be curious, in talking with staff, there seem to be a number of accidents caused by a state employee driving a state car or truck or whatever. It'd be fascinating to know if any of those people were ever disciplined because, I mean, \$14 million are pending in claims right now that we don't have the money to pay. I know that's not part of the Bill, but I... I thought it was part of any agency's responsibility to try and minimize risk and loss. And it appears to me that that's not being done in State Government..."

Verschoore: "Well, Representative, I..."

Black: "...if we're this far in the hole on claims."

Verschoore: "I think that those records would probably be in the internal documents of IDOT and/or CMS that I'm not... I don't have that information."

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Black: "I understand that and I know there's a disagreement in this chamber and the one across the rotunda. See, this is why you need some of those records public. If we have an IDOT truck driver who's been involved in 14 claimable accidents in the last 5 years, there ought to be a hue and cry that maybe that person shouldn't be driving an IDOT truck. They should be working in the IDOT yard, but that's... that's a whole other issue and I apologies for bringing it up. Well, Representative... Representative, I appreciate your patience, but this seems to me to be an argument between the Comptroller's Office and Central Management Services that you and I are being asked to referee and I'm not even sure... you know, if I'm a referee or an umpire, I'd like to know the rules that I'm supposed to enforce. And the more I read this, the more confused I get, but I... as always you do an excellent job and your patience is appreciated. It's just... I don't know. I don't think I can vote for this because I'm just not sure what CMS and the Comptroller are asking us to mediate. And I don't know why they just don't get together and work it out themselves, but... that seems to be very difficult around here in the last 7 years. But thank you for your indulgence."

Verschoore: "Thank you."

Speaker Mautino: "Representative Verschoore to close."

Verschoore: "I would just ask for an 'aye' vote. Thank you."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 3288. All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Representative Fortner, McGuire. Mr. Clerk, take the record. 74 voting 'yes', 42 voting 'no', 0 voting 'present'. Senate Bill 3288, having received the Constitutional Majority, is declared passed. Representative McCarthy, Senate Bill 3537. This Bill is on Third Reading. Out of the record. Representative Fritchey, Senate Bill 3584 appears on page 5 of the Calendar. Out of the record. Representative Joyce, Senate Bill 3588. Would you like to call this Bill on Third Reading? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 3588, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

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

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3588 would simply allow... this is a initiative of the State Police... allow any person's personnel records that have been requested in a FOIA to be... to notify that employee whose personal records were requested electronically. Currently, they already get notification. This just allows the administration to let those people know that their records have been FOIAed electronically. I'd be happy to answer any questions. I know of no opposition."

Speaker Mautino: "The Gentleman has moved passage of Senate Bill 3588. On that question, the Gentleman from Vermilion, Representative Black."

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

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Speaker Mautino: "He indicates that he will."

Black: "Representative, very quickly, this just gives prior notice to the person saying your... your records have been FOIAed and will be released, so that you're not sitting at your desk and a reporter calls and say, you know, we heard you had a wreck yesterday in a state vehicle. What happened?"

Joyce: "That's... You're... that's exactly correct."

Black: "So, you have... you have constructive notice that there's been a FOIA request for your records and that they, in fact, will release the records."

Joyce: "That's correct."

Black: "Okay."

Joyce: "And currently they can't do it electronically and so the State Police would do it."

Black: "So, it doesn't hide records, in fact, it makes it transparent but does give constructive notice to the individual who may want to be able to collect their thoughts before they're hounded about why they did this or why they did that."

Joyce: "In a... in a very timely manner."

Black: "Okay. Fine. Thank you."

Joyce: "Thank you."

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

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

Speaker Mautino: "He indicates that he will."

Mulligan: "Representative, forgive me. I was not... somebody was talking to me in the midst of Mr. Black's discussion with

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you. I'm just wondering, if they only have to give an employee one notice that someone... one day's notice, what if it's a union employee who feels that his records should not be looked at and would like to have the union intercede on his part? Is one day enough time for someone like that to notify that they're going to follow some action so that the information cannot be disclosed, particularly if it's in a closed meeting?"

Joyce: "Under existing law it is a requirement to provide this notice. As far as the number of days notice, they need to do that within one day and I don't know if you can, you know, give any other mandate that requires it any quicker than that. You know, I mean, if..."

Mulligan: "Is nobody against your Bill?"

Joyce: "Not a soul that I know of."

Mulligan: "How lucky you are. All right. Thank you very much."

Speaker Mautino: "The Gentleman's moved passage of Senate Bill 3588. 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 Winters, do you wish to be recorded? Mr. Clerk, take the record. 115 voting 'yes', 1 voting 'no', 0 voting 'present'. Senate Bill 3588, having received the Constitutional Majority, is declared passed. Representative May, Senate Bill 3346 appears on page 5 of the Calendar. Out of the record. Representative Gordon, Senate Bill 3543. Read the Bill."

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Clerk Mahoney: "Senate Bill 3543, a Bill for an Act concerning children. Third Reading."

Speaker Mautino: "Representative Gordon."

Gordon, J.: "Thank you, Mr. Speaker. Senate Bill 3543 creates the Afterschool Youth Development Project Act. The purpose of the Act is to establish a statewide program that provides funding for youth afterschool programs for students ages 6-19. The Youth Development Council in conjunction with DHS will provide oversight and coordination of the state's public funds that are currently provided to support youth programs. The youth advisory group would be formed by the Council to ensure that the needs of youth are being addressed. The advisory group should comprise a diverse group of 15 youth from across the state. The Council will also establish and administer a three-year statewide quality afterschool demonstration program. The goal of the demonstration program is to develop and evaluate cost, impact and quality outcomes of afterschool programs in order to establish an effective expansion of the program. This particular Bill is identical to House Bill 1826 that passed overwhelmingly out of the House on March 26. There are no known opponents to this legislation and I'd be more than willing to answer any question at this point."

Mautino: "The Lady moves passage of Senate Bill 3543. 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 Cole, Representative Beaubien, do you wish

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to be recorded? Mr. Clerk, take the record. 113 voting 'yes', 3 voting 'no', 0 voting 'present'. Senate Bill 3543, having received the Constitution Majority, is declared passed. Representative Gordon, you also have Senate Bill 3389. Do you wish to call this Bill? Read the Bill."

Clerk Mahoney: "Senate Bill 3389, a Bill for an Act concerning criminal law. Third Reading."

Speaker Mautino: "Representative Gordon."

Gordon, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen, Senate Bill 3389 amends the code of the criminal procedure and changes the joinder provision to allow joinder additional offenses in one count so that the state can aggregate penalties. This Bill will add offenses like financial exploitation of an elderly person with a disability, identity theft, loan fraud, continuing financial crimes enterprise. And I'd like to ask for a favorable vote and I'm willing to answer any questions at this point."

Speaker Mautino: "The Lady moves passage of Senate Bill 3389. And on that question, Representative Mulligan is seeking recognition."

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

Speaker Mautino: "She indicates that she will."

Mulligan: "Representative, how many other laws like this do we have in Illinois?"

Gordon, J.: "I don't know."

Mulligan: "Then why are you sponsoring this one since we probably have quite a few?"

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Gordon, J.: "Well, I had a meeting with Joe Birkett who happens to be the state's attorney in DuPage County. I thought it was a..."

Mulligan: "I think I know who Joe Birkett is."

Gordon, J.: "...I thought it was a piece of legislation that was important to those that are affected by crimes such as this."

Mulligan: "I'm sorry. Would you say that again, please?"

Gordon, C.: "I had a conversation with Joe Birkett, who is the state's attorney of DuPage County and we met about this particular piece of legislation, and I thought that this legislation would be helpful to those that are affected by crimes such as this."

Mulligan: "Well, we've had numerous elder abuse task forces, we've had numerous task forces, we've had a major body of legislation that went through, and went through all of the Criminal Law Code and decided that we should eliminate a lot of Bills, which nobody ever did because everybody's afraid to sponsor anything like this and I am sure we have numerous Bills like this. It's kind of like this is a Bill in the portfolio that you need to put out campaign pieces as opposed to a reason if you can't tell me how many other laws there are like this in the state. And I do happen to know Joe Birkett personally so... I'm not quite sure why this Bill is being introduced. I'm sure everyone will vote for it because everyone will be afraid not to vote for it but we certainly don't have an idea of how many other laws like this and how we've overlapped the laws. It seems to me to be a little ridiculous."

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Speaker Mautino: "The Lady has moved passage of Senate Bill 3389. 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 Winters, do you wish to be recorded? Representative Winters. Mr. Clerk, take the record. 116 voting 'yes', 0 voting 'no', 0 voting 'present'. Senate Bill 3389, having received the Constitutional Majority, is declared passed. Representative McAuliffe, Senate Bill 3637 is on page 5 of the Calendar. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3637, a Bill for an Act concerning regulation. Third Reading."

Speaker Mautino: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have Senate Bill 3637 which is an identical Bill to a House Bill that passed out of here, 5996. This would provide that the Department of Public Health would have the authority to permit limited EMS system participations by facilities operated by the U.S. Department of Veteran Affairs. Would provide that any Veterans Health Administration facility seeking limited participation in an EMS system shall agree to comply with all the Department of Public Health administrative rules, and the bottom line is this would make it so that if a veteran has to go to a hospital he can go to a Veterans Administration Hospital. And I'd be happy to answer any questions and ask for your 'yes' vote."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 3637. 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 Black, Representative Pritchard, do you wish to be recorded? Mr. Clerk, take the record. 116 voting 'yes', 0 voting 'no', 0 voting 'present'. Senate Bill 3637, having received the Constitutional Majority, is declared passed. Representative Smith, Senate Bill 3722. Out of the record. Representative Mell, Senate Bill 3732. Out of the record. Representative Fritchey, Senate Bill 3747. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3747, a Bill for an Act concerning real property. Third Reading."

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

Fritchey: "Thank you, Speaker. Senate Bill 3747 was an initiative of the Illinois Association of Realtors. It's also supported by the State Bar Association, the Land Title Association. What this essentially does is create the Transfer Fee Covenant Act to prohibit transfer fee covenants from being recorded in Illinois. What these would do would basically create an amount that would have to be paid in perpetuity to the original conveyer of the land for subsequent transactions. We understand why this would benefit people that own land that are trying to have residual income coming from future sales, but we don't believe that parties that were not transaction to the original transaction... or that people that were not party to the original transaction should be encumbered by these fees and that would have a chilling effect on the marketplace.

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The only opposition that we know of to this Bill are two developers that were seeking to use these types of residual funding streams to finance their developments. An important Amendment was put on the Bill that would exempt out fees that were placed for the purposes of conservational land, natural areas, open space or water areas or the preservation of native plants, animals, biotic communities, or geographic formations. That Amendment got put on at the suggestion, with the hard work of Representative May and I'd like to thank her for her efforts. I'd be happy to answer any questions on the Bill."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 3747. 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 Rose. Mr. Clerk, take the record. 115 voting 'yes', 1 voting 'no', 0 voting 'present'. Senate Bill 3747, having received the Constitutional Majority, is declared passed. Representative Riley."

Riley: "Point of personal privilege, Mr. Speaker."

Speaker Mautino: "State your point."

Riley: "Ladies and Gentlemen of the House, I'd like for you to give a great House of Representatives welcome to nurses, specialists in patient care, who are here from one of my great institutions, Advocate South Suburban Hospital. We have Lori Beyer, Amber Cuello, Stephanie Caspers, Sue Jacobson, Tamara Jones, Michael Lane, and Megan McCann, South Suburban Hospital."

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Speaker Mautino: "Welcome to the House of Representatives. Representative Golar, Senate Bill 3780 appears on the Calendar. Read the Bill. Out of the record. Rep.. Representative Golar is seeking recognition."

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

Speaker Mautino: "State your point."

Golar: "Today in the galleries we have Kennedy King, Professor Ted Williams, political science in my district. He has brought along 17 students, and we would like to give them a Springfield welcome."

Speaker Mautino: "Welcome to Springfield. Representative Flowers, on Senate Bills-Second Reading appears Senate Bill 731. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 731, a Bill for an Act concerning regulations. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative McAsey on Second Reading, page 7 of the Calendar, is Senate Bill 1369. Out of the record. Representative Holbrook, 2093, Senate Bill. Would you like to move this Bill to Third Reading? Out of the record. Representative Fritchey, Senate Bill 2101. This Bill's on Second Reading. Out of the record. Representative Joyce, Senate Bill 2494. Would you like to move this Bill? Out of the record. Representative Reitz, Senate Bill 2525. Out of the record. Representative Poe. Read the Bill, Senate Bill 2554."

Clerk Mahoney: "Senate Bill 2554, a Bill for an Act concerning public employee benefits. Second Reading. Amendment #1

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was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Osterman, Senate Bill 2602 is on Second Reading. Would you like to move this Bill? Read the Bill."

Clerk Mahoney: "Senate Bill 2602, a Bill for an Act concerning regulation. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Nekritz, Senate Bill 2863 is on Second Reading. Would you like to move this Bill? Elaine. Representative Nekritz, would you like to move this Bill to Third Reading? Out of the record. Representative Lang, Senate Bill 3044 is on Second Reading. Out of the record. Representative Flider, Senate Bill 3093. Out of the record. Representative Bellock, Senate Bill 3129. This Bill is on Second Reading. Would you like to move this to Third? Out of the record. Representative Acevedo, Senate Bill 3136. Out of the record. Senate Bill 3267, Representative Turner. Representative McCarthy, Senate Bill 3281. Read the Bill."

Clerk Mahoney: "Senate Bill 3281, a Bill for an Act concerning State Government. Second Reading. Floor Amendment #1, offered by Representative McCarthy, has been approved for consideration."

