

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

46th Legislative Day

4/27/2011

Clerk Mahoney: "House Perfunctory Session will come to order. Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, reports the following action taken on April 27: approved for floor consideration is Floor Amendment #3 as recommends be adopted to House Bill 30 and Floor Amendment #3 recommends be adopted to House Bill 1958. Referred to the House Committee on Rules, is House Joint Resolution 31, offered by Representative Franks. Senate Bills-First Reading introduction. Senate Bill 1259, offered by Representative Currie, a Bill for an Act concerning civil law. Senate Bill 1586, offered by Representative Zalewski, a Bill for an Act concerning elections. Senate Bill 1971, offered by Representative Mathias, a Bill for an Act concerning civil law. Senate Bill 2148, offered by Representative Mathias, a Bill for an Act concerning State government. Senate Bill 2301, offered by Representative Mathias, a Bill for an Act concerning criminal law. Senate Bill..."

Speaker J. Lyons: "Good afternoon Illinois. Your House of Representatives will come order. Members are asked to please be at your desks. We shall be led in prayer today by Doctor Noah Panlilio, who is the... with the Elston Avenue United Methodist Church. Reverend Panlilio is my guest, Representative Lyons will be doing the invocation. Members and guests are asked to please refrain from starting their laptops, turn off all cell phones and pagers and everyone rise for the invocation and the Pledge of Allegiance. Reverend Panlilio."

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Reverend Panlilio: "Let us pray. Loving God of Azjol, come into your presence with hope and anticipation that we will see the best in each of us today. Help us to never say no to every opportunity even if it's something that does not seem at first to be what we want it to do. May we never give up on being kind. May we never give up on being generous and considerate, may we care about something greater than ourselves. May we learn to share with others around us. May we be resolute and cordial. King Soloman the builder of the temple who knew the art of governance once said, hold on to sound judgement, to prudence. Do not let them out of your sight. They will prove the life of your soul, an ornament around your neck. You will go your way in safety. You're free to not stumble and God will be your guarantor. Oh God, in the myriad of crisis we face as a state and as a nation and which is on everyone's mind these days with all the checks and balances in our state that weighs us down help us, oh God. Help us to remove our own self-interest which prevents us from seeking solutions to respond to the needs of Your people of Illinois, the state we love. Help us from going around the maze of our constructions and take as instead into the freedom of righteous decision making. Guide our feat of decision making so that we will not stumble and that we may take this take forward through the leadership of these Your chosen leaders forward with integrity and justice that will allow You to be a guarantor. God we ask and beseech You for everything but then we also thank You for everything.

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For in You we trust and in You we are not dismayed. We pray in Your holiest name, Amen."

Speaker Lyons: "Representative Rosenthal, would you please lead us in the Pledge of Allegiance."

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

Speaker Lyons: "Roll Call for Attendance. Leader Barbara Flynn Currie, Democrats."

Currie: "Thank you, Speaker. Please let the record show that Representatives Mendoza and Osterman are excused today."

Speaker Lyons: "Thank you, Leader. Representative Mike Bost, Republicans."

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

Speaker Lyons: "Mr. Clerk, take the record. We have 112 Members responding to the Roll Call, a quorum is present. We're prepared to do the work of the people of the State of Illinois. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Chapa LaVia, Chairperson from the Committee on Elementary & Secondary Education reports the following committee action taken on April 27, 2011: recommends be adopted Senate Joint Resolution 27; and do pass Short Debate for Senate Bill 1643, Senate Bill 1742, Senate Bill 1744, and Senate Bill 2143. Representative Harris, Chairperson from the Committee on Human Services reports the following committee action

