

STATE OF ILLINOIS  
97th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

38th Legislative Day

4/7/2011

Speaker Lyons: "Good Morning, Illinois. Your House of Representatives will come to order. Members are asked to please be at your desks. We shall be led in prayer today by Lee Crawford, the Pastor of the Cathedral of Praise Christian Center here in Springfield. Members and guests are asked to please refrain from starting their laptops and turn off all cell phones, pagers and rise for the invocation and for the Pledge of Allegiance. Lee Crawford."

Pastor Crawford: "Let us pray. Gracious God, our Father, we come boldly before Your throne of grace that we may abstain favor and mercy. It is because of Your tender mercies that we are not consumed. It is because Your compassions, they fail us not. We're thankful this day for they are new unto us every morning. Gracious and Sovereign God in heaven, I invoke Your blessings upon this august assembly, upon the Speaker of this House. I invoke Your blessings upon the Leaders as well as all of the Members as well as their families. May they be empowered with Your wisdom today. May they be led by Your spirit today. May they find strength in Your might today. May Your grace and Your mercy and Your peace be with them this day. This we pray in Your Son's name, Amen."

Speaker Lyons: "We'll be led in the Pledge today by the Harrises. David and Greg, lead us in the Pledge."

Harris, Greg & David - 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."

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Speaker Lyons: "I've been waiting all Session to do that. Roll Call for Attendance. Leader Barbara Flynn Currie, Democrats."

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

Speaker Lyons: "Leader Bost on the GOP."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives Beaubien, Bill Mitchell and Mulligan are excused on the Republican side of the aisle today."

Speaker Lyons: "Thank you, Representative. Mr. Clerk, take the record. There's 114 Members responding to the Roll Call, we have a quorum. We're prepared to do the work of the people of the State of Illinois. And Mr. Clerk."

Clerk Mahoney: "Committee Reports. Representative Howard, Chairperson from the Committee on Judiciary II - Criminal Law reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #3 to House Bill 1271, Floor Amendment #3 to House Bill 2267, Floor Amendment #1 to House Bill 2585, and Floor Amendment #1 to House Bill 3283; do pass Short Debate is House Bill 3265, and House Bill 3366; do pass as amended Short Debate is House Bill 2582. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on April 07, 2011: do pass as amended Short Debate is House Bill 1926; recommends be adopted is Floor Amendment #2 to House Bill 1218. Representative Verschoore, Chairperson from the Committee on Counties & Townships reports the following committee action taken on April 07, 2011: recommends be adopted is

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Floor Amendment #2 to House Bill 2557; do pass as amended Short Debate is House Bill 2556, and House Bill 2820. Representative Nekritz, Chairperson from the Committee on Personnel & Pensions reports the following committee action taken on April 07, 2011: do pass as amended Short Debate is House Bill 450; recommends be adopted is Floor Amendment #2 to House Bill 3375. Representative Rita, Chairperson from the Committee on Business & Occupational Licenses reports the following committee action taken on April 07, 2011: do pass as amended Short Debate is House Bill 1697; recommends be adopted is Floor Amendment #1 to House Bill 700. Representative D'Amico, Chairperson from the Committee on Transportation: Vehicles & Safety reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #1 to House Bill 865, and Floor Amendment #3 to House Bill 2836. Representative McAuliffe, Chairperson from the Committee on Veterans' Affairs reports the following committee action taken on April 07, 2011: recommends be adopted as amended is House Resolution 144. Representative Soto, Chairperson from the Committee on Mass Transit reports the following committee action taken on April 07, 2011: do pass as amended Short Debate is House Bill 582. Representative Yarbrough, Chairperson from the Committee on Housing reports the following committee action taken on April 07, 2011: do pass as amended Short Debate is House Bill 1109, House Bill 1110, House Bill 1810, and House Bill 3199; recommends be adopted is House Resolution 10, and House Resolution 45 and Floor Amendment #2 to House Bill 760. Referred to the House Committee on Rules is House

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Resolution 253, offered by Representative William Davis and House Resolution 254, offered by Representative Daniel Burke."

Speaker Lyons: "Representative Barbara Flynn Currie, I believe you have a Motion?"

Currie: "Thank you, Speaker. I have. I would like to suspend the posting... I move to suspend the posting requirements so that Senate Bill 398 can be heard this afternoon in the House Revenue Committee."

Speaker Lyons: "Seeing no objection, the posting requirements are waived. All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the 'ayes' have it and the posting is waived. Well, maybe I'll ease us into legislative agenda and we'll try to do some Seconds to Third. So, I'm going to be moving some Bills from Second to Third, go down the alphabetical list, start with some Democrats and then go to some Republicans. Representative Unes, for what purpose do you seek recognition, Sir?"

Unes: "Thank you, Mr. Speaker. I rise for a point of personal privilege."

Speaker Lyons: "Please proceed, Representative."

Unes: "Mr. Speaker, Representative Norine Hammond and I would like to give a special welcome to a group from the Fulton County Farm Bureau who's with us today. We'd like to welcome them to Springfield. If they would please rise and be recognized."

Speaker Lyons: "Welcome Fulton County Farm Bureau. Have a great day at your Capitol. Representative Biss on the Order of

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Second Readings, on page 18 of the Calendar, you have House Bill 3424. Representative Dan Biss on the floor? Representative Bradley. Representative Dan Burke. Representative Burns. Representative Farnham, on the Order of Second Readings, you have House Bill 1264. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1264, a Bill for an Act concerning State Government. No Committee Amendments. Floor Amendment #1, offered by Representative Farnham, has been approved for consideration."

Speaker Lyons: "Representative Farnham on Floor Amendment #1."

Farnham: "Thank you, Mr. Speaker. It... Floor Amendment #1 clarifies the language of the... of the dollar amounts for the new district office allowances under the Bill."

Speaker Lyons: "You've heard the Gentleman's explanation of the Floor Amendment. Is there any questions? Seeing none, all those in favor of its adoption signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Chuck Jefferson. Representative Jefferson, on the Order of Second Readings, you have House Bill 3118. Chuck, 3118, you want to move that to Third? Out of the record. Representative Bob Rita, on page 7 of the Calendar, you have House Bill 1297 on the Order of Second Readings. Bob, you want to move that... you interested in moving that Bill to Third? 1297. I'm sorry. Rita, 1279. House Bill 1279. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 1279, a Bill for an Act concerning regulation. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Rita, you have several Bills on... on Third Reading, about three or four of them, Bob. House Bill 1394. 1394. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1394, a Bill for an Act concerning regulation. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Rita, you also have House Bill 1634, 1634. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1634, a Bill for an Act concerning regulation. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. The last of your Second Reading Bills, Representative Rita. On the Order of Rita, House Bill 1639. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1639, a Bill for an Act concerning regulation. Second Reading. No Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Derrick Smith, you have, on page 4 of the Calendar, House Bill 700. You wish to read that? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 700, a Bill for an Act concerning regulation. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Smith, has been approved for consideration."

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Speaker Lyons: "Representative Smith on Floor Amendment #1."

Smith: "Good morning."

Speaker Lyons: "Good morning, Representative."

Smith: "I bring to the floor House Bill #700. This..."

Speaker Lyons: "It's the Amendment, just explanation on the Amendment."

Smith: "Adopt Amendment #1. Amend to adopt Amendment #1."

Speaker Lyons: "Is there... is it a technical Amendment or is it... want to give us some more information on it, Representative?"

Smith: "It seeks to limit the Social Security number when the state agency license professionals. Okay. It amends the Illinois Administrative Procedures to continue to require a new licensee to include his or her Social Security number when applying for the professional license. But then requires the agency as soon as practical to assign the person a customer identification number to be used on the subsequent... subsequent application or license renewal. It..."

Speaker Lyons: "All right, Representative. We've heard the explanation on the Amendment. Is there any discussion? Seeing none, all those in favor of the adoption of Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. However, notes have been requested and not yet received."

Speaker Lyons: "There's a note on the Bill, Representative. So, we'll hold that on Second Reading 'til the note clears. Representative Phelps, on page 4 of the Calendar on Bills-

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Second Reading, you have House Bill 786 on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 786, a Bill for an Act concerning health. Second Reading. Amendment #1 was adopted in committee. Committee Amendment #2 was referred to the Rules Committee. Floor Amendment #3 has also been referred to committee. And notes have been requested on Amendment #1 and not yet received."

Speaker Lyons: "There's a note on the Bill, Representative Phelps. We'll hold that on Second Reading. Representative Burns, on the Order of Second Reading, you have two Bills on Second Reading. The first is House Bill 1271 on page 7 of the Calendar, House Bill 1271. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1271, a Bill for an Act concerning State Government. Second Reading of this House Bill. Amendment... Committee Amendment #1 has been tabled. Floor Amendment #2 is referred to committee and Floor Amendment #3 has been approved for consideration."

Speaker Lyons: "Representative Burns on Floor Amendment 3."

Burns: "Thank you very much, Speaker. Ladies and Gentlemen of the House, Floor Amendment #3 is an agreed Amendment between the Illinois Coalition Against Sexual Assault and the Illinois State Medical Society. What this Amendment does... the Amendment will become the Bill. And what it does is it prevents convicted sex offenders from having health care licenses. And it also provides for notification of patients if their doctor has been charged with a sex offense. I look forward to amending the Bill."



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Speaker Lyons: "You've heard the Gentleman's explanation on the Amendment. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #3 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Dan Reitz, on page 7 of the Calendar, under the Order of Second Readings, you have House Bill 1297. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1297, a Bill for an Act concerning safety. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Zalewski, thanks for stopping in. We have a couple of Bills of yours. The first one on Second Reading is House Bill 2067. Out of the record. How about House Bill 1973? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1973, a Bill for an Act concerning State Government. Second Reading of this House Bill. Committee Amendment #1 was tabled. Floor Amendment #2, offered by Representative Zalewski, has been approved for consideration."

Speaker Lyons: "Representative Zalewski on Floor Amendment #2."

Zalewski: "One moment, Mr... Mr. Speaker, will you pull this Bill out of the record for one moment?"

Speaker Lyons: "Mr. Clerk, on the request of the Sponsor, we'll pull this Bill out of the record. Okay. Republicans, I have some Second Readings. We'll see if you want to move them to Third. Representative Patti Bellock, on page 15 of

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the Calendar, you have House Bill 2942. Read the Bill, Mr. Clerk. Out of the record. Representative Mike Bost, you have House Bill 3019. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3019, a Bill for an Act concerning wildlife. Second Reading of this House Bill. Amendment #1 was tabled on the Bill. Floor Amendment #2, offered by Representative Bost, has been approved for consideration."

Speaker Lyons: "Representative Mike Bost on Floor Amendment #2."

Bost: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 simply implements some language that was being required by IDNR and it makes sure that this only occurs in the Southern Duck Quota Zone. I'd be glad to answer any questions."

Speaker Lyons: "You've heard the Gentleman's explanation. 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 Amendment #2 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Brown, you have, on the Order of Second Reading, House Bill 3422. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3422, a Bill for an Act concerning criminal law has been read a second time, previously. No further Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative John Cavaletto. John, you have House Bill 3489. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 3489, a Bill for an Act concerning education. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Cavaletto, has been approved for consideration."

Speaker Lyons: "Representative on Floor Amendment #1."

Cavaletto: "Yes. Yes, Mr. Speaker. Thank you, Ladies and Gentlemen of the... Floor Amendment #1 allows and becomes the Bill."

Speaker Lyons: "You've heard the Gentleman's explanation. Any questions? Seeing none, 'Should Floor Amendment #1 be adopted?' 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. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Harris, you have, on Second Reading, House Bill 3499. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3499, a Bill for an Act concerning criminal law has been read a second time, previously. Floor Amendment #1, offered by Representative Harris, has been approved for consideration."

Speaker Lyons: "Representative Harris on Floor Amendment 1."

Harris, D.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 I ask that it be adopted. This is done in response to a suggestion made on the House Floor by Representative Burns. And I believe it's an agreed to Amendment. Thank you."

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Speaker Lyons: "Any discussion? Seeing none, all those in favor of the adoption of Floor Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment 1 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Kay Hatcher, you have House Bill 3276. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3276, a Bill for an Act concerning veterans. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Morthland, you have House Bill 3500. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3500, a Bill for an Act concerning safety. Second Reading of this House Bill. Committee Amendment #1 is adopted to the Bill. Floor Amendments #2 and 3 have both been approved for consideration."

Speaker Lyons: "Representative, is it your pleasure to do Amendment #2?"

Morthland: "Actually, Mr. Speaker, we'd like to withdraw #2 and move with #3 to make it the Bill."

Speaker Lyons: "The Gentleman moves to withdraw Floor Amendment #2. And Mr. Clerk, Floor Amendment #3. Representative Morthland on Floor Amendment #3."

Morthland: "Floor Amendment #3, Sir, becomes the Bill. It is clean, lean and ready for Third Reading."

Speaker Lyons: "It is, huh? You've heard the Gentleman's explanation on Floor Amendment #3. Are there any questions?"

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Seeing none, the question is, 'Should the Amendment be adopted?' All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #3 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative JoAnn Osmond, you have House Bill 181. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 181, a Bill for an Act concerning State Government. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Osmond, has been approved for consideration."

Speaker Lyons: "Representative JoAnn Osmond on Floor Amendment #1."

Osmond: "Thank you, Mr. Speaker. Floor Amendment #1 was the wording that was put in by the director for the DNR dealing with entrants fees. I would like to ask that it's approved."

Speaker Lyons: "You've heard the Lady's explanation. Is there any questions? Seeing none, 'Should Floor Amendment #1 be adopted?' All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Pritchard, for what purpose do you seek recognition, Sir?"

Pritchard: "A point of personal privilege."

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Speaker Lyons: "Please proceed, Representative."

Pritchard: "Ladies and Gentlemen of the House, in the balcony up here on our right are some of my constituents from the Indian Crate Community School District who are here to observe government and to share their experiences in becoming better professionals in high school. Ladies and... Thank you."

Speaker Lyons: "Welcome to your Capitol, enjoy your day. Representative Jim Sacia, you have House Bill 2836. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2836, a Bill for an Act concerning transportation. Second Reading. Floor Amendments 1 and 2 were referred to committee. Floor Amendment #3 has been approved for consideration."

Speaker Lyons: "Representative Sacia on Floor Amendment #3."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is a simple Bill that has complete support from the Illinois State Police, the Illinois Truckers Association, IDOT is neutral on the Bill. It has to do with double semi trailers. It's actually a safety feature making them safer. I ask for your approval."

Speaker Lyons: "Is there any discussion? Seeing none, all those in favor of the adoption of Floor Amendment #3 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #3 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments or Motions."

Speaker Lyons: "Third Reading. Representative Ed Sullivan. On Second Reading, Ed, you've got House Bill 2549. Out of the

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record. Mike Tryon, you have two House Bills on Second Reading. The first one is House Bill 1288. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1288, a Bill for an Act concerning public utilities. Second Reading. Floor Amendment #1, offered by Representative Tryon, has been approved for consideration."

Speaker Lyons: "Representative on Floor Amendment #1. We read it and now you have to explain it. There you go."

Tryon: "I'm... I'm having a micro moment there. So..."

Speaker Lyons: "Happens to all of us, Representative."

Tryon: "I need to adopt Floor Amendment #1. So if we could do that, I would appreciate it. Floor Amendment #1 essentially allows for a utility company, a privately owned utility company, to be able to look at a tax increase and be able to apply it to their existing rate without going through the process that would normally be done to adjust a rate. It's a recoverable cost. And I would hope you'd vote 'yes'."

Speaker Lyons: "Gentleman moves for the adoption of Floor Amendment #1. Is there any discussion? Seeing none, all those in favor of its adoption signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Tryon, your other Bills are on Third Reading. So, we'll get to them when we go on to Third Readings. Representative Unes, you have

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House Bill 3611. Representative, you got House Bill 3611 on Second Reading. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3611, a Bill for an Act concerning State Government. Second Reading. Floor Amendment #1, offered by Representative Unes, has been approved for consideration."

Speaker Lyons: "Representative Unes on Floor Amendment #1."

Unes: "Thank you, Mr. Speaker. Floor Amendment 1 just... it makes a minor adjustment to the Bill and allows for an employee of the Governor's staff, if moving up two or three pay grades, to allow for a pay that's commensurate to that pay grade... to that... to that position."

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

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

Speaker Lyons: "Third Reading. Representative Dave Winters, you have House Bill 2270 on the Order of Second Readings. Representative Winters. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2270, a Bill for an Act concerning transportation. Second Reading. Floor Amendment #1 was referred to committee. Floor Amendment #2 has been approved for consideration."

Speaker Lyons: "Representative Dave Winters on Amendment #2."

Winters: "Thank you, Mr. Speaker. Basically what Amendment 2 does is add the sentence that monies in the road fund may not be used. This would allow the Tollway Authority to have



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railroad tracks on its right-of-way. And... and the Amendment says, no highway funds can be used for that purpose."

Speaker Lyons: "You've heard the Gentleman's explanation. Seeing no discussion, all those in favor of its adoption of Floor Amendment #2 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #2 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Representative Dan Biss, on the Order of Second Readings, you have House Bill 3424. Dan, you want to move that Bill? 3424. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3424, a Bill for an Act concerning safety. Second Reading. Committee Amendment #1 was tabled. Committee Amendment #2 has been adopted to the Bill. No Motions filed."

Speaker Lyons: "Third Reading. Representative Monique Davis, you have two Bills on Second Reading, Representative. The first one is House Bill 1195. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1195, a Bill for an Act concerning State Government. Second Reading. Committee Amendment #1 was tabled. Committee Amendments 2 and 3 were both adopted to the Bill. Floor Amendment #4, offered by Representative Monique Davis, has been approved for consideration."

Speaker Lyons: "Representative Davis on Floor Amendment #4."

Davis, M.: "Thank you, Mr. Speaker. Floor Amendment #4 just asks that those who use police dogs have them trained in a certified location. There was a recent article in the

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Chicago Tribune that showed that many of the dogs were not... they were sniffing improperly and having false positives. So, the certification board that already exists would do the training for the police dogs. They will also record the sniffs similar to what they do in racial profiling. And they would let... well, they would record whether that sniff was a positive or negative and if further action were required."

Speaker Lyons: "You've heard the Lady's explanation of Floor Amendment 4. All in favor of its adoption 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. Monique, you also have House Bill 159. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 159, a Bill for an Act concerning regulation. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Floor Amendment #2 was referred to the Rules Committee. And Floor Amendment #3, offered by Representative Monique Davis, has been approved for consideration."

Speaker Lyons: "Representative Davis on Floor Amendment #3."

Davis, M.: "Thank you, Mr. Speaker. This is an agreed Bill with the Department of Financial and Professional Regulation and the currency exchange industry. And the purpose of the Bill is to bring their services up to the standards of 2011. The currency exchanges at this current time have a minimum amount that they pay to the state for the licensing and so

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forth. And what this Amendment does, it graduates the rate of improvement that the Department of Financial Institution will recover."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those in favor of the adoption of Floor Amendment #3 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. Mary Flowers, on the Order of Second Reading, you have House Bill 1476. Out of the record. Representative John Bradley. Representative Bradley. Representative LaShawn Ford, you have several Bills on Second Reading. Representative, the first one is House Bill 139. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 139, a Bill for an Act concerning education. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Floor Amendment #2, offered by Representative Ford, has been approved for consideration."

Speaker Lyons: "Representative Ford on Floor Amendment #2."

Ford: "Thank you, Mr. Speaker and Members of the House. I move for the adoption of Floor Amendment #2. Floor Amendment #2 simply states that... it amends the School Code to allow students to... who performs below grade level for two or more consecutive years to have the option to take summer school classes with the emphasis on reading and math. And at this point, there... there's no opposition."

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Speaker Lyons: "You've heard the Gentleman's explanation on the Amendment. No one seeking discussion, the question is... 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. LaShawn, you also have House Bill 1600 on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1600, a Bill for an Act concerning health has been read a second time, previously. Floor Amendment #1, offered by Representative Ford, has been approved for consideration."

Speaker Lyons: "Representative Ford on Floor Amendment #1."

Ford: "Floor Amendment #1... House Floor Amendment #1. I move to adopt Floor Amendment #1 to House Bill 1600. Thanks."

Speaker Lyons: "You've heard the Gentleman's explanation. Representative Eddy questions on the Amendment."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, the original Bill banned the use of trans fat for every food facility that maintained a manufacturers documce... documentation for additives that contained any fat, oil or shortening. Does... does it include school districts?"

Ford: "Yes. And can I... can I just say, Representative, we spoke about taking this back to committee and I just want to go

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on record to say, if we could just debate it right here so that in the... because of time."

Eddy: "Okay. Well, and if that's the process, that's fine. I think that... what... what does the Amendment do then? How does the Amendment change the Bill? Is it still a Bill that would require school districts to ban in the use of any trans fat in any menu starting January 1, 2013?"

Ford: "Yes."

Eddy: "Representative, I... I understand what you're trying to do. And I guess we could debate this on Third, I'm not going ask for a Roll Call on the Amendment, but this is a tremendous mandate for school districts to comply with at this time. While... while the idea... everybody would like to serve the healthiest food possible to children, but this... this Bill could cost so much money for school districts at a time when we're not reimbursing schools for transportation. School districts are likely facing less money; they're six months late. I think the... I think this is a very difficult thing to impose on school districts at this time. And I would suggest that you continue to work on this with... with schools and not impose this at this time. Take it out of the record and work on a better solution."

Ford: "I think the conversation should continue and we should debate it on Third so that the people of Illinois understand that we're trying to do what's best for them."

Eddy: "Thank you, Representative."

Speaker Lyons: "You've heard discussion on the Amendment. All those in favor of its adoption signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the

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'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 John Bradley, you've got two Bills on the Order of Second Reading. The first one is House Bill 1152. Representative Bradley. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1152, a Bill for an Act concerning State Government has been read a second time, previously. Floor Amendment #1, offered by Representative Bradley, has been approved for consideration."

Speaker Lyons: "Representative Bradley on Floor Amendment #1."

Bradley: "This is essentially a technical change, passed out of committee yesterday. I'd ask it be adopted and then moved to Third."

Speaker Lyons: "All those in favor of the adoption of Floor Amendment #1 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. John, you also have House Bill 1426. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1426, a Bill for an Act concerning aging. Second Reading of this House Bill. Amendments 1 and 2 were adopted in committee. Floor Amendment #3, offered by Representative Bradley, has been approved for consideration."

Speaker Lyons: "Representative Bradley on Floor Amendment #3."

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Bradley: "Again, this is a technical cleanup. A concern came up in committee we addressed. I'd ask it be adopted and moved to Third."

Speaker Lyons: "All those in favor of the adoption of Floor Amendment #3 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. Karen May, on page 6 of the Calendar, Second Readings, you have House Bill 1138, 1138. Out of the record. Kevin McCarthy. Kev, you've got House Bill 3375 on the Order of Second Readings. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3375, a Bill for an Act concerning public employee benefits. Second Reading of this House Bill. Floor Amendments 1 and 2 have both been approved for consideration, offered by Representative McCarthy."

Speaker Lyons: "Representative McCarthy you have two Amendments. Floor Amendment #1. Two Amendments approved, Kevin, out of committee. So, you 1 and 2. What's your pleasure?"

McCarthy: "I don't wish to call Floor Amendment #1. Floor Amendment #2 is the Bill."

Speaker Lyons: "Okay. Kev, do you want to withdraw Floor Amendment #1 and proceed with Floor Amendment #2?"

McCarthy: "Yes, please. Yes, please, Mr. Speaker."

Speaker Lyons: "The Gentleman moves for the withdrawal of Floor Amendment #1. All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the

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'ayes' have it. Floor Amendment #1 is withdrawn. And Representative McCarthy on Floor Amendment #2."

McCarthy: "Thank you, Mr. Speaker. Floor Amendment #2 does gut and replace the Bill, so this does become the Bill. Floor Amendment 2 amends the Teachers Retirement System statutes so that the 90-day exception... or the 100-day exception that they have as far as they can take on work in a pensionable position without affecting their pension would be changed so that they cannot do that in order to use two contracts of 90 days or less in order to fulfill a full-time position. The Bill was unanimously supported in committee this morning and I would appreciate adopting the Amendment so that we could move forward."

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

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

Speaker Lyons: "Third Reading. Representative Mike Zalewski, I believe you're ready on House Bill 1973? What the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 1973, a Bill for an Act concerning State Government. Second Reading. Amendment #1 was tabled in committee. Floor Amendment #2, offered by Representative Zalewski, has been approved for consideration."