Speaker Mautino: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Floor Amendment #1 basically makes this permissive language. It changes 'shall' to 'may'. So, I'd appreciate your support."

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Speaker Mautino: "The Gentleman moved adoption of Floor Amendment #1 to 3281. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. And Floor Amendment #1 is adopted. Mr. Clerk, any further Amendments?"

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

Speaker Mautino: "Third Reading. Representative Holbrook, Senate Bill 3320. Read the Bill."

Clerk Mahoney: "Senate Bill 3320, a Bill for an act concerning safety. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Joyce, Senate Bill 3446. Would you like to move this Bill to Third Reading? Read the Bill."

Clerk Mahoney: "Senate Bill 3446, a Bill for an Act concerning revenue. Second Reading. No Amendments. No Motions Filed."

Speaker Mautino: "Third Reading. Representative Dugan, Senate Bill 3661 appears on Second Reading. Read the Bill."

Clerk Mahoney: "Senate Bill 3661, a Bill for an Act concerning State Government. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Senate Bill 3762. Read the Bill."

Clerk Mahoney: "Senate Bill 3762 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Colvin, 3781. Read the Bill."

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Clerk Mahoney: "Senate Bill 3781, a Bill for an Act concerning regulations. Second Reading. No Amendments. No Motions filed."

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

Brady: "Point of personal privilege, Mr. Speaker."

Speaker Mautino: "State your point, Sir."

Brady: "Thank you very much. Ladies and Gentlemen of the House, would you please join me and Representative Keith Sommer in welcoming to the House chambers from Advocate BroMenn Hospital, as well as Advocate Eureka Hospital, the Nurse Advocacy Council. Nurses that are here today, the Nurse Advocacy Council is a self-governed council comprised... composed entirely of front-line nurses working to educate and empower the largest nursing audience in Illinois. And they are accompanied today by Advocate BroMenn employee, and Normal town council woman Sonja Reece. Please welcome to the Capitol the Advocate Bromenn and Advocate Eureka nurses."

Speaker Mautino: "Welcome to the House of Representatives. The Gentleman from Cook, Representative Colvin."

Colvin: "Thank you, Mr. Speaker. In... on the southeast side of Chicago in the 33rd District we have three hospitals, but we have one hospital that stands head and shoulders above an awful lot of hospitals in the State of Illinois and I'm talking about Advocate Trinity Hospital. And like any hospital, I think you guys know where I'm going with this, and like any hospital, yes, the doctors provide a lot of quality care, but we all know it's the nurses that make the

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difference in any hospital in the health care delivery system. And we've got some of the best nurses in the State of Illinois working on the southeast side of Chicago in Trinity Advocate, and they're just doing an amazing job and they're here in Springfield today. So, why don't we give them a Springfield welcome."

Speaker Mautino: "Welcome to the House of Representatives. Representative Kosel."

Kosel: "Thank you, Mr. Speaker. Point of personal privilege, please."

Speaker Mautino: "State your point."

Kosel: "I would like to welcome the nurses from Christ Advocate Hospital in Oak Lawn. They represent and serve a great number of the Representatives here with their excellence in care, their dedication, and their hard work. Welcome to Springfield."

Speaker Mautino: "Welcome to the House of Representatives. Representative Mulligan."

Mulligan: "I, too, would like to rise for point of personal privilege..."

Speaker Mautino: "State..."

Mulligan: "...for the nurses from Advocate Lutheran General Hospital, one of the biggest hospitals and the one that covers most of the provider tax for all of the Advocate System."

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

Golar: "Thank you, Mr. Speaker. Again, I rise, a point of personal privilege."

Speaker Mautino: "State your point."

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Golar: "I have a group from the southwest side of Chicago that are working on issues that impact the quality of life on education, public safety, immigration, and housing. The leaders here today are Imelda, Jeff, Sandy, Maureen, Elijah, Joshua, Andrea, and Niko. Welcome, welcome, give them a Springfield welcome."

Speaker Mautino: "Welcome to the House of Representatives. Representative Pihos."

Pihos: "Thank you, Mr. Speaker. I rise to a point of personal privilege."

Speaker Mautino: "State your point."

Pihos: "On behalf of Representative Patti Bellock and myself, we'd like to welcome here today the nurses from Advocate Good Samaritan Hospital and like to thank them for the compassion and the quality care they give to people that live in our districts. Thank you."

Speaker Mautino: "Welcome to Springfield. Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I, too, would like to welcome, from Illinois Masonic Advocate Medical Center, the nurses and the advocacy council from Lakeview, probably one of the most wonderful hospitals in the City of Chicago. They're here with my good friend, Noreen Keeney. Welcome."

Speaker Mautino: "Representative Lyons in the Chair."

Speaker Lyons: "Representative Dave Winters, on the Order of Second Readings, we have Senate Bill 3712. Representative Winters, Senate Bill 3712. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "Senate Bill 3712, a Bill for an Act concerning professional regulation. Second Reading. No Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Mr. Clerk, on the Order of Third Readings, on page 3 of the Calendar, Representative Mautino has Senate Bill 1826. Read the Bill Mr. Clerk."

Clerk Mahoney: "Senate Bill 1826, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Bureau, Representative Frank Mautino."

Mautino: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 1826 restores fair tax treatment to cooperatives. Federal tax laws allow cooperatives to offset losses from investments against operating income. The cooperatives face a tax liability on income losses they're never able to claim under their state tax returns. The proposed language adapts Illinois law to existing Illinois tax forms. So, we're matching up our statutes to what exists currently in our forms. The legislation protects the Illinois cooperatives and those who are especially engaged in agriculture from inflated tax liabilities and it matches up the current forms that we use with the statute that is in place. I'd be happy to answer any questions and appreciate an 'aye' vote."

Speaker Lyons: "Heard the Gentleman's explanation. Is there any discussion? Seeing none, the question is, 'Should Senate Bill 1826 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Will Burns, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Riley, for what purpose do you seek recognition, Sir?"

Riley: "Well, I'm going to ask leave to redo an introduction that I had made earlier and my people are here now. So, again, from South Suburban... Advocate South Suburban Hospital, Lori Beyer, Amber Cuello, Stephanie Caspers, Sue Jacobson, Tamara Jones, Michael Lane, and Megan McCann. Thank you for coming to Springfield."

Speaker Lyons: "Welcome to the Capitol. Enjoy your day. Proud to have you here. Mr. Clerk, on the Order of Third... Senate Bill-Third Readings, on the bottom of page 4 of the Calendar, Representative Turner has House... Senate Bill 3173. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3173, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lyons: "Leader Art Turner."

Turner: "Thank you, Mr. Speaker. Senate Bill 31 amends the Criminal Code. And what it does is it exempts from gambling violations games of skill or chance where money or other illegal things of value can be won, but no payment or purchase is required to participate. And I move for the adoption of Senate Bill 3173."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, the question is, 'Should Senate Bill 3173 pass?' All those in favor signify

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by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Franks, Representative Hernandez, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Dan Burke, we recognize you for a point of personal privilege."

Burke: "Thank you, Mr. Speaker. Again, on a point of personal privilege, I'd like to take the opportunity to introduce my constituents and neighbors from the southwest side of Chicago representing SWOP, up in the gallery with us today. Please welcome them to our Capitol."

Speaker Lyons: "Welcome to the Capitol. Enjoy your day. Representative Mautino, on the Order of Second Reading-Senate Bills, you have Senate Bill 3215 on page 9 of the Calendar. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3215, a Bill for an Act concerning State Government. Second Reading. No Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Mr. Mautino... Mr. Mautino, for what purpose do you seek recognition?"

Mautino: "I've just received note that there's a... there's an Amendment for the... for this Bill and we agreed to hold that on Seconds in committee. So, please roll that Bill."

Speaker Lyons: "Bill, Representative, what Bill number? Give us the Bill number."

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Mautino: "That is Senate Bill 3215. Please return that Bill to Second Reading."

Speaker Lyons: "Mr. Clerk, status of Senate Bill 3215."

Clerk Mahoney: "Senate Bill 3215 is on the Order of Third Reading."

Speaker Lyons: "Put that Bill back on the Order of Second Reading on the request of the Sponsor. Representative Ed Sullivan, for what purpose do you seek recognition, Sir?"

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

Speaker Lyons: "Please proceed."

Sullivan: "Ladies and Gentlemen, I, also, want to rise and welcome some nurses from my district. The latest addition to the Advocate group, Condell, up here behind me. Welcome to Springfield."

Speaker Lyons: "Enjoy your day at the Capitol. Glad you could be here. Representative Jay Hoffman, on the Order of Second Readings, you have Senate Bill 2556, 2556. What's the status of the Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 2556 is on the Order of Second Reading. Amendment #1 was adopted in committee. This is Second Reading of this Bill. Floor Amendment #2, offered by Representative Hoffman, has been approved for consideration."

Speaker Lyons: "Representative Hoffman on Amendment #2."

Hoffman: "Yes. Thank you, Mr. Speaker. House Amendment #2 is a technical change that... that cleans up a Bill to address some concerns of the Sierra Club. And it indicates that the... what it does is it indicates that the flood insurance

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program must adopt and maintain ordinances of flood plain management regulations and meet the requirements. And they must submit copies of these documents to the Federal Emergency Management Agency as required by law."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the adoption of Amendment #2 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Hoffman, don't go too far away. Jay, you have Senate Bill 2996. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2996, a Bill for an Act concerning financial regulation. Second Reading. Amendments 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Roger Eddy, on page 10 of the Calendar, under Senate Bills-Second Reading, you have Senate Bill 3610. Out of the record. Representative Mautino in the Chair."

Speaker Mautino: "Representative Collins, page 4 of the Calendar appears Senate Bill 2605 on Third Reading. Would you like to read this Bill? Read the Bill."

Clerk Mahoney: "Senate Bill 2605, a Bill for an Act concerning children. Third Reading."

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

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Collins: "Thank you, Mr. Speaker. We just ask for the passage of 2605. They just made some... just clarified the definition of what child abuse... or who the reporter is going to be. So, I ask for an 'aye' vote."

Speaker Mautino: "The Lady has moved passage of Senate Bill 2605. And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Mautino: "She indicates that she will."

Black: "Representative, I apologize, the noise level sometimes gets so loud in the House. I thought I heard you say this... all this Bill does is to change a... term or a definition. Is that correct?"

Collins: "Yes, that's correct, of the subject of the report."

Black: "Are... so, you're changing the term 'subject of report'? How will that be changed, or what will it mean now?"

Collins: "Well, now it says that... any child that reported as an alleged victim of child abuse or neglect in the central registry of child abuse and neglect that child's parents, guardians, or the other person responsible for the child's welfare who is named in the report who is added to the report as an alleged perpetrator of the abuse of neglect. So, now if you're added, like sometimes they call in a subsequent report and then so they put that person on the report as well."

Black: "Okay. So, it's just bringing a definition up with current practice."

Collins: "Right. Because..."

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Black: "Does not endanger the health or safety of any of the children?"

Collins: "Right. 'Cause sometimes..."

Black: "Okay."

Collins: "...in the initial report the... all the subjects are not added. And so, then when you go out and you do a subsequent report, then those people are added."

Black: "Okay. Fine. Thank you very much. Appreciate your indulgence."

Collins: "All right."

Speaker Mautino: "The Lady has moved passage of Senate Bill 2605. On that question, Representative Mulligan."

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

Speaker Mautino: "She indicates that she will."

Mulligan: "Representative, when do they add this name? Do they add it before it is proven, or just when it's charged?"

Collins: "Once you get an indicated report. So, once you get an indicated report, it'll be on the report forever, but..."

Mulligan: "So, they will not... if it's indicated in court before they're found to actually have abused the child or after?"

Collins: "No, no, no. An indicated report is at the conclusion of the investigation."

Mulligan: "So, if at the end of the court hearing and the child is removed from the home and the parent is alleged to have abused the child, then it would be added?"

Collins: "Right. Then that person will be in the system."

Mulligan: "All right. Thank you."

Speaker Mautino: "The Lady moves passage of Senate Bill 2605. All in favor vote 'yes'; opposed vote 'no'. The voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Froehlich, Representative Lyons, do you wish to be recorded? Mr. Clerk, take the record. 116 voting 'yes', 0 voting 'no', 0 voting 'present', Senate Bill 2605, having received the Constitutional Majority, is declared passed. Representative Franks, Senate Bill 552 appears on Second Reading. Out of the record. Representative Ford, on the Calendar... Representative Saviano. Representative Saviano on page 9 of the Calendar is Senate Bill 3509, under Bills-Second Reading. Read the Bill."

Clerk Mahoney: "Senate Bill 3509 has been read a second time, previously. Floor Amendment #1 was adopted to the Bill. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Mautino: "Representative Saviano on Floor Amendment #2."

Saviano: "Thank you, Mr. Speaker. Floor Amendment #2 provides for this Bill to be agreed. It just clarified some of the identification on the name tags of health care professionals in a health care setting. And I would ask it be adopted."

Speaker Mautino: "Gentleman moves adoption of Floor Amendment #2. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. Floor Amendment #2 is adopted. Mr. Clerk, any further Amendments?"

