

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

62nd Legislative Day

5/23/2011

Clerk Mahoney: "House Perfunctory Session will come to order. Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on May 23, 2011: approved for floor consideration, referred to the Order of Second Reading is Senate... Correction. House Bill... House Bill 815 and House Bill 861; recommends be adopted Floor Amendment #3 to Senate Bill 1773. Introduction and reading of Senate Bills-First Reading. Senate Bill 669, offered by Representative Madigan, a Bill for an Act concerning regulation."

Speaker Lyons: "Good afternoon, 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 Reverend Dr. Lorraine J. Powell, who is the Pastor of Holy Spiritual Temple Church in Chicago, Illinois. Reverend Powell is the guest of Representative Ken Dunkin. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and The Pledge of Allegiance. Reverend Powell."

Reverend Powell: "To our Honorable Governor Pat Quinn, in his absence, House Speaker Madigan, and to my own State Representative, Ken Dunkin and to each of you assembled here today, I greet you in the Messiah's name of Jesus Christ. I count it a privilege as well as a pleasure to have been invited to give this opening prayer for this Session on today. Before I do, I would like to recognize the importance of government, which of course was

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instituted by God, Himself, to serve as both a custodian and an enforcer of His eternal law. The government's function is to promote the general welfare of our communities, where its laws are in effect, that each of us may lead a quiet and peaceable life. That having been said, let us bow our heads in prayer. Oh God, our help and ages that have passed, our hope for years that are yet to come, a shelter from the stormy blast in our eternal home. We come before Your throne of grace first with our hearts filled with thanksgiving for the precious gift of life, for our health and for our strength. We come asking for Your leading and guidance for these Legislators who represent a cross-section of men and women and boys and girls throughout the State of Illinois. Our prayer is that You would allow them to pass legislation that will have a positive effect in the districts in which they serve. When this happens, our neighborhoods will change, and when our neighborhoods change, our communities will change. And when our communities change, our cities will change. And when our cities change, our state will change. And when our state changes, our nation will change for the betterment of His people everywhere. I ask, oh God, that You would crown each of them with wisdom and knowledge afresh. And allow them to know that the decisions that they make today will, in fact, will affect not just us and those of us that are in this room today but the future of our children and our children's children. I ask this prayer in Jesus' name and call these things done, and it is son, Amen."

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Speaker Lyons: "We'll be led in the Pledge today by the Burkes, Kelly and Dan."

Burkes, D. and K. - 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. Representative Mike Bost, how's the status of the GOP today?"

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Mulligan is excused on the Republican side of the aisle today."

Speaker Lyons: "Thank you, Representative. Representative Barbara Flynn Currie, Democrats?"

Currie: "Thank you, Speaker. Please let the record reflect the excused absence of Representative Phelps."

Speaker Lyons: "Mr. Clerk, take the record. There's 115 people answering the quorum call. We do have a quorum and prepared to do the work of the people of the State of Illinois. Mr. Clerk."

Clerk Mahoney: "Referred to the House Committee on Rules is House Resolution 395, offered by Representative John Bradley. House Resolution 397, offered by Representative John Bradley. And House Resolution 402, offered by Representative Flowers."

Speaker Lyons: "Representative Mike Bost, for personal privilege."

Bost: "Mr. Speaker, a couple points of personal privilege, if I may. First, Paging with us today is Lena Dickermann. She is from Heidelberg, Germany. She's an exchange student in the

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City of Murphysboro. Her house parents are here with her today, Bob and Waylene Hanna from Murphysboro, up here in the gallery with us. And if you could give her a welcome."

Speaker Lyons: "Welcome to the Capitol. Proud to have you."

Bost: "And if I can, Mr. Speaker, also, there's someone I'd like to introduce. Now she's been here before. However, when she was here before, she was about eight or nine months old, but now she's six years old and almost seven. And that is my granddaughter, Lydia."

Speaker Lyons: "Lydia, welcome back. Keep an eye on grandpa for us today. Representative Don Moffitt, for what purpose do you seek recognition, Sir?"

Moffitt: "I rise to a point of personal privilege."

Speaker Lyons: "Please proceed, Don."