Speaker Lyons: "Representative Zalewski on Floor Amendment #2."

Zalewski: "Thank you, Mr. Speaker. I apologize to the Chair for the earlier confusion, I wasn't aware it was a Floor



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Amendment. This Floor Amendment simply removes real estate appraisers from the Bill. I ask for an 'aye' vote. Or I ask to move... adopt the Amendment."

Speaker Lyons: "All those in favor of the adoption of Floor 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 Tim Schmitz, you have, on the Order of Second Reading, House Bill 2555. Out of the record. On the Order of Second Readings, Representative Dwight Kay, you have House Bill 2607 on Second Reading. You want to move that Bill, Representative? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2607, a Bill for an Act concerning employment. Second Reading of this House Bill. Floor Amendment #1, offered by Representative Kay, has been approved for consideration."

Speaker Lyons: "Representative Kay, you want an explanation on Floor Amendment #1. What does the Amendment do?"

Kay: "Mr. Speaker, thank you. This... this Bill goes to a matter that I had originally spoken to which resulted in House Resolution 131. The Amendment here, which is referred to as the Yules Act, deals with disallowing anyone engaged in a felony while on the job to receive workers' compensation benefits. And I would appreciate an 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's explanation on Floor Amendment #1. All those in favor of its adoption signify by saying 'yes'; those opposed say 'no'. In the

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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 Nekritz, you have, House Bill 1091 on the Order of Second Reading. Out of the record. How about House Bill 585, Elaine? Out of the record. Representative Ann Williams, thanks for stopping in, Representative. We have two of your Bills on Second Reading. House Bill 2903. Out of the record. How about House Bill 785, Representative Williams? Ann? 785. You have another Bill on Second Reading. 7-8-5. Second Reading. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 785, a Bill for an Act concerning health. Second Reading of this House Bill. Amendments 1 and 2 have both been tabled, Committee Amendments. Committee Amendment #3 was adopted to the Bill."

Speaker Lyons: "Would you be gracious enough to explain Amendment #3... Floor Amendment #3, Mr. Clerk?"

Clerk Mahoney: "It... Committee Amendment #3 was adopted to the Bill. No further Amendments or Motions have been filed."

Speaker Lyons: "Third Reading. Mr. Clerk, what's the status of House Bill 1600?"

Clerk Mahoney: "House Bill 1600 is on the Order of House Bills-Third Reading."

Speaker Lyons: "Move that Bill back to the Order of Second Reading at request of the Sponsor. Representative Ron Stephens, for what purpose do you seek recognition, Sir?"

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Stephens: "Mr. Speaker, if I could have the attention of the Body. I have been gone for a couple of days and I... I apologize. On my re..."

Speaker Lyons: "You were... you were missed, Representative. Hope you're feeling okay? Good."

Stephens: "On my... on my return, I found the most egregious activity here on the House Floor and it must be dealt with. Representative Sosnowski is distributing orange slices at his desk. I asked him, of course you've checked with Representative Sacia? He didn't know Representative Sacia. He said, I've only been here a short while. I said, what is the... what excuse do you have? He said, well, my wife works for this company. I said, well, then she can give them to Representative Sacia of course. Am I wrong, Ladies and Gentlemen? We have tradition in this Body and we can't just let it go. I... I... I call for the Chair to admonish Representative Sosnowski and deliver the orange slices to Representative Sacia for proper distribution."

Speaker Lyons: "Those in favor of Representative Stephens' point of order signify by saying 'yes'; those opposed say 'no'. And Representative Sosnowski, let this be a lesson to you on orange slices. Have you learned your lesson regarding orange slices, Representative? Okay. Representative Ford, for what purpose do you seek recognition, Sir?"

Ford: "Thank you, Mr. Speaker. I have found common ground with Representative Stephens and I want everyone to know that the Democrats... a Democrat has found common ground with him. I agree with him. Thank you."

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Speaker Lyons: "There you go. All right, Ladies and Gentlemen, we're going to Third Readings and we'll start alphabetical, starting with a few of the Democrats. Representative Kelly Burke, on the Order of Third Readings, you have House Bill 3365. Read the Bill, Mr. Clerk. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 3365 is on the Order of House Bills- Third Reading. However, Floor Amendment #1, offered by Representative Burke... Kelly Burke, has been approved for consideration."

Speaker Lyons: "Representative, you have an Amendment pending on that Bill. Do you wish to move it back to Second Reading for the purpose of adopting that Amendment?"

Burke, K.: "Mr. Speaker, I didn't hear you. I'm sorry."

Speaker Lyons: "You have that Bill on the Order of Third Reading, but there's an Amendment... Amendment #1 has been approved for consideration. Do you want to move this Bill from Third back to Second for the purpose..."

Burke, K.: "Yes, please."

Speaker Lyons: "Mr. Clerk, move that Bill back to the Order of Second Reading for the purpose of an Amendment. And the status of the Bill, Mr. Clerk?"

Clerk Mahoney: "Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Lyons: "Representative Burke on the Amendment."

Burke, K.: "The Amendment omits the offense of violation of an order of protection from one of the categories of offenses in the Bill. And I move that it be adopted."

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Speaker Lyons: "You've heard the Lady's explanation on Amendment #1. All those in favor of its adoption 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 Currie."

Currie: "Thank you, Speaker. Earlier I excused Representative Soto, but in fact she was here. Now, however, she has left and she's going back to the district for legislative business. So, please excuse Representative Soto for the remainder of the day."

Speaker Lyons: "Mr. Clerk, so ordered. Representative Chapa LaVia, on the Order of Third Readings, you have House Bill 2870. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2870, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "Representative Linda Chapa LaVia."

Chapa LaVia: "Thank you. Inquiry, Speaker. Is the House Amendment #2 out of Rules?"

Speaker Lyons: "Mr. Clerk."

Clerk Mahoney: "Amendment #1 was adopted in committee. Floor Amendment #2 was adopted to the Bill."

Speaker Lyons: "We adopted... your Amendment was adopted yesterday, Representative."

Chapa LaVia: "Thank you."

Speaker Lyons: "You're ready to go."

Chapa LaVia: "And I'd like to comment that you're missing a cap up there, Speaker, the Cubs hat. You have a Sox hat. I

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would request that you get a Cubs hat also. I know order, order, order but you know."

Speaker Lyons: "Representative, when you... when you get to speak in the Chair you can bring your Cubs hat, but today's..."

Chapa LaVia: "Ohhh."

Speaker Lyons: "...today is the White Sox opener."

Chapa LaVia: "Wow."

Speaker Lyons: "So, I'm glad that you noticed that."

Chapa LaVia: "Wow."

Speaker Lyons: "So, no disrespect..."

Chapa LaVia: "Cubbie fans throughout the state..."

Speaker Lyons: "...no disrespect meant to the Cubs or the Cardinals."

Chapa LaVia: "...I was looking out for us. You know, I tell you, no respect. So, we have House Bill 2870 which... which takes... installs a mechanism for the State Board of Education to collect data on students which have parents that are deployed in... in the United States Army, Navy, Marines, et cetera, et cetera and gives information so if there is any issues as far as children going through depression, post traumatic stress because of their parents deployment, things like that. So, the mechanism can be caught and used to help provide the services that they deserve and need. It was brought to me through the military... I mean, I'm sorry... the Illinois Association of School Workers, Social Workers, Easter Seals, et cetera. You can see all the proponents there. There is no opposition. And I would request an 'aye' vote and I'll take any questions."

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Speaker Lyons: "You've heard the Lady's explanation of House Bill 2870. Is there any discussion? Seeing none, the question is, 'Should House Bill 2870 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 all voted who wish? Representative Dugan, Rita, Verschoore, would you like to be recorded? Mr. Clerk, take the record. On this Bill there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Marlow Colvin, on the Order of Third Readings, on page 24 of the Calendar.. 21 of the Calendar, you have House Bill 825. 8-2-5, Marlow? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 825, a Bill for an Act concerning safety. Third Reading."

Speaker Lyons: "The Gentleman from Cook, Representative Marlow Colvin."

Colvin: "Thank you, Mr. Speaker. I have for the House to consider House Bill 825 which is quite simple in its premise. And when we had the Bill in committee, I won't necessarily say there was a misunderstanding, but clearly what I'm trying to accomplish here I think was a little misconstrued. So, essentially here's the idea. Let me tell you what the Bill provides. The Bill would provide that in every residential establishment in the State of Illinois that there is a carbon monoxide detector within 15 feet of the passenger entrance into the home where the garage door is located. So, that door that's attached to... in an

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attached garage facility where that door is physically attached to the home that there would be a carbon monoxide detector within 15 feet of that door. The reason we're doing this was as a result of a couple of high profile cases in Florida and another one here in the Midwest where individuals have inadvertently left their cars running in their garages and family members have went to sleep and have either died or have experienced very serious carbon monoxide poisoning. Now, currently the law in Illinois provides that a carbon monoxide detector would be within 15 feet of the sleeping quarters. So, what we're talking about are bedrooms. And if we're talking about a two-story home or a multi-level apartment building that those smoke detectors... that those carbon monoxide detectors be within 15 feet of the... the bedrooms. Oftentimes, in a number of dwellings where someone may have gone asleep or someone in a basement or whatever have fallen asleep that those carbon monoxide detectors that are on the second or third story of a home won't necessarily detect those carbon monoxide poisonings. And that's exactly the case and I was in committee I knew of one family, but it's actually two families in the State of Florida where this has been the case. Where family members have fallen asleep in places other than the bedrooms and have... were succumbed to carbon monoxide poisoning and has either killed or folks have gotten significant carbon monoxide poisoning. So, this Bill essentially says one simple... very simple thing. Is that those individuals in dwellings where there are attached garages that a carbon monoxide detector would be placed



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within 15 feet of the garage door. I'll be happy to answer any questions by Mr. Bost."

Speaker Lyons: "Representative Bost."

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

Speaker Lyons: "Sponsor yields."

Bost: "Representative, you say right now we are required in the State of Illinois to... in homes, new built homes or all homes, to have carbon monoxide detectors?"

Colvin: "Current law provides that all homes have carbon monoxide detectors within 15 feet of the bedrooms."

Bost: "Fifteen... within 15 feet of a bedroom. Okay. How do... how do we actually make sure that that takes place?"

Colvin: "Well, I think, oftentimes... well, I don't know if there is a mechanism where it is done. Oftentimes, in home inspections during sales or when a new facility is being built that is being inspected by a municipality they may make sure of those certain things. But there is nothing that would compel the homeowner other than the safety of his own family to get fire detectors, smoke detectors and make sure they're working properly."

Bost: "Okay. So... so, there's... you say that there's nothing to compel a homeowner to actually do the... to provide one of these in their own family. So, we, the government, are going to come in now and say, yes, go ahead and be..."

Colvin: "Other than the... other than the force of law."

Bost: "Yeah, by force of law. That's... Representative, with all due respect, that's where we differ. When... Ladies and Gentlemen and Mr. Speaker, to the Bill. When, Ladies and Gentlemen, are we going to allow people to take care of

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themselves? Make their decisions on their own? Ladies and Gentlemen, come on. We can't handle our own budget, but by golly we're going to go out and tell these people where to exactly place these carbon monoxide detectors in their homes. We can't figure out how to balance the state budget and haven't had... figured it out for 10 years but by golly we're going to tell them, oh, see, we know better how it is to... that you can handle your life in your own home because it might be that you might leave a car on. It might be that you don't pay attention. It might be that we, the government, we don't have enough resources to cover what we do now, but we're going to bring out the carbon monoxide detector police. We're going to come to your home and by golly we're going to... we're going to... we're going to write you these tickets because why? Because you... oh, wait, you located it 17 feet. 17 feet from the garage. Folks, there's a time that government has grown too big. Stop it. This is not good legislation. Quit. With all due respect to the Gentleman, he said during committee he... the reason why he's carrying this is he saw it on TV. He saw it on TV. The constituent didn't come to him, he just made a choice and said okay this is something I think government should do. And I know we all try to do that. But folks, keep government out of our lives finally. We don't do what we do well. If we did, we wouldn't have the deficit we have in the State of Illinois. So, what makes you think we can protect them better than they can themselves? Just vote 'no'."

Speaker Lyons: "Representative Brady."

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

Speaker Lyons: "Sponsor yields."

Brady: "Representative, as... as you know I had some questions in committee on this... this Bill. And if I understand correctly, we have a law in place in Illinois that there's carbon monoxide alerts, monitors placed in a home near the sleeping quarters, correct?"

Colvin: "That's correct, Representative. And Representative, and you did have some reservations. And if I might for just a second, to the previous speakers remarks. When he remarked that what I saw it on TV. What I saw on TV are people who lost their lives not through some willful negligence because they fell asleep in the wrong place in their homes where the carbon monoxide detectors that were in their home did not pick up the carbon monoxide because had it been located in the kitchen, which is right off the garage door it would have alerted the family that a vehicle was running in the garage. And thus, they were exposed to carbon monoxide earlier someone would have recognized the problem and would have corrected it. We're not changing any law that doesn't already exist here. We're not saying that we're going to have inspectors going into your home and making sure that you have working carbon monoxide detectors. Just like this General Assembly at one point... at one point mandated that individuals put smoke detectors in their homes, this is simply about saving lives. And forgive me if I think that part of our job down here is to do what we think is in the best interest in a very minimally invasive way. To suggest that we have carbon monoxide

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detectors in our homes in a way that... in places where carbon monoxide risks are greatest, I don't necessarily see that as some willful mandate that we... or some unburdensome mandate that we're placing on the people of the State of Illinois. What we're simply doing here in this is trying to codify what's... or recodify what's already in the law. And right now, Illinois law says you have to have a carbon monoxide detector in your home. What this Bill simply says is that why we don't we place it in those... in those dwellings where the risk of carbon monoxide poisoning by automobiles are greatest."

Brady: "Rep... Representative, thank you. I think most of those comments were directed towards the last speaker. Were they not?"

Colvin: "That's exactly right, they were."

Brady: "Okay. Well, what I wanted to ask about..."

Colvin: "But I... but I..."

Brady: "...what I wanted to ask about was the following. In my experience as coroner..."

Colvin: "I... I didn't hear that last part."

Brady: "...the longest percentage of time that we... that I was involved with the carbon monoxide deaths are intentional. Okay. Suicide. Do you... do you have any data that would... would lend any creditability to how many accidental carbon monoxide situations have occurred throughout the State of Illinois since we've had the law in place to have a carbon monoxide monitors in homes?"

Colvin: "No, I don't have any hard facts or numbers. But I... is it... I guess the question you're essentially asking, well

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maybe I'm a little... maybe I misunderstood what your question is and what your drilling down to here. Is... do I have..."

Brady: "No, I'm just..."

Colvin: "...are you asking, have I seen any evidence of whether or not these carbon monoxide detectors not being in these places that this Bill would suggest that they would be..."

Brady: "Right. I..."

Colvin: "...as the previous speaker mentioned where I because 'saw in on TV' was two families that lost family members and these... both of these homes had carbon monoxide detectors. One was located on the second floor, the other one was located on the third floor of two different homes. Now, I wouldn't... I wouldn't think that a home with attached garage would be any different than a home with a detached garage here in the Midwest versus Florida. All I see here is an opportunity for us to tighten up a policy that would save lives. That would potentially save lives. There's no question that these devices save lives but I think it's how you implement them and how you place them will somehow make the difference on whether or not they actually do that."

Brady: "Representative, I... I appreciate that and I... I certainly appreciate your efforts on... on safety and trying to enhance safety. But I... I just want to make sure we don't have any scientific data supporting that we've got some type of a situation in Illinois where there's a number of accidental exposures to carbon monoxide in this state."

Colvin: "Well, I... I think that clearly... I don't have any hard and fast numbers, but clearly the reason we have carbon

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monoxide detectors in our homes suggest the fact that these accidents do happen."

Brady: "And..."

Colvin: "The reason we have these is just the same I think with fire... with smoke and fire detectors in the same fashion is that the great thing about having these devices and that if they're working and they're properly placed is that we can avoid these tra... tragedies. This is a preventive measure. And once again, this Bill does not provide any penalties, there's no inspectors who are going to go in your home. I totally reject this whole idea..."

Brady: "So..."

Colvin: "...of more government or big government. It simply suggesting that we... we make sure that our families are protected in this fashion."

Brady: "So, there's no... no penalties, there's no enforcement really of... of this particular piece of legislation. And if I remember correctly, the situation you illustrated in committee was a tragic event that occurred in Florida, but under Illinois law if that same situation had occurred and the people have what they're supposed to in the home already, those monitors would have gone off in their home, if the carbon monoxide level had risen to a life threatening parts per million level that it needs to be. So, I... I appreciate your efforts. I... I'm just, you know, troubled by the fact that we already have a law requiring carbon monoxide detectors in homes and to put one in your garage because its attached, I... I'm very puzzled by the fact that what we have in the home is not enough. But I... I

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appreciate your answers and I certainly know your intention is well-meant. Thank you."

Colvin: "Thank you."

Speaker Lyons: "Representative Colvin to close."

Colvin: "Again, I... I do appreciate the spirited debate, discussion on this issue. And before we take the vote, I would just like to say once again that we're simply recodifying what's already in existing law that carbon monoxide... carbon monoxide detectors in homes are already the law of the land. What we're saying here in instances where there are attached garages, where people who live in second and third or multistory dwellings that have attached garages, that we simply place these where we also deal with the risk of carbon monoxide that come from a source other than a heater or a air conditioner in the home. This is a preventive measure that if they were placed properly in those homes in the State of Florida it would have saved lives. Let's be proactive and simply make a small change in already existing law to make sure we protect and avoid any tragedy and as such. I'd appreciate an 'aye' vote. Thank you."

Speaker Lyons: "Further discussion? All those in favor of the passage of House Bill 825 signify 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? Brauer, Currie, Jakobsson, May and Saviano. Jakobsson, Skip. Mr. Clerk, take the record. Representative Colvin."

Colvin: "Mr. Speaker, if you could put it on Postponed Consideration."

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Speaker Lyons: "Mr. Clerk, put this Bill on the Order of Postponed Consideration. Representative Rich Brauer, thank you for your patience. You have a point of personal privilege. Representative Brauer."

Brauer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, up in the gallery here on my right is Judge Carol Pope of the 4th District Appellate Court. Judge Pope is a resident of Petersburg, Illinois. She's a 1975 graduate of the University of Illinois and received her law degree from DePaul University in 1979. Before her current assignment, Judge Pope was the Circuit Judge of Menard County in the 8th Judicial Circuit. In 2010 Judge Pope was installed as the 3rd Vice President of the Illinois Judges Association. Please make Carol feel welcome."

Speaker Lyons: "Welcome to your Capitol, your Honor, proud to have you here. Representative Bradley. Mr. Clerk, what's the status of House Bill 1032?"

Clerk Mahoney: "House Bill 1032 has been read a second time, previously. Floor Amendment #1, offered by Representative Bradley, has been approved for consideration."

Speaker Lyons: "Mr. Thapedi on the notes."

Thapedi: "Yes. Mr. Speaker I have requested specific notes that I thought that were relevant to House Bill 1032. We've done some additional research and I'd move to withdraw all the notes that I filed requests for yesterday."

Speaker Lyons: "Gentleman moves to withdraw all notes. So moved. Representative Eddy."

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



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Speaker Lyons: "Representative, we haven't called the Bill yet. We just removed the notes, Roger. We haven't called the Bill yet."

Eddy: "Okay."

Speaker Lyons: "Representative Thapedi removed his notes that he had on the Bill."

Eddy: "Okay."

Speaker Lyons: "So, I'll call you... you'll be first up after John does the Bill or do you have a question Representative Eddy?"

Eddy: "So, we... we're not at a position at this point where we're adopting the Amendment or talking about adopting the Amendment?"

Speaker Lyons: "No, we haven't done that yet. We just took the... Representative Thapedi had notes on the Bill, we removed them. He withdraw his notes on the Bill."

Eddy: "Okay. And... and then we'll introduce the Bill and work on the Amendment? Or we just put it to Second for the purpose of removing the notes? So, we are going to call it?"

Speaker Lyons: "The Bill... the Bill is on Second Reading."

Eddy: "Okay."

Speaker Lyons: "So, we... we read the Bill. And recognized Representative Thapedi to remove his notes."

Eddy: "Okay."

Speaker Lyons: "And now the Amendment is going to be recommended by... the Clerk will say..."

Eddy: "So... so, are we adopting the Amendment now?"

Speaker Lyons: "Yes."

Eddy: "And..."

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Speaker Lyons: "So, Mr. Clerk, the status of the Bill? Roger, I'll be right back to you."

Eddy: "And that's what I want to speak..."

Speaker Lyons: "Mr. Clerk, status of the Bill?"

Clerk Mahoney: "House Bill 1032 is on the Order of House Bills-Second Reading. Floor Amendment #1 has been approved for consideration, offered by Representative Bradley."

Speaker Lyons: "Representative Bradley on the Amendment."

Bradley: "It would be my intention to adopt the Amendment, move it to Third and then debate the Bill. It's been read a second time, have a floor debate on the Amendment which becomes the Bill. That would be my intention. I would move for the adoption of the Amendment, have the debate of this very important issue on Third."

Speaker Lyons: "All right, Representative... Representative John Bradley moves for the adoption of Amendment #1. Representative Eddy, are you... you want to ask a question or you want to wait 'til it's on Third Reading?"

Eddy: "No. I... I think there are Members on our side that would like to ask questions related to the Amendment at this time."

Speaker Lyons: "Representative Eddy."

Eddy: "Okay. Thank you. Representative, how... how does... how does the Amendment address the issue that obviously we've been discussing for quite some time here related to work comp? What... what's... what does the Amendment do?"

Bradley: "It repeals the Workers' Compensation Act. It sends all of the courts cases as of January 1 of next year into the Circuit Courts. The State of Illinois in 1910, 1911 as

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a response to the Cherry Hills Mining Disaster created the Workers Compensation Act. The Workers' Compensation Commission, the Workers' Compensation System, the Workers Compensation Act is a creature of the Legislature. It is a dual system of courts, dual to the Circuit Court system which is a coequal branch of government. It is broken. It is my opinion that as the creators of this system it is time for us to repeal and abolish this broken system and send the workers' comp cases back to Circuit Court. In doing so... in doing so, we have taken control of a broken system and have sent a message to the interest groups and the people of the State of Illinois that we're serious about fixing this problem and that we're willing to take drastic measures in a drastically broken situation. We would transfer the monies from the Workers' Comp Commission, which is, I think, 120 or 130 million dollars to the judicial system to run this docket, to run this caseload and to make sure that injured workers are dealt with in an efficient and effective manner and that businesses who have called for causation have the opportunity in the Circuit Courts to argue causation. And so, I think that this Bill addresses the problems that have been presented to us in terms of the brokenness of the system, in terms of the rights of workers and in terms of the ability of businesses to adequately defend themselves. And it's time that we did something drastic and this is the Bill."

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Eddy: "Representative, what's the effective date of the... well, effectively shutting down the commission? What... what's the effective date of the Bill?"

Bradley: "January 1, 2011."

Eddy: "Do you have any idea how many cases would transfer from the commission..."

Bradley: "2012, sorry... 2012."

Eddy: "...2012, January 1, 2012? Do you have any idea how many cases will transfer from the commission to the courts at that time?"

Bradley: "It would be my opinion that we don't know because the commission would continue to handle the cases and it would depend on how many cases are resolved between now and then."

Eddy: "Do... do you have... and I think that's a pretty accurate, there's no way to know, but would it be fair to at least speculate that there would be a substantial number of cases that the court would have to take on at that time?"

Bradley: "Correct. And we would, by creating the efficiency of government and by getting rid of a duplicative system, a broken system, we would have additional resources to place into the court system to handle the increased load."

Eddy: "How... how much do you think it might cost to transfer those pending matters from the commission to the courts? What kind of a strain or cost might that..."

Bradley: "I... I don't believe... I actually believe that the cost would be less than what we're putting in to the Workers' Comp Commission now to run a broken and duplicative system."

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Eddy: "Well, I... I guess the overall question though is whether the court system has the capacity to take on all the transfers and the new filings. It... it seems like if we don't know the number, we know it's going to be substantial, it could be a burden on the courts. I'll tell you what, Representative, there are... there are a number of folks on our side of the aisle who have dealt with this issue. And I know that you have worked with them and they have a pretty good understanding of the issues related to... to the work comp problems we face in this state. And I'm going to yield some time now for those individuals to ask you questions as well. I think this is a pretty drastic move. I think you would even admit that this is... this is a pretty drastic move that... that might require a little bit of studying. But I appreciate your answers thus far and I look forward to the... the continuing discussion."