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

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

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Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. We seem to be at ease here for the last few minutes and I see everybody up there scurrying through the Calendar, wonder what delightful adventure we could embark on next, and I thought since we were just sitting here, maybe individual Members could be recognized to give ideas on... on what kind of unnecessary spending we could cut and what kind of budget reforms we'd like to see implemented and... let's just set aside 45 minutes to an hour to talk about the budget. Because all I could think of, while everybody was introducing their nurses who are visiting here, if we don't get this budget straightened out my legislative district may lose its hospital and I won't be able to introduce any nurses. I... I just don't understand the inertia here. This budget is an absolute disaster and a crisis that we just seem to put off, put off, put off. Let's talk about some ideas to save money. Let's talk about some budget reform. Let's talk... I know... I know you'd like to Mr. Speaker, and I trust your judgment on the budget, but since we don't seem to be doing much, maybe we could have a productive discussion on the budget. Well, if you'd take that under advisement, I'd be forever grateful."

Speaker Mautino: "Appre... I appreciate your gratitude and I will take that under advisement."

Black: "That's what I thought. Thank you very much."

Speaker Mautino: "Mr. Clerk, what's the status of Senate Joint Resolution Constitutional Amendment 121?"

Clerk Mahoney: "Senate Joint Resolution Constitutional Amendment 121 has been read two times in its pri... in its

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entirety, has been read a second time, previously, in full."

Speaker Mautino: "Third Reading. And read the Amendment."

Clerk Mahoney: "Senate Joint Resolution Constitutional Amendment 121. Third Reading."

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

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(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 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

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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 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

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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 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

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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 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

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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 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

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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 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

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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 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

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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 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

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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 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

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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 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 the Third Reading of this Senate Joint Resolution Constitutional Amendment 121."

Speaker Mautino: "The Lady from Cook, Majority Leader Currie."

Currie: "Thank you, Speaker and Members of the House. Senate Joint Resolution Constitutional Amendment 121 in many respects mirrors and builds upon the language in House Joint Resolution Constitutional Amendment 44 of the last General Assembly, two years ago, that was proposed by the

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Paul Simon Public Policy Institute, a measure that got 98 'yes' votes in this chamber two years ago that permits the General Assembly to draw a map by a date certain and if it doesn't, then by Resolution a Three-fifths Majority would be required. This measure is, I say, built upon that proposal which was enthusiastically received by the Members of this chamber. This measure also, as that measure did, dynasts House and Senate Districts so that they could be drawn so that not every Senate District contains two and only two Representative Districts. This further changes our current Constitution so that there's a good deal more accountability and transparency. The way this measure works, there would be hearings even before the Legislature begins work on a map, hearings that would be conducted both separately for the House and for the Senate, 10 apiece. Should there be a legislative commission, if the Legislature fails to act, then there would be an additional commission organized with more hearings, in fact, I would count, if the Legislature does not act early, I would count some 36 hearings across the state that would mean that the public has a real chance to find out what's happening in respect to mapmaking. Further, the measure requires the Legislature to make available data, census data, other information to the members of the public so that people in the citizenry can, in fact, help make map decisions. They can draw their own maps and they can present those maps to the Legislature. As well this, the language in this Amendment does provide for more clarity about what counts as the principles that should guide mapmaking. In addition

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to what we have today, compactness, contiguity and substantial equity in population, we would also make sure that minorities are given the opportunity equally to participate and select candidates of their choice. We would expand upon Section 2 of the Federal Voting Rights Act and court decisions to make sure that minority influence and costs over districts are also contemplated by the mapmakers. We would respect communities of interest and municipal boundaries. I would be happy to answer your questions. This clearly is an improvement over the current Constitution. It gets rid of the tiebreaker that... that which happens if there is no decision about a map, when we find that the Secretary of State is pulling a name out of Abraham Lincoln's hat to figure out who's going to draw lines, this instead contemplates that the senior Republican and Democratic Justices of the State Supreme Court would agree upon one person, one person, to act as a tiebreaker should we ever go as far as a commission if the Legislature doesn't act in the first place. Again, I'd be happy to answer your questions. This is clearly a strong improvement over what we have in the Constitution today. I urge your 'yes' votes."

Speaker Mautino: "On the question, the Gentleman from Kendall, Leader Cross."

Cross: "Thank you, Mr. Speaker. I think we need to condense this down to what this is all about. This is an issue today that we have to make a decision as a General Assembly on as to whether or not we want to dramatically reform how we do redistricting in the State of Illinois. Do we want

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to continue the status quo or nibble around the edges or do we want wholesale change? Do we want to let Members of the General Assembly continue to be involved in the creating of legislative boundaries or do we change that and allow the public to be involved in drawing legislative boundaries? There was a reference to the Brosnahan Amendment which we supported which we would suggest goes a step forward, at the time it did. This Amendment... and this Constitutional Amendment actually goes several steps back. If you look at the process, it does really nothing to change the current system in that it continues to allow Members of the General Assembly to draw legislative boundaries. It allows or gives an edge to a Majority Party throughout the process. No Party should have a political edge when it comes to redistricting. This isn't about political power. And as you dive deeper into the substance of this Constitutional Amendment, I would urge you to look at the criteria Section, which under this Amendment, I think it's the third criteria, there is the ability and the potential to manipulate legislative boundaries to the detriment of minority districts. And while that has not been discussed much, it is very critical and has the potential to be very damning to the legislative process into minority districts. But again, the bottom line is, do we trust and respect the citizens of the State of Illinois to do this, which is contained in the Constitutional Amendment that we filed and supported by many independent groups or are we going to continue the same old song of letting Legislators draw their own boundaries? Let's look at and consider what

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other people are saying outside of this process not those of us in this room that benefit from us drawing the map. A former State Senator who left the Illinois General Assembly back about eight years ago, said there is a conflict of interest built in this process, he said, incumbents drawing their own maps will inevitably try to advantage themselves. That former State Senator happens to reside in the White House right now. Barack Obama recognized and pointed out that Legislators drawing their own boundaries only benefits themselves. A current Governor by the name of Pat Quinn as recently as 1:22 this afternoon said, he's not a fan of the plan his fellow Democrats drafted. The Governor said he doesn't see the proposed changes as moving the ball forward all that much. Districts will be crafted to protect city lawmakers instead of reflecting a particular geographic area. I'm not sure if it's reform, to be honest. Too often this is an exercise of protecting incumbents of both Parties. I don't think that's healthy. That's your Governor. He's actually our Governor; he's of your Party. The Democrat criticism to the Republican plan takes the map drawing process out of the hands of the lawmakers who will be impacted by it, well, of course. Why would we be afraid to let somebody other than Members of the General Assembly to draw their own lines? I was in the committee in and out yesterday when we heard this Bill, and it amazed me when a Member of the committee suggested to a woman from the League of Women Voters that he knew more about the legislative redistricting process than she did and that how dare she question him and suggest to him that it should be

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done in a different way. Since when are these our districts? Since when is the 84th District, the one I represent, my district? This isn't my district. This is a district of a hundred thousand people that I'm lucky enough to represent. I don't have any ownership in it. None of us have ownership in our districts. It's not how it's supposed to work. So, why should I have the privilege, because I'm a sitting Member of this Body, or a right to draw these legislative boundaries? Is there... does that not reek of a conflict? Is there anything ironic about that to any of you in this chamber that we're drafting our own boundaries? When are we going to respect the people of the State of Illinois and allow them to be involved in the process? This is not just a Republican argument. The League of Women Voters have not been known as one of the biggest proponents of Republican politics in this state over the years, nor have Protestants for the Common Good, the United Power for Action and Justice, DuPage County United, Lake County United, David Hoffman, the Illinois Campaign for Political Reform, Common Cause, Change Illinois, the Illinois Chamber, the Illinois Farm Bureau, the Better Government Association all believe that the current system does not work. And it doesn't work unless you happen to be the beneficiary of these boundaries that we draw. People in this state at the moment and perhaps around the country are angry and afraid. They're afraid really, in many ways, for economic reasons. They're worried about their jobs. They're worried about their mortgages. They're worried about health care. They're

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worried about their kids' education. And they're angry at us because we haven't gotten that anger. We haven't recognized that things aren't working. We aren't willing to work together. We are ignoring... than hear are problems that exist in this co... in the state. We have a Governor in prison. We have another Governor under indictment. We have a culture of corruption in the State of Illinois and our citizens demand a culture of accountability, both on the budget side and on the governing side. Ronald Reagan, known for many things, challenged Gorbachev, many years ago, to tear down that wall. He was in Berlin and said, tear down this wall. And it's appropriate to this discussion because what he was saying in many ways was the idea of not openness in government of not being transparent of not being able to express yourself is unacceptable and to vest the power in a few people is not healthy and that needed to change. The wall we have in Illinois needs to come down. For too long we've allowed a few people to run this state, for too long we have said to the citizens of Illinois, we don't respect you. Imagine, if you will, how novel it would have been last year if we had been able to say to the citizens of the State of Illinois, our United States Senator became the President of the United States, a good thing in many peoples' mind. And imagine how nice that would have been if the people of this state would have been able to elect his replacement, but we don't respect the voter in Illinois enough. We had to let one person under indictment make that decision. Imagine, if you will in this state, if we would allow the legislative process

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after campaign finance to be different then what it is now with only four people controlling the money. We regulate everybody else except the four Legislative Leaders. Imagine a state where you had a Primary late enough where people would actually pay attention and understand the issues and understand their voters. Imagine a state where recall included all of us instead of just the Governor of the State of Illinois. Ladies and Gentlemen, we have to accept the fact that the status quo isn't working. It is broken. It is time to break from the past; the wall has got to come down. We have to say to them, if we are going to have a state that we can be proud of and we can give back to the people of the State of Illinois, that it's your state and you can be involved in the process, you can help draw legislative boundaries. It will not be a few people drawing boundaries to protect themselves. The independent groups get it. Barack Obama got it. President... or Governor Quinn gets it, but the people that benefit don't get it. What does that say about us? We're really at a critical time in this state. No one respects us. They're ashamed. This is an opportunity to defeat this, present the Constitutional Amendment that takes it out of our hands, takes it away from us and gives it to the voters, gives it to the citizens and say, you know what, we really do get it. We know you're angry; we know you're scared; we know you want your state back and we are going to allow that to happen. We didn't do it with campaign finance. We didn't do it with Special Elections. We really didn't do it with Primaries. We haven't really done it with recall,

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but we could do it with this. No one Party should have an advantage in redistricting. This is not about Parties. It's about the people we represent and their legislative districts. Now, I know, we have this discussion on these... these reform Bills. You can't vote against your Leader because then you'll get in a lot of trouble. Isn't that what this is all about? Your Leader benefits from this. Your Leader doesn't want the wall to come down. He likes the wall the way it is. So, if you want to take your state back, you on the other side of the aisle, you're going to have to knock the wall down. You're going to have to say, Mr. and Mrs. Voter, I get it. I'm as angry as you are. I'm as ashamed as you are. I'm as disappointed as you are and I really mean it when I say I'm for reform. And you are going to have to stand up to the person that is blocking the tearing down of the wall. You are going to have to do the right thing. You are going to have to say 'no' to the status quo. You are going to have to say I'm going to break from the past. I want that culture of accountability. I'm going to do the right thing. And this Constitutional Amendment is nothing even close or remotely close to doing the right thing. I would urge a 'no' vote on this Constitutional Amendment. Thank you, Mr. Speaker."

Speaker Mautino: "The Lady has moved adoption of Senate Joint Resolution Constitutional Amendment 121. This Bill is on Standard Debate. The timer will be set at five minutes. And our first speaker will be the Gentleman from Cook, Representative Will Davis."

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Davis, W.: "Thank you very much, Mr. Speaker. Will the Sponsor yield? I just have a few questions, Representative Currie, if you could answer these for me. Some of them speak to the words of the previous speaker and while he, you know, I tried to listen intently to some of the things that he said. I don't necessarily agree with a lot of what he said, but that notwithstanding, 'cause time is limited. Relative to this Resolution, it contains a lot of redistricting criteria in order of preference. So, relative to the drafters of the map, can they... can they bring in other considerations such as incumbency, partisanship, or anything else relative to this?"

Currie: "The redistricting criteria that are listed in the Amendment are not intended to be exhaustive. The mapmaker should be guided by other traditional redistricting principles, incumbency, partisanship, other principles that have long been recognized in Illinois and in Federal Court decisions."

Davis, W.: "Okay. Also, this Resolution uses, relative to criteria, it uses phrases such as racial minorities and language minorities. So, what exactly are racial and language minorities for the purposes of legislative intent?"

Currie: "The inclusion of these phrases affords protection to the same class of voters who are members of a race, color or language minority group that are now protected under the Federal Voting Rights Act. The Federal Voting Rights Act currently protects voters who are African American,

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American Indian, Asian American, Alaskan natives or of Spanish heritage."

Davis, W.: "Okay. So, this helps to protect individuals like myself to give other racial and language minorities the fair opportunity to run and be elected here in the Legislature."

Currie: "To participate in the decision... in electoral decisions."

Davis, W.: "Okay. Great. And my last question, relative to this Constitutional Amendment, right after the first criterion for substantial eth... equality of population. The second and third criteria pertain to minority voting rights. So, what is the scope of the second criteria?"

Currie: "The second criterion tracks the current language of Section 2 of the Federal Voting Rights Act thereby getting Illinois constitutional status to what is today a Federal Law. The inclusion of Section 2 language expressly establishes a minimum floor of protection for minority voting rights in the form of majority-minority districts. Majority-minority districts are those where a minority group composes a numerical working majority of the relevant population."

Davis, W.: "Now, the previous speaker spoke about giving the ability, with regard to this process, to working with the four... the four Legislative Leaders and he talked about taking it out of the hands of the Legislature and giving it to the people. How does giving it to the four Legislative Leaders give power to..."