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taken on April 27, 2011: recommends be adopted House Resolution 245; and do pass Short Debate for Senate Bill 1248, Senate Bill 1282, Senate Bill 1379, Senate Bill 1612, Senate Bill 1805, Senate Bill 1833, and Senate Bill 1894. Representative Nekritz, Chairperson from the Committee on Judiciary I-Civil Law reports the following committee action taken on April 27, 2011: do pass Short Debate for Senate Bill 62, Senate Bill 1372, Senate Bill 1702, Senate Bill 1753, Senate Bill 1804, and Senate Bill 1877. Representative D'Amico, Chairperson from the Committee on Transportation: Vehicle Safety reports the following committee action taken on April 27, 2011: do pass Short Debate for Senate Bill 1585 and Senate Bill 1669; and do pass Standard Debate for Senate Bill 1913. Representative Reitz, Chairperson from the Committee on Health Care Licenses reports the following committee action taken on April 27, 2011: do pass Short Debate for Senate Bill 1350 and Senate Bill 1843; do pass as amended Short Debate for Senate Bill 1602."

Speaker Lyons: "Representative Monique Davis, for what purpose do you seek recognition, Ma'am?"

Davis, M.: "Mr. Speaker, I seek recognition for personal privilege."

Speaker Lyons: "The Lady stands for a point of personal privilege. Representative Davis."

Davis, M.: "Mr. Speaker, I'd like the House to join me in recognizing a former Member who sat on the other side of the aisle. Believe me, some of us became very good friends even though we were on opposite sides of the aisle. The

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person I'm going to introduce was a Legislator for 13 years. I'm sorry, 18 years. She was a Legislator for 18 years and she was married to Wally who's up in the balcony for 60 years. Wally, where's Wally? Sue Deuchler is the great Legislator I'm speaking of. I want to congratulate Sue for her 18 years in the General Assembly, regardless to the side she was on and the marriage of 60 years. Raise your hand, Sue. Give her a big round welcome."

Speaker Lyons: "Welcome home, Representative, so nice to see you back on the floor. Representative Barickman, point of personal privilege, Representative?"

Barickman: "Yes, Mr. Speaker. Mr. Speaker, Members of the House, I'd like to introduce to you a... a very good friend of mine Erin Solomon is with us today in the chamber. Erin is a student at the University of Illinois. Plans to enroll at the University of Illinois College of Law this fall, and is a resident of Urbana. Most importantly, she's been my legislative intern this semester, and I'd like you all to join me in welcoming her to Springfield."

Speaker Lyons: "Welcome to your Capitol. Glad to have you. On page 5 of the Calendar, we have several Bills on... Senate Bills on the Order of Second Reading and we're moving to Third Reading. Representative Franks, you have Senate Bill 90. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill... Senate Bill 90, a Bill for an Act concerning transportation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

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Speaker Lyons: "Third Reading. Representative Hays, on the Order of Third Reading, in the middle of page 5, Senate Bills-Second Reading, is Senate Bill 154. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 154, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Representative Hays, we're just moving that to Third unless there's something you need to explain. Third Reading. Representative Jil Tracy, on the Order of Second Reading-Senate Bills, you have Senate Bill 168. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 168, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Representative Sosnowski, you have, on the Order of Second Reading-Senate Bills, Senate Bill 1670. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1670, a Bill for an Act concerning local government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Sid Mathias, on the Order of Second Reading Senate-Bills, you have Senate Bill 17... Sorry, Sid, we'll take that out of the record. It's Representative Mautino, you have, on the Order of Second

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Readings, on the middle of page 5, Senate Bill 1703. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1703, a Bill for an Act concerning fees. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Mr. Clerk, in the middle of page 7, on the Order of Resolutions, Representative Sid Mathias has House Joint Resolution 26. Representative Mathias on House Joint Resolution 26."

Mathias: "Thank you, Mr. Speaker. House Joint Resolution 26 creates the Fire Protection District Consolidation Task Force. This is not... this an initiative of the Illinois Association of Fire Protection Districts and the Illinois Municipal League is a proponent. It is not to force any fire districts or municipal fire departments to consolidate, but only in the event where there's an agreement to consolidate this task force would recommend the best procedure and government structure for any voluntary consolidations. I ask for your 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's explanation of House Joint Resolution 26. Seeing no one is questioning, the question is, 'Should House Joint Resolution 26 be adopted?' 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? Acevedo, Arroyo, Bellock, Berrios, Danny Burke, like to be recorded? Representative Verschoore. Mr. Clerk, take the record. On this Amendment, there's 112 people voting 'yes', 0 voting 'no'. And House Joint Resolution 26