Speaker Lyons: "Representative Tryon. Representative Mike Tryon."

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

Speaker Lyons: "Sponsor yields."

Tryon: "Representative Bradley, we... we started this conversation earlier and one of the concerns that I have... one of the concerns that I have heard is that the problem with adjudicating these types of cases in the court system is then, in fact, the plaintiff might be eligible for punitive damages or the depend... or the defendant would be eligible for punitive damages?"

Bradley: "Under the current law, as I understand it or at least when I was actively practicing, punitive damages are

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only allowable either by a specific statutory grant or by an intentional conduct. And obviously, we're talking about negligence here. So, we're not talking about intentional acts. So, the punitive damage question, I believe, is a red herring and should not be a concern."

Tryon: "So, in your opinion, this Bill does not set up the statutory framework to be able to allow for a punitive damage case to be tacked on to a workers' comp claim?"

Bradley: "Correct."

Tryon: "Thank you. No additional questions."

Speaker Lyons: "Representative Brady."

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

Speaker Lyons: "Sponsor yields."

Brady: "Representative, as you well know you and I have been working on... on comp for quite some time and with many, many others. You've been very dedicated to the process and I... I sense this particular piece of legislation might be a little bit out of frustration on your behalf. Is that... is that a fair assumption?"

Bradley: "I'm sorry?"

Brady: "I said, I sense that this piece of legislation might be a little part... partly out of frustration on your behalf. Is that... is that a fair assumption?"

Bradley: "Well, I am concerned that despite your good efforts and despite all of our efforts that we haven't been able to reach a conclusion with regards to reforms, but I've been thinking about this for several months. And the more I get into this system and the more we look at what's going on with the workers' compensation situation in the State of

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Illinois, workers' rights not being accurately protected, businesses' rights not being accurately protected. The rights of the State of Illinois and the people of the State of Illinois paying more and more for a system that's flawed. It's become clear to me over the last several weeks that this may in fact be, and at this time, is the right thing for us to do. And so, this is not something that I've just proposed in the last couple of days. This is something that I've been thinking about for several weeks or several months in terms of maybe this is where we're heading. As of today, it's my belief that this is where we're heading."

Brady: "Well, I... I... I can appreciate and I share at times the same frustration that... that you've experienced, that I experience and many others who are trying to reform workers' comp in the State of Illinois, but if... if I heard correctly earlier, we don't have... we don't have any data, unless I missed something, data supportive of the courts being able to absorb this and... and what it's going to mean to them. Is that correct?"

Bradley: "It is my opinion... it is my opinion that because we have a separate court system which is handling workers' comp cases via the elimination of that separate court system and the duplicity of that court system, rolling it into the Circuit Courts could do nothing but reduce the cost to the State of Illinois. And that would be my goal is... and this Bill would provide that the budget for the Comp Commission would go to the Circuit Courts, which are already in place, which are already established to run and manage the work comp system. I can't imagine that the cost

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would be greater than the broken system that we're currently running which isn't getting the job done for the people of the State of Illinois."

Brady: "May... maybe this was asked earlier, Representative, and I... and I missed it, but any figures on how much it's going to cost to shut down the workers' comp... the commission in... in the state?"

Bradley: "I'm sorry. I was..."

Brady: "Any... any figures suggestive of how much it's going to cost to shut down the commission in the State of Illinois?"

Bradley: "Well..."

Brady: "For instance, we have leases on buildings. We have..."

Bradley: "...the... the number that I would like to use is, is that businesses are currently paying \$3 billion a year in workers' comp costs as a result of this broken system. The elimination of the broken system eliminates that \$3 billion of costs currently going into that broken system. Let's give the courts a chance. Let's try something else 'cause we know what we've been doing isn't working."

Brady: "Well, I... I can appreciate that. But you know my concern, Representative, comes from the fact of good intentions here may with ill intended consequences. You know, how much will the life of a case be extended with motions and discovery? I mean all we hear in testimony now is how long it takes within this comp system itself. I can't imagine that the courts having over twenty some thousand cases dumped on them is going to not have a hefty backlog in trying to deal with this."



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Bradley: "Representative... Representative, that is going on now in the system that we have which is broken. These cases are not being resolved in the way they should be. They're not being resolved as efficiently as they should be. Let's give the Circuit Courts and the judges of the Circuit Courts, which have Codes they have to follow, which have ethical standards they have to follow, a chance to try to help us fix this system because we know what we're doing isn't working."

Brady: "And... and you say, give it to the courts, Representative. Have we talked to the courts? Has... has... has... has the Circuit Courts or the Chief Judge of the Supreme Court said please bring us your... your comp cases?"

Bradley: "As a practicing lawyer, I generally don't go talk to... they're a coequal branch of government. I appreciate their coequalness. I under... if we, by statute, decide to do this, then I'm sure that they would take their constitutional obligations to follow the law and do it seriously. I'd like to give them a chance. The arbitrators don't have a Code of Ethics; the arbitrators don't have to abide by a judicial Code of standards. The Circuit Court judges do. We can get rid of some of the problems with this system by getting this out of the hands of these arbitrators and getting it into the hands of circuit judges who have taken oaths to uphold the Constitution and the rights of the people of the State of Illinois."

Brady: "Well, we... we could also get rid of some of the problems in the system with many of the other proposals that you and I have worked on, as well as many, many others, in bringing

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it together. I... I can appreciate and understand your frustration. I'm just not sure, Representative, that this drastic move like this is going to be not only the best thing from a cost savings standpoint for business, but also the fairest thing for the true injured worker. So, I... I understand your frustration. I, as well as many others, want to continue to work on the workers' comp reforms in this state that we... that I agree we desperately need, but I... I don't believe that this is the answer. But I... thank you for your efforts."

Speaker Lyons: "I'm going to start the time clock with three minutes. I'll certainly be as liberal as I can with that just to try to keep the conversation focused on the Amendment. Representative David Harris."

Harris, D.: "Thank you, Mr. Speaker. A question of the Sponsor?"

Speaker Lyons: "He awaits your question, Sir."

Harris, D.: "Representative, do you have any idea where Illinois's workers' compensation rates stand in terms of other rates throughout the country?"

Bradley: "It is my understanding that we are second or third in terms of total rates. In terms of medical costs, which are the main component of workers' compensation costs, we are second behind Alaska which is an outlier. And we are 50 percent above the third place finisher."

Harris, D.: "And do you know how we compare as an example to the state just to our east, Indiana?"

Bradley: "We're not competitive."

Harris, D.: "Well, it's my understanding we are not competitive because we are nearly double what the rate is in Indiana."

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To the Amendment, Mr. Speaker, and very briefly. Is this a good idea? Quite frankly, it's probably not a good idea. However, we have tried to reform the system. It is a prohibitively expensive system which it seems that the parties can't come together and reach some sort of a compromise to reform. So, if we have to go this route, saying, from the Legislature, if you're not going to take the action to reform the system, then let's do away with the system. Probably not the best approach to take, but at least the Legislator is being creative in saying it may be the only approach to take at this point in time."

Speaker Lyons: "Representative Jim Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Durkin: "Representative, give me just one second. The Work Comp Act here, right in the... the beginning language, it says an Act to promote the general welfare of the people of the State of Illinois by providing compensation for injuries or death suffered in the course of employment. Are we saying... are you saying that the Comp Act right now does not provide for the general welfare of injured workers?"

Bradley: "Yes. I'm saying that the Comp Act currently, excuse me, is not providing for the general welfare of anybody, whether it be injured workers, the businesses of the State of Illinois, the people of the State of Illinois and the people that we represent."

Durkin: "Are you... do you believe that the no fault system, which is work comp, has been a good system for workers,

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injured employees, union workers? Has that been a positive mechanism for them to receive compensation?"

Bradley: "With... without... without getting into a judgment in general terms, I would say that the system has not been what it was supposed to be. It has not been efficient, it has not been expeditious, it has not functioned in the way it should have. There... it has been, as you've seen reported, numerous cases very concerning and should be very concerning to all of us. I don't think that's in the best interest of anyone."

Durkin: "Those cases are based on issues that go on with the arbitrators that are outside of... which I don't believe, I think it's separate from the whole discussion of work comp which I think is subject to federal investigations. So, I think it's... I don't think this is necessarily a good thing as to equate the issues that are going on in downstate Illinois with some of these prison situations where individuals have been receiving exorbitant compensation, use that as a basis to eliminate the system. Now, is this good or bad for the... is see the AFL-CIO has... is opposed to this Amendment, correct?"

Bradley: "That's not correct."

Durkin: "So, they believe that the system which is going to allow for comparative or contributory negligence is a better mechanism for their employees as opposed to the work comp system where there's no fault?"

Bradley: "I can't speak to the rationale of any of the groups other than to say that my guess is... guess is that people that support this Bill think that the system could be

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better. And this system has failed us. This system has failed the workers and it's certainly failed the businesses of this state. For those that want causation, this is the way you get it. You go to Circuit Courts. You can't have fault in a no-fault system."

Durkin: "How much is... all right. How much is paid every year in work comp premiums by the business community? You made some pre..."

Bradley: "Total amount of indemnification is three..."

Speaker Lyons: "Jim, your time has run out. We'll give you another minute or so."

Durkin: "I'm sorry?"

Speaker Lyons: "Please continue."

Bradley: "Total amount of... total amount of indemnification is \$3 billion. The cost of workers' comp in the State of Illinois, which is paid entirely by the business community, is \$3 billion."

Durkin: "And when you... if you eliminate this Act, this is just going to push this money over into their general liability limits. So, this is just going to be a transfer of insurance premiums, which you say are 3 million and I'm sure there's some small business men who will say that they're general liability premiums are going to go up proportionate to what's being eliminated from the work comp repeal."

Bradley: "We don't know... we don't know."

Durkin: "We... and I..."

Bradley: "There will be some..."

Durkin: "You and I are both..."

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Bradley: "...there will be some..."

Durkin: "...we... we're... we under..."

Bradley: "...there will be some transfer and you'll be under general liability, but we don't know. It could be a significant cost saving given the fact that the issue that I've heard about causation would be allowed."

Durkin: "I doubt that any insurance company is going to give them any business a pass on... they're going to raise their premiums, it's going to cost just as much at the end of the day. We had introduced a Bill earlier this year, House Bill 17, which is going to prohibit forum shopping which does significant changes to venue, the way that we address venue. Here's what I... if you... we're on Second Reading, we got another week to do this. If you take this Amendment and put it into your Bill, I will support your Bill. Will you do that?"

Bradley: "Venue is... venue is already in the Bill. It says that you have to file the case in the county in which the occurrence occurred or if it's out of state, in the county in which the employee lives."

Durkin: "That's basically the law that we have right now. This is Representative Jil Tracy's Bill which is going to significantly overhaul venue shopping in Illinois."

Bradley: "And it... it is..."

Durkin: "Will you take the exact language out of House Bill 17, put it into your Bill, House Bill 1032 and if you do, you've got my support."

Bradley: "Representative... Representative, you've definitely gone more than three minutes. I'm glad to answer your

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questions. It is my intention to have a vote on this Bill today. I'm open and interested in working with you in the future. It has venue restrictions in it. My intention is to call this Bill for a vote today."

Durkin: "It doesn't... this is just going to push premiums over into the general liability that the... that businesses have. And secondly, this does not change the problems we've seen year in and year... year in and year out with venue shopping in Illinois."

Bradley: "Representative..."

Durkin: "I would encourage all the Members to vote 'no'."

Bradley: "...stand with me. Stand up to the interest groups, take back the system, take back our state. Let's send a message, we're going to do something for the State of Illinois and the people of the State of Illinois and get rid of a broken system."

Speaker Lyons: "Representative Tracy, three minutes. Jil Tracy."

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

Speaker Lyons: "Sponsor yields."

Tracy: "Representative Bradley, in committee when we were talking about this Bill I had asked you whether or not venue would be an issue and I was quite concerned because I had been working on venue reform. And I think we both discussed the Bill and realized that your Amendment will actually address the situation of venue. And that in your Bill, the site of the litigation that you're proposing in the Circuit Court system for a work injury would be the... where the injury occurred or if it was an out of state

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worker where the resident of the Illinois worker was. So, I... I think that was addressed. And I'm also won... and you were very gracious to say that you would work with me on addressing venue if that... that were an issue. And I also am wondering if you would consider working on other areas of venue reform, not venue reform, excuse me, tort reform in regards to joint and several liability and expert witness testimony that are pending Bills in subcommittee in Judicial I?"

Bradley: "Representative, this is a very heavy load. I don't want to make any commitments today. I'm doing this issue. I'm doing TIF districts, enterprise zones, budget work. So, I'm always willing to entertain your ideas..."

Tracy: "Well... and..."

Bradley: "...and to work with you on issues, but to make a commitment on additional things in addition to this, the workers' comp issue is a significant load to try to work on. And I'm interested in trying to get this resolved before..."

Tracy: "Well, yes, but I... I... to get... gain support for it, that is an interest to me and for many other Members of my caucus because our fear is that we're leaving a bad situation under the workmens' compensation format going to the Circuit Courts where we have a great concern. Where going to another judicial hotbed of problems and litigation that we're trading one bad for another. And so, in... unless we can move forward with some of these very important tort reform ideas, we're seeing that the... that very often the deck is going to be stacked against us either way."



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Bradley: "Well, one significant arrow that will be in the defendant's quiver will be the issue of causation. And so, as an attorney, it's my opinion that if you want causation.. if we want as a state to have causation as an option in workers' comp, this is the way that you do it. This is how it happens. You send the cases back to Circuit Court. Businesses can fight injuries on the basis of causation direct..."

Speaker Lyons: "Representative Tracy, your time has expired. We'll give you another minute to finish your conversation."

Tracy: "Okay. And also you had mentioned that the provisions of temporary relief you believe will be addressed because we are very concerned that..."

Bradley: "Correct."

Tracy: "...the employees are going to be harmed by this sudden change."

Bradley: "Correct."

Tracy: "And then also, I think we discussed in committee that there's about 60 thousand cases that would be subject into the court system on an annual basis with this change. Is that correct?"

Bradley: "Well, I think there's currently that many cases in the system. I don't know how many are filed per year and we obviously don't know how many would be resolved before they went to the Circuit Courts."

Tracy: "Okay. And we did have concerns that would flood the court systems and then that might cause a backlog. One.. one final question, do you think this change would address the situations that the state is facing as an employer with the

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high percentage of workmens' compensation claims in Menard prison?"

Bradley: "Absolutely."

Tracy: "Thank you."

Speaker Lyons: "Representative Kay."

Kay: "Speaker yield?"

Speaker Lyons: "The Sponsor yields."

Kay: "Representative Bradley, I am... I'm not an attorney. I understand you're a practicing lawyer. I'm a practicing businessman. And I did the very same thing you did with respect to this issue. And I flirted with the idea that maybe this is what we should do. And after a lot of... a lot of nights just like you and a lot of days of thinking just like you, I decided it was the wrong way to go. And I'll tell you why. And I'd like to keep this to yes or no if we can do it. Fair enough?"

Bradley: "I'll do my best."

Kay: "Thank you. Thank you. If you were a businessman... I know that's why I asked. If you were a businessman..."

Bradley: "Oh wait, wait a minute. First, yes or no question, I am a businessman. I was a businessman."

Kay: "Well..."

Bradley: "I ran a business with two guys dying of cancer so I mean I've..."

Kay: "Well, here's the thing, I sign the front of a check every week..."

Bradley: "I've borrowed money to make payroll, Representative."

Kay: "...for 1,800 people. I'm a big businessman. And here's where I'm coming from and I appreciate the fact that you..."

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you did that. Here... here's where I'm coming from. Do you know... do you know, Representative, what cost increase there will be on the liability side of a insurance policy as opposed to the cost that companies large and small are incurring today? Do you know?"

Bradley: "Well..."

Kay: "Yes... yes or no?"

Bradley: "So, the issue is... no, I don't know in every case nor do you nor does the insurance company nor does..."

Kay: "That's not true."

Bradley: "...but, I'm willing to take a chance in terms of..."

Kay: "Well, take... take a guess."

Bradley: "I prefer not to guess on the floor of the people."

Kay: "Let me tell you... let me tell you what... what my premium will go... where it will go. The... the first year they're saying no less than 22 percent; that's big money. That's big money. So, understand that business is concerned, they're very concerned."

Bradley: "So, I have... I've meet with insurance companies that write policies. And I am happy that you were able to get some kind of definitive answer on that, but I was not given a definitive answer."

Kay: "Okay. Let me ask a different question. Supposing that you were a businessman in Madison County or St. Clair County or maybe even Cook County and you were contemplating leaving the State of Illinois or maybe you were even looking at coming to the State of Illinois but the major problem with Illinois is that they have a workers' comp problem and... but right behind they have a litigation problem. What would

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prompt you as a business person to think that this was a good fix to turn one bad system over to one that's also questionable?"

Bradley: "Representative, we just took your workers' comp costs to zero."

Kay: "Really?"

Bradley: "What you're paying for workers' comp right now goes to zero."

Kay: "No."

Bradley: "Now, you may have some addition on your general liability policy, but your workers' comp costs went to 0."

Kay: "Representative, I just told..."

Speaker Lyons: "Representative Kay, your time expired, but we'll give you another minute to finish your thoughts or were you finished?"

Kay: "No, I wasn't quite done. Is that okay, Mr. Speaker?"

Speaker Lyons: "We'll give you another minute, Representative. Go ahead."

Kay: "Thank you. I just told... I just told you, Representative, that my costs would increase 19 to 22... That's the cost..."

Bradley: "Well, what are your work... what are your... factor in...?"

Kay: "...that's the cost of doing..."

Bradley: "...Factor the reduction of your workers' comp to zero."

Kay: "I'm talking... No, I'm talking about..."

Bradley: "What are you paying in workers' comp right now, Representative?"

Kay: "John, you're not listening to me."

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Bradley: "I am listening to you."

Kay: "No, you're not."

Bradley: "what are you paying in comp right now?"

Speaker Lyons: "Representative Bradley... Representative Bradley, please let him make his point. Kay."

Kay: "Let me... let me... just yes or no. Wouldn't... wouldn't it be questionable or wouldn't it cause you some concern if you were looking at the State of Illinois to do business when you thought the biggest problem you had was workers' comp and right behind it was the fairness of our litigation system? Wouldn't that cause you some concern? Yes or no?"

Bradley: "I... I'm not required to answers questions yes or no that don't require a yes or no question. You're making presumptions which I don't accept. And I don't think I have to answer yes/no on presumptions that I don't accept. Now, if we don't believe in the court system, we know the workers' comp system is flawed, we know it's broken. So, we're going to keep banging our head against the wall doing the same old thing that we've been doing, which isn't working. So, somebody comes along with this idea, let's try something different. Let's shake things up. Let's tell them we created you, you're broken, we're getting rid of you."

Kay: "Well, Representative..."

Bradley: "And now we're going to send it to the courts. If that doesn't work, we'll go another direction."

Kay: "...well, I don't..."

Bradley: "But let's do something."

Kay: "John, I..."

Bradley: "And up to this point we haven't done anything."

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Kay: "Representative, let me say this. You made... you made the statement to me that you want to blow this system up. And I think that's what we're doing. And I don't think that that shows a lot of leadership nor good management. The simple truth is this, we can fix this problem. We can fix this problem. We can... if we can't fix this problem, we can't fix any problem."

Bradley: "Didn't you have an identical..."

Kay: "Because the ones that we have... the ones we have with respect to debits and credits..."

Bradley: "...didn't you have an identical Bill to this?"

Kay: "Excuse me?"

Bradley: "Didn't you have an identical Bill to this, Representative?"

Kay: "Not identical, no."

Bradley: "Didn't... weren't you going to support this on Tuesday?"

Kay: "I, you know... and I just... I preface my comments today by saying..."

Bradley: "Didn't you apologize to me in committee yesterday..."

Kay: "I did."

Bradley: "...'cause you were going to support this measure?"

Kay: "I did. Yeah, I... I apologized to you..."

Bradley: "And now I'm not showing leadership? Yesterday I was gutsy and now I'm not showing leadership? Yesterday you applauded me for my efforts and now..."

Kay: "John..."

Bradley: "...I'm not showing leadership?"

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Kay: "Representative, look, you were as... you weren't answering..."

Bradley: "I worked on this on Thanksgiving, on Christmas..."

Kay: "...my yes or no..."

Bradley: "...on New Years."

Kay: "...you weren't answering..."

Speaker Lyons: "Representative Bradley, Representative Kay, we can't have you both speaking at one time. Representative, I've given you long over the three minutes. So, I'll give you one more minute. Representative Bradley, please let Mr. Kay conclude his remarks."

Kay: "To the Bill. Thank you, Mr. Speaker. Business... businesses in Illinois that I have spoken to, insurance companies in Illinois that write policies, in fact, insurance companies that write policies outside of Illinois I've spoken to say this, they... it's just wrong. If you want to increase your costs and you want to take a system that could be fixed and turn it into another system in the courts, which really doesn't address what... what we think it's going to address, it simply exacerbates the problem, you can do that. There is no, no business advantage for somebody to think this is going to fix the problem, carry the day or do anything but cost more and put us in the venue that I'm not sure any of us really want to be in. I'm a businessman; I'm not a trial lawyer. But from a business perspective it just doesn't make common sense. Thank you."

Speaker Lyons: "Representative Bost."

Bost: "Thank you, Mr. Speaker. To the Amendment. You know, we've heard here in a short period of time, well, maybe a

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long period of time, how it is that we need to break the system and... and then do this and it will drive people... I... I think by doing this we are actually shucking our responsibilities as Legislators. It is our job to fix this problem. Now the Sponsor has said, and I respect him tremendously and I know he's trying to do what's right, but... but the Sponsor has said that we should stand up against these special interest groups. Well, if you want to do that, then stand up against these special interests groups in those committee meetings and in those meetings we're having on this issue and truly deal with the issue and look them dead in the eye, whether there's a group that you normally support or don't normally support, and come to some kind of answer that is sensible. The only thing I can see that we might doing... be doing here is... is providing a great jobs Bill. A great jobs Bill for trial lawyers. Other than that... and judges... we'll be able to expand judges because of the amount of work that will be placed in their courtrooms above and beyond what's already there. Ladies and Gentlemen, this is not the way to handle the problems that face us. And this is a huge problem. This problem has been a problem... I've been here 17 years and have said we've got to deal with this problem. It is time to stand up to those special interest groups, but not do it this way. We need to get together, sit down, work these issues out and be willing to look those people in the eye and say this is what's best for the State of Illinois, not what's best for the unions, not what's best for trial lawyers, not what's best for whoever, but what's best for the working men and



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women of the State of Illinois to make sure that we keep them working and we don't continue to lose the jobs... 750 thousand that we've lost over the last 10 years and more than that over the problems that we've had with this particular issue. Don't throw it out, let's fix it."

Speaker Lyons: "The final speaker will be Dave Winters and then Representative Bradley."

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

Speaker Lyons: "Sponsor yields."

Winters: "I want to explore a little bit, John, the... maybe the legislative precedence. Have any other states gone this far and just simply eliminated the workers' comp? My understanding is that there are 49 other states who all use workers' comp. We would be an outlier."

Bradley: "I don't know if any... I don't know if anybody's eliminated it. There have been states that haven't had it. I don't know if anybody that's adopted it has eliminated it."

Winters: "Right. We brought it in sometime in the 1910s, something like that. Obviously, there were states that were slower than us to bring in workers' comp."

Bradley: "Right."

Winters: "I think we were one of the first states. But I am not aware of any other state that once having put into place workers' comp..."

Bradley: "I don't know..."

Winters: "...has then eliminated it?"

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Bradley: "I don't want to... to answer incorrectly. I don't know the answer to that. I don't know that any other states have had the problems we've had either."