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Currie: "Unclear to me exactly how that could happen. I would have thought, in fact, that leaving the decision in the hands of 177 people who are elected by the geographic diversity that is the State of Illinois is more Democratic than giving it instead into the hands of four Legislative Leaders. We've had a lot of discussion about the power of the Legislative Leaders. There are many who think that the four Legislative Leaders should not have untrammelled opportunity to help fund candidate campaigns even those campaigns of Members of their own Party. So, it's a little surprising to me that one might think it reform to give more power to the Legislative Leaders and the power that they would have to appoint would not even be limited by a restriction on how and to whom and when they may speak to the people that they have appointed to do the map. There is nothing that would require the meetings of that group to be open to the public. There's no discussion about ex-Party contacts or conflicts of interest. So, I, myself am surprised to discover that enhancing the authority of the four Legislative Leaders counts as reform."

Davis, W.: "Okay. Very briefly to the Bill in the time limited. When we talk about electing language and racial minorities, obviously, it would behoove those that were working with the other side of the aisle to have included groups that represent the interest of racial minorities. You listed a number of organizations like the League of Women Voters, the Farm Bureau which are great organizations and Members, particularly of the Black Caucus, have worked with those organizations in the past

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and will continue to do so, but when we're talking about trying..."

Speaker Mautino: "The Gentleman may finish his remark."

Davis, W.: "Thank you, Mr. Speaker. But when we're talking about trying to represent the interest of various minority groups, it certainly would have been nice to have been included in their conversation which is very clear that we were not included. This is an effort for inclusion and I encourage all Members to support this initiative. Thank you."

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

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

Currie: "Yes."

Colvin: "All right. Madam Currie, as a follow-up to Representative Davis's question, is it your intent that a minority group would need to demonstrate the three Gingles factors set forth in the U.S. Supreme Court precedent construing Section 2 of the Federal Voting Rights Act in order to muster a minority voting dilution claim under your second criteria?"

Currie: "Yes."

Colvin: "What is the scope of the third criteria, please?"

Currie: "The third criterion provides racial minority and language minorities who are less than the voting-age majority of a district with an opportunity to substantially influence the outcome of an election. This language expressly ensures the creation and the protection of what are known as minority crossover or minority coalition or

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minority influence districts respectively. This is not required under Section 2 of the Voting Rights Act. There's no guarantee that all these districts will be drawn, but to include this criterion offers much better protection for the opportunity for minority participation in electoral decisions than would be true without it."

Colvin: "And relative to this, can you tell us why this criterion was included?"

Currie: "It was in... we did it in order to provide express protection for racial minorities and language majorities who do not reach the 50 percent voting age population requirement of a district. Under the United States Supreme Court decision in Bartlett v. Strickland, these minority groups are not entitled to protection under Section 2 of the Federal Voting Rights Act. This criterion was included to make sure we have state constitutional protection for these minority groups because the Federal Law doesn't do it. Simply stated, we want to advance minority voting rights beyond what is required of Section 2 of the Voting Rights Act. We want to give constitutional status, that is to say, some opportunity to minority crossover districts, minority coalition districts and minority influenced districts."

Colvin: "All right. Now, does the inclusion of the redistricting criterion for the creation and protection of crossover, coalition and influenced districts... have filed the U.S. Supreme Court's racial gerrymandering decision in Shaw?"

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Currie: "No, it does not. The United States Supreme Court has considered crossover and influenced districts on several occasions and never remotely suggested that these districts violate the Constitution. Moreover, this third criterion it doesn't exist in a vacuum apart from all the other redistricting criteria. The Federal Constitutional Principle of one person one vote it receives the highest priority in our Amendment followed by the Federal Statutory Mandate of Section 2 districts under the Federal Voting Rights Act. In addition, principles of contiguity and compactness as well as concerns for communities of interest and local boundaries remain important principles as well."

Colvin: "And for the purposes of this discussion, can you explain to us what a crossover district is?"

Currie: "We're using this terminology as it was discussed in the United States Supreme Court decision Bartlett v. Strickland from 2009. The court described a 'crossover district' as one in which the minority group is not a numerical majority of the voting age population, but is large enough to elect its preferred candidate by persuading enough majority voters to crossover to support the minority's preferred candidate."

Colvin: "And how about a coalition district?"

Currie: "And in Bartlett, the court described that district, a 'coalition district', as one in which more than one minority group... members of more than one minority group work together in coalition to form a majority and elect their preferred candidate."

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Colvin: "Thank you, Representative Currie... Leader Currie. To the Bill, Mr. Speaker. I certainly want to first thank and appreciate all the hard work and effort that so many have put in, in putting together what I think is an excellent piece of legislation for consideration. To Senator Raoul and to Leader Currie, we appreciate your Leadership and your courage for fighting for the protection of minority districts, the cutting through a lot of these a convoluted arguments about political power and the masking of political power and getting right down to the real root of what we're trying to do. I think what we are proposing here will serve our state well, not only in this redistricting but for years to come. And at the end, I would simply urge everyone to vote 'yes'. Thank you."

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

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

Speaker Mautino: "The indication is she will."

Riley: "Have a couple questions. First of all, what... what is an 'influence district'?"

Currie: "An 'influence district' is the district in which the minority community is not large enough to elect a candidate of its choice but may be able to influence the outcome of an election and elect a candidate who will be responsive to the interests and concerns of the minority members themselves. If you look at the 2003 U.S. Supreme Court decision Georgia v. Ashcroft, there is discussion of minority influence districts in that case."

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Riley: "Thank you. You know, I've been one... I've drawn a lot of maps in academic and other settings, and I have a concern about the communities of interest. This Constitutional Amendment really does a lot of things, but one of the things it provides for, and for reasons for legislative intent, it says that the Senate and House must respect to the extent practicable communities of interest. Can you just sort of tell me what the intended scope and definition of 'communities of interests' is?"

Currie: "Sure. We would define 'communities of interest' as an area of residents who are cohesive based on shared similar interests, including but not limited to: racial, ethnic, economic, geographic, governmental, regional, social, cultural, partisan, or historic interest. These areas would be determined by mapmakers in part through public input and submissions provided at the various public hearings required under this Amendment as well as public input received directly by the General Assembly."

Riley: "Thank you, Leader Currie. This is a great piece of legislation, this Constitutional Amendment, and I would request everyone get behind it. It's very well-thought-out. People worked on this an awful long time, and I think this is something that the people of the State of Illinois would be proud of. Thank you."

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

Fortner: "Thank you, Speaker. First, given the importance of this issue as a constitutional question fundamental to the...

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this Body and its future, I would ask that this go to unlimited debate."

Speaker Mautino: "It'll be granted."

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

Speaker Mautino: "Indicates she will."

Fortner: "Thank you. I appreciate the previous speakers who helped clarify the definitions. That's really important so we understand some of the terminology that's in this Bill. I would also like to cover some of the points that, for the benefit of this Body, that we discussed at great length in committee, some of the important issues that were raised, so that we understand how that would work. And first of all, one of the questions in dealing between criteria two and criteria three is the notion of priority. We have a priority listed in the Bill. So, Section 2 is largely embodied in provision 2, as was stated, and then there are these crossover and influence districts. And one of the cases that came up would be if we had, say, an area where there was a 60 percent population of a racial or language minority in one area, one could draw, meeting Section 2 requirements, a single district. One could also imagine creating three influence districts from that same area. In the testimony in committee, Senator Raoul provided that it was his understanding... his intent that the second provision, that that would be created as a single district not as three districts, and I would like to see if that is your intent as well."

Currie: "The Voting Rights Act, as I understand it, trumps in the situation you described."

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Fortner: "So, then the ability... the influence is if you can make a... a single majority district that that's preferable than making multiple influence districts?"

Currie: "I think it would be required by the courts, and as I say, today is specified under Federal Law."

Fortner: "Thank you. There is also a question that was raised about when you get to criteria four, which is contiguity. Now, both points two and three, there's no qualifying language. When you get down later, it says as practical, as we get down to points later down the list of priorities, but for the third criteria in particular, there's... I don't see that there's any as practical language. So, if there was a case where we had a district, how does the priority system work? Wouldn't you have a case where... suppose you could create a crossover district but that was otherwise discontinuous?"

Currie: "Well, if you look at the language of the Amendment, Sir, on page 3, I believe it is... page 4, line 20, start with the beginning shall. Legislative and representative districts shall be contiguous. No ifs, ands, or buts about it."

Fortner: "Right. But I'm referring..."

Currie: "Contiguity is a given."

Fortner: "Shall."

Currie: "Shall be contiguous."

Fortner: "But also... but also it says, reading the Sections before it, that it 'shall' provide racial minorities and language minorities who constitute less than a voting age majority of a district an opportunity to control or

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substantially influence the outcome of elections. That also says shall and is listed as higher priority, so I just want to understand how those things would interact with each other."

Currie: "I think they would interact well together. I think the point of the third principle is that the mapmakers ought to look at population diversity, population spread. They should find out whether there might be... in the context of substantial population equity and contiguity, they should look to see whether there might be the opportunity to draw a minority influence or crossover or coalition district."

Fortner: "But that's..."

Currie: "And that's what this... as I had said in answer to one of the... the previous speakers, all of these things are really understood in context, and the context here is..."

Fortner: "So, that, I guess..."

Currie: "...it shall be contiguous and..."

Fortner: "If... if I can. Thank you. But the problem I have is with the use of priority. To the Resolution. When it says priority, one has a sense that there is a hierarchy in these different terms. We've already seen that the second principle would, generally, because of Federal Law, has to trump the third one, and as I just... talked about yesterday, we could see even with just that principle alone, a substantial increase in the number of Latino districts just using that principle alone. But I think there's a question then, with the influence districts, if that's going to then trump out the second..."

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Speaker Mautino: "The Gentleman's time has expired.
Representative Kosel."

Kosel: "Yes, Mr. Speaker. I'd like to yield my time to
Representative Fortner."

Speaker Mautino: "The Lady yields five minutes to the Gentleman
from DuPage."

Fortner: "Thank you, Mr. Speaker. The... the principles are very
important. And when we... when we prioritize principles,
we're saying that... we're saying that if you had a choice,
one should rise above the other. That's what priority
means. And it makes sense with equal population. There's
a large amount of case law that says we have to follow
that. Similarly, with the second provision, when we're
talking about the equal protection provided in the Voting
Rights Act, which is tracked by the second principle
embodied in this Resolution. Makes sense that that should
trump other things. That's... that's the law of the land,
that's the Federal Law that we would be following. I raise
a concern though, when we start getting into influence
districts, and let me make it clear, there's a substantial
difference between a crossover or coalition district and
influence district. In a crossover district, one would
anticipate that the minority population's probably just
below the threshold of 50 percent, and therefore, because
of that threshold, with some support of the majority
population, or in a coalition, some support of another
minority group, they would easily pass the 50 percent and
would be able to elect the candidates of their choice. And
that would, in fact, tend to increase the number of

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minority Representatives that you would find. But influence districts are a very different category. Influence districts are ones where the population is lower, and you would not naturally expect that that group would then be able to get their candidate of choice; however, they would be able to influence which of other candidates might be elected. So, that doesn't necessarily guarantee the kind of increase in minority representation. It simply provides for that influence, and I think that's... that's a distinction we need to be mindful of. And again, when... then when you get to this idea of contiguity, this can be a problem if you don't treat it well. The Federal Courts have not protected contiguity. There are cases in Wisconsin of state legislative districts that are discontinuous because their Constitution holds a higher standard in their Constitution whereby they are allowed then to spilt a district so it has a gap in-between it. And I would have the concern that someone would say, well, hey, I can make an influence district by taking two pieces that are separated, in no way connected with each other, and one could interpret the language of this, saying that there's a priority, doing that is a higher priority than simply keeping districts contiguous as is called for as I think we would expect, as I think the public expects, the districts are contiguous, that all the parts are connected together. And I think doing that creates a measure of confusion that's not going to be clear. But I want to go back to the importance of having that second principle that's listed here and whether or not one needs to go

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further. I think it's laudable the intent to, but as I went through yesterday, you can get sub... just applying the other redistricting principles with the Federal Voting Rights Act that we must follow anyway with the map that I showed yesterday and our Discharge Motion, you can get no loss at a minimum... and again, you could always add more, no loss at a minimum of the African-American seats and a substantial increase in the number of Latino seats would follow naturally from that. So, I would suggest that there's a measure of confusion that is not going to sit well, and I would urge a 'no' vote."

Speaker Mautino: "Further discussion? Representative Burns."

Burns: "Thank you very much, Speaker. I'd like to speak to the Joint Resolution."

Speaker Mautino: "To the Resolution."