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is adopted. Representative Dave Winters, on the Order of Resolutions on page 7, you have House Joint Resolution 27. Out of the record. Representative Mike McAuliffe, on the middle of page 7, on the Order of Resolutions, Mike, you have House Resolution 155. Representative McAuliffe on House Resolution 155."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 155 would designate a segment of U.S. Route 20 that crosses through the top of the State of Illinois is the highway of... Ulysses S. Grant Highway of Fallen Heroes. And it would also encourage the 11 other states that go from Massachusetts all the way to Oregon to adopt a similar version."

Speaker Lyons: "You've heard the Gentleman's explanation. The Chair recognizes the Gentleman from McHenry, Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "This is a... I live on Route 20, so I'm happy to see this... to see this Bill, but was there a Bill that we had just passed recently that would require the Sponsor to pay for these signs?"

McAuliffe: "I'm not aware of that. That could be."

Franks: "Have we got a... has there been any fiscal notes on these, 'cause remember, I forget who it was on your side, it was Mr. Rose who had, I believe... we had passed that Bill, hadn't we Chapin? It was a... So, Mr... so, I'm just wondering, seriously, how this will be paid for on thi... in this type of instance?"

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McAuliffe: "I be... I believe that those bills or... I mean those signs were recognizing different individuals from communities like a gymnastic champion and that would change from year to year, where this would be consistent it would stay the same from year to year."

Franks: "Okay. Thank you."

Speaker Lyons: "Representative Franks, I believe Representative Rose is there to respond to you. Representative Chapin Rose."

Rose: "Yes, Mr. Speaker. My name was used in debate and hope to provide some clarity if I may. The Bill that was passed is still in the Senate it has not passed the Senate. So it is not passed and been signed into law, Representative Franks. It's passed our chamber only, but if it... if it were to become law, it would apply to all of these memorial dedications after it became law. So..."

Speaker Lyons: "Seeing no further discussion, the question is, 'Should House Resolution 155 be adopted?' 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? Acevedo, Dan Burke, Dunkin. Mr. Clerk, take the record. On this Bill, there's 111 Members voting 'yes', 0 voting 'no'. And House Resolution 155 is adopted. Representative Chapa LaVia, on Supplemental Calendar #1, you have Senate Joint Resolution #27. Representative Chapa LaVia on Senate Joint Resolution 27 on Supplemental Calendar #1."

Chapa LaVia: "Thank you, Speaker and Members of the House. What this Bill does is it amends the... Wait, I'm sorry, I'm

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on the wrong one. First of all, I just want to discuss voting 'yes' means you approve of the modifications and denials to the school district applications set forth in House Joint Resolution 27. Voting 'no' means you support the school district waiver application without changes. The Resolution synopsis is it addresses the State Board of Education spring 2011 Report on Waivers of School Code Mandates by limiting the driver's education fee waivers to \$250 to the following school districts: Ottawa 140 requested 300, Streator 40 requested drivers to be... the driver's fee to be 300, Montoon 708 (sic-Morton 709) wanted 300, Freeport 145 who wanted 300 and then Warren 205 wanted... they requested 500. So, what this does is it mandates that all the fees be under \$250 and also under this Code, driver's education fees are limited... limited to 500 but not more then 250. There were 19 requests and all of them except for these 5 were accepted. So, I ask for its adoption."

Speaker Lyons: "You've heard the Lady's explanation on Senate Joint Resolution 27. The Chair recognizes the Lady from Cook... the Chair recognizes the Gentleman from Jackson, Representative Mike Bost."

Bost: "I just need... just need to confirm if the Lady will yield. A 'yes' is a 'no' and a 'no' is a 'yes' just like all the waiver requests that are not?"

Chapa LaVia: "A 'yes' means you approve of the modifications and denials to the school district application set forth in House Joint Resolution 27."

Bost: "You... you approve the denial."