Winters: "Well, but that... that's... when you have problems, I guess my... my resistance and I'm really conflicted on this Bill because we have, I was in every one of the meetings of the workers' comp reform committee that met this winter. We have very, very significant problems in this state. I'm not sure that this is the right way to do it, but we don't seem to be getting any place the normal legislative mechanism that we've had. Because there's been resistance, whether it's the Medical Society or the Trial Lawyers or the unions or the employer groups, everybody wants to have everything and they can't get it. And there... therefore, they will throw out blocks and stop any kind of reform. Your solution is a nuclear bomb. I mean, you see... you talked about blowing it up, but you're just atomizing this and simply removing workers' comp as a... as a mechanism for handling injured workers. My concern is, is that without doing any of the reforms to Illinois government, and we've been for years the host of many of the states that are on the top 10 most wanted judicial hellholes, how do you expect an Illinois businessman that is currently struggling with workers' comp insurance rates and settlements that seem out of line compared to other states around us? In turn put those into the Illinois court system where the same... the same businessman feels that he has an inherent disadvantage from so many of the different legal mechanisms that we have that simply don't give him a fair shake? I'm not sure

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you're moving ahead as much as just saying, a pox on your house. Let's just quit what we're doing today and... and if we make it serious enough, then somebody will come to the table and negotiate in good faith. And I think that it's a little bit of an overreach. I do applaud your effort in... in realizing the significance and you've been willing to stand up to some of the interest groups that..."

Speaker Lyons: "Mr. Winters your time expired, we'll give you another minute or so to finish your remarks."

Winters: "Thank you, Mr. Speaker. I... I applaud the Sponsor of the Bill for taking on some of the interest groups that normally would be in his corner in saying that they're going too far, but I... I'm still conflicted on this Bill. I think we have to allow reform to... to proceed with the system that we have. I am really leery of just putting it back into the court system, gung ho, just katy bar the door; let's get rid of this. I think we'd still have an opportunity this spring to do significant reforms, but we're going to have to tell some of those interest groups you can't have it your way. And we are going to have to make significant reforms to workers' comp. With that, I... I appreciate the indulgence and the extra time, Speaker."

Speaker Lyons: "We've had extension debate on Amendment #1. All those in favor of its adoption signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. However, notes have been requested and not yet received."

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Speaker Lyons: "Mr. Bradley."

Bradley: "I'd move to deem the notes inapplicable."

Speaker Lyons: "Gentleman makes a Motion that the notes be ruled inapplicable. Representative Eddy. Representative Eddy."

Eddy: "Thank you. Representative... or Speaker, we understand that a judicial note was filed on this that has been ruled to be inapplicable?"

Speaker Lyons: "The Motion is that the... that the notes be held inapplicable to this..."

Eddy: "How in the world can a judicial note be inapplicable when we're talking about transferring a commission's responsibility to the judicial system? Who made the ruling that a judicial note is inapplicable to an obvious... a very obvious situation where... where the judicial system's going to be affected?"

Speaker Lyons: "Representative, everybody read the Rules of the House is entitled to make a Motion that a note be inapplicable. So, this has to be done by a vote of the chamber."

Eddy: "Representative, we want... we want to divide the four notes and we want to debate each of those notes as to whether or not the note is... is applicable or inapplicable. And whatever order the Chair would like to do that, we need to divide those out and debate the issues."

Speaker Lyons: "The notes will be separated, Representative. Mr. Clerk, first note."

Clerk Mahoney: "The first note is a fiscal note on House Amendment 1."

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Speaker Lyons: "Representative Bradley moves that the fiscal note be held inapplicable. All those in favor signify... take debate. Representative Bost on the... on the fiscal note."

Bost: "Yes, thank you, Mr. Speaker. First off, an inquiry of the Chair. It... does it take a Majority vote to rule this is that inapplicable?"

Speaker Lyons: "Correct. With just a simple Majority vote."

Bost: "Just a simple Majority. Okay. First off, Ladies and Gentlemen, how can we not say, and please this is not a... a partisan issue, so... so we need to pay attention on this and know what we're talking here. This issue, if moved forward, the fiscal impact to the State of Illinois to remove all obligations, all obligations, of the... of the... of this agency to remove it has a fiscal impact in itself. Not counting what we're talking about to income, revenues, expenditures. You... you can't argue and you can't truly vote and look at this and say, no, no, this is inapplicable. There's a reason this rule is in place, why we would move because sometimes just to hold Bills up we file notes. And I... I know how that... that's done. We all know those of us that have worked around here. But this truly... we need to know these answers before this moves forward. We need to know these answers. So, I beg you as Members of this House, join with me in making sure that this note is required."

Speaker Lyons: "Representative Eddy."

Eddy: "Thank you, Speaker. Ladies and Gentlemen of the House, this debate has moved away from the issue as to whether or not you agree with the Gentleman's Bill or his Amendment as it were. To debate, at this point, is whether or not a

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fiscal note that's been requested by a Member of the House of Representatives is applicable or inapplicable to the Amendment. Now, think about it intuitively. If you vote that this is inapplicable, you're voting to agree with the fact that this particular Amendment has no fiscal impact. Now, please, if you're for or against the underlying Amendment, you certainly... if you think about this with any common sense whatsoever you have to agree that a fiscal note in an applicable note to the underlying Amendment. Why is it that we have to rush this thing through in just a short period of time when people have literally... literally for months been discussing and debating the issue? Let the note come back; it's obviously an applicable note. Vote 'no'. Let's at least have some reasonableness to this. If... if this go on this way and we're able to just stand up and say something's applicable or not applicable and we're not going to wait for the experts to bring back notes, they... it just becomes a ridiculous... ridiculous circus. Let the process work. Have a little respect for it, let the note come back. Vote 'no' on the Gentleman's Motion."

Speaker Lyons: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Due to a potential conflict of interest, I'll be voting a 'present' on this Motion and on all things dealing with workers' compensation."

Speaker Lyons: "Seeing no further discussion, the question is, 'Shall the fiscal note be held... be declared inapplicable?' All those in favor that it should be held inapplicable vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all

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voted who wish? Colvin, DeLuca, Jakobsson, Mitchell, Thapedi. Colvin and Jakobsson. Jakobsson. Mr. Clerk, take the record. On this question, 57 'yeas', 54 'noes', 3 'present'. The Majority... the note is held inapplicable. Next note, Mr. Speaker... Mr. Clerk."

Clerk Mahoney: "Next note is a state mandates note."

Speaker Lyons: "All right. Representative Bradley moves that the state mandates note be held inapplicable. Is there any discussion? Chair recognizes Representative Roger Eddy."

Eddy: "Speaker, I just want to reemphasize the point here that, Ladies and Gentlemen of the House, we're waiting for notes. We're... we're talking about whether or not we should slow this down to the point that a request made by a Member of the House is answered by the individuals who are required to and have expertise in providing us an answer. The way we're doing this suggests very plainly to everyone who can see this, and people watch and listen, that we're just pushing this thing through. You're not willing to... to take the time to have a note returned. This is the worst possible way we can do business on this House Floor. Vote 'no'. Require the system to work the way it should and have some respect for it. I urge a 'no' vote."

Speaker Lyons: "Seeing no further discussion, Representative Bradley moves that the state mandate note be declared inapplicable. Those in favor of it vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Colvin, Dunkin, Jefferson, May. Colvin, Dunkin, Jefferson. Dunkin. Mr. Clerk, take the record. On this question, 61

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Members vote 'yea', 50 Members vote 'no', 3 vote 'present'.  
And the note is held inapplicable. Mr. Clerk, next note."

Clerk Mahoney: "The next note is a Home Rule note on House  
Amendment #1."

Speaker Lyons: "Representative Bradley moves that the Home Rule  
note be held inapplicable. Is there any discussion? All  
those in favor of Mr. Bradley's Motion indicate 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? Biss, Colvin, May, Smith. Mr. Clerk, take  
the record. On this question, there are 62 voting 'yes', 49  
voting 'no'. And the note is held inapplicable. Mr. Clerk,  
next note."

Clerk Mahoney: "There is a judicial note on House Amendment  
#1."

Speaker Lyons: "Representative Bradley moves that the judicial  
note be declared inapplicable. Is there any discussion? The  
Chair recognizes the Gentleman from Crawford,  
Representative Roger Eddy."

Eddy: "Thank you, Mr. Speaker. Ladies and Gentlemen of the  
House, if there's nothing more obvious than the fact that a  
judicial note is applicable to a Bill that shifts the  
commission work to the judiciary, you've got to be kidding  
me. That we're... we're really expecting people to vote that  
a judicial note is not applicable to shifting the work comp  
commission to the judiciary? Ladies and Gentlemen, if you  
have any respect whatsoever for the... for the note process  
that we have on the House Floor, if you have any respect  
for it whatsoever, you're going to vote 'no' on the



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Gentleman's Motion and you're going to allow the judicial note to come back on this. This is obviously an applicable note. This can be done later after we hear the results of a requested note. Mr. Speaker, on this particular note, because of the obvious nature, I request a verification of the Roll Call vote on this note."

Speaker Lyons: "So noted, Mr. Eddy. Representative Bost."

Bost: "Thank you, Mr. Speaker. Members, listen closely please. You may... you may be friends with the Sponsor, we deal with that every day on this floor. I respect the Gentleman, but you have to believe that this note is applicable to this piece of legislation. If there's ever been a note that is applicable to a piece of legislation, it's this note. There's a reason we have the notes, there's a reason we have the rules. I beg you in this case vote 'no' so that we can actually bring this note back, compare, look at where we're at with this before a Bill of this magnitude moves forward."

Speaker Lyons: "Representative Ron Stephens."

Stephens: "Would the Gentleman yield for a question?"

Speaker Lyons: "Yes, Sir. Representative Bradley, a question regarding the note."

Stephens: "Representative, you moved that the judicial note is inapplicable according to your Motion? Are... do you really mean that you think that the passage of this Bill... should this Bill become law, that it will have no affect on the judiciary?"

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Bradley: "I... I think we have a different interpretation of the function of the judicial note. And I think we need to have a vote on this Bill today."

Stephens: "So, you're doing this because you want to vote on the Bill today not because you actually think that the..."

Bradley: "No, I... I pulled the statute and I think..."

Stephens: "Do you actually believe that the judicial note is inapplicable?"

Bradley: "I've pulled the statute and I believe that this is a misinterpretation of the purpose of the judicial note."

Stephens: "Would... would you care to read that part of the statute to the Body where it says that what you just implied..."

Bradley: "I'll let you... I mean, I'll let you read it if you want."

Stephens: "No, you brought it up, Representative. You said..."

Bradley: "You got it up. It's not on my computer now."

Stephens: "Well, go ahead and read it to us."

Bradley: "No, it's not on my computer now."

Stephens: "Oh. What... what did it say in your memory? What's your best recollection, counsel?"

Bradley: "If you want to read it, you can read it."

Stephens: "That's your best recollection? That is... that is... I won't characterize the nature of your comment. Thank you, Mr. Speaker."

Speaker Lyons: "Seeing no further discussion, Representative Bradley moves that the note... judicial note be held... declared inapplicable. All those in favor of the Gentleman's Motion signify by voting 'yes'; those opposed

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vote 'no'. The voting is open. And there is verification on this, Members, so please vote your own switch and be in your seats. Have all voted who wish? Have all voted who wish? Colvin, Ford, Smith, Thapedi. Ford, Smith, want to be recorded? Mr. Clerk, take the record. With the vote being 55-55, 3 voting 'present'... The verification, Representative? Representative Bradley."

Eddy: "Mr. Speaker... Speaker, the... the Chair's..."

Speaker Lyons: "Representative Bradley."

Eddy: "...ruling is that the Motion has failed, is that correct? On the record? The motion has failed? Has the Motion failed? There's a request for verification. Mr. Bradley."

Bradley: "Mr. Speaker, in recognition of the concerns of my colleagues across the aisle, I'll withdraw this. We'll hear back from the courts. But it is my intention to move this Bill today or tomorrow once we hear back from the courts. So, in good faith and in the interest of justice, I will withdraw this note, but we're going to have a vote on this today or tomorrow once we hear back from the courts. Okay?"

Speaker Lyons: "Gentleman withdraws the Motion on this... on this decision. Representative Eddy."

Eddy: "Thank you, Mr. Speaker. Thank you, Representative Bradley. I... I think this at least does what you said. It's a respect for the system. We allow a note that's pretty obvious to the judicial to come back. Whenever we vote on this, we're going to be where we are, but I think between us we... we realize this... respecting the process is more important. Thank you."

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Speaker Lyons: "Mr. Clerk, we... take... take the... Mr. Clerk, remove this ver... remove this from the record, Mr. Clerk. Remove this note... on the advice of the Clerk, take the record, Mr. Clerk. The Motion did not carry and the note has been... will remain on the Bill until we get the decision from the judicial note. Take this Bill out of the record and it will remain on Second Reading. And now for something completely different, Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the Body, those of you that were here four years ago would remember that I introduced my son at that time a Captain in the United States Army. He had spent nine years in the Army, had three combat tours, two in Iraq. His second in Iraq he was a company commander of an Apache attack helicopter unit. His first combat tour he was one of the 24 Apache helicopters sent by then President Clinton to Albania. John served with distinction in the Army and got out after nine years and again, all as an Apache attack helicopter pilot which made his parents extremely proud. When John left the Army he spent the next two years flying civilian helicopters out into the Gulf, flying civilian helicopters out into the Grand Canyon, all the time petitioning to get into the Air Force to retain his rank and to become a fighter pilot. For the past two years John has been attending training, very extensive training, to become an F-16 fighter pilot. And on the ninth day of March of this year not only is John a Senior Aviator in the Army Rotary Wing Apache helicopter pilot, he is now a jet fighter pilot. And he had to come this week or not at all

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because starting next week he flies every day. Awww. So, I very proudly reintroduce my son to the Body, Major John Sacia, United States Air Force."

Speaker Lyons: "Major John Sacia, you've got 118 moms and dads on the House Floor today and probably thousands in the... within the reach of my voice. Congratulations, John. It's such an honor to have you on the floor of the House, Major. Representative Mike Bost."

Bost: "Thank you, Mr. Speaker. For the rest of the day we need to excuse Representative Fortner and Representative Jerry Mitchell, please."

Speaker Lyons: "Representative Fortner and Representative Mitchell. Thank you, Representative. Mr. Clerk, so noted. Representative Mautino, you have, on the Order of Second Reading, two Bills. Representative Frank Mautino, you have House Bill 806. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 806, a Bill for an Act concerning safety. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Mautino, has been approved for consideration."

Speaker Lyons: "Representative Mautino, you have Floor Amendment #1 on House Bill 806."

Mautino: "Thank you. I'd appreciate the House's consideration for Floor Amendment #1. This deals with land application of municipal sludge. It corrects a problem that's been occurring in LaSalle, Bureau, some parts of Will and Grundy County. I've worked with Representative Roth to try and address this issue which will bring some notification and a little bit of piece of mind to the residents in those

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districts when... when absentee owners allow for municipal sludge to be spread on their land."

Speaker Lyons: "You've heard the Gentleman's explanation. All those in favor of the adoption of Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Frank, you also have on House Bill 1093, Second Reading. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1093, a Bill for an Act concerning transportation. Second Reading. No Committee Amendments. Floor Amendment #1, offered by Representative Mautino, has been approved for consideration."

Speaker Lyons: "Representative Mautino on Floor Amendment #1 to House Bill 1093."

Mautino: "Thank you. This is the Amendment that we promised in the committee to bring back. It is the Illinois Environmental Protection Agency's changes they're making to emissions testing. And basically, they're getting rid of some obsolete testing requirements. As cars get newer, the... the model of equipment they have is designed for older systems. This is how they propose to fix it."

Speaker Lyons: "You've heard the Gentleman's explanation. All those in favor of the adoption of Floor Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

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

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Speaker Lyons: "Third Reading. Representative Mautino, on the Order of Third Readings, you have House Bill 1578. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1578, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "Representative Frank Mautino."

Mautino: "Thank you. This is an initiative of the park districts and it codifies what has been current practice in the suburbs and some of the other capped areas. It allows them for... for those districts to basically use an unused tax levy so long as they don't exceed the caps. Currently they have two of the same tax levies: one that hasn't been used, the other that has. This allows them to just go ahead and codify what current practice has been. And I know of no opposition."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? The Chair recognizes the Gentleman from Kane, Representative Tim Schmitz."

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

Speaker Lyons: "Sponsor yields."

Schmitz: "Representative Mautino, as we're going through this we've got some things highlighted in our analysis. It says that if this became effective we'd... they'd be allowed to do some of these increases you were talking about without referendum."

Mautino: "Correct. So long as they do not go above their agg... their aggregate levels. They wouldn't be able to increase any taxes. You could divide it between two different lines,

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but you couldn't do an aggregate increase. You could not go above your cap."

Schmitz: "So, what you're saying there's... there's two rates right now and the two rates combined could not go above the levy..."

Mautino: "Correct."

Schmitz: "...that would be allowed under PTELL?"

Mautino: "Yes."

Schmitz: "Why... I guess my next question, why are we... why the two rates? And then why would we need this statute thing? Can we just go to one if they... if you can't go over PTELL, why are we even doing this?"

Mautino: "Let me just go ahead and pull up the... so I can get together with you on the... the actual language of the Amendment. Just hold for one second. Okay. So, it's... what it... the clarification is that the maximum total rate of a park district's corporate or recreational purchase... purpose taxes shall be the limiting rate and not the extension limitation. And the Amendment's presented to clarify that the tax increases have been authorized in the underlying Bill and they can't exceed that level. So, I guess if you have not been levying... you're right now allowed the two levies. Those are the two lines within your tax bill. If you have not previously levied under the other one... under one of the two, you can go ahead and utilize that rate for that specific purpose, maybe it's recreation, so long as you don't go over your aggregate rate. So, that's why in some of the situations... I think in the county, I believe it might even be in your county, where the park district has



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had the ability to have these two rates and they haven't... they haven't used one of them. And this gives them more flexibility. So they can do it specifically for a recreational line, but they can't do a tax increase. So, it can't exceed what those... what the authorized rate is."

Schmitz: "Unless they wanted to go to referendum for the increase."

Mautino: "Right. If you... if you want to go above that, then you have to go to referendum. But this allows them to do what the current practice is. A lot of the capped counties do this now, is my understanding."

Schmitz: "I guess my next question, Representative, is the... the Farm Bureau has some strong opposition to this Bill as well and I'll... I have not personally talked to them. I see them here on our analysis. Have they contacted you and expressed their opposition and is... is there any way..."

Mautino: "Actually, no they didn't. I'm... I'm just checking for mine. We brought this up in the... in committee, they were present. Kevin Semlow was there. They didn't fill out a slip in opposition nor did they mention anything."

Schmitz: "Okay. Well, I thank you for your answers. It's a, as you can imagine, very complicated Bill. As we're going through, the thing that highlights on our... our analysis is the property tax increase without referendum. And we went through that. But I'm sure there's other people that have other questions as well. So thank you."

Speaker Lyons: "Representative Sullivan."

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

Speaker Lyons: "Sponsor yields."

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Sullivan: "Representative, I apologize I... I'm... I meant to look at this the other day and I forgot. And so I'm... I'm... I just need some clarification here. They have the ability to have two separate levies."

Mautino: "Corporate and recreational, yes."

Sullivan: "So, .1 percent and .075 percent."

Mautino: "Correct."

Sullivan: "And not to exceed .25, is that correct?"

Mautino: "I... I believe not to exceed .35, not 25."

Sullivan: "Yeah, I'm sorry."

Mautino: "Three, five."

Sullivan: "The secondary portion without referendum. What we see in the past and maybe not so much in today's assessment climate is that in PTELL counties a lot of these, because they're capped, a lot of the rates have been driven into the ground almost. Is this a way for them to, because they're... they can't increase their levies as high for them to... to... to go to the maximum rate? I... I'm trying to just get clarification on this."

Mautino: "The... the amount that they collect cannot go up at all in here, just the way they apportion it. So they may apportion a different level to recreational than corporate use."

Sullivan: "Okay."

Mautino: "But the amount that they collect cannot go up. And this is specifically limited to PTELL counties because they're the ones that are currently having this problem."

Sullivan: "Are you seeing an instance where maybe they weren't using one of the portions of the rate and so they now want

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to use it and because of PTELL they're not allowed to increase the levy high enough to use it?"

Mautino: "Okay. So, you're actually asking about a specific situation that was brought up in... in committee when we talked about this Bill there. And that's exactly... one of the... one of those levies had not been used at all. And I think what... before going to do that they wanted to make sure and clarify in the statute that they could utilize that levy with... and make sure that they do not raise anything within that assessment itself, but they could just divide the way the money is spent. And so your question, the answer is yes. That was the specific example given by the park districts. One levy had never been utilized."

Sullivan: "Right."

Mautino: "They were relying everything in the corporate rate to fund those things in recreational."

Sullivan: "Sure."

Mautino: "And they wanted to ensure that they could do this."

Sullivan: "I... I... maybe me... this is just me being cautious, but right now under law you have the ability to go to .35 without referendum, so why... why do we even need this at all?"

Mautino: "Because there exists a statutory cap. The PTELL counties you have that cap and you're correct in."

Sullivan: "Yes."

Mautino: "Here there's a statutory cap involved here of .125 and excuse me, .1 and .25."

Sullivan: "Yes, .1 and .075 are the... that was changed to .25. You're right."

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Mautino: "Right. Okay."

Sullivan: "And so, you want the ability for them to use one of the rates to .2... .35?"

Mautino: "They can... they can go above the statutory cap, but stay below the PTELL cap."

Sullivan: "Okay. How does this affect... let's say and I'm... I guess I'm going back to the area. They might not want to use one of the rates and so you want to... all of the extension into one side or the other. That's, in essence, what you're trying to do here?"

Mautino: "Yes. They could move it to general corporate as opposed specifically to..."

Sullivan: "Okay. So... so..."

Mautino: "...recreation."

Sullivan: "...the crux of this Bill is to change that section, to change the caps on the two individual to say you can have a total of one in one or the other or a combination?"

Mautino: "That's a fair statement. And actually that's how the PTELL counties have been doing it, but they didn't know whether the law specifically allowed..."

Sullivan: "Okay."

Mautino: "...them to do that."

Sullivan: "So... so, circling around now that we have the understanding of what the Bill is... is truly doing, how does PTELL then or your belief that PTELL will... because right now you can't... if you weren't in any other... in any other unit of local government if you weren't levying in a specific area you... you wouldn't be able... unless you went through referendum, you couldn't start levying in that

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area. So do you think potentially this is a way around tax caps by allowing them to now gain an extra... they're, in essence... they're going to be able to gain a section or more revenue because they weren't using one section. That's my fear."

Mautino: "Okay. Yeah."

Sullivan: "Does that make any sense?"

Mautino: "It... it does. I follow what you're... what you're saying with it. To the answer, would it be trying to get around their tax caps? That... my belief there in... on following your same reasoning, would be no. They are not... they are still limited by the PTELL rate, which this is below those maximum rates that are set..."

Sullivan: "Sure."

Mautino: "...at PTELL. And they cannot increase or go above those."

Sullivan: "Right."

Mautino: "They can just transfer the money between two existing lines."

Sullivan: "I... I don't want to speak wrongly about your Bill, but for the... for the folks that have not been using one aspects of the two rates to equal the maximum to now change this law will allow them to use that where otherwise they would not have been able to do it without referendum. Is that a fair statement?"

Mautino: "Yes, they could do that without raising anyone's taxes. Correct."

Sullivan: "No, that... that actually wasn't my statement. Sorry."

Mautino: "Well, that's..."

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Sullivan: "Under this Bill in the past they would not... if they were levying to .1 and they weren't levying on the other side for them to then levy on the other side they would have had to go to the maximum rate 'cause you're... what we're saying is there's instances where they were not using one of the two rates. Right?"

Mautino: "Correct."

Sullivan: "Okay. So now this Bill says, you can take the maximum in one or the other or both. So, if you're doing that, then that effect is trying to take the portion that you've never used before go around the tax cap to now use that portion because otherwise you would have had to go to referendum. I want to make sure that is a correct statement. I think it is."

Mautino: "You're correct."

Sullivan: "Okay. Thank you. To the Bill."

Mautino: "You're correct."

Sullivan: "Some of you may want to take a quick look at this. It is somewhat technical and somewhat difficult. But right now, park districts have the ability to levy in two separate sections up to a maximum amount. The problem is there are instances where this park district might not have levied in one or the other areas. So the fix in this Bill is to allow them to go to the maximum under law except it is a circumvention of the tax cap for you that are in PTELL counties. They would not be able to do this unless they went to referendum. Under this Bill, we're going around the front-door referendum aspect to allow these units of local government to capture the maximum amount allowable under

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present law, but it is a circumvention of the tax cap. So, I just wanted people to be clear on what this Bill did. Thank you."

Speaker Lyons: "Representative Eddy."

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

Speaker Lyons: "Sponsor yields."

Mautino: "Yes."

Eddy: "Representative, I... I think the previous speaker did a... did a really good job of... of explaining a concern. But here... here's my basic bottom line question. Does the limiting rate... the overall limiting rate on the previous year's extension, does... does that rate, the final rate, fall within the 5 percent levy for all funds for the park district based on this change?"