Burns: "Ladies and Gentlemen of the House, 10 years ago, or nearly 10 years ago, I was a vice president of the Chicago Urban League. In my very first job... my very first day on the job, I testified before the Legislative Redistricting Commission along with other civil rights leaders in regards to protecting the rights of African Americans under the Voting Rights Act through the redistricting process. I would presume that the previous speaker referred to my comments in committee yesterday, asking questions of the League of Women Voters in regards to the protection of minority voting rights under a competing proposal for redistricting reform. And the reason I asked those questions is because nearly 10 years ago, the Chicago Urban League, the Woodlawn Organization, the NAACP and a host of

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other civil rights organizations banded together to ensure that African Americans would be able to elect the Representatives of their choice and that where we could not create majority-minority districts, that African Americans and other language minorities and other ethnic minorities would have the opportunity to substantially influence the outcomes of elections. We believe that that's what the Voting Rights Act should entail, and that's what we believe should be included in redistricting. The 1991 Jourdain Map, which was approved by the Legislative Redistricting Commission nearly 20 years ago, did not protect minority rights, even though courts agreed that the map comported with the Voting Rights Act. Civil rights leaders believed that that 1991 map unduly packed African Americans into inefficient majority-minority districts and prevented numerous minority groups from having influence districts and the ability to substantially influence the outcome of elections. This Constitutional Amendment includes the language that many of us fought for 10 years ago and the principles that we fought for in the map. It's not just enough to say that the Voting Rights Act should comply, we must go further to guarantee the right of minorities to have access to influence districts, and that's what this Amendment does. There is no more important right to people of color than the ability to elect the Representatives of their choice. For people that, for too many years, were denied the right to vote, or when they had the right to vote, their right to vote was subverted through cracking or packing or splitting. Redistricting is a serious, serious

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issue. I would ask my colleagues in this chamber to vote for this Amendment. This Amendment reflects the best of Illinois and our commitment to racial justice and to continuing the efforts of the civil rights movement. One other point that I'd like to make before I close is that I asked another witness in support of the competing proposal on redistricting reform his opinion about that proposal's impact on racial minorities and language minorities. And Brad McMillan admitted on the record that the Fair Map Amendment did not go far enough to protect the rights of racial minorities and language minorities. He admitted that they could have done a better job at doing that very issue and protecting the voting rights of racial and language minorities. You now have a proposal before you that changes the status quo, that gets us away from a coin flip and guarantees the rights of racial and language minorities to elect the Representatives of their choice and have the opportunities to control or influence elections. I recommend that all of you vote 'yes'."

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

Durkin: "Will the Sponsor yield?"

Speaker Mautino: "She indicates she will."

Durkin: "Thank you. Representative Currie, I'd like to ask a few questions about the redistricting commissions. Could you give me an explanation of what are the qualifications or prohibitions on the individuals who would serve on those commissions if it got to that point?"

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Currie: "Just a minute. Let me just take a moment 'cause there is a list of what they... and remember, this only comes into play if the Legislature fails to draw maps, one for each chamber... let me just see if I can find where they are. Yeah. Okay. So... so, of the commissions, and there would be separate ones for each chamber, and the... they would have 10 members, no more than 5 of the members of the same political Party. So, each of the Legislative Leaders, at that point, gets to make appointments. In the House, no more than 2 shall be Members, and the same thing is true of the Senate. And that leaves 3 of them shall be people who do not hold an elected or political Party office, are not employed by the General Assembly, are not employees of a political Party, not immediate family members of a Member of the General Assembly or Congress, and are not lobbyists as defined by law."

Durkin: "So, if we got to this point, there would be 4 Members of the House and 4 Members of the Senate would be serving on the respective commissions, correct?"

Currie: "Yes."

Durkin: "Okay."

Currie: "And then the... there would be 6 public members."

Durkin: "Okay. Now, you said that lobbyists are prohibited, and I think that's very noble, and I think that's appropriate, but... and I brought this up in committee yest... the other day, when does someone technically become a lobbyist in Illinois?"

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Currie: "When they start lobbying and sign up with the Secretary of State. Anybody who is lobbying is required by law to sign up with the Secretary of State."

Durkin: "And that's 48 hours prior to being... following being retained by a group to influence a Member of the Legislature or one of the respective Constitutional Officers. And I assume that you cease to become a lobbyist when you walk... you become a lobbyist when you walk across the street to the Index Department, file a piece of paper; and you cease to become a lobbyist when you terminate that relationship and filing the respective papers with the Secretary of State's Office, correct?"

Currie: "I would assume that's right, but I also would assume that if somebody is continuing a lobbying activity that they would be in violation of the Act if they decided to unregister as a lobbyist. I also would think that the Legislative Leaders would want to be fairly careful in appointing public members to make sure that there is not a hint, there should be the old Caesar's wife activity. Maybe I would be wrong, but at least this is an effort... and this is not part of the current Constitution... an effort to say that there ought to be some attention paid to making sure that people who are recognized as people with integrity and honesty are the ones who are chosen."

Durkin: "So, the Amendment does not any language which states that they cannot be a lobbyist for a certain time period prior to the enactment of the commission or a time... certain time afterwards, correct?"

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Currie: "That's right. Well, of course, the present Constitution doesn't say anything about lobbyists. So, this is clearly an improvement over the current language."

Durkin: "What would be the dates, if we get to that point, what are the dates in which the commission are required to meet, and when are they required to finish their work?"

Currie: "Yeah. Actually, there are two different... there are two different... there's the... The redistricting commission is appointed actually in February before the Legislature is likely to be able to do anything 'cause we won't have all the census data. And they finish everything by April 1."

Durkin: "So, a person who is a lobbyist up until January 29 can cease to be a lobbyist to get appointed to the commission, and then after Feb... April 1, they can go back on the lobbyist rolls, correct?"

Currie: "If the Leader wants to do it under this Amendment, the Leader may, but of course, there's no prohibition against hiring a lobbyist for a spot on today's redistricting commission."

Durkin: "It sounds very convenient for me for some individuals. Let me... I have a few more questions. The theory behind having Members of the Legislature serving on the redistricting commissions, could you explain to me that?"

Currie: "I'm sorry. The theory behind what?"

Durkin: "I meant the theory of why we're putting the Legislators on the redistricting commission."

Currie: "Well, it's the way that the current Constitution reads, although this is slightly different composition, and one could argue that there is variety in having legislative

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Members who clearly would be coming from at least different districts, if not totally different parts of the state."

Durkin: "All right."

Currie: "Institutional memory is another... another reason."

Durkin: "Okay. Now, there's no prohibition on the Speaker nor the President of the Senate from appointing themselves to serve on the commission, correct?"

Currie: "Right. As long as they don't appoint an extra lawmaker or two."

Durkin: "Okay. And there's no prohibition on a..."

Speaker Mautino: "The Gentleman can finish his question."

Durkin: "There's no prohibition on a family member or a spouse of a lobbyist from serving on one of these commissions either, is that correct?"

Currie: "There was... there was a... Wait a minute. Let me go back and read what I read. Yeah. Family members are... would be prohibited, so..."

Durkin: "Family members of lobbyists?"

Currie: "Immediate family member. Yeah. I believe that's right."

Durkin: "Well, I... I read it differently, but I'll... To the Bi... to the Amendment. I... You know, we've had a lot of discussion about this, but quite frankly, my belief is that we... we've offered some suggestions. We want to keep the Legislature completely out of the process. And we... it's the right thing to do. That's why we have so many groups that are supporting us. This Bill is... this Amendment, I believe, is set up for failure. We're going to go back to the status quo. I'd like to vote for a fair map Amendment,

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but the fact is what we're voting on is an unfair map Amendment. And I plan on voting 'no'."

Speaker Mautino: "Further discussion? Representative Coladipietro."

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

Speaker Mautino: "Indicates that she will."

Coladipietro: "Leader Currie, I just wanted to ask you a few questions regarding the use of political data under the Resolution. Can the committee, the commission, or the special master consider political data and the addresses of incumbents in drawing the maps?"

Currie: "Yes, they can."

Coladipietro: "And at what point..."

Currie: "As they can under... under the current Constitution."

Coladipietro: "And... and at what point of the process can they consider this data?"

Currie: "They have to, in fact, if they're going to comply with Section 2 of the Federal Voting Rights Act. And under this provision, the concern about creating minority influence or crossover district, you'd want, for example, if you had a... a geography in which you had a significant number of members of a minority group but not enough to trigger Section 2 protection under the Federal Law, you might want to know who the neighbors are, because maybe, maybe if it turns out that the neighbors in this direction are not given to racially polarized voting, maybe you'd want them to create a crossover district that will enhance the opportunity of members... of the members of the minority

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group to have an influence over the election. You wouldn't know that... you wouldn't be able to know that if you did not have access to political data."

Coladipietro: "Is there... And we had talked about that in committee, about the use of political data. Is there... is there any unlimited use of the political data? Now, we know it needs to be used in maybe, perhaps, to comply with Section 2 of the Voting Rights Act, perhaps criteria number 6 in partisan fairness, but is there any limitation to that, and how would you anticipate that the addresses of incumbents would play into the... the deliberative mapmaking process under the Resolution?"

Currie: "I don't think it would be irrelevant. I don't think it has particular relevance, and while certainly there are limits to what any data could tell you, and... and you know, one of the witnesses in committee... you were there... did make the point that there actually are more restraints, more constraints on the mapmakers' ability just to go here, there, and everywhere under the proposal in SJRCA121 than is true under our current constitutional provision and would be true under the other proposed constitutional revision."

Coladipietro: "Do you... do you have a... an indication of what type of political data will be used and what sources..."

Currie: "Well, for example..."

Coladipietro: "...that the political data will come from?"

Currie: "For example, as I said, if you want to try to create a minority... look at the opportunity to create a minority influence..."

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Coladipietro: "No, I understand that..."

Currie: "Yeah."

Coladipietro: "...but where... where technically is the data going to come from? Is it going to be census data? Is it going to be from the State Board of Elections? Will voting... will voting data from the Board of Elections be given to third parties who will then create reports of voting trends, voting records, the... the number of... you know, what types of years are we talking about, 10 years back, 5 years back, the last 2 years?"

Currie: "Yeah. First of all, the census data's going to be available online and the Legislature, under this, would have to make it clearly available to members of the public. And I don't know whether the people will be using political data from the State Board of Elections or from some third party vendor. I just don't know the answer to that."

Coladipietro: "And as you indicated..."

Currie: "You know what, you might want to ask Representative Cross what vendor he used 10 years ago."

Coladipietro: "Thank you, Leader. Will... will the political data that we discuss, will that be... will all of that data... any and all data that is used be disclosed to the public for purposes of their input and possible mapmaking?"

Currie: "Yes."

Coladipietro: "Thank you, Leader. Leader, there... in committee, there was significant concern that because of the use... the unlimited use of political data and... and especially the addresses of incumbents, which is difficult for people to understand in this process, that the use... the unlimited use

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of this data is going to leave, essentially, the way that this Resolution is written with the Bill allowed to be amended in the House once it comes from committee, that is still leaves the power in the hands of the Leaders and that the inclusion of this data, that the use of incumbents addresses still creates a system where there's a reward system and a punishment system for Members who are either, you know, did you toe the Party line, did you play ball during... during the Session, and it can be used as a tool to essentially draw out your competition in the name of redistricting."

Currie: "But Representative, the addresses of incumbents are matters of public record. I don't know how in the world you could say that no one can take them into account. The State Board of Elections prints our addresses, but we give them our addresses when we turn in our petitions."

Coladipietro: "No, and I under..."

Currie: "It's a matter of public record. I don't know how in the world you could say nobody should know where incumbents are."

Coladipietro: "But we're not... we're not..."

Speaker Mautino: "The Gentleman may finish his comment."

Coladipietro: "We're not talking about knowing the addresses of incumbents. We're talking about the deliberative use of those in a process to draw maps, which has been done in the past. Under the Fair Map Amendment, the use of addresses of incumbents is limited in scope to Section 2 criteria number 6 and that... that is a concern that a lot of people have. It's a concern that... that using that data in an

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unlimited manner... using that data as a deliberative part of this process still leaves the process in the hands of the Leaders. To the Bill, Mr. Speaker."

Speaker Mautino: "The Gentleman's..."

Coladipietro: "As I said, this... this use of data... this use of data in the process, it's... it's troubling. It's troubling to the... to the general public, and under this Bill, we could have done better, and we should have done better. I urge a 'no' vote."

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

Rose: "Thank you. Will the Lady yield? Oh..."

Speaker Mautino: "Representative Rose."

Rose: "Majority Leader, earlier you answered a question from Representative Durkin related to lobbyists and their participation. However, if you read Section 8... or page 8, beginning at line 1, it says, 5 persons, no more than 2 of whom shall be Senators, at least 3 of whom shall be persons who do not hold elected office, et cetera, et cetera, lobbyists. However, Majority Leader, if, in fact, you didn't appoint two Senators, you could, in fact, appoint a lobbyist because the limitation is to 3. In fact, if you didn't appoint 2 Senators because it says no more than 2... is that accurate?"

Currie: "I... I don't... I don't understand how... how a Leader of this Assembly would not follow the Constitution."

Rose: "Because it says the constitutional change would say no more than 2, meaning you could have zero, thus leaving open 2 slots for lobbyists."

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Currie: "Right. You could only be a Senator or Rep for those 2 spots, and so, if they want to leave a vacancy, of course, they can always do that."

Rose: "And then you could appoint... No. But then the prohibitions of lobbyists is to 3."

Currie: "Mmm mmm."

Rose: "So, you would have 2 slots to fill that you could have filled with anybody else including lobbyists."

Currie: "No, you can't... No, 2... 2 must be Members of the... of the chamber, and 3 may not be Members of the chamber and then they also not be lobbyists. So, you can't have your lobbyists in 2 different categories."

Rose: "That's not the way it reads, Majority Leader, because if you don't appoint 1 of the Senators, you could then be free to appoint anyone from the remaining list."

Currie: "No, I don't... I don't read it that way at all."

Rose: "Well, if you... It's line... page 8, lines 1-8. How do you define substantially equal in population?"

Currie: "What did you... What was your question?"

Rose: "How do you define... how does this Amendment define substantially equal in population?"

Currie: "Define what? I'm sorry."

Rose: "Substantially equal in population."

Rose: "Oh, I think there's subtle case law on that point. And my recollection is that the map under which we currently operate had a... a degree of difference of no more than like one individual from one district to the next."

Rose: "Okay. That was a little bit different than your answer in committee."

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Currie: "So, it... it's a very, very tight standard."

Rose: "Your committee was a variance of .2, I believe. That's different than being off 1 individual. So, which is it?"

Currie: "It's... Well, because its 1 person, 1 vote, I think that the case law has said that you have to be very careful to make things as equal as you can. Now, if you have an... if you have an odd number in your population, you cannot be exactly equal in population."