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Chapa LaVia: "Correct."

Bost: "So, if you support... if you support the waiver, you want to vote 'no'?"

Chapa LaVia: "Right. So, once again if everybody can... that's all of them."

Bost: "This... this is why this gets very confusing since it was created, and I think the Members should pay attention here."

Chapa LaVia: "Right."

Bost: "If you support allowing the school district to have the waiver, you would vote 'no' on this piece of legislation."

Chapa LaVia: "Correct."

Bost: "Okay. That was the only..."

Chapa LaVia: "So, you need to vote 'yes'."

Speaker Lyons: "Ladies and Gentlemen, I'd like to bring the noise level down on the House Floor. On this issue Representative Bost just explained it. So Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Okay. Representative, just for clarification purposes we can try one more time. If a school district requested from the State Board of Education a waiver of some mandate in the School Code, that waiver has been approved unless it shows up on these lists that we have of denials?"

Chapa LaVia: "Correct."

Eddy: "So all we're doing is denying with a 'yes', we agree with this list, some of the waivers that were requested and I think it's very limited here?"

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Chapa LaVia: "Right. It's very limited. There were 19 and all of them except for these 5 were... were accepted."

Eddy: "So if you vote 'yes', you are agreeing that these waivers should be denied?"

Chapa LaVia: "Correct. You are voting for..."

Eddy: "If you vote 'no', it's because you think that these waivers should've been granted?"

Chapa LaVia: "Correct."

Eddy: "So if you've got a school district on this list that you felt like should've been granted the full waiver but it's being denied you want... you might want to vote 'no'."

Chapa LaVia: "Right."

Eddy: "But otherwise a 'yes' vote is the appropriate vote?"

Chapa LaVia: "Correct."

Eddy: "Okay. Thank you."

Chapa LaVia: "You're welcome and there are no fees in the state right now that are more than \$250 and we thought this was pretty... oh... usually we keep it around 250, but we felt that these were a little bit high."

Speaker Lyons: "Representative Riley."

Riley: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Riley: "Representative, I was just wondering whether or not there were any groups who sort of weighed in one way or another being proponents or opponents of this legislation?"

Chapa LaVia: "No, no opponents. Just all proponents."

Riley: "Mr. Speaker, I... I can't... I can't hear. Can you..."

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Speaker Lyons: "Ladies and Gentlemen, one more time, please.
The noise level on the House Floor makes it very hard to
have a conversation on a very serious Joint Resolution."

Chapa LaVia: "Representative Riley..."

Speaker Lyons: "Shhh..."

Chapa LaVia: "...there were no opponents in committee, only
proponents."

Riley: "Which were essentially the districts that filed for the
waivers?"

Chapa LaVia: "Correct. I'm sorry, I stand corrected. My staff,
the staff, I call them all my staff because they do a great
job in my committee. There was only one. The American
Heart Association was opposed to one of them."

Riley: "The American Bar Association?"

Chapa LaVia: "On the PE waivers part of our big Bill that we
passed of all the waivers?"

Riley: "Mmm mmm."

Chapa LaVia: "Only one, but not to this Section of the fees on
the driver's education, they were because of the heart... I
think it had to do with the defibulators or the PE waivers.
So it had nothing to do with this initial Senate Joint
Resolution 27."

Riley: "Okay. The... I think these are very important points
that people should be cognizant of before we vote. Thank
you."

Chapa LaVia: "Thank you."

Speaker Lyons: "Representative Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Again, this... this is a
little bit confusing. And another point has been brought

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up. If you're... if you just simply are opposed to us denying any waivers, then you might want to vote 'no' even though they're not in your district. There are some Representatives that say we shouldn't even be in this business; therefore, I'm going to vote 'no' on all of them. And that's fine. But there were other... there was more opposition, Representative Chapa LaVia, in the information time that we had that we had I believe the I... TVIEA that were opposed to physical education waivers at that time. There were no listed opponents in our... in our synopsis of... of the particular Bill. But again, it... it... it's pretty simple. If you look at this and your district is not listed in the Bill itself, you don't see your district listed, that means their waiver has been approved. If you see your district listed... your district listed, that means we are denying that particular waiver. If you... that is your district and you don't agree that we should deny it, then you might want to vote 'no'. If you agree with the Bill as it sets there, then you would just simply vote 'yes'. Thank you, Mr. Speaker."