Mautino: "Yes."

Eddy: "So, if..."

Mautino: "So, it's part of the limiting rate."

Eddy: "...so if... if the... I'm going to use real simple numbers."

Mautino: "And it's..."

Eddy: "If the extension, previous year's extension was \$100, the... the limiting extension for the... for the next year's levy would be capped by the 5 percent?"

Mautino: "Five percent or CPI, whichever's less."

Eddy: "Okay. So it would be capped. So, within that levy the park districts would have flexibility to go above the... the statutory rate..."

Mautino: "Limiting rate."

Eddy: "...for one of the two funds, but not the limiting..."

Mautino: "But not exceed..."

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Eddy: "...rate overall?"

Mautino: "Correct. They could go above one or the other of those two rates that are in there, but could not exceed the limiting rate."

Mautino: "Okay. And... and I... I think that's the... I think that's the real issue here. Is the purpose of this to allow the... the park districts flexibility within the limiting rate to adjust the... the two different types of levies?"

Mautino: "Yes. That's the stated purpose from the... from the park districts when they presented it. They wanted flexibility between those two lines which have a statutory limiting rate, but in..."

Eddy: "Is there any other instance for levies that... that allows this flexibility? Because I... I'm thinking this is something that we at least discussed doing for the limiting rate of school districts by allowing for the total extension limitation to be the guide within... But I think it was within the statutory limits. But you're going outside the statutory limits."

Mautino: "This... this would allow a change in the statutory limits, but not in the limiting rate."

Eddy: "Okay."

Mautino: "So you are... you are set by the..."

Eddy: "Previous year's extension?"

Mautino: "...in the PTELL counties, the 5 percent or CPI whichever is less. They can't go above that. Underneath there, there are two funds. One is corporate, one is recreational. They're used by park districts. So if you



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haven't been levying for this fund... for the recreational but you've been levying for corporate..."

Eddy: "Okay."

Mautino: "...they want the flexibility to use it in the proper fund. But they cannot..."

Eddy: "Go above the limiting rate overall."

Mautino: "...go above the limiting rate. Correct."

Eddy: "Who... who makes the decision? The park board by vote by resolution just like they would the levy, the elected park board? Is that who makes the determination? As part of the levy process they decide... they set the rate?"

Mautino: "Park district board."

Eddy: "And they're elected? And they can't go over the total limiting rate?"

Mautino: "Correct. Yes."

Eddy: "Why is the Farm Bureau opposed? Have they contacted you?"

Mautino: "You know, they just gave me this... this sheet. And so, I'll have to... I don't know why they're opposed. They were not opposed in committee; they were right there when I presented the Bill. They asked a question. I think, at... at best they were neutral because they may... they had talked with the park district to see what they were trying to do. So this... this comes as a surprise."

Eddy: "Well, I... and I'm trying to understand their opposition because it would not affect the amount that the park district could levy against the farm property. At the end of this, the limitation is still the limitation. It's just whether or not it's going to be corporate or recreational."

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So for... for a... for a parcel of land, it's not going to change the total amount that is levied, right?"

Mautino: "That's... you know, in just talking with staff, there won't be a change in their PTELL limiting rate. So, I... I don't know."

Eddy: "So, this isn't going to... this isn't going to increase their... their taxes. Maybe it's an understanding issue. Okay. Well, Representative, thank you. I... I think this is a flexibility of the overall rate likely isn't going to change and I'm not sure why the Farm Bureau is opposed to this. But... but certainly maybe we'll... we'll be able to get the answer to that as this moves on. And you... you might be able to work on it if they have that opposition if this gets the requisite number of votes in the Senate. Thank you, Representative."

Speaker Lyons: "Representative Mautino to close. Frank, you... you can close, Frank."

Mautino: "Sure. I appreciate the comments that have been brought forward. I will be happy to continue to work on this in the Senate. I'd like to find out myself why the Farm Bureau has stated their position. So, I appreciate an 'aye' vote. I will continue to work on this. And if there's some changes we can make there we will."

Speaker Lyons: "So, the question is, 'Should House Bill 1578 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 all voted who wish? Have all voted who wish? Beiser, Dunkin, Feigenholtz, Holbrook, Jackson. Representative Beiser. Mr. Clerk, take

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the record. On this Bill, there are 44 Members voting 'yes', 65 Members voting 'no', 3 voting 'present'. The Bill, having failed to receive the Constitutional Majority, is hereby declared failed. Representative Mautino, also on Third Reading, you have House Bill 1866. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1866, a Bill for an Act concerning local government. Third Reading of this House Bill."

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

Mautino: "Thank you. This amends the Upper Illinois River Development Authority. And it increased the amount of bonds that the authority can issue. They've come up against their statutory ceiling from 250 million to 500 million for the purposes of development, construction and acquiring projects within their authority. Additionally, we've taken away the... these would be revenue only bonds. We have taken out the authority's ability to have a moral obligation, which then puts these projects in the... basically would be under the responsibility of the state. So the projects have to stand on their own. It has a... a long, very solid history throughout Bureau, LaSalle, Putnam, Kendall, Kane County. Those counties that rely on them as kind of their local DCCA. And appreciate an 'aye' vote."

Speaker Lyons: "Is there any discussion? Chair recognizes the Gentleman... no, I don't. Seeing no other questions being sought, the question is, 'Should House Bill 1866 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish?  
Representative Brauer. Burke. Nekritz. Mr. Clerk, take the  
record. On this Bill, there are 79 Members voting 'yes', 33  
Members voting 'no', 0 voting 'present'. This Bill, having  
received the Constitutional Majority, is hereby declared  
passed. Representative Patti Bellock on the Order of Third  
Readings you have House Bill 1656. Read the Bill, Mr.  
Clerk."

Clerk Bolin: "House Bill 1656, a Bill for an Act concerning  
public aid. Third Reading of this House Bill."

Speaker Lyons: "Representative Patti Bellock."

Bellock: "Thank you very much, Mr. Speaker. House Bill 1656 we  
discussed yesterday because the Amendment became the Bill.  
And what it does is, the Department of Healthcare and  
Family Service with the cooperation of DHS shall provide a  
report to the General Assembly by January 1, 2012,  
regarding the feasibility and potential of consequences of  
centralizing administrative functions around Medicaid. This  
is what I discussed yesterday at looking at some more types  
of reforms of a better structural system on how to provide  
Medicaid services in Illinois."

Speaker Lyons: "You've heard the Lady's explanation on House  
Bill 1656. Is there any discussion? Representative Mary  
Flowers. The Lady does not seek recognition. There's no one  
else seeking recognition, the question is, 'Should House  
Bill 1656 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 all  
voted who wish? Beiser. Dunkin. Flowers. Mary. Mr. Clerk,

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take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mary Flowers, for what purpose do you seek recognition, Ma'am?"

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

Speaker Lyons: "Please proceed."

Flowers: "I would like for the gallery... the seniors in the gallery to please stand and I would appreciate it if the Body would give the south side seniors a great round of applause, please. And welcome to Springfield. Thank you. Thank you very much."

Speaker Lyons: "Welcome to your Capitol, senior citizens. Glad to have you. Mr. Clerk, on page 22 of the Calendar we have House Bill 1712. And Representative JoAnn Osmond, it's my understanding you'll be carrying the Bill for Representative Beaubien. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1712, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Lyons: "Representative JoAnn Osmond."

Osmond: "Thank you, Mr. Speaker. I have the privilege of carrying this for Representative Beaubien who's not with us today, but doing better. And this Bill, as amended, is with the Illinois Power of Attorneys Act and provides that an excluded power of attorney is not revoked by a subsequent power of attorney. And this was to address the issue of multiple powers of attorney that are conflicting on documents. This addresses the problem by requiring a power of attorney to be specifically referenced to be revoked to

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avoid this problem. I know of no opposition, I'd be happy to answer any questions."

Speaker Lyons: "Representative Osmond moves for the passage of House Bill 1712. Is there any discussion? Seeing none, all those in favor of its passage signify 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? Sara Feigenholtz. Raymond Poe. Mr. Clerk, take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Rich Brauer, you have on the Order of Third Readings, on page 25 of the Calendar, House Bill 3175. Out of the record. Ladies and Gentlemen, it's my privilege and honor to put in the Chair for the first time, Representative Leader Marlow Colvin."

Speaker Colvin: "Representative Colvin in the Chair. On page 24 of the Calendar, we have Representative Currie with House Bill 2874. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2874, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Colvin: "Representative Currie."

Currie: "Thank you, Speaker, Members of the House. This creates a pilot program so that the service boards within the RTA area might prepare universal fair cards specifically directed at seniors. In the long run, we want universal fair cards for everyone. And I know that my district mate has a Bill that I strongly support that over time would make a universal fair card the way we do mass transit in northeastern Illinois. But we have just finished a project

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during which seniors, given the opportunity to ride free, have been indeed riding the rails. And I think that we've seen good effects, both in terms of road congestion and in terms of reduced pollution. I think that it's a convenience, the hassle free nature of the card that is got so many seniors out of their homes and out of their cars. And I think having a single card that will help them go from CTA to pace to Metra will help keep those seniors on mass transit and out of their individual cars. So I would appreciate your support for this proposal."

Speaker Colvin: "Is there any discussion? Representative Franks is recognized for a question."

Franks: "Thank you, Mr. Speaker. And I want to congratulate you on your elevated status. It's good to see you up there and wish you much continued success. That's... that's cool. I'd like to know if the Sponsor will yield?"

Speaker Colvin: "She yields."

Franks: "Thank you. Representative, I'm reading your... your legislation and I'm just astounded... just astounded that we need to legislate this."

Currie: "I wish we didn't. I wish we didn't."

Franks: "I think this brings a much larger issue. And I'm going to support the Bill, but to the Bill. I... I think the Majority Leader brings a very important Bill because I think it shows how antiquated our system is, the RTA system and how we have... when we have competing agencies not working together that here we are in the year 2011 and we have to pass legislation telling them to do a universal fair card. It's embarrassing. It was just a few months ago

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that Metra actually took credit cards. Exactly. My friend, Mr. Dunkin, says we ought to consolidate all of these agencies and he's 100 percent right. Thank you. It's what we should be doing. Matter of fact, we should get rid of all these boards. We should take away all of their pay. We should take away all of their pensions. We should take away all of their health care. We have that Bill and hopefully it will be heard next Monday in committee. And I hope you'll get your support on that. But that it... I think this is indicative of a system that is tragically broken. A system that we have to micromanage because they can't make their own decisions, because they can't modernize, because they can't work together. A Bill like this shows why we need to consolidate and have one agency that works together and that we need to have people there with real experience instead of the political hacks that have been put there based on who they know and not what they know. So, I will encourage an 'aye' vote on this Bill. But understand and next week you're going to have the opportunity to do real change for these systems that desperately need it. And in the meantime, I'd ask you to call upon your respective county board chairmen, those of you in the collar counties and demand that they ask for the resignation of every member of the Metra board. The board that has allowed these type of abuses; the board that is not responsible. Call upon your county boards to do the right thing. Don't make us have to micromanage everything like this Bill is doing. Please vote 'yes', but let's do more together."

Speaker Colvin: "Further questions? Representative Senger."



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Senger: "Thank you, Mr. Speaker. If the Sponsor would yield? I... I'm in total agreement. I think this is time we modernize the system. But I know Metra had an issue with it and I thought their issue had to do with the fact that it's going to take them quite some time to get this system to work with everything else. Have you heard from them?"

Currie: "We've heard from Metra, that they are concerned that they will not be able to do this as seamlessly at this point as they were able to deal with the universal fair card without... without cost, but I don't think it's impossible and I'm certainly hopeful they will work with us to make this a reality."

Senger: "Thank you."

Speaker Colvin: "Further questions? Representative Ramey."

Ramey: "Thank you, Mr. Speaker. I must say you're looking pretty good up there, Sir. Will the Sponsor yield?"

Speaker Colvin: "She yields."

Ramey: "Thank you. Representative, one question was answered about Metra. What are we going to do... are... are we going to wait for them to set up the rules how to set up this program and to get the IDs out?"

Currie: "The idea is they should... we hope that they will be able to do this coterminous with the elimination of the universal fair card that is in place today."

Ramey: "So, what are the requirements for identification?"

Currie: "Well, it would happen the same way it happened with the universal fair card. You'd have to go, I hope, to a single location. Here's to say, I hope you don't have to go one place to get the CTA approval and another to get Metra

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and a third to do pace. I would hope the RTA would work with the service boards so that in every area there would be specified locations where you could go to apply for one card. And I think you would be able to use the same information that got people the universal card in the first place. I believe anything that shows proof of... of age would be enough and name and address."

Ramey: "So, a state-issued ID card or driver's license?"

Currie: "Or a driver's license, exactly."

Ramey: "But anything else is... is acceptable?"

Currie: "Well, anything that would show proof of age and address."

Ramey: "Would... would... would it follow the lines of the Secretary of State when you go to get an ID card, let's say?"

Currie: "Right, exactly."

Ramey: "Okay. Very good. Will there be a photo on the ID, do you know?"

Currie: "I don't. We haven't... we haven't established that in the Bill. I think there should be a photo..."

Ramey: "Right."

Currie: "...as there was with the universal fair card."

Ramey: "What... let's say they don't decide to put that into rules. Should we make a statement that it should be a photo ID?"

Currie: "I think... yep, I will certainly say for purposes of legislative intent that it would make eminently good sense for this to be a photo universal card."

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Ramey: "Mr. staff person, can you move your head? Thank you, Representative. I appreciate the information."

Speaker Colvin: "No one else seeking recognition, Representative Currie to close."

Currie: "I'd appreciate your 'aye' vote."

Speaker Colvin: "Question is, 'Shall House Bill 2874 pass?' All those in favor vote 'aye'; opposed vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 111 'yea'... Clerk, take the record. On this question, there are 111 'yea', 1 'nay', 0 'present'. This Bill, having received the Constitutional Majority, shall hereby considered passed. On page 23 of the Calendar, we have House Bill 2084, Representative Crespo. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2084, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Colvin: "Just a moment, Representative Crespo. Representative Bost."

Bost: "Thank you, Mr. Speaker. An inquiry of the Chair. First off, it's... it's wonderful to see you there. An inquiry of the Chair would be as followed, is it possible that we could let the Members know when someone is new might show up in the Chair so that you don't really attack their Bill while they're on the floor and that way, you know, you don't have to answer to that later in the day. I'm just wondering if that's something we could put in the rules or..."

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Speaker Colvin: "Well, Representative... well, Representative Bost, from here I can't bring any bad Bills for you to vote 'no' on so."

Bost: "That is true."

Speaker Colvin: "You'll be okay."

Bost: "That is true, Mr. Speaker. Good to see you there."

Speaker Colvin: "Representative Crespo."

Crespo: "Thank you, Speaker Colvin, Members of the House. House Bill 2084 creates a task force to develop a five-year comprehensive strategy for the state's mental health services. The plan should include the following: provides sufficient home and community based services, improving access to care, reduce regulatory redundancy, effective, efficient and appropriate care regardless of the setting, the use of appropriate clinical outcomes, ensuring hospitalization and institutional care are available when necessary and maintaining financial liability for providers that is cost neutral or saves the state money."

Speaker Colvin: "With no one seeking recognition, the question is, 'Shall House Bill 2084 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Barickman, Hammond, Rita. The Clerk, take the record. With 110 voting 'yes', 0 voting 'nay', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 20 of the Calendar, we have House Bill 182, Mr. Eddy. Excuse me, 192... House Bill 192. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 192, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Colvin: "Representative Eddy."

Eddy: "Thank you, Mr. Speaker. Before I go into the Bill, I want to report to the Members who are receiving statistics from last night's basketball game that there's been an egregious error made and I'm not sure exactly why, but it... it states on this that Leader Cross was zero for zero. He missed one shot. He was zero for one and the staff members are obviously trying to protect him from his zero percent shooting. And I wanted to get that on the record. He... he actually did take a shot and he missed it. House Bill 192 is a Bill that has been agreed upon by the Attorney General's Office and several groups related to no contact orders for students returning to school, especially has an affect with special education students. At this point we're... we're in pretty good agreement on this. We're going to continue maybe to work a little bit in the Senate on a couple of concerns, but I would ask for a favorable vote and try to answer any questions."

Speaker Colvin: "The Gentleman has moved for passage of House Bill 192. Seeing no one seeking recognition, the question is, 'Shall House Bill 192 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cole, Bost, Gabel, Leitch, Rita, Sacia. Clerk, take the record. On this question, there are 100 voting 'yes', 10 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared

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passed. On page 24 of the Calendar, we have House Bill 2094, Representative Hammond. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2094, a Bill for an Act concerning wildlife. Third Reading of this House Bill."

Speaker Colvin: "Representative Hammond."

Hammond: "Thank you, Mr. Speaker. And congratulations, by the way. House Bill 2094 amends the Wildlife Code and provides that it shall be unlawful for any person to take or attempt to take wild turkey or deer by the use or aid of bait or baiting of any kind. And it furthers goes on to define what bait is. Thank you, Mr. Speaker. I'd appreciate your favorable vote."

Speaker Colvin: "On that question, Representative Lang is recognized."

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

Speaker Colvin: "She does."

Lang: "Thank you. Are either turkey or deer fur-bearing mammals?"

Hammond: "Neither... well, actually a deer would be a fur-bearing mammal, but it was not included in my previous legislation."

Lang: "And I'm... and I'm... oh, it was not included?"

Hammond: "No."

Lang: "So, if I hit one of those with my car, I can't pick it up and take it home?"

Hammond: "No, sorry. That... but we could cosponsor that together next Session if you would like, Representative?"

Lang: "Yeah, let's get on that. I'm also wondering if this Bill only applies during deer and turkey season?"

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Hammond: "Absolutely."

Lang: "All right. That's good to know. Thank you."

Speaker Colvin: "Further questions? Representative May."

May: "Yes. Would you define road kill as bait?"

Hammond: "I do not define it in this legislation. No, Representative."

May: "I'm so glad to hear that. Thank you."

Speaker Colvin: "Further questions? Representative Sullivan."

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

Speaker Colvin: "She yields."

Sullivan: "Representative... and I do have some pertinent questions here. When you... will this apply if you have bait and a presence of a hunter or if you just have bait? What I'm getting at is, there are times people feed deer or they feed this or feed that. We don't want to have them get into trouble over this. So, how do you define whether something is being baited? Is it the presence of the bait during deer season or is it something else?"

Hammond: "It... it is, Representative. It's the presence of the bait during deer season and 10 consecutive days following that."

Sullivan: "Okay."

Hammond: "Or turkey season."

Sullivan: "So, what would happen in the instance where maybe someone had some corn out, they weren't hunting the land and it was during deer season?"

Hammond: "And for what reason do they have the corn out?"

Sullivan: "It could be a million different reasons. Some people just like to feed deer. I mean, it really is that easy."

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There... there are people in the world that like to feed deer."

Hammond: "As... as long as they're not using that for hunting or taking then it doesn't..."

Sullivan: "And... and that's... that's the point I want to clarify. If it's just the presence of a material that would be considered bait is not the factor that... that this kicks in, it's if you are also hunting the land?"

Hammond: "Absolutely. Absolutely. It is hunting the land. It... it does not preclude someone from feeding turkey or deer."

Sullivan: "Only because a lot of people do that. So, reading the Bill and now that I've found the Section, it shall be unlawful for any person to take or attempt to take. So, you have to be the active engaged in hunting..."

Hammond: "Right."

Sullivan: "...with the presence of this material during season and 10 days after?"

Hammond: "Absolutely."

Sullivan: "Thank you for your clarification."

Hammond: "You're welcome."

Sullivan: "I appreciate it. Please vote..."

Speaker Colvin: "Further questions? Representative Bost."

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

Speaker Colvin: "She does."

Bost: "Representative... and I'm... I'm truly trying to figure this out because the Federal Government has a whole lot of... of problems on how to enforce baiting, okay? And... and whenever I say that, for instance, during the normal farming practice, when you're farming and... and you're harvesting



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corn. A combine screen has a... has a setting on it, on... on the bad material that falls out, sometimes corn can leak through. Now that is now laying on the ground and that's done by the farmer. All of a sudden someone comes up and is hunting that field and there's corn on the field. What... what clear definition do we have in your Bill that would not allow that hunter to get... be in trouble because there happens to be either corn that has not been picked, corn that's fallen over, corn that's... in that way?"

Hammond: "Representative, it does clearly state in the legislation that it is for the purpose of hunting or taking."

Bost: "Okay. I... I understand that. But where does he make... and I'm just looking at the fact of maybe we would have an overaggressive new young officer that's trying to... or even sometimes and this does happen because of the community we live in, he's got one person he's really got it out for. What... what says and describes what baiting is? Because it is very, very difficult to do that. Even the feds have said that. What... what does the actual language say? I'm sorry."

Hammond: "It specifically states that nothing shall be construed to prevent the manipulation including mowing, cutting of standing crops as a normal agricultural or soil stabilization practice."

Bost: "Okay."

Hammond: "So it is clearly stated in there, Representative. As a matter of fact, there is currently a court case in Rock Island where they are very anxious for this legislation to

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pass because they have some real concerns on what is considered bait."

Bost: "Yeah because it's always been very hard to define. I mean, I..."

Hammond: "Right."

Bost: "...I've been around and seen people charged that I know good and well all they were doing was sitting at a deer stand and a particular young aggressive officer said, oh, well, we have this sitting over here. Another question that was asked is that, from one of the other Representatives is, in a salt block. It... it... where you normally have a salt block set in the normal farming practice, the salt remains on the ground even if you remove that salt block. Or if you are in a pasture and the farmer has a salt block setting, is that salt block then considered baiting because a deer as well as cattle will move towards that?"

Hammond: "Absolutely not. It is not there for the purpose of hunting deer."

Bost: "Okay. Thank... thank you, Representative. I just want to make sure that that's all on the record."

Hammond: "Absolutely. Yep."

Bost: "Thank you."

Hammond: "Thank you."

Speaker Colvin: "With no one else seeking recognition, Representative Hammond to close."

Hammond: "Thank you very much. I'd appreciate a favorable vote."

Speaker Colvin: "The question is, 'Shall House Bill 2094 pass?' Those in favor vote 'aye'; those opposed vote 'nay'. The

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voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Burke, Roth. Clerk, take the record. On this question, there are 110 'yea' votes, 0 'nay' votes and 0 'present' votes. This Bill, having received the Constitutional Majority, is hereby considered passed. Mr. Clerk, on page 23 of the Calendar, we have Representative Davis with House Bill 2086. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2086, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Colvin: "Representative Davis."

Davis, M.: "First of all, congratulations, Mr. Speaker. And I'm not going to say I'm not jealous because I'm very jealous. House Bill 2086 is a Bill that states that students who are expelled or suspended for over 20 days do have the right to attend an alternative school. Previously, when I had the Bill in the record, Representative Rose pointed out that I was amending the incorrect Section and he was absolutely correct. So, we... we passed... we did an Amendment to place this in the correct Section. Representative Eddy wanted to make sure that it was not just for students who were at risk, but all students. So, we amended the Bill to state that all students could participate and not just those at risk. So we ask that you vote 'yes' on the Bill to allow students who are expelled or suspended attend an alternative location in order to continue with their education and supervision. So, I just ask for an 'aye' vote."

Speaker Colvin: "Representative Eddy for a question."

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Eddy: "Thank you. Excuse me. Would the Sponsor yield? Representative Davis, we discussed this and thank you very much for your help in getting this clarified. Your Bill doesn't require that the safer alternative school take the suspended or expelled student, but it says that they can't just summarily dismiss that student from their programs because they were suspended or expelled?"

Davis, M.: "That is absolutely correct, Representative Eddy. Because a school may not have the space, a school may feel that it jeopardizes safety of others and the director of that location certainly has the right to deny a student admission. But as you stated, not simply because there was an expulsion or suspension."

Eddy: "Well, I... I appreciate that and I appreciate moving this so that it... it... it is more expansive. It is a real problem in this state. Students who are suspended, expelled from school for a variety of reasons. Sometimes they just hit... hit a certain point level in a... a progressive discipline system and that alone should not be the sole reason for them not to be allowed into an alternative or a safe school and it makes perfect sense. Thank you, again and I... I urge the Body to support the... the Lady and to pass this on to the Senate."

Davis, M.: "Well, I certainly thank you for your help. I thank Jerry Mitchell for his help. And I do appreciate all of the suggestions and the hard debate that you guys assisted me with."

Speaker Colvin: "Representative Davis to close."