Rose: "But there..."

Currie: "There has to be a little bit of variation."

Rose: "So, then the committee..."

Currie: "But it can't..."

Rose: "...or the commission or the special master could decide that?"

Currie: "That's current... that's current constitutional language."

Rose: "Okay."

Currie: "It's current... it's current case law."

Rose: "In it... You answered a question about communities of interest earlier, and you gave a definition, which I believe was from case law."

Currie: "That's right."

Rose: "Would the c... In interpreting that definition, that definition would then be interpreted by the committee or the commission or the special master?"

Currie: "It could be used by them, sure."

Rose: "Okay."

Currie: "I mean, I would anticipate..."

Rose: "And then, in the def..."

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Currie: "...that that... and that would be true, I think, under the current... the current constitutional definition as well. I think we're providing much greater clarity about what ought to be going on when the map lines are drawn."

Rose: "And if the definition of compactness, same answer, I assume?"

Currie: "Yes."

Rose: "Okay. Majority Leader Currie, under this Amendment, would someone who was on the committee, the commission, the map drawing body be allowed to run in the district on the map that they helped draw?"

Currie: "Yes, somebody could."

Rose: "Okay."

Currie: "And that certainly is true under the current Constitution, no change."

Rose: "Thank you. To the Amendment, Mr. Speaker. First of all, I'd like to correct a couple of items that were mentioned. There was a notion about Bartlett, the Supreme Court case on Bartlett, maximizing minority representation. In fact, the Supreme Court in Bartlett said that Legislatures are free to maximize crossover and... and influence districts, so long as it does not override other criteria of higher importance. The reference was made in respect to Fair Map, which then, of course, makes the protection of Fair Map of minority voting strengths a top priority. The commission could maximize minority representation without running afoul of anything under Bartlett. Second, Mr. Speaker, in the Majority Leader's opening comments, she said that many of us voted for a

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substantially similar proposal, the so-called Brosnahan proposal. I would note for everyone here and at home, the Brosnahan proposal had a very, very significant difference, which was it required a Supermajority vote to pass. This is simple Majority. That's a sea change of difference. Finally, there was a discussion about Fair Map and the minority voting strengths. I find it illustrative that in committee the other day I asked Senator Raoul, the lead Senate Sponsor, that's here today helping.. helping the Majority Leader.."

Speaker Mautino: "Allow the Gentleman to finish his comment."

Rose: "Thank you. Helping the Majority Leader out, I asked Senator Raoul if he would so desire to have Fair Map amended with his language taking into that account and his answer was no. So, why are we here, Ladies and Gentlemen? We're here to vote on a map that continues the status quo that allows someone who drew their own map to run in the district they drew. That is the inherent conflict of interest that President Obama talked about. That's why Governor Quinn this afternoon made his announcement that this is not that hot of an idea. Ladies and Gentlemen, politicians should not be allowed to run in the districts that they draw, period. Vote 'no'."

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

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

Speaker Mautino: "Indicates she will."

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Watson: "Representative, currently when the maps are drawn and voted, as it is today, the vote is a simple Majority to affirm."

Currie: "That is right."

Watson: "And under this legislation, what is it?"

Currie: "The same. And that was true under HJRCA44, until May 31, by a Bill.. a Bill.."

Watson: "Sure."

Currie: "...a map should be approved by a simple Majority in both chambers. The Bill.. the Constitutional Amendment that 98 people voted for two years ago in this chamber permitted the map to be adopted by a simple Majority of each House of the General Assembly."

Watson: "Okay. But do you think... I mean, you... you have a lot of experience here. Do you think in... in the matter and in the realm of reform, and providing people with as much and deep and true as a representative government that they can have, do you think it is in this state's best interest to have a Majority Party create and vote on and pass their very own maps?"

Currie: "I would just say, Representative, that that's the current Constitution."

Watson: "I know that's the current Constitution..."

Currie: "It was the reform..."

Watson: "That is not what I'm asking..."

Currie: "...it was the reform proposal from the Paul Simon Public Policy Institute..."

Watson: "That's still not what I'm asking."

Currie: "...that got 98 votes on this House Floor. I think..."

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Watson: "That is still not what I'm asking."

Currie: "...and I would say to you that except for those counties or municipalities that have... that have its selections by... at large, every county, every municipality in this state and across the country draws its own map when it's time for the decennial census."

Watson: "We're not talking about every county across the state."

Currie: "Nearly 40 other states draw maps by virtue of the Legislature having the first opportunity. You have heard some discussion about alternate proposals that somebody, instead of giving the 177 duly elected Members of this Assembly the opportunity to try to reflect the geographical and other diversity that we represent, instead want to turn that over to the four Legislative Leaders. I'm happy to consider alternatives that would take the Legislature out of the process, but if instead your alternative is to give it to the four Legislative Leaders..."

Watson: "No, no, actually..."

Currie: "...that is not democracy..."

Watson: "Well, that is great news."

Currie: "...that is not an improvement."

Watson: "That... man, that is great news. Then, I assume we can pull this out and work on an Amendment right now to do that."

Currie: "You do understand that the deadline for Constitutional Amendments to appear on the November ballot would be May 2. And I think I'm right in saying that today is April 29... 28... 29."

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Watson: "29."

Currie: "I was right, 29. And then each Constitutional Amendment must be read in each chamber three.. on three separate days. The reality, Representative, is that we are out of time."

Watson: "Well, Representative, I would say this. It's very convenient that the people that brought this Bill forth decided to do it right at the point that it could not be extended any further. Let me just say this to the people that are listening in this state and in this chamber. Two years ago, I was in Iraq and I was helping a nation try to forge a democracy. And I will tell you right now that if we would have said, hey, Anbar Provincial Council Chairman, you want to make your own map and have legislative districts and vote on it, that the United Nations would have come in and said, hell, no. I wear a band on my wrist... and you may smile about it, Senator... but I wear this, and I'm serious about the service that I gave and the men and women who have went over there and have died and have come back, and come back to see their state, the home of this President, pass something like this and call it reform is a sham. Shame on you. Representative, you can say what you want, but you know you cannot say this is in the best interest of true democracy. And I do credit the speakers earlier that said we need to make sure the rights of the minority are protected. We have a horrible history in this nation of not doing that and I commend you for stepping up, and I criticize those that didn't put it in earlier reforms. But I also ask you in that same spirit,

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what about those Members that are... what about those citizens in this state that are served by Members of the Minority Party. Do you not care about their rights as well?"

Currie: "Of course I do, Representative. I don't understand what kind of statement that was."

Watson: "Okay. What the statement means then, Rep..."

Speaker Mautino: "I'll allow the Gentleman additional minute."

Watson: "How can you draw a map and say your voice doesn't count if you happen to be in a district represented by somebody from a Minority Party?"

Currie: "This Amendment... this proposed Amendment doesn't say that if there is a Member by minority community in your district, that you're not going to get elected. That's not what this is about. This is about affording opportunities..."

Watson: "I said Party."

Currie: "...for Members of minority groups and language minorities to have a full opportunity to participate electorally. Maybe you're not aware of this, Representative, but for many years, discrimination against members of racial minorities has been the law of this land and there has been a great deal of effort in these last many years to try to turn things around. This Amendment, by virtue of giving opportunities, not outcomes, but opportunities to members of minority groups I think moves the State of Illinois in a very important direction to protect people who are not members of the majority community."

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Watson: "Representative, I totally agree with you. That... that... I guess I didn't do a good enough job of explaining my point. My point is this, is that Illinoisans, what reason would there be for any Illinoisan to vote anybody into office from a Minority Party the way this map is going to be written? Does anybody in here really think that the Majority..."

Speaker Mautino: "Further discussion? Representative Washington."

Washington: "Thank you, Mr. Speaker. Representative Currie, would you mind, just for a moment, restating the intent of the legislation?"

Currie: "I'm sorry, did you ask... Was that a question? Was that a quest... I'm sorry, I missed the question."

Washington: "Yeah, I don't blame you. I know it's kind of disorientated in here right now. But would you mind restating the intent of the legislation? Earlier I heard you mention minority... can you... can you back it up and just repeat it again?"

Currie: "Sure. Le... And in fact, here's... here's a kind of a statement of what the intent is. I think that this Amendment strikes the right balance between first, adhering to prin... traditional redistricting principles by population equity, compactness, respect for communities of interest and municipal boundaries, and also, and also, and this is worth underscoring, ensuring that Illinois mapmakers exercise the authority recognized by the United States Supreme Court to create minority crossover, coalition, and influence districts, especially in light of Illinois's long

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history of polarized racial voting and the need to remedy those effects."

Washington: "Thank you. To the Bill. You know, I was listening to my colleagues on the other side of the aisle, and let me say that from the perspective of a black man growing up in America, I always look for options, because options they make sense. And I always give you credit when you're right, and sometimes I agree with a lot of what you say. But when you look at the tea party and you look at the waging law in Arizona targeted against immigrants, and my colleague mentioned about coming back to true democracy. History has always been one of my favorite subjects. And you know, Representative, I imagine the hurt or the emotion that comes up in you when you talk about what you went through and what you fought for and what you stand for and what you came back to, it made me think of how many times black soldiers went and fought, and what they came back to, treated like second-class citizens irregardless of their sacrifices. You made me think of that. I just want to say that I'm sure your intent is pure. I know you meant what you said, you said what you meant, but you can't have it both ways. You just can't have it both ways. You can't say one thing and have a Party that's really excludes minorities because you don't see a lot of it... you... As my mother always taught me, the proof is in the pudding and you can always tell the tree by the fruit that it bears. So, based on knowing... my mother's 84 years old, and she picked cotton, and she saw black people hung on trees. I didn't need to read it. I was created in her womb for

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something that would oppose that type of injustice. So, I give you credit where credit is due, but I can't really... your words don't really resonate like I would like them to because of the fact the absence of so many minorities on that side of the aisle. So, I would think that this is good legislation, but I'm open if you can offer me something better. I will be voting for this legislation. Thank you."

Speaker Mautino: "Further discussion? Representative Osmond. Further discussion? Representative Tracy. Representative Osmond."

Osmond: "Thank you, Mr. Speaker. I apologize. I couldn't hear. Leader Currie, is there anything in this plan that prevents a member of the commission or the special master to be able to run for the... in the district that they've already written... created?"

Currie: "No, there's nothing in the current Constitution that would preclude that either and if one tried to, I'm not sure whether one wouldn't run afoul of equal protection and other provisions in the Constitution. I'm not sure that denying people the right to vote for a somebody because a somebody was involved in mapmaking would withstand a court challenge."

Osmond: "But isn't that what we're trying to prevent? I mean, we're looking at people drawing districts and when you allow a Member of the General Assembly to draw what they want, isn't that..."

Currie: "This is... this is, as I said earlier, this is generally considered to be democracy in every county and every

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municipality across this nation. In almost 40 states across this nation, that is the redistricting process, that is the Constitution of the State of Illinois today. This effort today, SJRCA121, is meant to reform that prop... that process, but it is not meant to take away the opportunity of the people the citizens have elected to this chamber to participate in mapmaking and turn it over to the four Legislative Leaders or whomever."

Osmond: "Thank you. Mr. Speaker, if this receives the required vote, we'd like to ask for a verification."

Speaker Mautino: "The Lady from Lake has requested a verification. That is acknowledged and will be granted. Further discussion? The Lady from Brown County, Representative Tracy."

Tracy: "Thank you, Mr. Speaker. Will the Sponsor yield? Leader Currie, are there certain organizations that have endorsed this plan of 121?"

Currie: "I believe the Chinese-American community, the Asian... there's another... I'm sorry. I don't have the exact name. The Chicago... the Asian-American Institute. Thank you. The Chicago Urban League, they have stepped forward to support this map. My understanding is that the Mexican American Legal Defense and Education Fund at this point is supporting no specific constitutional changes."

Tracy: "Well..."

Currie: "I'm sorry. The Black United Fund and the Illinois Coalition for Immigrant and Refugee Rights."

Tracy: "What about the NAACP?"

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Currie: "I believe they've taken no position on any map proposal."

Tracy: "Don't you find it curious that two great protectors of minority rights, Mexican American Legal Defense and Educational Fund and the NAACP remain neutral, if this particular plan so fabulously protects the minority rights in the redrawing of a map?"

Currie: "Both groups gave us ideas when we were crafting this Constitutional Amendment. And as I say, and I will say it one more time, for reasons I don't actually understand, those groups have decided not to lend their support to any redistricting proposal. And I don't know why they came to that decision. They had not come to that decision in years past, but I respect their decision to stay out of the business of signing up for one proposal or another. They're out of any proposal."

Tracy: "Well, I respect it as well, but I do think it speaks volumes of... that they have remained neutral. And I think it's... it's curious that all of the major newspapers of the state: the Chicago Tribune, Sun-Times, Daily Herald, Champaign News-Gazette, Rockford Register-Star, Southern Illinoisan, State Journal-Register, Southtown Star, Peoria Journal Star, Bloomington Pantagraph, Decatur Herald & Review, Belleville News-Democrat, and the Alton The Telegraph all having endorsed the Fair Map plan over this 121. I find that very curious. And I think the major reason is, is they recognize that a map being drawn by persons sitting in the Legislature, that can pass something by a simple Majority on the first go of a drawing of a map,

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recognize that that is the fatal flaw of 121. And I'd like to summarize something that was written in The New Yorker magazine in July 2008 and it was summarizing an article entitled 'The Political Scene: Making it: How Chicago Shaped Obama'. And it was related that our President Barack Obama was telling how he came into the political scene and the like, but it mentions that he, after being defeated by Congressman Bobby Rush, he walked into the Stratton Building, which is a state building and he went upstairs to a room that is known as the inner sanctum... called that by the Democratic Members that work there... but only about 10 Democrat staffers have access and the entry required an elaborate ritual of fingerprint scanners and codes punched into a keypad. The room staffers had access and entry required an elaborate ritual with fingerprint scanners. And within that room were detailed maps of Chicago. And Obama related that he and a Democratic consultant sat in front of a terminal within a state building to draw Obama a new district. And the same consultant was the Democrat in charge of drawing all Chicago districts and he also happened to have volunteered for President Obama in the campaign that President Obama had against Bobby Rush. And President Obama's former district had been drawn by the Republicans after the 1990 census, but after 2000 when the Illinois Democrats won the right to redistrict the state the partisan redistricting that remained and what will remain after 121 survived every legal challenge."