Moffitt: "Mr. Speaker and Ladies and Gentlemen of the House, on several previous occasions your side.. the other side of the aisle has announced addition to the Democrat Party, new arrivals. And I'm pleased to announce a new arrival for the Republican side. This baby was born about 1:00 this morning our time in New York. She joins her three other brothers, and she's the sixth grandbaby of Rita Mathias. Would you please congratulate the proud grandfather, Representative Sid Mathias, on the arrival of his sixth grandbaby."

Speaker Lyons: "Congratulations Sid. Representative Moffitt."

Moffitt: "In addition to improving the balance for the Republican side, it also makes an even gender balance for the Mathias grandparents of three granddaughters and three grandsons now, so really adds to the balance. Thank you."

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Speaker Lyons: "Ladies and Gentlemen, on page 19 of the Calendar, on Motions in Writing, Representative Currie has Senate Bill 1177. Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker and Members of the House. Pursuant to Rule 25, I move to suspend the posting requirements so that Senate Bill 1177 might be heard in the House Redistricting Committee."

Speaker Lyons: "You've heard the Lady's Motion. Discussion? The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

Eddy: "Thank you very much, Mr. Speaker. Under House Rule 54(a)(2), all Motions are assigned Standard Debate status, and I wish to debate my Motion. And upon conclusion of the debate, I ask for a recorded vote on the Motion to suspend the posting requirement for Senate Bill 1177. Under Rule 49, Article 4, Section 8(c) of the Illinois Constitution, any vote shall be by record vote whenever five Representatives shall so request. Mr. Speaker, there are at least five Members on my side that wish for recorded votes on the Motions... the Motion to suspend the posting requirement for Senate Bill 1177."

Speaker Lyons: "Representative, it's our intention to give you a Roll Call vote."

Eddy: "Mr. Speaker, I further would ask for a verification of that Roll Call."

Speaker Lyons: "And your verification, Representative Eddy, is so noted."

Eddy: "I also wish to debate the Motion, Standard Debate."

Speaker Lyons: "Please proceed, Roger."

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Eddy: "Okay."

Speaker Lyons: "Five minutes, and we'll give you more time if you need it."

Eddy: "Okay, thank you very much, Mr. Speaker. Leader Currie, we have eight days left in what might be considered the end of Session before there's any overtime. Why is it necessary to suspend the posting requirement?"

Currie: "Representative, we have eight days left before the traditional end of Session, midnight May 31. I think we want to be ready to move in an expeditious fashion on this as on all other measures that are coming before us. As you know, our docket is full, chock-full. Budget items, many substantive Bills, as well. So, let's move on it."

Eddy: "Representative, beyond the traditional end, I think we also have the entire month of June, if necessary. I guess... I guess the question becomes with a normal six-day posting requirement why is it necessary to speed this up, and what's the plan for the Amendment to actually be filed?"

Currie: "Representative, the Redistricting Committee is meeting tomorrow, so it makes sense to consider this as well as the other items on the docket before that committee. Again, we have hundreds of measures pending; let's move on them. And this is a proposal to begin to move on this."

Eddy: "I understand that there's already a committee hearing scheduled, but it's possible to add committee hearings on redistricting and possibly that'll happen anyway but, why is it necessary? Why the rush for tomorrow, the posting requirement? Is it your plan to have the Amendment ready for tomorrow then?"

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Currie: "Representative, I don't know the answer to that question. I do know that it's possible there will be further hearings in the Redistricting Committee. We suspend posting requirements all the time. This measure is no different from all the others. The committee is meeting tomorrow. Let's put this on the agenda. I can't tell you whether anything will happen to it tomorrow, but there's no reason to wait."