Speaker Lyons: "Representative Chapa LaVia to close."

Chapa LaVia: "And once again, it's not the total amount that we're denying on all of these 5 individual districts. There was either a carry through of what they had last time, but we're denying... most of them are flat and they were 250. We're just denying this increase. So they are getting... most of them are doing 250 right now and I request its adoption. Thank you."

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Speaker Lyons: "We've had a thorough discussion on Sen... Senate Joint Resolution 27. All those in favor of its adoption signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Franks, May, Rose. Mr. Clerk, take the record. On this Resolution, there are 91 Members voting 'yes', 19 members voting 'no'. And the House adopts Senate Joint Resolution #27. Representative Sara Feigenholtz on a point of personal privilege."

Feigenholtz: "Thank you so much, Mr. Speaker. On a point of personal privilege I'd like to welcome to Springfield and I'd like all of my colleagues to give them the great welcome that we always give everyone. Karen Lewis and her son Adam who's a Page today and her daughter Megan. They go to Hawthorne School in my district. Let's give them a big Springfield welcome."

Speaker Lyons: "Welcome to your Capitol, enjoy your day. Clerk, at the bottom of page 4 under House Bills-Third Readings we have House Bill 30 Re... The Bill's on the Order of Third Reading. Let's put that Bill back to the Order of Second Reading for the purpose of an Amendment. Representative... I mean, Mr. Clerk, what's the status on House Bill 30?"

Clerk Bolin: "For House Bill 30, Amendments 1 and 2 have been adopted. Floor Amendment #3, offered by Representative Lang, has been approved for consideration."

Speaker Lyons: "Representative Lang."

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Lang: "Thank you, Mr. Speaker. The Amendment is purely technical supported by Mr. Cross. And I would ask the adoption of the Amendment."

Speaker Lyons: "You heard the Gentleman's explanation on Amendment #3. 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. The Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Mr. Clerk, on the Order of House Bills on Second Reading, Representative Robyn Gabel has House Bill 1958 on the bottom of page 3. Representative Gabel. Representative Robyn Gabel, you have, on the Order of Second Reading, Amendment ready on House Bill 1958? Mr. Clerk."

Clerk Bolin: "House Bill 1958, the Bill was read for a second time on a previous day. Amendments 1 and 2 have been adopted. Floor Amendment #3, offered by Representative Gabel, has been approved for consideration."

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

Gabel: "Thank you... thank you, Mr. Speaker. This Amendment changes the Bill to only impact the Cook County jail system. The Cook County Sheriff's Office has worked with us cooperatively to draft the Bill, and they are in agreement. And it does not affect the Department of Corrections anymore nor other downstate sheriffs."

Speaker Lyons: "You've heard the Lady's explanation of Floor Amendment #3. All those in favor of its adoption signify by saying 'yes'; those opposed say 'no'. In the opinion of

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the Chair, the 'ayes' have it. And Amendment #3 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 295, offered by Representative Verschoore."

Speaker Lyons: "Representative Lang moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk on committees."

Clerk Bolin: "One committee has been canceled for this afternoon. The Tollway Oversight Committee scheduled for 2 p.m. this afternoon has been canceled. That's the Tollway Oversight Committee has been canceled. There has been a room change for two committees at 4 p.m. The Appropriations-Public Safety Committee will meet in Room C-1. And the Higher Education Committee will meet in Room 114. That's a room change for those two committees."

Speaker Lyons: "And now seeing no further business to come before the House of Representatives, Representative Lou Lang moves the House stand adjourned 'til the hour of 1 p.m. on Thursday, April 28. So allowing perfunctory time for the Clerk, all those in favor of the adjournment signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned 'til the hour of 1 p.m. on Thursday, April 28."