Speaker Mautino: "The Lady may finish her statement."

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Tracy: "The basis... the summary of this is, is that the person that drew the original map that President Obama lost in his congressional district was one that had been drawn by either Congressman Rush or someone looking out solely for his interest. And they carved out... if you look at that district it runs a very scattered line across Chicago and it goes in irregular turns and I don't see that this plan will distinguish itself one iota from that type of gerrymandering, if you will, of what we have today. And that's why we so strongly represent putting the hands of drawing legislative districts out of the people sitting in those districts protecting minorities and representing them to the fullest, but not this plan that doesn't change the status quo of what we have. So, I, too, will be voting against 121."

Speaker Mautino: "Further discussion? Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Amendment. I don't know how many of the new Members have ever watched it... this be soup on a CAT system. It's very interesting. You sit down at the CAT system, they put your house in on a little star, then they start asking you who might run against you. Who might... they put all those people on as all stars and then they start drawing a map. And then they go away and they draw and they come back and they look at it again. If you haven't seen it, it's really interesting. So, you don't know who's going to run against but you try and guess and then they draw the map. Now, really, as far as racial minorities can be assured, if you're Asian, black,

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Hispanic, or white and if you aren't a friend of the Majority Leader of the Party that has control of the map, they're not going to care about you. They're only going to care about those minorities or that group that is their friends. As far as the Legislator that spoke earlier about racial things, he seems to slightly forget that the people that came back against him in the last election were the white Democrats in his area that put up a candidate against him. So, I think that's very interesting that perhaps he ought to think about that. I also think that it's very interesting when you bring out racial protection only when it's to your convenience. That happens at all levels whether it's unions whether it's other issues in this state, but the main thing here is this state is not built on Party ideology. This state is built on who's in power and who can keep the power. Ideology goes out the door as soon as it happens that it doesn't keep you in the power. The only thing that's going on with this map, this time, is to make... give a perception that you are for something good for the newspapers who won't believe you anyway and for the other issues that are coming up. But everything is based... how this budget is being done... everything is based on keeping power for the next election to be in control of the map, and then to run this farce of a Constitutional Amendment is beyond belief. Quite frankly, they should remember this. I don't care if you're in the Majority Party or you're in the Minority Party. If you offend the Leader who has the right to draw the map, they will draw you a bad district. I've been drawn out twice. What

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guarantees that you won't be? Once I lost a recount in my own Party. The Republicans only drew me out by a precinct and three blocks, but the last time Representative Currie had the map it was three blocks away from my house and I knew what was coming. It went three blocks south and I was out from the Democrats. It really does not matter, if they want you out they put you out. So, you can be assured that that happened to many other people. It happened to people who crossed a Party Leader and ran a coup against him. They got bad districts. It ran again... for people that they didn't like, this time around, they drew them out. They drew three or four... I think it was five Democrats in the city together so there was only a few districts. If one of them hadn't retired, they would of all been fighting for the districts. If you think you are voting for something fair, you are just being set up for one more sham that's going to happen as we wrap up one really bad legislative situation. So, the only questions that I have for the Majority Leader is, do you really believe all this stuff you've been saying today? And do you actually believe that any of this is going to ever happen? And this is going to be a win-win for the Democrats any way you call it. If we don't pass this, you blame the Republicans. We don't pass anything, none of this is any good. What a sham this all is. Let's put up a map Amendment that's going to do something. What a joke. It's a joke on the people of Illinois. You will not get a district that's fair unless you suck up to the right people who have the map and then maybe you will get a decent district drawn for you. And it

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will be drawn for a map that will guarantee that one Party will either have total control over this state to the exclusion of any fair legislation, any fair budget, anything that happens right in this state from here on out. You can guarantee that."

Speaker Mautino: "I would ask that there be no demonstrations from the gallery while debate is going on. Further discussion? The Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Resolution. Much of the discussion has been about intent. The intent of this Resolution being that we protect minority rights, that we expand minority rights, but I don't really think that's the intent of this Bill. The intent of this Bill is to continue what has always been the way in Illinois politics which is... reform? We don't need no stinking reform in this state. We know best because we're already in power and if we didn't know best, we wouldn't be in power; therefore, we want to continue in power because we know best. It's a circular argument. It always ends up back where you start. The people that have control don't want to give up control. They don't trust the public because if the public actually had control they might want to change things. The last 10 years we've seen this state deteriorate to the point where we are a laughing stock, not only among the 50 states of the United States but across the world. We have made international headlines for the corruption of this state. We are ranked near the bottom if not actually number 50 in so many different

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measures of economic performance, of job creation, of wealth generation. We do rank high in a couple of things like unemployment. My community was over 20 percent recently in unemployment. And what are we doing down here is we're reassuring ourselves that we will continue to draw the map, the public be damned. We don't want their input. Yeah, we'll listen to them, but we'll ignore them. Repeatedly we have heard about this proposal from the reform groups. Their answer to this reform is, no, it's not real reform. We've heard from, as late as this afternoon, the Democratic Governor saying, no, this isn't real reform. We've heard from the people of this state, no, this isn't reform. I haven't had a single e-mail from my constituents saying we really need to reassure that the leaders of the Democratic Party can continue to draw the map to make sure that they stay in power. That's all this is about. Ignore the public, reform... we don't need no stinking reform in Illinois. I urge a 'no' vote."

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

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. To the Resolution on the Constitutional Amendment. Let me just correct, if I heard... if I heard the Majority leader correctly. I want to... I want to make sure that the record reflects that the Brosnahan Amendment HJRCA44 on page 4, line 20 and the reason it got 98 votes... Let me tell you what it said. In the year following each Federal decennial census year, the Senate, the House, et cetera and the House of

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Representatives by Resolution adopted a record vote of three-fifths of the Members elected, not a simple Majority, three-fifths. If that was in the Amendment, we might be talking about a number of different possibilities today. That's why it got 98 votes. It required a three-fifths vote not a simple Majority as this thing does. One of the things that disappoints me, is I've lived almost seven decades, I've noticed particularly in the last few years when we run out of facts, when we run out of points of logic or interest, all of a sudden let's question each other's soul. Let's see if we can bring race into it. Let's cast doubt on Jim Watson's soul, on what he's all about. He served two combat tours, but he may be... he may be a racist. Oh, baloney. When are you going to get over that? When are all of us going to get over that? I grew up a white man named Black. Hell, I've confused people for 69 years. What this Bill does today is to empower State Legislators to pick and choose their own voters. Not a bad deal. It's another example of offering a half of loaf and then going home and saying, oh no, oh no, it's a full loaf. This isn't comprehensive reform. We've exempted the General Assembly from recall. We've exempted Legislative Leaders from campaign finance reform. The Fair Map Amendment had strong protections for minority rights regardless of what you've been told. The language mirrored the Federal Voting Rights Act of 1965. The Fair Map Amendment simply prohibited elected officials, like me, lobbyists, state employee or contractors or their immediate family from serving on the commission. The Fair Map

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required a three-fifths vote... or two-thirds vote not a simple Majority as this one does. I think Justin Levitt said it best from the Brennan Center for Justice at the New York University law... School of Law. He said and I quote, 'When you are involved in the drawing of your own district, there arises a potential and inevitable self-interest that gets conflicted with what might be the interest of the constituents of the body as a whole'. Some of you are going to find out the hard way how this works. I've been here long enough to see good people on both sides of the aisle who were redistricted out. Their district was... disappeared. I've seen Members on both sides of the aisle whose house was isolated, taken maybe 20 yards from their old district and put into a new district, 75 percent of that district was new to them. Some had the resources to move back into their old district, some did not. I saw a State Senator who was simply eliminated. He didn't have a chance. I don't care where he lived. He was in the tiniest corner of the Senate district. A good Senator, by the way, redistricted into oblivion, and it could happen to some of you, as it's happened to some of us. And I've seen both Democrats and Republicans get the shaft. And you'll travel around the state as I have and you'll go to hearings and there'll be witnesses that the Republicans have prepped and there'll be witnesses that the Democrats have... have prepped. And they'll try to tell you that the City of Danville, Illinois and the City of Lake Forrest, Illinois have a community of interest. Oh my God, how I wish that were true. We could've done better all year long. You

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wait until the last minute to draw this map, so there can't be any Amendments. I don't know when we'll discuss the budget. Oh God, why would we dis..."

Speaker Mautino: "Grant the Gentleman additional time to finish his comment."

Black: "Thank you very much for your indulgence, Mr. Speaker. In my home county of Vermilion, the Vermilion County Health Department will most likely cease to exist by June 1. All of my community based providers have laid off people and are canceling programs. A... a home for the developmentally disabled in Champaign closed two days ago. It was taken over thankfully by another facility located out of Charleston, Illinois. So, we want to sit here and throw slings and arrows, question the very essence of the soul and what some of us have been through in our life without knowing what we've gone through, what we've done, where we've walked, how we talk, whether we talk the talk or walk the walk. Now, we're... we're going to question anybody's racial sensitivities when we don't have anything else to say. But all I can tell you is, as important as this is, once again, you see how this process works. You will do it on the day you are told to do it. You will do it on the day that it's too late to amend. And no matter what I have said for the last month and maybe some of you have echoed my concerns, you will wait until the last hours to even see a budget and you'll be told to vote on it. Take it or leave it. What a way to do the public's business. And we talk about reform. Every one of us should be ashamed of what we are doing here today and what we've done all year."

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

Fritchey: "Thank you, Speaker. To my colleagues, and I don't have the voice left, so I'll just try to do this the best that I can. I was probably the last person in the chamber to make up their mind on this Bill and as I said in committee, I really didn't know what I wanted to do at the time. The debate here has made my mind up for me. I'm going to be proud to support this legislation. It's interesting to me that all of a sudden my colleagues across the aisle have appeared to find, you know, the God of Reform. Best as I can remember, and I think history will back me up, when the Republican Party was in control, they didn't even make an effort to change the very system that they're condemning now is so inefficient and unfair and unjust. They thought it was just fine when they drew the map. I think they would've thought it was just fine if they had continued to win the pool of the hat. I was one of the individuals 10 years ago that nearly wound up mapped out of a district or into a district with another incumbent, because under the system we had now and under the system proposed under this Amendment, the Federal Voting Rights Act dictated those districts and those considerations that had to be taken and given priority before the other districts that were left. So, the people that were put in jeopardy of being voted in or being mapped into somebody else wasn't an African American, wasn't a Latino, it was five predominantly white... five white Legislators in what were remaining four predominantly white

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districts on the north side of Chicago. Those were the last districts to be drawn. And yes, but for former Representative Erwin retiring, two of us would've had to run against each other, I likely would've been one of them. But the fact of the matter is, that this is a map and then let me point out, this is a proposal that Professor Smith from DePaul University, as he had indicated during his comments and testimony... we had over four hours of testimony at the beginning of this week not just on this proposal but the Fair Map Amendment as well... it was given a full and fair hearing, I think everybody would agree with that. But Professor Smith indicated that it was his clear opinion that it's this proposal, not Fair Map, that would put the greatest restrictions upon the Legislators and the Leaders in drawing the maps, that would give them least amount of wiggle room in drawing the maps, so that things that won't happen like happened when the Republicans drew the map and my State Senator, who happens to be the Senate President, saw a map that went down his street then across his street right before his house then down the other side of the street then mysteriously back over to his side of the street again. The type of things that you decry now, were the very things that you did when you were in control and you drew the maps. So, let me say, I don't know that anybody has clean hands here. And I'm going to tell you what, I may be the only one in this Body that would argue that the status quo may be better than any of these proposals on certain respects because at the end of the day leadership and politics has trumped this, it's just a

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matter of to what extent. Let's not be ignorant to the fact, let's not turn a blind eye to the fact, that even the commission members, Leader Cross acknowledged that he would likely not appoint commission members that had different views on how this map should look than he does and I wouldn't expect Leader Radogno, President Cullerton or Speaker Madigan to do the same thing. The commission members are going to have, not marching orders, but certain guidelines that they share, certain principles that they share. So, none of us can sit here with a straight face and claim that we are removing politics from the process. What we can say is, what is the best thing that we can do? What can we do to try to ensure to minimize the role of politics in the process? Now, the Gentleman from Danville, from Vermilion, just talked about how a Senator got drawn out of his district or a good Legislator got drawn out of their district. Well, I find that to be an odd comment and I... he's... he's a dear friend, but I guess that the comment's odd because I could've sworn that his Leader earlier said that these aren't our districts. They're the people's districts. So, the very fact that Legislators got drawn out of their districts, it's not theirs, remember, it's the people's. Districts got drawn on behalf of the constituents. Districts got drawn on behalf of constituencies and communities and communities of interest in a way to protect those communities of interest. Am I going to stand here with a straight face and say that this is a perfect Bill? Absolutely not. Is it better than the status quo? It is better than the status quo. I'm not the