Eddy: "Thank you, Leader Currie. Ladies and Gentlemen, to the Motion. We have plenty of time to do this in a transparent manner. This isn't just any Bill. This is a Bill that's going to carry language to apportion and reapportion Illinois and remap our state for the next 10 years. This is not just another Motion. This is very important that the people of Illinois see that this process is transparent. It was just last week that we saw the first visions of the new map. There are two days of hearings over the weekend. That's all we've had, so far, as an opportunity to see what's going to become the map that represents the people of the State of Illinois for the next 10 years. We have eight days left. There's no reason that we can't take ample time for something so important. This is supposed to be a transparent process. One in which individuals have the right to come before a committee with time after having a chance to read a Bill that's very, very detailed. Ladies and Gentlemen of the House, there's no reason whatsoever to rush this. We have... we have appealed in this process on several occasions to make this a more fair process one that, at least, is more transparent. And here we are at the

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very end of the traditional Session, and we see maneuvers to move this process even faster. Ladies and Gentlemen, I just don't understand why we can't be transparent and give the people of this state the opportunity to see the Amendment, to read the Amendment in full before it is just popped out in a short period of time. We have eight days left. It's a six-day posting notice. I don't understand why in the world we treat the people of the State of Illinois like they're not an important part of the process about who they get to vote for. These maps are drawn without their input. They're drawn behind closed doors, where Leaders and individuals get a chance to pick who votes for them, rather than the other way around. At least, we could give them ample time to look at the Amendment. I appeal to your sense of fairness and transparency and ask you to vote 'no' on suspending the Motion... or suspending the time for which this Bill is going to get a proper hearing. Vote 'no'."

Speaker Lyons: "You've heard the Lady's Motion. Representative Currie to close."

Currie: "Thank you, Speaker. Members of the House, we do this day in and day out on Republican Bills, on Democratic Bills. All we're doing is sending this measure to a committee, a committee that meets tomorrow so that we can put this on the agenda. This is a shell Bill. There's nothing in the Bill to object to. Anything that happens will be totally transparent. We are accountable to the citizens, and we will continue to be just that. Please vote 'yes' on this Motion to suspend the posting requirement."



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Speaker Lyons: "Ladies and Gentlemen of the House, verification has been requested by Representative Eddy. So Members are asked to please vote their own switches, and staff, if you'd go to the back of the room we'd appreciate it. All those in favor of the Motion 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 Beaubien. Mr. Clerk, take the record. On the Motion, there are 63 Members voting 'yes', 53 Members voting 'no'. And the Motion carries. Representative Eddy, do you wish to proceed with your verification?"

Eddy: "You got to read the list of... read the names of the affirmative."

Speaker Lyons: "Democrats, I ask to please be in their seats. Staff, please off the floor on the Democratic side. Members at your chairs... in your seats, please. Mr. Clerk, those voting in the affirmative."

Clerk Mahoney: "The following Members voting in the affirmative are Representative Acevedo; Arroyo; Beiser; Berrios; Biss; Bradley; Dan Burke; Kelly Burke; Carli; Cassidy; Chapa LaVia; Colvin; Crespo; Cunningham; Currie; D'Amico; Monique Davis; Will Davis; DeLuca; du Buclet; Dugan; Dunkin; Farnham; Feigenholtz; Flowers; Ford; Franks; Gabel; Golar; Gordon; Greg Harris; Hernandez; Holbrook; Howard; Jackson; Jakobsson; Jefferson; Jones; Lang; Lilly; Lyons; Mautino; May; Mayfield; McAsey; McCarthy; McGuire; Mell; Mussman; Nekritz; Reitz; Riley; Rita; Sente; Smith; Soto; Thapedi; Turner; Verschoore; Williams; Yarbrough; Zalewski."

Speaker Lyons: "Representative Eddy."

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Eddy: "Thank you, Mr. Speaker. I guess, I could have done what Representative du Buclet did and just check with Shaw like on her Bill last week. We'll withdraw at this point. I withdraw the verification notice now. Thank you."

Speaker Lyons: "The Gentleman withdraws the request for verification, and the Motion carries, 63 voting 'yes'; 53 voting 'no'. Continuing on page 19 in Motions in Writing, Representative Currie on Senate Bill 1178. Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker. I move to suspend the posting requirements for Senate Bill 1178, so it too may be assigned and heard in the Redistricting Committee tomorrow. I will stipulate to the same debate and the same Roll Call if it's all the same to you."

Speaker Lyons: "Representative Roger Eddy."