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Davis, M.: "I would just ask for an 'aye' vote. I think our children deserve this. They're not all good and they're not all bad, but this will give many of them an opportunity to move on with their lives. And thank you, Mr. Speaker. I just ask for an 'aye' vote."

Speaker Colvin: "The question is, 'Shall House Bill 2086 pass?' Those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there is 110 'yea' votes, 0 'nay' votes, and 0 'present' votes. This Bill, having received the Constitutional Majority, is hereby considered passed. Representative Monique Davis, on the Calendar we have House Bill 3550. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3550, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Colvin: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 3550 amends the Fire Department Promotion Act. It provides that review sessions held after an examination has been given for the purpose of gathering feedback from candidates and it shall be at no cost to the candidate. This Bill came about because one of the constituents of mine in Alsip had taken the exam and a private company attempted to charge her \$100 for taking the exam. And the fire department and the Illinois Fire Association is totally against that because candidates are allowed to review their test scores free of cost. So, this Bill just states that they must be given that opportunity at no cost."

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Speaker Colvin: "No one seeking recognition, the question is, 'Shall House Bill 3550 pass?' Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Gabel, Lilly, Riley. Mr. Clerk, take the record. On this question, the 'yeas' are 110, the 'nays' are 0, and 0 'present' votes. This Bill, having received the Constitutional Majority, is hereby considered passed. Representative Eddy, for what reason do you seek recognition?"

Eddy: "A point of clarification... personal privilege, Sir."

Speaker Colvin: "State your point."

Eddy: "I stand corrected on the staff sheet from last night. Ladies and Gentlemen of the House, it is accurate that Representative Cross was zero for zero. He did take one shot, but on the footnote it does state for... for it to be recorded as a shot the ball has to touch the rim or backboard. Apparently that didn't happen, so this is accurate."

Speaker Colvin: "Representative Stephens is recognized."

Stephens: "I... I'm sorry, but did Representative Eddy just say that Leader Cross took a shot and it missed the backboard and then it missed the rim? We've got a name for that, don't we?"

Speaker Colvin: "I think the technical word would be a brick."

Stephens: "We..."

Speaker Colvin: "Air ball."

Stephens: "...we would call it an air ball, air ball... air ball. Way to go, Tom."

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Speaker Colvin: "On page 24 of the Calendar, we have Representative Harris... Davis Harris with House Bill 3076. Out of the record. Mr. Clerk, on page 25 of the Calendar, we have House Bill 3284, Representative Mathias. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3284, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Colvin: "Representative Mathias."

Mathias: "Welcome, Mr. Speaker and it's great to have you here and you're doing an excellent job so far."

Speaker Colvin: "Thank you."

Mathias: "Thank you. House Bill 3284 amends the Criminal Code. And it provides that a person who commits the offense of indecent solicitation of a child by knowingly using the Internet and then lies about his age to the child is guilty of a felony that's one class higher than the penalty for the same conduct without the Internet. And as you know, today there is so much going on on the Internet. It's different face to face, you can see who's... who's there and determine their age, but so many people now lie about their age on the Internet in order to get close to a child that this, I think, is more egregious and should have a higher penalty. There are, to my knowledge, no opponents. And I believe this passed unanimously out of committee. So I ask for your... yes, I believe so. So, I ask for your 'aye' vote."

Speaker Colvin: "The Gentleman has moved for passage of House Bill 3284. Seeing no one is seeking recognition, the question is, 'Shall House Bill 3284 pass?' Those in favor

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vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. With 110 voting 'yes', 0 'noes', 0 'presents' this Bill, having received the Constitutional Majority, shall hereby considered passed. Mr. Clerk, on the Calendar on page 24, on the Order of Third Reading, we have House Bill 2936, Representative Golar. Mr. Clerk, read the Bill. Mr. Clerk, put this Bill on the Order of Second Reading. Any Motions pending?"

Clerk Bolin: "Floor Amendment #2, offered by Representative McAsey, has been approved for consideration."

Speaker Colvin: "Representative McAsey on the Amendment."

McAsey: "Thank you. Floor Amendment 2 is an Amendment that's technical in nature. There was previously an Amendment adopted in committee to address some concerns with the Hospital Association. This is the same language to adopt those concerns and I move for the adoption of the Amendment."

Speaker Colvin: "The Lady moves for the adoption of the Amendment. All those in favor say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment has been adopted. Any further Amendments, Mr. Clerk?"

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

Speaker Colvin: "Third Reading. Mr. Clerk, on the Calendar on page 22, Representative Golar has House Bill 1684. Mr. Clerk, read the Bill."



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Clerk Bolin: "House Bill 1684, a Bill for an Act concerning health facilities. Third Reading of this House Bill."

Speaker Colvin: "Representative Golar."

Golar: "Thank you, Mr. Speaker. This Bill is an initiative of the National Multiple Sclerosis Society. And what this Bill does is that it enhances Hospital Licensing Act, it ensures patient safety, dignity, self determination and choice in patient handling policy. It is important that in the past, especially with individuals with disabilities, that patient care is primary. And if there are any questions, I will open up for any questions now and I ask for an 'aye' vote."

Speaker Colvin: "The Lady is seeking passage of House Bill 1684. And on the question, Representative Lang is recognized."

Lang: "Thank you. I rise in support of the Bill. I simply wanted to thank Representative Golar for picking this Bill up from me and moving it. This is an initiative of both Access Living and the National Multiple Sclerosis Society to make sure that patients who are being moved are just moved in a safe way, both for the patients and to limit liability for those moving the patients. It's an excellent piece of legislation. It deserves your support."

Speaker Colvin: "With no one else seeking recognition, the question is, 'Shall House Bill 1684 pass?' Those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Franks. Clerk, take the record. With 110 'yes' votes, 0 'no' votes, 0 'present' votes, the Bill will be... this Bill, having considered...

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having received the Constitutional Majority, is hereby considered passed. Mr. Clerk, on House Bill 1953, on page 23, Representative Holbrook. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1953, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Colvin: "Representative Holbrook."

Holbrook: "Thank you, Speaker. House Bill 1953 is an initiative of the fabric association... the Fabric Care Association of the Drycleaners. It clears up some issues they had under the bankruptcy clause of their trust fund. It came out of committee unanimously and I know of no opposition."

Speaker Colvin: "No one seeking recognition, the Gentleman moves for the passage of House Bill 1953. Those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Cavaletto, Representative Golar, Representative McCarthy. McCarthy. Clerk, take the record. With 110 voting 'yes', 0 'nays', 0 'presents', this Bill, having received the Majority, is hereby considered passed. Mr. Clerk, on page 26 of the Calendar, we have House Bill 3539, offered by Representative Morrison. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3539, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Colvin: "Representative Morrison."

Morrison: "Thank you, Mr. Speaker. What House Bill 3539 would do would delete the provision concerning the General State Aid hold harmless designation in the School Code. As you know, this program was instituted when the school formula

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was changed. The... the funding formula was changed back in the late '90s. It was never meant to go on in perpetuity. And what's particularly interesting is, in the last year the program was not funded. And so, now's the time to phase it out. And I would take any questions. I ask for passage."

Speaker Colvin: "The Gentleman is seeking passage of House Bill 3539. And on the question, Representative Eddy is recognized."

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

Speaker Colvin: "Sponsor yields."

Eddy: "Representative Morrison, how... how does a district acquire hold harmless funding status? How... how does a district qualify?"

Morrison: "That is a good question. If... if they fell below the 1997 levels, then they would qualify."

Eddy: "So, whatever calculated General State Aid a district received in 1997 they would receive in perpetuity even though perhaps the enrollment of the school district had declined say in the last 14 years?"

Morrison: "Yes. There are other factors as well, but yes that would be one factor."

Eddy: "So, if you had a couple thousand kids and... and your enrollment declined down to 1500, the calculation would still be based on a couple of thousand kids?"

Morrison: "That is correct, yep."

Eddy: "So, if... if you had, in the meantime, experienced an increase in... used the assessed value of property in your district which... which generated more local property tax

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effort than in 1997, you would... you would be receiving more money locally, but you would still receive the money that your district would have calculated way back in 1997?"

Morrison: "Yes, that is correct."

Eddy: "Now, do you know how many school districts are affected by the hold harmless calculation?"

Morrison: "Well, initially I believe it was around 100."

Eddy: "So, in 19..."

Morrison: "I have to double check on that."

Eddy: "...in 1997 when it started there were about 100 school districts that received the funding because they would have received less?"

Morrison: "Let me double check the numbers on that, I don't want to give you bad information. But..."

Eddy: "What's... what's happened... do you know what's happened to the benefit... or the total amount of money spent on hold harmless over the years?"

Morrison: "Well, it has dropped."

Eddy: "So, why... why would a school district today continue to receive money that is calculated based on 1997?"

Morrison: "That is an excellent question and that's why I'm introducing this Bill."

Eddy: "Okay. So, you basically would like to see this... what about other hold harmless in the School Code? For example, special education hold harmless. There's... there's a calculation as well related to special education hold harmless. There's a... there's a block grant for the City of Chicago that's also based on 1995 figures. So..."

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Morrison: "This... this legislation does not go into those issues, but..."

Eddy: "This only takes care of the hold harmless from the '97... '97?"

Morrison: "That is correct, right."

Eddy: "Well, Representative, I... I think this is something that we have to explore. Certainly you've brought before the Body an issue that... last year, by the way, were hold harmless schools funded?"

Morrison: "They were not funded last year, no. And the previous year we had to prorate what they were given because just the funds were not there."

Eddy: "Okay. So, I think last year we provided the Governor with a block grant authority?"

Morrison: "That's correct."

Eddy: "And the Governor's Office decided that this was something that shouldn't be funded because of other priorities."

Morrison: "That is correct, yes."

Eddy: "Thank you, Representative. You know this is difficult for those schools, but I think if we're going to move toward public policy that best serves the funding formula that at some point or another this is exactly the kind of policy we need to pursue. Thank you."

Morrison: "I appreciate your questions, thank you."

Speaker Colvin: "With no one else seeking recognition, the question is, 'Shall House Bill 3539 pass?' All those in favor say 'yes'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Representative Currie, Kay, Pritchard, Sacia. Clerk, take the record. On the question, with 73 voting 'yes', 37 voting 'no', 0 'presents', this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 22 of the Calendar, House Bill 1552, offered by Representative Nybo. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1552, a Bill for an Act concerning human rights. Third Reading of this House Bill."

Speaker Colvin: "Representative Nybo."

Nybo: "Thank you, Mr. Speaker. HB1552 is part of a commitment that I made coming down here. And the commitment that I made was to do anything that I could to make our regulatory business climate more business friendly. And sometimes those steps are large steps and sometimes they're small steps. This is a small step. And what HB1552 does is that it says that for charges of discrimination filed under the Illinois Human Rights Act, when those charges are investigated also by the federal agency and the agency comes to a decision on that charge other than a finding of substantial evidence, that in those situations the Illinois Department of Human Rights will be required to adopt the determination of the federal agency. In situations where there's a finding of substantial evidence, the department will retain the discretion that it currently has to decide whether to proceed with an investigation on the charge. This... this comes to me as an initiative of the Illinois Chamber of Commerce who are strongly in support of this Bill. I think it's an important step to give employers more

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finality in the administrative process with respect to investigations of charges of discrimination. It will prevent the situation where an employer will be subject to duplicative identical investigations on the same charge of discrimination. So, it stream... streamlines the process. We did work with the department to ensure that they have no opposition and we addressed all of the concerns that they brought with the proposal. I would be happy to entertain any questions that Members have and I would ask for your support on this."

Speaker Colvin: "Gentleman has moved for the passage of House Bill 1552. And no one... excuse me, Representative Riley is recognized for a question."

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

Speaker Colvin: "Sponsor yields."

Riley: "Representative, on my analysis I still list Illinois Department of Human Rights as an opponent. Can you give me some clarity along those lines?"

Nybo: "I'd be happy to give you some clarity. They are not an opponent; they are neutral with the Amendment that we have adopted. So, the Department of Human Rights is neutral on this Bill, which was represented at the hearing that we had on this last week. They are not an opponent on this Bill."

Riley: "Thank you."

Speaker Colvin: "Further questions on the measure? Representative Stephens is recognized."

Stephens: "Well, the phrase 'sartorial splendor' comes to mind. I... I wonder if the Representative would care to share with

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the Body, I think the right phrase is 'who he's wearing today'?"

Nybo: "Thank you, Representative Stephens. I thought you had my back, but I'm happy to report that I'm wearing my own clothes today, should any Member of the Body care."

Speaker Colvin: "Are we all done, Representative Stephens? On this question, 'Shall House Bill 1552 pass?' Those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Brady. Clerk, take the record. With 110 'yes' votes and 0 'no' votes and 0 'present' votes, this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 23 of the Calendar, we have House Bill 2066, offered by Representative Jakobsson. Representative Jakobsson on House Bill 2066. Out of the record. Mr. Clerk, on page 21 of the Calendar, we have House Bill 1293, offered by Representative Lang. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1293, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Colvin: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill, which passed the House easily last year, substantially the same Bill has become contentious for some reason that I can't understand. This Bill involves who can do... who can perform the sale of a piece of property after the foreclosure. The law has been very clear it seems to me for some years that the plaintiff has the choice of their option as to who can do... who can transact the sale. When a



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sheriff does it, it's more costly and it takes a lot longer. When a private party does it, it's less costly and more efficient. It is not only less costly to the parties, but when a private entity is doing the selling of these foreclosed properties, they get back to a condition where people are buying them more quickly, people are in the properties, they're keeping up their properties, they're mowing the lawn, they're raking the leaves. They... they're taking care of the buildings which makes property values go up in all the properties around it. As we all know because of foreclosed properties in various neighborhoods around the State of Illinois property values have decreased. We want to get these more foreclosed properties moving forward as quickly as possible. And what has happened in some counties is that some judges are misinterpreting what is already the law. The law provides plaintiffs the choice of who can conduct the sale, but it requires a judge's order. And in some counties a judge says, oh, no, we're not going to let these plaintiffs make their choice; we're not going to follow the clear law. We're going to say that only the sheriff can do these sales. That's not what the law says. This Bill will clear that up. And for those of you that follow court cases, there was a court case decided in 2008 called Household Bank v. Jewel Lewis which holds very clearly that in a mortgage foreclosure proceeding the plaintiff is the master of the cause of action. This Bill simply clarifies that the plaintiff is the cause of his or her own action in a foreclosure matter whether it be a bank, or mortgage finance company, whatever it might be. It

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could be a credit union. That's why those folks all support the Bill. But the counties ought to support this Bill as well because it increases property values for everyone. I ask your support."

Speaker Colvin: "The Gentleman is seeking passage of House Bill 1293. And on the question, Representative Eddy is recognized."

Eddy: "Representative, at the current... Oh, would the Sponsor yield?"

Speaker Colvin: "He does."

Eddy: "Thank you. At the current time, could you describe the process that's used to determine the party that would invoke the fore... the foreclosure process?"

Lang: "Certainly. When the time comes to move for the sale, the plaintiff will go into court and get a court order to provide a date for the sale and who's going to conduct the sale. And the plaintiff will always suggest who... who they want. Sometimes it could be the sheriff, but oftentimes because it's cheaper and more efficient, it is a private seller. The judge has to sign off on that and sign an order. And in many counties the judge is avoiding the clear law by not signing an order that allows for the private sellers, but requires that the sheriff and only the sheriff do it. And in fact, in most counties it's not really the sheriff that ends up doing it. The sheriff brings in another private party or the sheriff has a clerk do it. So, this contention by some sheriff that this is going to cost law enforcement jobs is not a correct one."

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Eddy: "So, right now the judge has the... does have the authority to allow for a private party to... to handle the foreclosure?"

Lang: "That is actually the current intention of the law, to give the plaintiff the power to have whoever the plaintiff wants conduct the sale. That's what this court case I just referred to reiterates, but it's already in the law. And what we have are judges in some counties of this state avoiding the clear intent and the clear language of the law and this Bill is intended to clear that up."

Eddy: "So, if... if this clears that up, takes care of the... the court case and provides the... the court that clear direction, could the judge still order or allow for the sheriff to complete the foreclosure?"

Lang: "Well, the judge could do that, but that's not what the intention of the law is. The intention of the law is to allow the plaintiff to have his or its choice of remedy."

Eddy: "Okay."

Lang: "Just like if you file a lawsuit against anybody for any reason, Roger Eddy against Lou Lang and..."

Eddy: "Not... that's not going to happen, Sir."

Lang: "Well, thank... thank goodness 'cause I couldn't afford to pay you. But if you did that, you would have your choice of remedy about how to collect those dollars from me based on what the law allows. In this case, the law allows the plaintiff to choose who does the sale. Judges have ignored that law."

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Eddy: "So, this does not eliminate the potential for the sheriffs to... It... it just provides that clear direction that you spoke of."

Lang: "That is correct. If... if a... if the plaintiff wished to use the local sheriff, by all means use the local sheriff."

Eddy: "Well, some of the... some of the opponents have talked about transparency and that somehow this would reduce transparency. How... how do you respond to that?"

Lang: "I... I respond by saying that... that's a made up argument. The fact is that you still have to get the court order; you still have to publish in the newspaper. You still have to go do the sale. It's a public and open sale regardless of who conducts it."

Eddy: "Representative, I appreciate you clearing that up. As mentioned, there... the information I've received for the... from the opponents has kind of almost indicated that the sheriffs would not be allowed or... or be involved, but... but they still could if the plaintiff so chose for that to be the... the avenue?"

Lang: "The court case is clear that the plaintiff has the choice of its remedy."

Eddy: "Thank you."

Speaker Colvin: "Further questions? Representative Franks."

Franks: "Thank you, Speaker. To the Bill. I want to follow up with the previous Representative's questions are. I can tell you how we do it in McHenry County. Right now in McHenry County the judges are actually following the law. They allow the plaintiffs to determine whether they wish to use the sheriff or whether they wish to use a private

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seller to do it. Many... I think it's about evenly split of who the plaintiffs use, whether the sheriff or the private sellers. I called my sheriff about this Bill and he thought it was a good Bill because he says if they were required.. the sheriff's office only to do this, they would have to put another two to three people on the payroll full-time. So, this is something that's currently working, something that needs to continue. The problem is what we're seeing is in other counties, such as Kane for instance, the judges will not allow private parties to do the sales. As a result, there's a six to nine-month lag time and people cannot go to sale. As a result, the property further deteriorates, oftentimes the properties crumble because of broken pipes or whatever it might be, destroying property values in the neighborhood, destroying the tax base. This is a Bill that's critically needed at a time when we have so many foreclosures. This is a way to get property back on the tax roll so we can increase the property values for everyone and to move things through the system. This has never been abused. The opponents, quite frankly, the arguments are made up. What they're trying to do is to protect a monopoly. And I don't know any business that we can say that government does better than private industry. All this says is it allows the plaintiff to have a choice, it will require competition, quite frankly. It'll make the sheriffs do a better job and it'll make the private industry do a better job because if they don't people are going to use the sheriff. I can tell you in my line of work when our law firm does foreclosure sales, we have always

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used the sheriff. Even though it costs more, I've used them. I think it's a... it's one way that the county gets some money, but then again, we don't have the type of delays in other counties. But if I were practicing in Kane County, for instance, I would use a private sale so we're able to move it faster. We voted for this a couple of times last year; it passed the House unanimously. It should, again, pass unanimously today. The arguments that the opponents are using are simply a way... they're a smoke screen because they want to protect a monopoly. It's a way for government to remain large. Please vote 'yes'; it's the right thing to do."

Speaker Colvin: "Further questions? Representative Mathias."

Mathias: "To the Bill. You know the real issue here I believe is... is obviously the monetary issue. Today when our counties are really suffering because of all of the unfunded mandates that the state gives them, this is an opportunity really for them... because a lot of the counties who are doing it already, whatever monies they're now getting from doing it will be taken away from them obviously if... if someone in the private sector... and I'm, of course I'm for the private sector, but these are still lawsuits and the lawsuits should be determined by judges not by plaintiffs. So, I'm not in favor of this because our counties really do need the money. It's something they, I'm sure, have budgeted for before this Bill was filed. And certainly will, all of your counties, will affect them if they are already... you know, whatever percentage of foreclosures your counties are already having the sheriff

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do. So, the law I think is working. The judge can... can still pick the sheriff; the judge can pick a private company. As a previous speaker said, in some counties it may be 50-50, but now to reduce that almost to zero will certainly affect all of your county budgets. And just want to give another view to keep that in mind. So, I urge a 'no' vote."

Speaker Colvin: "Further questions? Representative Monique Davis."

Davis, M.: "You know I really do apologize, I thought I heard you say the sheriff would do something? I'm sorry, what would... what did you say?"

Lang: "Representative, what happens now is that when one of these properties is being sold the plaintiff will go into court for an order of getting it sold and the judge will sign an order telling them who can conduct the sale. The law today is fairly clear that the plaintiff gets their choice of whether it be the sheriff or a private seller."

Davis, M.: "Now, these are usually bankers?"

Lang: "Excuse me?"

Davis, M.: "These are usually bankers who..."

Lang: "The plaintiffs..."

Davis, M.: "...the plaintiffs?"

Lang: "...who could be bankers, but it could be you. Perhaps you loaned money to somebody and they didn't pay you. And so, the law is clear and now we have the Supreme Court case, which makes it clearer. It says the plaintiff gets their choice of remedy. But we have certain judges in this state in certain counties of this state who have not followed the

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law. And they are ordering that only the sheriff can do this, which is a violation of the Supreme Court's decision. And this Bill will clear this up."

Davis, M.: "I am so glad because the sheriff is so busy already. I mean he is really busy taking care of property evictions, he is busy at the cemetery, he is busy taking care of the Cook County jail. So, I do support your Bill. Thank you."

Lang: "Thank you."

Speaker Colvin: "No one else seeking recognition, Leader Lang to close."

Lang: "Thank you, Mr. Speaker. This Bill, at its core, is about allowing people in a lawsuit the right to do what they have a right to do under the statute, under the current statute. There's now a court case by the Illinois Supreme Court that says we really ought to do this. And the notion that someone would vote 'no' when they know that allowing their sheriff to do it is less efficient and more costly and to say, well, they need the money that's... that is promoting ineffective government just for the sake of a few bucks. It's promoting inefficiency; it's promoting wrongheaded thinking. This Bill will get our properties back in order. This Bill will improve property values and allow plaintiffs in lawsuits to move their cases along more expeditiously. I heard some of you during an earlier debate talk about the problems with the court system. This Bill will create a more efficient court system and a more smooth process. I ask your 'aye' votes."



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Speaker Colvin: "The question is, 'Shall House Bill 1293 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Currie, Holbrook, Jakobsson, May, Morrison. Representative Morrison. Clerk, take the record. On this question, 60 voting 'yes' and 49 voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Calendar on page 21, we have Representative Harris with House Bill 1191. Representative Harris, if you just hold on for one moment. Representative Sacia. Mr. Clerk, take the Bill out of the record momentarily. Representative Sacia is recognized."

Sacia: "Thank you very much, Mr. Speaker. I have a group in the gallery that must leave, they are the sixth grade class from Winnebago, Illinois, under the tutelage of Mr. Erb. Would you make them feel welcome to the Capitol?"

Speaker Colvin: "Welcome to Springfield. Mr. Clerk, can we have House Bill 1191, offered by Representative Harris. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1191, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Colvin: "Representative Harris."

Harris, G.: "Thank you, Mr. Speaker. It's good to see you up there."

Speaker Colvin: "Thank you."

Harris, G.: "Ladies and Gentlemen, this Bill relates to the coverage of Illinois residents who participate in clinical cancer trials. If you recall, this Bill passed out of this

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chamber last Session unanimously. It went to the Senate to have some changes made. It did not come back to us because the Senate Sponsor used the Bill for another issue. So, I have brought it back this year. What this Bill does, again to refresh your memory, is it... it forbids insurers who would otherwise cover you for routine expenses related to cancer care to cancel your coverage should you participate in a cancer clinical trial. This only covers, you know, a small handful of insurers who may behave this way, but they do put a lot of folks lives at risk. We've worked extensively with the doctors, with the pharmaceutical industry, with the insurance industry. I really appreciate everyone's support. There is no known opposition to this Bill. I would welcome any questions and would appreciate an 'aye' vote."

Speaker Colvin: "The Gentleman moves for the passage of House Bill 1191. And on the question, Representative Eddy is now recognized."

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

Speaker Colvin: "He indicates he will."

Eddy: "Representative, as... as introduced, this Bill did have some opposition, considerable opposition?"