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only one that said that. We've seen a number of groups that have said the same thing. We've seen a major paper in the Chicago area... Chicago Tribune said almost verbatim just that. It's better than the status quo. We've learned and I've seen over the years in trying to pass ethics reforms, pay-to-play bans, a number of pieces of legislation that we cannot often get to perfect legislation. But it's often been the common refrain here, too, that we will not let perfect be the enemy of the good. This is a clear step in the right direction and one that deserves our support. Thank you."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I think there have been good... there's been good debate on both sides. We've heard a lot of emotion, but we've heard a lot of opinion which is good. Many times, on the floor of this House, we don't hear the real meat and we hear other things. So, it's good to hear this debate, but let's start with some facts. First, the constitutional deadline for getting a Constitutional Amendment on the ballot in November is May 2. Whether you like this proposal or you don't like this proposal or whether you prefer a different proposal, this is the proposal that's before us today. And you can choose to support this change, thinking it's better than the status quo or you can choose to support the status quo. Other efforts have been made to put other Amendments or other ideas before us, a four-hour hearing in committee yesterday on the Fair Map proposal, it got a fair hearing

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and it failed. There's an effort underway to get many, many thousands of signatures to put Fair Map on the ballot by referendum. A measure that is by all commentary, failing to get the necessary signatures even though some people are paying to get those signatures accomplished. And apparently there's no big hue and cry from the public to run out and go sign those petitions to get it on the ballot and so here we are with this today, our last opportunity. You can rail about the system, but we have a system. The system tried the other proposal and it failed. It's failing in the court of public opinion as well. And so you can show your preference for change or you can show your preference for status quo. I choose change. I think most of you should as well. You know there was a lot of talk about what the Fair Map proposal did on minority rights and what the Fair Map proposal did on keeping the Legislature and the Leaders out of the process, but let's look at the facts. The Fair Map proposal says, basically, do no harm to minority rights. It says, if we do nothing else than what we're doing today, it's okay. We don't have to do more. Let's just keep that in place. Let's remember we have people in this world called minorities: African Americans, Latino Americans, Asian Americans. Let's remember that these people exist and let's not do anything necessarily to make it better for them. And let's not make it better. Let's not create a knowledge that we have communities of interest that go beyond that like municipalities and townships and counties, but let's simply keep that as a minimum. Let's say, we're only going to

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make sure we do the minimum. Compare that to what this proposal does. This proposal uplifts. This proposal supports. This proposal recognizes the rights of communities of interest and minorities of all kinds and all sorts and all varieties to find a way to elect their own, to come here to the Illinois House, to go across the rotunda to the Illinois Senate and advance the interest of their own communities. The Fair Map proposal does not do that. This proposal encourages the ability of minorities of all kinds to come here to Springfield and address the concerns of their communities. That's what the minority language means. That's what the term 'communities of interest' means. Relative to keeping the Legislature out of the process, the Fair Map proposal is actually a joke, because what you say in the Fair Map proposal is, let's let the Leaders decide. You over there are always talking about how horrible it is that we have Leaders at all. Let's do away with the Leaders and let's have anarchy.. let's let the Members decide everything down here. Now, you want to bring the Leaders into the process and let them create the very commission that is going to decide it. You say, well, if they don't agree, they'll pick a ninth member. Is that any different then picking a name out of Lincoln's hat or a fishbowl? It's exactly what we have in the law today. The Fair Map proposal proposes nothing new about keeping the Legislature out of the process."

Speaker Mautino: "Allow the man to close his remarks."

Lang: "May I complete my remarks? Thank you."

Speaker Mautino: "Yes, Sir."

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Lang: "And so, the whole notion that the Fair Map proposal was fair to minorities, not compared to 121. The whole notion that the Fair Map proposal takes the Leaders and the Legislature out of the process, you know that's not true. In fact, it leaves us in exactly the same place we are today. Someone's going to pick a name out of a hat and that's going to determine our maps. So, there's nothing new in that. This is new. This uplifts minorities. It gives us the opportunity to do what we're elected to do, to provide our own judgments. We were elected by people to make those judgments. We ought to make them. So, you can decide today because this is what we have before us. And I would say this to people on our side of the aisle as well, who might still be wavering, we don't have another proposal before us. We don't have another day. This is it. One vote to determine whether we'll have status quo or progressive change of some kind in our Constitution relative to the remap process. This is it. Vote 'aye'."

Speaker Mautino: "Representative Currie to close."

Currie: "Thank you, Speaker, and Members of the House. I think it has been a full and really quite excellent debate, but some of us clearly think that the mapmaking process should be left to four Legislators. There are some who think we're better served when 177 Legislators are participating in that task. But that choice is not before us today. The choice before us today is adopting SJRCA121 or retaining the current constitutional provision. And I would say two things: first of all, the Paul Simon Public Policy Institute Amendment that we voted on two years ago did

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anticipate initial opportunities to draw a map in the Legislature. Nothing in that proposal said that you go to a three-fifths vote. It was a simple Majority vote up until May 31. We've confirmed that with the people from the Institute and in fact, you can't preclude the Legislature from action unless you clearly state so in the Constitution. So, that that you voted for... the 98 of you voted for two years ago, did contemplate 177 Members of this Assembly having the first opportunity to draw a map. What may be different about the proposal that you see today is that it calls for much more accountability, many more public oppor... public hearings, clear opportunities for citizens to get into the data to get into the political material as well and offer their own suggestions. The other two signal items in this proposal is that the criteria used by mapmakers, whether in the Assembly or finally in a commission, the criteria used by those mapmakers affords greater protections to the opportunities of electoral participation for members of minority groups. That is a signal and I would say quite key, quite critical difference. And the other difference is that it says no longer will the map lines in the State of Illinois be determined by the flip of a coin, by the drawing of a name from a hat. The senior Republican and Democratic members of the Illinois Supreme Court would agree upon a tie-breaker, a person clearly of integrity, honesty. That's what we propose in this Amendment. And David Yepsen of the Paul pol... Paul Simon Public Policy Institute, in the letter to the Senate Sponsor of SJRCA121 says, I believe you have

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embraced much of the proposals suggested three years ago by the Institute. And even the Chicago Tribune, which may have liked another proposal better, even the Tribune says, yes, this SJRCA121 is better than the current Constitution. Your choice today is between the current provisions or the ones that are in SJRCA121. I think it would be a good idea to give the voters of the State of Illinois the opportunity to decide in November whether they want to stick with the status quo or whether they want reform in the redistricting process. I would urge your 'aye' votes on SJRCA121."

Speaker Mautino: "Majority Leader Currie has moved adoption of Senate Joint Resolution Constitutional Amendment 121. This does require 71 votes. All Members are asked to vote their own switches. Representative Osmond has requested a verification. It's been acknowledged and will be granted. The question is... all in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 69 voting 'yes', 47 voting 'no', 0 voting 'present'. And the Motion fails. Mr. Clerk... Representative Ford, on page 5 of the Calendar is Senate Bill 3546. Read the Bill."

Clerk Mahoney: "Senate Bill 3546, a Bill for an Act concerning transportation. Third Reading."

Speaker Mautino: "Representative Ford."

Ford: "Thank you, Mr. Speaker and Members of the House. Senate Bill 3546 amends the Railroad Police Act adding a Section stating that whenever a shipment of firearms, explosive, or other weapons are reported stolen or missing to the

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Railroad Police Force, the Railroad Police Force must report all the information pertaining to the incident to local law enforcement agencies. And I ask for a favorable vote from the Members of the House."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 3546. 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 Osmond, Representative Winters, do you wish to be recorded? Mr. Clerk, take the record. 116 voting 'yes', 0 voting 'no', 0 voting 'present', Senate Bill 3546, having received the Constitutional Majority, is declared passed. Mr. Clerk, Senate Bill 3706. Representative Ford, on page 5 of the Calendar is 3706. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3706, a Bill for an Act concerning education. Third Reading."

Speaker Mautino: "Representative Ford."

Ford: "Thank you, Mr. Speaker and Members of the House. Senate Bill 3706 amends the Critical Health Problem and Comprehensive Health Education Act to require ISBE to develop and maintain a nutritious and physical activity best practice database. This Bill does not mandate or require that the schools or the school board do this and it is subject to any appropriation. And I ask for an 'aye' vote."

Speaker Mautino: "The Gentleman has moved passage of Senate Bill 3706. And on that question, the Gentleman from Crawford, Representative Eddy."

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

Speaker Mautino: "He indicates that he will."

Eddy: "Representative Ford, we discussed this in Education Committee and I want to make sure we understand your intent here. The purpose of this is to allow school districts the opportunity to provide the State Board of Education information related to nutrition and physical activity best practice. No school district is required to do anything. This is just something if they decided they wanted to take part in they could do. And the only cost involved would be the state board's responsibility to establish the database? And that would only be... did I hear you say it's only subject to appropriation?"

Ford: "If IS... if ISBE, right, secures the funds necessary to implement, yes."

Eddy: "So, it's not subject to appropriation necessarily, it's whether ISBE can secure the funds. That's a little different because they might get the funds from the Wallace Foundation, they might get it from some other... But it's not your intention that state funds would have to be used unless there's an appropriation. Thi... they... they get so... the funds somewhere else."

Ford: "That's correct."

Eddy: "Okay. Representative, I... I hope there's some participation. I mean, this is something obviously that's voluntary. It does not impose a mandate. I want to make that clear. And I appreciate the fact that you went that route rather than, especially this year, doing it by mandate. It does have some potential. Schools can share

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best practice perhaps on this data... on this site. And again, I... I appreciate your recognition of the difficult financial year by making this totally voluntary."

Ford: "Thank you."

Speaker Mautino: "Further discussion? The Gentleman from DeKalb, Representative Pritchard."

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

Speaker Mautino: "He indicates he will."

Pritchard: "Representative, is there anything that prevents school districts from doing this today?"

Ford: "No."

Pritchard: "And to your knowledge none of them are sharing their best practices today?"

Ford: "Maybe they do. Maybe different regions. At this point if we do it this way, regions could share their best practices with different regions. You know sometimes people go to workshops and seminars and they talk and they may talk over different best practices, but in this case it would be implemented on a computer and people could see it throughout the State of Illinois."

Pritchard: "So, it is your intent that this be an interactive Web site, kind of like a chat room?"

Ford: "An information site."

Pritchard: "So, there really wouldn't be any necessity for someone to maintain this site on a very regular basis. Individual school districts could enter some of their ideas at their own volition and state la... staff would not have to do anything to this Web site. Is that your intent?"

Ford: "That's correct."

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Pritchard: "So, this really is a way then to share best practices in a non-mandatory way 'cause I know we're all concerned about increasing the costs for school districts as well as for our State Board of Education. So, I compliment your... your creativity in bringing this together in a voluntary basis. Thank you."

Ford: "Thank you."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 3706. 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 Farnham. Mr. Clerk, take the record. 96 voting 'yes', 20 voting 'no', 0 voting 'present'. Senate Bill 3706, having received the Constitutional Majority, is declared passed. Mr. Clerk, committee announcements."

Clerk Mahoney: "Committee announcements. The Public Utilities Committee which was to meet in Room D-1 has been canceled. Public Utilities was canceled. The committee meeting immediately following Session will be Environment & Energy in Room 114. Immediately following Session, Environment & Energy will meet in Room 114. At 4:30 p.m., the Executive Committee will meet in Room 118. At 4:30, Executive meets in Room 118. Tomorrow, on Friday, at 8:30 a.m., the Telecommunications Committee is meeting in Room 114. Tomorrow on Friday, at 8:30, Telecommunications is meeting in Room 114."

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

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 1175, offered by Representative Farnham. House

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Resolution 1176, offered by Representative Reis. House Resolution 1177, offered by Representative Watson. House Resolution 1178 and 1179, offered by Representative Brady. House Resolution 1180, offered by Representative Rose. House Resolution 1181, offered by Representative Hernandez. House Resolution 1182, offered by Representative Farnham. And House Resolution 1183, offered by Representative Flider."

Speaker Mautino: "Representative Currie moves adoption of the Agreed Resolutions. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. And the Agreed Resolutions are adopted. To the Members, the weekend schedule. We've had questions on the weekend schedule. Tomorrow... when we conclude work on Friday, you'll be able to return home and then come back on Monday, May 3 at the hour of 12:00 noon. And now, allowing perfunctory time for the Clerk, when the House adjourns today, it'll reconvene Session on Friday, April 30 at the hour of 9:30 a.m. All in favor say 'yes'; opposed 'no'. The 'yesses' have it. And the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction of Resolutions. Referred to the House Committee on Rules is Senate Joint Resolution 117 and Senate Joint Resolution 110. House Perfunctory Session will come to order. Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on April 29, 2010: approved for floor consideration and referred to the Order of Senate Bills-Second Reading is Senate Bill 1211

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and Senate Bill 1212. Representative Holbrook, Chairperson from the Committee on Environment & Energy reports the following committee action taken on April 29, 2010: recommends be adopted is Floor Amendment 1 to Senate Bill 380. Representative Burke, Chairperson from the Committee on Executive reports the following committee action taken on April 29, 2010: recommends be adopted is Floor Amendment #1 to Senate Bill 2494. Introduction and reading of House Bills-First Reading. House Bill 6860, offered by Representative Lang, a Bill for an Act concerning criminal law. House Bill 6861, offered by Representative Cross, a Bill for an Act concerning revenue. Senate Bills-First Reading. Senate Bill 2545, offered by Representative Feigenholtz, a Bill for an Act concerning public aid. And Senate Bill 2925, offered by Representative Mell, a Bill for an Act concerning elections. There being no further business, the House Perfunctory Session will stand adjourned."