Eddy: "Thank you, Mr. Speaker. I appreciate the offer. However, as you know, under House Rule 54(a)(2), all Motions are assigned Standard Debate status, and I wish to debate my motion. And upon conclusion of the debate, I ask for a recorded vote on the Motion to suspend the posting requirement for Senate Bill 1178. And under Rule 49, Article 4, Section 8(c) of the Illinois Constitution, any vote shall be by record vote whenever five Representatives shall so request. There are, Speaker, at least five Members on my side of the aisle that wish for a recorded vote on the Motion to suspend the posting requirement for Senate Bill 1178. And I also ask, hands, for a verification."

Speaker Lyons: "Representative Eddy, it's our intention to give you Roll Call vote. We're happy to give you verification."

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Eddy: "Also, would quickly ask a couple of questions."

Speaker Lyons: "Please, Sir, the Lady awaits your questions."

Eddy: "Thank you. Leader Currie, I've just been informed that there are some hearings or committees scheduled for Sunday. Would it be out of, really, out of line to ask for a transparency for this important measure to use that same time and wait and post the redistricting hearings for Sunday? We have other committees already posted. That way we wouldn't need to speed this up."

Currie: "Yeah, Representative, let's move things along. We don't have much time left in traditional spring Session. I renew my Motion."

Eddy: "Thank you. Again, Ladies and Gentlemen of the House, very quickly, to the Motion. It just seems like it is totally unnecessary to rush this. As I mentioned in my question to Leader Currie, there are committees posted already for Sunday. This could easily be handled in that manner and could be a more transparent system for the people of the State of Illinois. I don't understand why we... we're going to rush this and not allow the people a chance to have ample time to read this. It makes no sense. It makes no sense to rush through this. We have plenty of time. Again, I ask you to vote against the Lady's Motion."

Speaker Lyons: "You've all heard Representative Currie's Motion, suspend posting on Senate Bill 1178. Ladies and Gentlemen, once again, there's been a request for verification. Please vote your own switch. The question is, all those in favor of the passage... of the suspending of the posting requirements for Senate Bill 1178 vote 'yes'; those

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opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Acevedo. Mr. Clerk, take the record. 63 Members voting 'yes', 53 Members voting 'no'. Representative Eddy, request for a verification? Representative Eddy."

Eddy: "Speaker, I'll withdraw that request."

Speaker Lyons: "The Gentleman withdraws his request for verification. Take the record. By a vote of 63 to 53, the posting requirements for Senate Bill 1178 are waived. On page 20 of the Calendar, one more Motion in Writing to suspend postings for Senate Bill 1179. Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker and Members of the House. This is the same Motion on yet another Bill, Senate Bill 1179. I move to suspend the posting requirements so that this too may be assigned and heard to the House Redistricting Committee tomorrow or later in the week if necessary."

Speaker Lyons: "Representative Eddy, once again it is our intention to do a recorded roll call vote. Representative Eddy."

Eddy: "Thank you, Mr. Speaker. If that's your intention, I will just accept that. I'd also ask that we do a verification, as well. And I would like to quickly ask the Leader a question."

Speaker Lyons: "Verification is so noted, Representative, and Representative Currie awaits your questions."

Eddy: "Leader Currie, it appears obviously as if this is going to happen very quickly. Can you give us an idea then? I

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mean, this does suspend the requirement. How soon do you anticipate language to be available before these committees?"

Currie: "Sometime in the near future, Representative."

Eddy: "So it is possible with this waiving of the requirement... How soon could... how soon could the Amendments be heard in committee?"

Currie: "We did have a hearing in the Senate committee on Saturday. We had a hearing in the House committee on Sunday. An Amendment was filed, I believe, on both the House and Senate versions. So language and maps, ideas about mapping for the next decade are already in the public domain. That doesn't mean I think that we're going to act on these Bills tomorrow, but it does seem to me, as we always do, we try to be ready when it is time to move along items in the legislative process. This is a very important item as is the budget. As are all those other Bills that are out there. So it's my request that we make sure this is available to the House Redistricting Committee as soon as tomorrow, but it doesn't mean there will action on this measure as soon as tomorrow."

Eddy: "How much time do you consider to be a reasonable amount of time for the posting of this Amendment prior to the time the committee hears it?"