Harris, G.: "Yes, it did. And we've... as you see, we've gone through five Amendments. We've worked with the insurance industry, the doctors, the employers and the health care institutions. And I... as far as I know, there's no known opposition at this time."

Eddy: "Did you say five Amendments?"

Harris, G.: "Yes."

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Eddy: "Representative, that... is that a record?"

Harris, G.: "For this Bill, yes. I'm sure you've had many that have many more."

Eddy: "Oh, no... no."

Harris, G.: "Yeah."

Eddy: "I'd give up far sooner than that if it were me. You apparently don't give up that easily. So, congratulations on removing the opposition. I appreciate the fact that you worked so hard on this and hopefully, your average attempts per Bill will go down after this. We urge an 'aye' vote."

Harris, G.: "Thank you."

Speaker Colvin: "With no one else seeking recognition, Representative Harris would you like to close?"

Harris, G.: "I... again, I just would like to thank the insurance industry, the pharmaceutical industry, the cancer advocates and the research institutions in this state for helping to make this a better Bill. And ask for an 'aye' vote."

Speaker Colvin: "The question is, 'Shall House Bill 1191 pass?' All in favor vote 'aye'; those opposed vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Chapa LaVia, McGuire, Mell. Representative Mell. Clerk, take the record. On this question, there are 110 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Morrison, for what reason do you rise? Out of the record. Mr. Clerk, on page 26 of the Calendar, we have House Bill 3513, offered by Representative Pihos. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 3513, a Bill for an Act concerning business. Third Reading of this House Bill."

Speaker Colvin: "Representative Pihos."

Pihos: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3513 is in reference to Social Security number protection. We did a very overhauling Bill several years ago. But we've come to find out that sometimes Social Security numbers are still published on wristbands or on the outside of files. And so, what this Bill would do would be to prohibit that. And I'd be happy to answer any questions and there's no known opposition to this Bill."

Speaker Colvin: "The Lady is seeking passage of House Bill 3513. No one seeking recognition, the question is, 'Shall House Bill 3513 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Sente. Clerk, take the record. On this question, there are 110 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 23 of the Calendar, we have House Bill 2056, offered by Representative Osmond. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2056, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Colvin: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. Ladies and Gentlemen, House Bill 2056 known as 'P2D2' is a result of the environmental

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classes of Antioch Community High School and Pontiac Township High School working together across the state to make a difference in our lives. The program that they have is promoting... is promoting to become law in this state is to authorize a law enforcement agency to collect pharmaceuticals from residential sources and to incinerate them in a manner that is consistent with the Illinois EPA. This law would prevent future contamination of our drinking water, protect our wildlife, keep drugs out of the hands of teens. To fund this, there is a \$20 court cost that will be on any drug arrest in the State of Illinois, to be deposited with the Illinois Criminal Justice Information Authority for the sole purpose of the incineration costs. Be happy to answer any questions that you may have on this Bill."

Speaker Colvin: "The Lady is seeking passage of House Bill 2056. And on the question, Representative Morrison is recognized. Out of the record. Representative Will Davis is recognized for a question."

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

Speaker Colvin: "She indicates she will."

Davis, W.: "If I understand what you said correct, Representative, you indicated that this will allow law enforcement agencies, which I assume to mean local police department, sheriffs departments, to be able to collect prescription drugs?"

Osmond: "Yes. Well, and any that are found in your medicine chest that you no longer need. And then they will... they will have depository containers at their stations. You can

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come and drop them off there. What they... they've found is that our groundwater supply is starting to show signs that people are flushing them down the toilets."

Davis, W.: "Correct."

Osmond: "And therefore, contamination is occurring there. So, one of the things that they wanted to do is make a safe place for people to dispose of their unused drugs. And that's why we're promoting this."

Davis, W.: "Okay. So, this... so this allows a local station to have a bin or something there where people can come and deposit their..."

Osmond: "Correct. Yes."

Davis, W.: "...unused pharmaceuticals."

Osmond: "Yes."

Davis, W.: "Are there... are they checking the pharmaceuticals in any way? I mean, there's no concerns about what people are dumping or anything like that? They're just allowing them to be dumped. People can dump, then leave..."

Osmond: "That's it. That's correct."

Davis, W.: "...and that's it, correct?"

Osmond: "Right."

Davis, W.: "Okay. And then what happens when a..."

Osmond: "Then the police departments will take them to drug incinerations that are approved by the EPA and have them incinerated. And they can go to the Illinois Criminal Justice Information Authority and get reimbursed for their costs."

Davis, W.: "Meaning the local police department can be... can be reimbursed for their costs?"

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Osmond: "Yes."

Davis, W.: "So, what would that be mileage or something of that nature or?"

Osmond: "Well, originally, we had hoped to put in here, and I may request that the Senate Sponsor do this if we're successful in passing this, that they could.. right now, it just says in the Bill the cost of incineration. But I originally wanted it to be alike amount for them to be reimbursed for their trouble of doing this. So, in other words, if there was \$500 incineration cost, a \$500 recoup can be made also for the.. the police department participating in this program."

Davis, W.: "So, the places where drugs can be incinerated, does that require some additional type of licensing? Like, for instance, we debated a Bill last year about a facility in the south suburbs that burned tires. It's an incinerator. Is this the type of place that you're talking about?"

Osmond: "They would have to be approved by the E.. the Illinois EPA?"

Davis, W.: "It would..."

Osmond: "And that is in the Bill. It says permitted facilities."

Davis, W.: "So, it does require another level of licensing that will have to be..."

Osmond: "Well, I believe they already do it."

Davis, W.: "There is something already exists with this?"

Osmond: "Yes, I'm not exactly sure. I think there might be one or two places in Illinois. I know there's a large one in Indiana."

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Davis, W.: "Okay. I'm not going to prolong the debate. Obviously, the Bill's probably going to pass, but it's probably just a few things that probably need to be tweaked in it so."

Osmond: "Okay. And I mean, please bring the suggestions so that we can, you know, make it a perfect Bill when it comes out here."

Davis, W.: "Well, I don't know if there's such thing as a perfect Bill here..."

Osmond: "I know, almost perfect."

Davis, W.: "But... well, anything you bring forward I'm sure is as close to perfection as possible."

Osmond: "Thank you very much."

Davis, W.: "So, thank you very much, Representative."

Speaker Colvin: "Further questions? Representative May."

May: "Yes, thank you. I just rise to commend the Sponsor for working with a very bright group of students who came up with this idea, a progressive idea because they're concerned about the quality of water. It is helping raise awareness that many people are flushing pharmaceutical drugs down their toilets, which is not a good practice because it can affect the quality of our water supply. So, I know that when you work with a group like this that it takes a little more time, but I commend you for your mentoring and listening to their very progressive idea. They came through the committee that I chair and they were astounding and impressed all of us. So, I thank you for bringing this forward and for working with our students on this very important measure."



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Speaker Colvin: "Representative Mell is recognized for a question."

Mell: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Colvin: "She yields."

Mell: "Don't... can't you bring your leftover pharmaceuticals to any pharmacy company?"

Osmond: "No."

Mell: "Okay. So, you've asked like Walgreens and Osco?"

Osmond: "They're not... they don't... they're not allowed to accept them under the federal guidelines unless that particular pharmacy is working with a police department."

Mell: "Well, then I'm going to get my pharmacy in trouble because I've actually done that. So, I think I'll just sit down. Thank you."

Speaker Colvin: "Representative Stephens is recognized for a question."

Stephens: "Just a point of clarification. The... you have never been able to bring controlled substances to a pharmacy for a return. You could only bring them according to Federal Law to a local law enforcement agency. The Lady's Bill I think makes very good sense. And the issue is these drugs have to go somewhere. And this takes care of it. I'm... I'm impressed that a group of people from your area that with... were so ambitious to, not that they were from your area, from any area, that they were so ambitious to come up with this idea. It does make good sense. I'm a little concerned that we have to raise and spend more money to do it. But if that's the case, it's a good Bill."

Speaker Colvin: "Representative Osmond to close."

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Osmond: "Thank you. I... I'd appreciate it if there is any suggestions to make the Bill better we'll try to address them in the Senate. But I do hope that you'll be able to help with this cause that the students have worked so hard for. It's the students of Antioch High School and Pontiac High School Environmental Club. Thank you."

Speaker Colvin: "The question is, 'Shall House Bill 2056 pass?' Those in favor vote 'yes'; those opposed vote 'no'. The voting is now 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 110 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby considered passed. Mr. Clerk, on the Calendar on page 23... excuse me, on page 24, we have House Bill 3027, offered by Representative Crespo. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3027, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Colvin: "Mr. Crespo."

Crespo: "Thank you, Speaker, Members of the House. This was brought to me by the Illinois State Board of Education; it's a cleanup Bill. It does four things. First, it makes changes to reflect the correct procedures used by ISBE for joint agreements. Secondly, it updates language to take into account procedural changes for filing and processing state aid claims. Third, it corrects language to make sure that certain definitions meet federal reporting requirements. And fourth, it addresses the type of fingerprint background checks for student teachers."

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Speaker Colvin: "The Gentleman has asked for passage of House Bill 3027. Seeing no one recog... offering recognition... asking for recognition, the question is, 'Shall House Bill 3027 pass?' All those in favor say 'yes'; all those opposed say 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, 110 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Holbrook, for what reason do you rise?"

Holbrook: "For the purpose of an announcement."

Speaker Colvin: "Your announcement, Sir."

Holbrook: "Public Utilities Committee is canceled for today. The Sponsor's not calling the Bill. So, Public Utilities today is canceled. We're a recessed committee."

Speaker Colvin: "Representative Riley, for what reason do you seek recognition?"

Riley: "An announcement, Mr. Speaker. The Committee on Cities & Villages is also canceled for today. Cities & Villages is canceled for today."

Speaker Colvin: "So, Public Utilities and Cities & Villages have been canceled for the day. Next on the Calendar on page 21, offered by Representative Flowers, we have House Bill 287. Representative Flowers with House Bill 287. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 287, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Colvin: "Representative Flowers."

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Flowers: "Thank you, Mr. Speaker. House Bill 287 would allow each school board or board of education to create a Committee on Retention of Students. I found out that over 121-odd thousand children are put back every four years. And that the teachers are doing the best they can, but sometimes there's obstacles that's keeping children from moving forward in the school and they're being held back. And we would like for a committee to take into consideration the teacher's performance and if there is anything that's involved with that particular student that's causing them to be retained and to make sure that they're getting the proper instruction. And I'll be more than happy to answer any questions that you may have in regards to House Bill 287."

Speaker Colvin: "The Lady has moved for passage of House Bill 287. Seeing no one seeking recognition, the question is, 'Shall House Bill 287 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Chapa LaVia. Mr. Clerk, take the record. On this question, 110 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 21 of the Calendar, we have Representative Pihos with House Bill 1079. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1079, a Bill for an Act concerning education. Third Reading."

Speaker Colvin: "Representative Pihos."

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Pihos: "Thank you, Mr. Speaker and Members of the House. This Bill references public universities. It provides that CMS may require a listing of equipment for items valued in excess of \$2 thousand instead of 500. This was a recommendation made by the Blue Ribbon Committee on Higher Education mandates. And it's meant to reduce tracking requirements and prove efficiency and eventually result in savings realized for accounting and property control. And then the second part of this Bill requires universities to report on any tuition increases for the upcoming academic year and any cost saving measures undertaken during the previous fiscal year. The Board of Higher Education then will compile an annual report to the General Assembly indicating new programs created by the universities, existing programs that have been consolidated or closed, programs exhibiting low performance or productivity and any tuition increases and cost saving measures. And again, this is meant to promote efficiency in Illinois universities. I'd be happy to answer any questions."

Speaker Colvin: "The Lady is seeking passage of House Bill 1079. Seeing no one seeking recognition, the question is, 'Shall House Bill 1079 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Gabel. Mr. Clerk, take the record. On the question, there are 110 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 23 of the Calendar, House Bill 2066, offered

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by Representative Jakobsson. Out of the record. Mr. Clerk, on page 22 of the Calendar, House Bill 1760, offered by Representative Lyons. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1760, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Colvin: "Mr. Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill on behalf of the Water Reclamation District of Chicago concerning internal promotions. It merely requires that a candidate pass the separate part of the test on the efficiency before they go into the rest of the promotional part of the examination. So, it's an internal thing on promotional exams only, not for entry level positions, to make sure that internal requirements are met before they go to the entire... before the entire thing is looked at. And this will be an entry level into the entire promotional process that kind of clarifies the people who've done their seniority requirements as well as their performance appraisals. So, it's a good piece of legislation internal to the hiring process at the... at the Water Reclamation District. I ask for an 'aye' vote."

Speaker Colvin: "The Gentleman is seeking passage of House Bill 1760. Seeing no one seeking recognition, the question is, 'Shall House Bill 1760 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Dunkin. Mr. Clerk, take the record. On this question, there are 78 voting 'yes', 32 voting 'no', and 0 'presents'. This Bill, having received

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the Constitutional Majority, is hereby declared passed.  
Representative Stephens, for what reason do you rise?"

Stephens: "Well, with a heavy heart. You know, we have a lot of freshmen on this side and they just don't seem to get it all the time. And I wonder if Representative Morthland, in the gallery entertaining the ladies, would care to come down and participate in the process."

Speaker Colvin: "Mr. Clerk, on page 25 of the Calendar there is House Bill 3253, offered by Representative May. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3253, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Colvin: "Representative May."

May: "Thank you. And Mr. Speaker, it is so nice to see you in the Chair helping me pass this important Bill. Congratulations to you. This is an initiative of the Illinois Municipal Retirement Fund and it changes two provisions of the IMRF Section of the Pension Code. So, House Bill 3253 will ensure that new sheriff law enforcement members of the IMRF will no longer be able to convert service in other capacities other than law enforcement for their pension credits. It also sunsets the alternative credit option or eco option for elected county board members... elected county officers, more than board members. By eliminating these two methods of adding service credits, House Bill 3253 makes IMRF more affordable and sustainable over the long-term. I emphasize it is only for new members; therefore, we think it is constitutional. I

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applaud the initiative of IMRF with these administrative cost saving proposals and hope you will also."

Speaker Colvin: "The Lady is seeking passage of House Bill 3253. Seeing no one seeking recognition, the question is, 'Shall House Bill 3253 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Chapa LaVia, Dunkin. Chapa LaVia. Representative Dunkin. Representative Dunkin. Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 23 of the Calendar, we have House Bill 2051, offered by Representative Reboletti. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2051, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Colvin: "Mr. Reboletti."

Reboletti: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2051 would allow for elected trustees from the College of DuPage district, which covers not only the entire county of DuPage but covers portions of Cook County and Will County. Currently, trustees run at large and they were part of the election cycle on Tuesday. This would require geographic representation. And I can tell you that I represent the people of northeast DuPage County and the trustees that live closest to me are about 10 miles away. And so, I think that this might be more equal



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representation from throughout the county and counties. And I would urge an 'aye' vote."

Speaker Colvin: "The Gentleman is seeking passage of House Bill 2051. And on the question, Representative Rose is recognized."

Rose: "Thank you. Will my seatmate yield?"

Speaker Colvin: "He does, Sir."

Rose: "Representative Reboletti, do you represent DuPage County?"

Reboletti: "I do, Sir."

Rose: "Is this a good Bill for DuPage County?"

Reboletti: "It is, Sir."

Rose: "What does Representative Unes think about this Bill?"

Reboletti: "I think he'll support it."

Rose: "Outstanding. Thank you, Mr. Speaker."

Reboletti: "Thank you."

Speaker Colvin: "Further questions? Representative Riley."

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

Speaker Colvin: "He indicates he will."

Riley: "Representative Reboletti, on my analysis it indicates that the College of DuPage itself is listed as an opponent. Can you kind of shed some light on that?"

Reboletti: "It... one of the things I did do is I met with some of the board. Obviously, I could not do it with the entire board because of the Open Meetings Act, but the Higher Ed Committee requested that and I did meet with them. And one of the concerns was that there are already two members of the board that live in Naperville. And they were concerned about how things might be redistricted and would they all

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be in the same district? Well, based on the elections from Tuesday, there's a third member from Naperville. So, they're opposed because they believe it should be left up to the system that it's at and I'm just telling you that I believe for the... for the people that I represent, that it will be more equal and fair representation to have them drawn into... to geographic districts, specific districts."

Riley: "Well, how would those districts be split up? I mean, what kind of character... equal population? You know, normally, of course this is a departure from the way that, you know, most community college districts, you know, elect their trustees. But in other units of government, you know, often there's concerns about, you know, being sure that there's demographic representation and other kinds of things. So, what basically are you looking for in this instance to break up the district in the di..."

Reboletti: "It would be... it would be sim... it says that the districts must be con..."

Riley: "Contiguous?"

Reboletti: "...compact and contiguous."

Riley: "Yeah."

Reboletti: "All... all the same requirements that we would ask as our county board and your county board goes to... to redraw districts in the future. And I believe that we would be following along what Federal Law and State Law that we have in place. And that those districts would... I would assume be drawn similar to what our county board districts would be, Representative, but there are seven members on the College of DuPage board, there are only six County of DuPage

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commissioner spots. And plus, we have the fact of going into the... the Will County area as well as the Cook County area, but I... I would hope to keep those as contiguous and compact as possible."

Riley: "And again, the ICCTA is an opponent. Is it just because you're upsetting the apple cart on the way things are done or did they have any more substantive opposition?"

Reboletti: "That... that's a fair question. They believe that it should be done by a referendum."

Riley: "Okay. Thank you."

Reboletti: "Thank you."

Speaker Colvin: "Further questions? Representative Davis."

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

Speaker Colvin: "He indicates he will."

Davis, M.: "Representative, this is just for your district?"

Reboletti: "This is just for the College of DuPage, District 502, yes."

Davis, M.: "Do you believe... currently, how are they... are they elected or appointed or?"

Reboletti: "As in other community college districts across the state, they're elected at large."

Davis, M.: "Well, in our... in our district..."

Reboletti: "Except for, I'm sorry... there are two districts that are..."

Davis, M.: "...they're appointed."

Reboletti: "Well, and we are... you're in Cook County, Representative. I know that in... in counties over three million things are done a little bit differently from time to time. But we don't appoint them in... in... in DuPage

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County, they are elected. Two of them were just elected on Tuesday."

Davis, M.: "Okay. Would you suppose the people here from Cook County decided they, too, would like to have an elected board, would you support them?"

Reboletti: "If that would be the will of the people in your area, Representative, I would support that."

Davis, M.: "Then I support your Bill."

Reboletti: "Thank you, Sir. Thank you, Ma'am."

Davis, M.: "Thank you very much."

Speaker Colvin: "Further questions? Representative McCarthy."

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

Speaker Colvin: "He indicates he will."

McCarthy: "Representative, if we could go over this again. Oh, I'm sorry. First of all, all of the Representatives who represent parts of DuPage County have signed on to your Bill, is that correct?"

Reboletti: "That's correct."

McCarthy: "Okay. And one other thing, have we been able to work the phasing out of the currently elected members or is that going to be taken care of over in the Senate?"

Reboletti: "I... I've talked to Senator Dillard about that and with the Trustees Association with Mr. Righter and I think that's something we'll have to work out over in the Senate."

McCarthy: "Okay. Thank you for your work on this effort."

Reboletti: "Thank you."

Speaker Colvin: "Representative Reboletti to close."

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Reboletti: "Thank you for the questions. And I would urge an 'aye' vote."

Speaker Colvin: "The question is, 'Shall House Bill 2051 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Tryon. Mr. Clerk, take the record. On the question, 104 voting 'yes', 4 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 25 of the Calendar, we have House Bill 3293. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3293, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Colvin: "Representative McAsey, I understand you're presenting this Bill?"

McAsey: "Yes. Thank you, Mr. Speaker, Members of the House. This legislation is a change to our Criminal Code to address some concerns that have come out of the Will County State's Attorneys Office dealing with defendants who have had multiple priors for domestic battery. It's come to our attention that the dependent... that regardless of an inordinate number of priors that a Class IV felony is the only charge available. And so that we're doing is stepping up based on the number of prior felony convictions. And I would ask for the support of the Members. Thank you."

Speaker Colvin: "The Lady has moved for support for 3293. And on the question, Representative Davis is recognized. Will Davis."

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

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Speaker Colvin: "She indicates she does."

Davis, W.: "Representative, I don't have the... have not had the pleasure of being a prosecutor so when you say priors are you talking about prior convictions?"

McAsey: "Prior convictions, yes."

Davis, W.: "Prior convictions?"

McAsey: "Yes, prior convictions."

Davis, W.: "Okay. So, normally or if this Bill... under normal circumstances or in the current situation, if someone has one prior conviction..."

McAsey: "Under... under the current Code, the first conviction for domestic battery would be a Class A Misdemeanor. A second conviction and any subsequent convictions, you could have 10 prior convictions, that would still be a Class IV felony, the lowest class of felony. And so what this legislation does is after 3 prior convictions, it would then move to a Class III Felony, after 4 prior convictions so that would be a fifth offense, at that point it would move to a Class II Felony and 5, Class I, 6 prior convictions, Class X."

Davis, W.: "Okay. And this is all around domestic battery, correct?"

McAsey: "This is just, yes, within domestic battery. I think you would agree with me that we all are... are aware of instances of domestic battery, heinous crimes that have destroyed families. And I think it's important that our Criminal Code reflect the seriousness of this offense. And the... without having these changes, in every instance having Class IV Felony regardless of... of the repeat number of

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convictions, I think that's something that we ought to change through this legislation."

Davis, W.: "So, currently under a Class IV Felony, what could be the possible sentence for that?"

McAsey: "Currently a Class IV Felony would be a sentence of 1 to 3 years. If there was a... 1 to 3-year sentence."

Davis, W.: "Okay. So, it is possible that someone Class IV Felony could receive 1 to 3 years?"

McAsey: "That's correct."

Davis, W.: "Okay. So, generally is it, say, accepted that... let's say someone was convicted a second time. Under the current situation, they could be convicted of a Class IV Felony. Is it still 1 to 3 years or does the length of time differ if it's multiple convictions under the current situation... current statutes?"

McAsey: "If an individual was charged with a Class IV Felony, it would be a 1 to 3 year-term that would be authorized."

Davis, W.: "And that's it. So... so if we're talking about a repeat offender..."

McAsey: "Right."

Davis, W.: "...with a Class IV Felony, it's still 1 to 3 years?"

McAsey: "That's my understanding."

Davis, W.: "That's... that's your understanding. So, no matter how many times that person is... that he can be... he or she can be sentenced anywhere from 1 to 3 years..."

McAsey: "Three years, right."

Davis, W.: "...no matter how many times?"

McAsey: "Right."

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Davis, W.: "So, if they're a repeat... repeat offender, there's no enhancement of the penalties at that point..."

McAsey: "No."

Davis, W.: "...under current statute?"

McAsey: "Right. Unless there was a situation where we had great bodily harm, if there was a situation where the facts warranted great bodily harm, then under our statute... our current statute there would be an enhancement. But as a Class IV Felony, the sentence would be 1 to 3 years. So, someone who continues to be an offender..."

Davis, W.: "Do you have any... any statistical data that speaks to what the numbers look like for someone... for repeat offenders in that respect? I... I assume you're trying to address something."

McAsey: "Right."

Davis, W.: "So, does the data bear out what you're trying to address?"

McAsey: "I am trying to address specific concerns that were brought to me by members of the Will County State's Attorneys Office who work in the domestic battery courtroom and who have seen the same defendants coming back to court over and over and over again and each time all that the office is able to charge is a Class IV Felony. And when someone has multiple priors, when we have perhaps the same or different victims we have families that are... are repeatedly being destroyed by these sorts of batteries... violent crimes."

Davis, W.: "Well, it... it sounds to me like, and while I'm not trying to make light of domestic battery in any sense,



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that... that what's lacking I guess in Will County since that's where the issue came from are support services that also need to be in place as well. Because what you're saying is that obviously someone has... is a repeat offender and we're saying that the best thing to do is just increase the penalties and put them away. You know, is there anything in place that Will County has that deals with the family situations where... where anyone can receive counseling? Is that part of this in any way?"

McAsey: "Well, cert... certainly... certainly there are counseling services available as a general matter of court."

Davis, W.: "But... but I... but I mean..."

McAsey: "In the disposition of these cases, anger management is something that is ordered by the court. Different counseling is ordered by the court in various cases. Yes, those community-based supports do exist. That being said, there are still instances where defendants continue, whether it's with the same victim, whether it's with different victims, repeatedly engaging in acts of domestic battery. And I think that recognizing the seriousness of this offense that we ought to have a Criminal Code that recognizes that a Class IV Felony, the lowest class of felony, when we have repeated offenders that... that is not something that we ought to stand for."