Currie: "I believe under our rules it takes two hours when an Amendment is filed. Once Rules has assigned it to a committee, I believe it's a two-hour posting requirement."

Eddy: "So, do you think... how big potentially is the Amendment? How many pages do you think we might be looking at here?"

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Currie: "Pages for an Amendment?"

Eddy: "Yeah, in this case."

Currie: "Very significant. And I am sure you've been reading ever since last Saturday and ever since last Sunday, and my guess is you're probably on page 2012 even as we speak. You have plenty of time before tomorrow to get through the rest."

Eddy: "But if there's only two hours before..."

Currie: "No, I'm sorry..."

Eddy: "...the time a final Amendment is posted..."

Currie: "Actually, there is now an Amendment filed to the House Bill that we held a public hearing, a lengthy public hearing, on Sunday. That should be the basis for any further consideration, and I would advise you to do your homework with that as, perhaps, the starting point. And when I said a two-hour posting, in fact, of course any Amendment if it were to go to committee and any Amendment to any of these Bills would go to committee, must be filed by 3:00 the day before the committee meets."

Eddy: "Okay. So are you saying that the final Amendment has been filed?"

Currie: "No. I said there was an Amendment filed on a House Bill that was the subject of discussion at a hearing in Chicago on Sunday. My advice is, bone up, read that Amendment because that may be... gives you a general framework for re-map proposals that will someday come before the Members of this chamber."

Eddy: "Okay. And it..."

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Currie: "But I did say that an Amendment to any of these Bills would have to be filed before 3:00 the day before a committee hearing."

Eddy: "Okay. Thank you. I just am trying to figure out how it's reasonable to expect such a large Bill, that's a large Amendment to be read by the public. Now I understand the public may have some interest in this. If they're interested in reading this, how much time will they have?"

Currie: "The public has had access to the general framework since Saturday, and I suspect that they're busy reading away. And as I say, no A... I'm sorry since Friday, and no Amendment could be heard to any of these Bills in committee unless it is filed before 3:00 the day before a committee hearing."

Eddy: "Thank you, Leader Currie. Ladies and Gentlemen of the House, again, think about what we're asking the public to do here. We're asking them to bone up, to know what there is to know about generally something that was filed just last Friday and specifically something that could change between now and when the final Amendment is filed, and they would have very little time to look at this. The general public deserves time to read this, to pour over it. There's no reason they can't have that time under the general timelines that House Rules allow. This... there's no need to suspend the posting requirements. We have plenty of days to allow for the six-day requirement. We have eight days left, and if necessary, we have the whole month of June. Don't... don't short circuit this process. Give people of this state the opportunity. Vote 'no' on this Motion."

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Speaker Lyons: "Representative Currie moves to suspend the posting requirements for Senate Bill 1179. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open, and there has been a request for verification. Punch your own switches. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Eddy, do you wish to pursue your verification? The Gentleman withdraws his verification, and the posting requirements are suspended. Ladies and Gentlemen, we're going to start on Senate Bills- Third Reading on page 5 of the Calendar. So, if you have your Calendar handy, just kind of go down the row with me. We're going to start with Representative Brady. Is Representative Brady on the floor? Representative Bost, for what purpose do you seek recognition, Sir?"

Bost: "Thank you, Mr. Speaker. If we could, the record needs to reflect that Representative Stephens is excused the rest of the day."

Speaker Lyons: "So noted. Thank you, Representative. Representative Mike Connelly, on the Order of Senate Bills- Third Reading, on page 5 of the Calendar, you have Senate Bill 541. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 541, a Bill for an Act concerning local government. Third reading."

Speaker Lyons: "The Chair recognizes the Gentleman from DuPage, Representative Mike Connelly."

Connelly: "Thank you, Mr. Speaker and Members of the House. Senate Bill 541 is an initiative of one of our former colleagues, DuPage County Board Chairman Dan Cronin. The



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legislation, as amended, permits, but does not mandate, that county boards and counties with a population greater than 300 thousand but less than 2 million may adopt, by ordinance, this specific recording... reporting requirements for local agencies of which the county board confirms the majority of the members. This was unanimously passed in the Senate. I thank Senator Garrett, Senator Sandack, who's here. I ask for an 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion on Senate Bill 541? Seeing none, all those in favor of the passage of Senate Bill 541 signify by saying 'yes'; those... vote the answer... 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 Flowers, Debbie Mell. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Brady, forgive me for going over your Bill, Senate Bill 401. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 401, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Dan Brady."

Brady: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 401... Senate Bill, I'm sorry, 401 seeks to extend the tax exemption that was set to sunset which has been in effect for the last five years. It would extend it another five years for those Illinois businesses, which there's some 260 across the state that use this, that

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have temporary storage facilities and purchase Illinois products to ship them throughout their other businesses across the country. And I'd be happy to answer any questions.

Speaker Lyons: "You've heard Representative Brady's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 401 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 Golar. Representative Jakobsson, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Greg Harris, on page 5 of the Calendar, you have Senate Bill 665. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 665, a Bill for an Act concerning regulation. Third Reading."

Speaker Lyons: "The Gentleman from Cook, Representative Greg Harris."

Harris G.: "Thank you, Mr. Speaker, Members of the House. This is a piece of legislation that it follows up on a Bill that Senator Steans and I passed a couple years ago on behalf of the craft distiller in our district. It raises the permissible production from 5 to 15 thousand gallons. I know of no opposition. I'll be happy to answer any questions. I might point out, this is not the craft brewers' Bill. This is the craft distillers' Bill."

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Speaker Lyons: "Thank you for that clarification, Representative. Is there any discussion on Senate Bill 665? 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? Representative Gabel, Representative Lilly. Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Elaine Nekritz, you have Senate Bill 670. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 670, a Bill for an Act concerning regulation. Third Reading."

Speaker Lyons: "The Lady from Cook, Representative Elaine Nekritz."

Nekritz: "Thank you, Mr. Speaker. I am honored to be carrying this Senate Bill 670 on behalf of my dear friend, Senator Kotowski, who just happens to be on the floor with us today, sort of fortuitous. Senate Bill 670 requires that if a pharmacist is going to substitute a generic prescription in place of a brand name antiepileptic drug, the pharmacist has to provide notice to the patient no later than the time the prescription is dispensed. And for purposes of legislative intent, I would to read into the record that the term 'written notice' has been purpose... purposely, excuse me, been left undefined and should remain undefined. By leaving it undefined, if pharmacies are already providing written notice they may continue to do so as they are. It also allows pharmacies the flexibility to provide

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written notice in the manner which best serves their customers and meets their operational needs. I ask for your support."

Speaker Lyons: "You've heard the Lady's explanation. The Chair recognizes the Gentleman from Rock Island, Representative Morthland."

Morthland: "Thank you, Mr. Speaker. Does the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Morthland: "Well, I rise in support of this incredible thing that we're doing here today. And I am just going to take a few moments of everyone's time. This is a very small Bill. It's an awareness Bill. It is the beginning, baby step Bill, in regard to this issue. I will tell you as the father of a young woman who has epilepsy that when the patients have problems, when they lose levels of control, the first question the physician always ask is, 'Are you taking your medicine?' The second question is, 'Have you... When did you most recently get your prescription?' It is very important, particularly in the case of epilepsy, for patients to know exactly what they're getting. And it is also important for the Members to start learning that even though two substances can be legal exchange for each other, they are not the same when put into the body of a human being, and this is just a very good first step. Again, we appreciate it. Do look for further legislation to come along in a similar vein. Do also look for... do also look for other groups, actually, who have similar situations to take steps in this direction. And I will just tell you, I really

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do appreciate this. And you know, my... it's important. Thank you."

Speaker Lyons: "Seeing no further discussion, Representative Nekritz to close."

Nekritz: "I just ask for your support."

Speaker Lyons: "Representative Nekritz and Representative Morthland move for the passage of Senate Bill 670. All those 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? Ken Dunkin. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Leader Frank Mautino, you have Senate Bill 754 on page 5 of the Calendar. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 754, a Bill for an Act concerning liquor. Third Reading."