Davis, W.: "Well... I guess... I guess some of my challenge is that... is that we're very quick to say if you're a multiple offender that we should increase penalties and I understand that, but if... if we're not mandating, that someone comes back a second time or a third time, that counseling

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services are mandated as a part of that sentence...  
mandated..."

McAsey: "And they are... they are."

Davis, W.: "They are mandated?"

McAsey: "Yes. Yes."

Davis, W.: "And that's in every situation? And you can speak to  
those things being part of every situation?"

McAsey: "I... I am not currently in... I'm not currently in the  
courtroom, but my understanding is that, as a course within  
the disposition of those sentences, that, yes, anger  
management, appropriate counseling is ordered as a  
condition of the sentence."

Davis, W.: "Well, I appreciate what you're trying to do. And if  
I could have some assurance that someone would be ordered  
for counseling before penalties are enhanced, then I think  
I could probably be okay with this, but unless I have that  
assurance that these types of things happen first...  
certainly, that's a tough vote for individuals here  
because, you know, nobody wants to be perceived as being  
soft on crime, particularly in domestic situations, but I  
think we need to use the entire arsenal of tools available  
to try to deal with these situations versus just simply  
saying, if you're a multiple offender, let's just increase  
the amount of jail time that you can have and just put you  
away without trying to utilize some of those services first  
in situations and then the possibility of enhanced  
penalties as a result. So, I'm probably going to vote  
'present' on your Bill."

McAsey: "I respect that."

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Davis, W.: "Again, to support what you're attempting to do, but maybe there's more that we can do before we get to the point of enhanced penalties. So, thank you very much, Representative."

McAsey: "Thank you."

Speaker Colvin: "Representative Thapedi."

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

Speaker Colvin: "She indicates she will."

Thapedi: "Representative McAsey, we're both lawyers so I think that we both kind of understand some of the issues here. And... and I do notice that there is a correctional note that was requested and you do have the data. Do you see that in your analysis?"

McAsey: "I... I do see the... yes, what... I have the correctional note."

Thapedi: "And what do the Department of Corrections opine?"

McAsey: "Well, reading from the information that I have in front of me the Department of Corrections does estimate and... and... they... they would estimate that this could bring about an additional 128 inmates over a 10-year period."

Thapedi: "And there are some figures as well that is included in that correctional note, are there not, as far as operational costs and construction costs?"

McAsey: "There... there are also some figures... a figure of approximately \$22 million related to operating costs, construction costs it appears around \$10 million. I don't know how the Department of Corrections came to these numbers. I would like to think that by having these sort of statutes on the books hopefully we get to a point as other

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Representatives have discussed where we are holding people accountable for violating our laws, but by having tougher penalties also deterring individuals so that they do not end up within the Department of Corrections."

Thapedi: "Thank you for that clarification, Representative."

Speaker Colvin: "With no one else seeking recognition, Madam McAsey, would you like to close?"

McAsey: "I urge the support of the Members of the Body. I believe that domestic battery is a serious offense within our community. It's something that destroys families and homes. And I think it important that we have a criminal statute that reflects the seriousness of the offense. I urge your 'aye' votes. Thank you."

Speaker Colvin: "The question is, 'Shall House Bill 3293 pass?' All those in favor vote 'yes'; 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? Representative Verschoore. Mr. Clerk, take the record. On this question, 102 voting 'yes', 5 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 25 of the Calendar... Out of the record, momentarily. Representative Morthland, you're recognized."

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

Speaker Colvin: "State your privilege, Sir."

Morthland: "Thank you. As a freshman I am trying to learn proper decorum of the House and I was properly schooled today that in the room, in the chamber, is not necessarily

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the same thing as on the floor. And I apologize for my transgression. However, I do question the actual wisdom of the Member who called me out to do the same thing moments after I did it. I'm a little confused and to understand I think I could use additional education in the matter. And furthermore, I would like to welcome to our chambers Robbin Blackert who is Representative Jerry Mitchell's Legislative Assistant back home and also the Republican Party Chairman for Whiteside County. And I'd like to give her a Springfield welcome."

Speaker Colvin: "Welcome to Springfield. For the record, Representative Morthland, we often question his wisdom, too. Mr. Clerk, on page 25... Representative Davis, Monique Davis, for what reason do you seek recognition?"

Davis, M.: "Thank you, Mr. Speaker. I rise to announce that the Insurance Committee is canceled."

Speaker Colvin: "Insurance Committee for this evening is canceled. Representative Stephens for what reason do you seek recognition?"

Stephens: "Well, I forgot."

Speaker Colvin: "Mr. Clerk, on page 25 of the Calendar, we have House Bill 3184, offered by Representative Mell. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3184, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Colvin: "Representative Mell."

Mell: "Thank you, Mr. Speaker, Members of the House. HB3184, as amended, would just add to the dialogue that is currently going on in the Campaign Finance Reform Task Force. And it

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kind of requires them to... to talk about developing a training program that would-be candidates would have to go through before they filed for their campaign committees."

Speaker Colvin: "The Lady is seeking passage of House Bill 3184. Seeing no one seeking recognition, the question is, 'Shall House Bill 3184 pass?' Those in favor vote 'yes'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Ford. Representative Ford. Mr. Clerk, take the record. On this question, 110 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 24 of the Calendar, we have House Bill 2093, offered by Representative Reis. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2093, a Bill for an Act concerning children. Third Reading of this House Bill."

Speaker Colvin: "Representative Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2093 amends the Abused and Neglected Child Reporting Act and extends the list of persons required to report child abuse or neglect. As everyone knows, this Bill was amended and at the recommendation of the ACLU and Planned Parenthood we adopted their Amendment. Their opposition has been removed and it basically, unlike the underlying Bill, now does not include nonmedical office personnel and volunteers. And it rather instructs them to bring to the attention of a facility employee who is... who already is a mandated reporter of any reasonable suspicion

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that a child known to him or her may be abused or neglected. You know, I think everyone in this chamber does not want to have children be neglected. They would like to have it reported so that the proper attention they so deserve can be obtained. So, be happy to answer any question. I'd ask for your 'aye' vote."

Speaker Colvin: "The Gentleman has moved for passage of House Bill 2093. Seeing no one seeking recognition, the question is, 'Shall House Bill 2093 pass?' Those... all in favor vote 'yes'; all opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative May. Mr. Clerk, take the record. On the question, there are 110 voting 'yes', 0 voting 'no', 0 voting 'present'. The Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 25 of the Calendar, we have House Bill 3236, offered by Representative Mendoza. Mr. Clerk, read the Bill. Excuse me, Clerk, my... my apologies. On page 25, it's House Bill 3238, offered by Representative Mendoza. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3238, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Colvin: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. I couldn't really help you much on 3236, so I appreciate you putting my Bill up there. And it's nice to see you in the Chair. Ladies and Gentlemen of the House, House Bill 3238 is a variation on the DNA for felony arrestee Bills that I've introduced over the last four or five Session years. That Bill as you may recall,

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most of you may recall, has passed overwhelmingly out of this chamber with over 100 votes each time only to find a swift death in the Senate. We now revisit this idea of allowing for a DNA sample to be taken of folks who are arrested for certain felony offenses. This Bill is a narrow-downed version of my original Bill, but I think it's an important step and a large step in the right direction in terms of protecting, in particular, women from serial rapists and folks from serial murderers. What the Bill would do is that it would require a DNA sample be taken of anyone arrested for specific felony offenses. Those specific felony offenses are first degree murder, home invasion, predatory criminal sexual assault of a child, aggravated criminal sexual assault or criminal sexual assault. This Bill also would require all sex offenders registering in Illinois to provide a DNA specimen regardless of the date of conviction or the state in which the offender was convicted. This is an incredibly important piece of legislation, which I would thank you all ahead of time for having supported in the past. I would ask for your support once again and your indulgence in voting 'aye' on this legislation and have it be a recognition that DNA is the fingerprint of the 21st century. It is by far the most important and concise and effective identification tool that we have. And most importantly, will be a very effective tool in both convicting the guilty, making sure we have the right folks behind bars, but also making sure that we never again in this state when there is DNA evidence present wrongfully exoner... I mean wrongfully



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convict an innocent man. This is a tool that will convict the guilty and exonerate the innocent. And I would entertain any question you might have, but ask for your support."

Speaker Colvin: "The Lady has asked for passage for House Bill 3238. And on the question, Representative McAsey is seeking recognition."

McAsey: "Thank you. Thank you. I rise in support of the Bill. I want to commend Representative Mendoza on her hard work over years and years pushing the... pushing the envelope here with the DNA collection, pushing this issue forward. This year she's been joined by the Attorney General's Office. I know there's been great work added to the efforts by Mike Hood within that office to bring this very important legislation forward that will allow for in these most serious offenses, after a probable cause hearing that, including sex offenses, that we collect this DNA. It will lead to more DNA collection, more in our federal database, more hits in cold cases and greater justice for victims. And I commend Representative Mendoza for all of her hard work."

Speaker Colvin: "Representative Mendoza."

Mendoza: "Is this to close?"

Speaker Colvin: "No."

Mendoza: "Are there other Members seeking recognition?"

Speaker Colvin: "I thought you were seeking recognition."

Mendoza: "I'm sorry."

Speaker Colvin: "There are. Further questions on... on the question is Representative Monique Davis."

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Davis, M.: "Thank you, Mr. Speaker. First I'd like to commend Representative Mendoza on being elected to the City Clerks Office in the county, let's give her a big hand. She'll be gone. Well, to the Bill, Mr. Speaker. You're asking that we collect DNA from people who are arrested but not convicted?"

Mendoza: "Representative, yes. This legislation like the prior years would allow for felony arrestees to submit a sample of DNA. The big difference though in this Bill that was not the case in the prior legislation, which you supported by the way, was that this legislation would allow for the DNA sample to be taken after a finding of probable cause. And it's for five very specific offenses."

Davis, M.: "Well, I mean, the arrest... the arrest would be perhaps probable cause?"

Mendoza: "Well, I would have argued that in the prior legislation. Many Members in this Body did not feel that that was enough probable cause. So, this is after a judge finds where there's an indictment of probable cause. So, it is very narrowly drafted. And that was working with the Senate Members who were opposed to this legislation in the last year. For example, Senator Kwame Raoul who will now be carrying this legislation in the Senate and the Attorney General's Office."

Davis, M.: "What... what is the cost... what is the cost for a DNA sample?"

Mendoza: "Two hundred and fifty dollars, Representative."

Davis, M.: "Two hundred and fifty dollars per person?"

Mendoza: "Yes. And again, there will..."

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Davis, M.: "Where will it be stored?"

Mendoza: "The DNA is analyzed by our crime lab that currently does our DNA analysis."

Davis, M.: "So, you know, the last time I visited that lab they told us there was a huge backlog. In fact, a horrible crime had been committed in Chicago and samples were brought to the lab and they were being asked to please hurry and get to this because they felt they had the right suspect. And they had a very difficult time because their backlog was so large. What do you perceive this backlog to be if every person arrested, not convicted, gives a DNA sample?"

Mendoza: "Well, that's a great question, Representative. And the... the current DNA samples, you can recall, there was a massive backlog, which has been addressed and we've passed legislation in this Body precisely to better address the backlog. Because those samples, if left untested means, you know potential rapists or killers out on the streets that have not been brought in. And it also could potentially mean that the wrong person is being arrested or... or even tried for a crime that they did not commit. So, it's very important to address the backlog. This... this Bill would not really add very much at all to the current situation because it is so narrowly drafted to only address five major types of crime and those are murder and criminal sexual predatory assault. So, the Illinois State Police does not feel that this would add an insurmountable burden to them or even frankly a large burden to them, given that it's a small universe of people that we're talking about, but again, it's a... it's a huge step."

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Davis, M.: "Who are the people... Representative Mendoza, who are the people opposed to your legislation?"

Mendoza: "That I know of, I believe, the ACLU filed in opposition, but that's all that I know of. There's really no other opposition to this Bill that I... that I'm aware of."

Davis, M.: "I think the only other opposition is based upon their perception that a tax increase will be needed in order to pay for these DNA tests as well as the number of storage facilities that will be needed. To the Bill, Mr. Speaker. I do believe that Susana Mendoza, our new City Clerk in Chicago as of May 16, has the real idea and initiative to prevent crime or catch criminals and get them convicted. But I do believe that at this time testing or getting DNA samples from people who are arrested and not convicted regardless to the reason for their arrest, it really is violating their rights. They are... they have not been convicted, they are not under the jurisdiction of the courts and to have to give up a DNA sample is just not the right thing that should happen. Plus, it's going to be very costly. I think the ACLU has concern that DNA can be used for a number of things. There could be genetic codes in reference to your heritage, your background. There can be genetic information in reference to your health. Are you susceptible to diabetes? Will insurance companies start to use this information in deciding who will get insurance? I understand that once you've been convicted, you're no longer in charge of your own person. Therefore, once a conviction takes place perhaps a DNA sample should be

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given, but prior to that, I think we'd give up an awful lot of our freedoms if we say, if you arrest me and you can charge me then you can get my DNA sample. I just don't want to see us go down that road. With all due respect to the Sponsor and I do believe she's intended well. Thank you, Mr. Speaker."

Speaker Colvin: "Further questions? Leader Currie."

Currie: "Thank you, Speaker and Members of the House. I agree that the Sponsor of this Bill has made significant efforts to limit its scope, but I still must rise in opposition. DNA testing provides very important personal information. DNA tests under our rules are charge... are... are shared with federal, with local offices. Thousands of people who are arrested, even for these very serious crimes, are never convicted, are never found guilty and yet that DNA information, personal sensitive information, of people who were arrested but never convicted becomes part of a lot of different databases. Second, it's a very expensive proposition. Testing can cost up to \$100 per person. And if you're talking about thousands who were arrested, but never convicted, this is a significant hit on our Treasury. Finally, we know that the DNA database right now... I'm sorry, the DNA lab right now is way backlogged. In January, the Tribune reported 4 thousand rape test kits were not yet tested. So, the idea of sending even more and more and more material to a lab already overworked, already way waterlogged, just doesn't make sense. We also know that large numbers of members of minority groups are arrested and not convicted. So, we have disproportionate impact on

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people of color. So, for these reasons the fact that conviction is one thing, arrest is something entirely different, we need to protect people's privacy. We ought not to make these databases available including information about people who are never convicted of a crime. I think this is not good public policy. I think it's of questionable constitutionality and I think there's no question but we can't afford the cost of this proposal. I urge a 'no' vote."

Speaker Colvin: "Further questions? Representative Durkin."

Durkin: "To the Bill. This is a... I think, very good progress by Representative Mendoza. I had questions and concerns on the original Bill that she had did last year, which was all felonies. And if you looked at the math, it just didn't make any sense. And what we're talking about right now is a very limited scope of individuals who are not only arrested, but they... finding a probable cause. But it's not a... it's a finding of probable cause to go to trial, that's the second stage. It's a higher threshold. There's a probable cause to arrest and then the judge or a grand jury will indict and they will make a finding of probable cause to set a case over for trial. So, there is a higher threshold or a burden which you have to establish for each one of these cases, but be very careful about expanding the DNA database. I think a lot of us become experts in criminal law by watching 48 hours and all these other... CSI; it's not that easy. This is an expensive proposition and putting in DNA and working up DNA is not as simple as putting it in a microwave oven, pushing a button and it's

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going to pop up with the name of the offender. This is a very... it's a complicated process; it costs money. You need to be able to have people in the labs and also the mechanics inside the labs to be able to do these things right. So, with the State Police I know that they can... they can accommodate these types of DNA samples. We're doing the right thing by living and working within a budget in something that's manageable. So, I support your Bill and I'm glad that you've been able to narrow it. And we've done it in a way which is responsible, which is not going to be a burden on top of the State Police which is going to force them to put other work aside, which that Bill last year would have. So, I will... I encourage everybody to vote 'yes'."

Speaker Colvin: "Further questions? Representative Riley is recognized."

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

Speaker Colvin: "She indicates she does."

Riley: "Representative, in all of the discussion and some of the excitement going on, you might have, you know, answered this question, but I'm not sure. So, I'm going to ask you again. Did the ACLU take off their initial opposition to the Bill?"

Mendoza: "Not that I know of."

Riley: "All right. So, they're still opposed?"

Mendoza: "As far as I know, they have filed in opposition every time we've done this Bill."

Riley: "So, your Amendments, notwithstanding, they're still in opposition to the Bill?"

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Mendoza: "Right. And again, the... even with the very narrowly drafted Amendment I think they just oppose it on the principles that, you know, Representative Currie mentioned on the Fourth Amendment. But I would say that the... this has been challenged in court on multiple occasions and has always been upheld as constitutional."

Riley: "Thank you."

Speaker Colvin: "Further questions? Representative Reboletti."

Reboletti: "To the Bill, Mr. Speaker. Ladies and Gentlemen of the House, believe it or not we actually indict DNA 'cause I have filed the indictments on those, in cases of home invasion, of burglary. To make sure that the statute of limitations does not run, we are allowed to file an indictment against DNA and if we ever track the person down by DNA, we could actually charge them with that crime. In almost all of these cases that are listed, the prosecutor can already go to the judge and ask for an order to take DNA shortly after the probable cause hearing. This is the only thing that this is doing is expediting it in these five particular cases, especially in these cases where DNA will probably be prevalent especially in the sex cases that we see here. We want to make sure that we are not arresting the wrong people. We want to make sure that we're convicting the right people, especially in the light of many folks on this floor talk about wrongful convictions. Especially when we look at the fact of what happened at Northwestern where we have a professor now who may have said things and done things that have been inappropriate. In this particular case, I know it's limited..."



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Representative Mendoza, I've supported your Bills in the past and I know Representative Durkin has had issues with it, I think this is very narrowly tailored. I know we have an additional fees here that will cover some of those costs. And we have the due process protection of either a grand jury issuing an indictment or a judge making a ruling on a probable cause finding at a Gerstein hearing. I think this Bill is common sense. I think it will help not only prosecutors but it will serve justice which is what we all hope ends up occurring at the very end of these prosecutions. So, I would urge an 'aye' vote."

Speaker Colvin: "Representative Mendoza to close."

Mendoza: "Thank you very much, Mr. Speaker and Ladies and Gentlemen. I appreciate the healthy debate on this issue. Once again, DNA is the fingerprint of the 21st century and frankly folks, it's here to stay. There's 20 states already that do this in a much more expansive manner. But I want to thank the Attorney General's Office for her leadership on this initiative as well and every Member who has supported me in this endeavor over the last five years. It's the right thing to do, both on the side of convicting the guilty and also very incredibly important on the side of exonerating the innocent and on making sure that Illinois does things right and never again wrongfully incarcerates a person who's innocent when there is DNA that would expose an otherwise truth. Thank you very much for your support and I look forward to an 'aye' vote."

Speaker Colvin: "The question is, 'Shall House Bill 3238 pass?' All those in favor vote 'yes'; all those opposed vote 'no'."

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The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Yarbrough. Mr. Clerk, take the record. On this question, 99 voting 'yes', 9 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lyons is seeking recognition. For what reason do you rise, Sir?"

Lyons: "Point of personal privilege, Speaker. Good news from 35th and Shields, White Sox 5, Tampa Bay 1. And Mr. Speaker, as long as I have everybody's attention on such a glorious day for the White Sox opener, I have... White... Cardinal, Cub fans hold on, you're all invited to this stuff. We're going have out 10th Annual White Sox Caucus, the annual meeting. It'll be this year at D J (sic-DH) Brown's on May the 10th. So, secretaries, mark the calendars, White Sox Caucus. Cubs, Cardinal fans, you're always welcome. May 10 at D J (sic-DH) Brown's, it's just an evening get together to watch the Sox when they're out in California. Thank you, Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Colvin: "Representative Reitz, for what reason do you rise?"

Reitz: "A point of personal privilege."

Speaker Colvin: "State your point."

Reitz: "Along the calendar of ballgames, the House-Senate ballgame is next Wednesday, so everyone bring your gear along. We'll try to have practice next Tuesday. Representative Osterman will lead us again on the field, I hope. It's good to have... especially all the young players."

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If you can play ball, come out. It's good to have your youth and fresh lungs. So, we appreciate... we appreciate everyone getting ready for next week. Thank you."

Speaker Colvin: "Mr. Clerk, on page 29 of the regular Calendar, we have two Motions to Table House Bill 1511. We're going to take these two Motions in... in one Motion. House Bill 1511, offered by Representative Holbrook and House Bill 3219, represented by Pihos, to table both Bills. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Bills have been tabled. Mr. Clerk, committee announcements."

Clerk Mahoney: "Two cancelations. The committee that was... Insurance Committee meeting at 4:30 was previously announced that it has been canceled, in C-1 at 4:30 Insurance Committee was canceled. As well as Public Utilities that was to meet at 4:30 has also been canceled. The following committees will meet at 4 p.m.: Appropriations-Human Services in Room 114, Revenue & Finance in Room 122B, Agriculture & Conservation in Room 115, Health Care Availability & Access in Room C-1 and State Government Administration in Room 118. Those committees will meet immediately upon adjournment. At 4:30 p.m.: the Health Care License Committee will meet in Room 413 in the Stratton, Judiciary-Civil Law will meet in Room 115. At 5 p.m.: Counties and Townships will meet in Room 413 Stratton, the Executive Committee will meet at 5 p.m. in Room 118 and Human Services will meet in Room D-1 in the Stratton."

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

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Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 255, offered by Representative Ford."

Speaker Colvin: "All those in favor of adopting the Agreed Resolutions say 'aye'; those opposed.. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions have been adopted. Representative Karen May, for an announcement."

May: "Thank you, Mr. Speaker. Ladies and Gentlemen, the much awaited Capitol Capers is scheduled for May 11 at the Hilton this year. And I would like to report that we have a very creative and exciting, creative team working on our program. The creative team will meet tonight at 6 p.m. at the Pasfield House to continue our free thinking and deliberations. If there is anyone who is creative and wants to get involved, we invite you to join us. But again, the creative Cap.. Capitol Capers team at the Pasfield House at 6 p.m."

Speaker Colvin: "Mr. Clerk, if we can readdress the Agreed Resolutions. Representative Currie moves that the House adopt the Agreed Resolutions. All those in favor say 'aye'; those opposed.. and Agreed Resolutions have been adopted. And now, allowing perfunctory time for the House (sic-Clerk), the House will stand adjourned until Friday.. Leader Currie moves that the House stands adjourned until Friday, April 8 at 10 a.m. Everyone have a good evening. All those in favor say 'aye'; all those opposed. In the opinion of the Chair, the 'ayes' have it. And the House is adjourned."

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Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Feigenholtz, Chairperson from the Committee on Appropriations-Human Services reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #1 to House Bill 2934. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on April 07, 2011: do pass Short Debate is Senate Bill 398. Representative Dugan, Chairperson from the Committee on Agriculture & Conservation reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #1 to House Bill 830. Representative McAsey, Chairperson from the Committee on State Government Administration reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #4 to House Bill 3449. Representative Reitz, Chairperson from the Committee on Health Care Licenses reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #1 to House Bill 1380. Representative Nekritz, Chairperson from the Committee on Judiciary I - Civil Law reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #3 to House Bill 3294 and Floor Amendment #5 to House Bill 3342. Representative Verschoore, Chairperson from the Committee on Counties & Townships reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #2 to House Bill 2555. Representative Burke, Chairperson from the

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Committee on Executive reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #2 to House Bill 440. Representative Greg Harris, Chairperson from the Committee on Human Services reports the following committee action taken on April 07, 2011: recommends be adopted is Floor Amendment #1 to House Bill 653, Floor Amendment #3 to House Bill 786 and Floor Amendment #1 to House Bill 1534. Introduction and Reading of House Bills-First Reading. House Bill 3758, offered by Representative Dunkin, a Bill for an Act concerning gaming. Introduction and Reading of Senate Bills-First Reading. Senate Bill 744, offered by Representative Lang, a Bill for an Act concerning gaming. Senate Bill 1230, offered by Representative Ford, a Bill for an Act concerning revenue. Senate Bill 1830, offered by Representative Rita, a Bill for an Act concerning regulation. And Senate Bill 1835, offered by Representative Jefferson, a Bill for an Act concerning liquor. Senate Bills-Second Reading. Senate Bill 398, a Bill for an Act concerning revenue. Second Reading of this Senate Bill. There being no further business, the House Perfunctory Session will stand adjourned."