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

Mautino: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 754 grants a limited option to Illinois and out-of-state start-up breweries defined in the Bill as craft brewers to self-distribute beer products pursuant to a permit issued by the Liquor Control Commission. The permit process is similar to that previously adopted by the Illinois General Assembly for small wineries. This Bill, except for the craft brewer exemption, continues a prohibition against self-distribution for out-of-state

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brewers and clearly extends that prohibition to Illinois brewers. The out-of-state brewers and Illinois brewers are treated equally as required by the commerce clause provisions of the U.S. Constitution. In other words, all brewers, in state and out of state, manufacturing beer above the craft brewer limits may not self-distribute or own a distributorship in Illinois. The Bill is consistent with the clarification suggested by Federal District Court in the case entitled Anheuser-Busch, et al v. Stephen B. Schnorf, et al. Under this Bill, it is the clear intent that Illinois continues to adhere to the three-tier system for the regulation of alcoholic beverages. This Bill is in response to the court case, which many of you have heard about up until now, and I would be happy to answer any questions. The Senate and Senator Trotter held about 10 meetings with Anheuser Busch InBev, the Craft Brewers Guild, MillerCoors, Wine and Spirits Distributers of Illinois, and the Illinois Licensed Beverage Association. I thank Senator Donne Trotter for his work as well as Representative Greg Harris, Representative Mike Bost, and John Bradley. And I bring to you for your vote today Senate Bill 754. Appreciate your support."

Speaker Lyons: "The Chair recognizes the Gentleman from Jackson, Representative Mike Bost."

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

Speaker Lyons: "Sponsor yields."

Bost: "Representative, just so that we have it real clear on record for any question that might be out there. The

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gallonage total that these small brewers can self-distribute, what is the amount of that?"

Speaker Lyons: "That was a question, Frank."

Mautino: "Fifteen thousand barrels."

Bost: "Thank you. And that doesn't matter if that small brewery is located in Illinois or let's say there's one just across the river into Missouri or Indiana. It's all the same, correct?"

Mautino: "Yep. That's correct."

Bost: "And therefore, that answers the judge's question on whether or not it is... if there is discrimination among the states?"

Mautino: "Certainly. And with that, you know, it's important to remember that Judge Dow was faced with two decisions, either to stop all distribution by anyone who is not existing within that tier, so basically, force them to close down that portion of their operation for those small brewers or allow it for all, and the least disruptive means was to disallow any. And now that's... that's with the court case itself, anyone from being in multiple tiers at the same time. So this Bill actually creates the structure, which you were describing on a very limited basis, in order to make sure that they will be able to continue so long as they're licensed by the Liquor Control Commission."

Bost: "Thank you, and Mr. Speaker, to the Bill. With the hard work that has been and set forth by all parties involved, basically what we've done is we've met the court's requirements by doing this, but we've also encouraged young entrepreneurs to go into a craft brewer business, to get

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involved to raise up their product, to start new businesses that the distributors then can have all that new business to move around and actually makes it better for them as well. But what it does do is, it does not allow a monopoly to exist, which is the concern and why we have also always had the three-tiered system in place, which many people or the majority of the people on this floor agree with. I stand in support of the Bill, and I thank you... say a big thank you to all the people who have worked on it."

Speaker Lyons: "Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, at this point, I know this has been a pretty long process and a lot of negotiations, there are still some opposition?"

Mautino: "Yes. The brew pubs and the micra... the brew pubs are still in opposition."

Eddy: "Okay. And the basis of that opposition is that they would not be able to meet the gallonage. Is that the issue?"

Mautino: "No, that's a separate issue under there where they basically were seeking the ability that would... to license and self-distribute. So that does not answer the court case in here. We've stuck directly to that. I would be opposed to that because it's the same problem, where they would be operating within multiple tiers of the system. So, they would need a separate legislation, they are not in this."

Eddy: "Okay. So one of their concerns is about brewing off-site? I think that... that's something that continues to concern them. You mentioned that there might need



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additional legislation. I guess, my question is, is that something that we can work on that you anticipate there be further discussions related to?"

Mautino: "In the future they can... they may bring forth another Bill. Part of their group received the license as the specialty brewers. The other part are the brew pubs. And so they were reluctantly opposed. They liked the portion of the Bills that were in here dealing with craft brewers, but their association also have some members who will not be able to self-distribute."

Eddy: "Well, I appreciate that and I appreciate you pointing that out because it is something, I think, we're going to possibly see again. Ladies and Gentlemen of the House, to the Bill. I stand in support of the Bill. I think that the Amendment addresses the district court, northern district case, the decision made there. It helps the small brewers get their beer into the market without dismantling what has been the three-tier system. It does it in a way, I think, that's reasonable, and I think that it's something that we should support here in the House. And I'd urge a 'yes' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook... Representative Eddy, you're finished, correct, Sir? Yeah. Representative Dunkin."

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

Speaker Lyons: "Sponsor yields."

Dunkin: "Representative, I know we had some discussion before. I just want to get a sense of... with a lot of these micro brewers or excuse me, these craft brewers coming about and

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them now being possibly to participate in the distributioning end of things, how would this help with, sort of, minorities becoming brewers and distributors as well? Is there... sort of... does it help or hurt minorities?"

Mautino: "Actually, it's for unlimited opportunities. They can... if they are starting up one of the craft brewers, anyone, in any walk of life, can go in and apply for a license, meet the criteria within the state, and then would be able to both produce and distribute so long as it's below the 15 thousand gallon... barrels."

Dunkin: "Sure. Some of... again, in some of our discussion, some of the challenges with some of the smaller ones versus the larger distributors, excuse me, brewers is because is that, for example, an Anheuser-Busch or a Miller Lite had the opport... then some of... they actually provided opportunities for some minority ownership in several distributors across the state. Am I correct, at least, in Chicago?"

Mautino: "Can you restate that?"

Dunkin: "You have over... at least, certainly, since I've been serving here in the eight and a half years, we've had two minority-owned beer distributors or wholesalers in the state, correct? In Chicago?"

Mautino: "Yeah, in Chicago, I believe so."

Dunkin: "Right, you had two in Chicago. One ended up selling his share, and there's one left in the City of Chicago, in the entire State of Illinois. And I guess, when you look at some of the smaller ones, it's very entrepreneur in spirit, but the larger ones is where they receive that opportunity. The Anheuser-Busch and the Miller Lite, am I correct?"

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Mautino: "That'd be similar to, like, a Goose Island, where it can start out small and get bigger."

Dunkin: "Well, it's a little bit larger..."

Mautino: "But as to the... you know, to myself, I would actually find that the judge's ruling on this, he had two absolutes that he could do. The remedies that were available was that he could say there is an exclusion completely, which would then require anyone who is in the production side to get out of distributing. Now that would have been disruptive for the two small specialty brewers. So the size did not really matter. The fact that the determination is they were existing illegally in the second tier..."

Dunkin: "Sure."

Mautino: "...the distribution tier, was really the biggest point in question."

Dunkin: "Right. I guess, you know... first of all, let me commend you on the Bill, Representative. I certainly see the goal and the intent of the Bill. It makes sense, especially when you have a lot of craft brewers who are, you know, who should be able to distribute their product. I have no problems with that. The only challenge is when you have the larger brewers, such as Anheuser-Busch, Miller Lite, they afforded opportunity for minorities to participate in distributorship. And this Bill doesn't address that, I understand, but we have to be cognizant of that. That, you know, because there are long family traditions in this respective category, job category, or profession. And you know, I want to be cognizant of the fact that you have others who also are interested in participating, other than

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just being on the consumer side. So I know this doesn't address it, but it's important to be mindful of this, Representative, and to make sure that we could possibly, even maybe, come back again and look at how it is that we can afford those opportunities going down the line and not just have it from the larger distributors. You follow where I'm coming from?"

Mautino: "Yep. No, I hear and understand that, but it's an issue that's outside of the Bill, but it should be kept into consideration."

Dunkin: "So, I'd just want you to highlight that because a lot of folks don't know how, you know, the two in the last 10 years actually came about. They were from the larger distributors... larger companies that actually afforded that opportunity. This addresses a different scenario, but again, everybody drinks beer all across this state. So I guess the real issue is access to a wholesaler or distributorship and eventually crafting one's own beer in some of these minority communities across the state. Thank you. And I would urge an 'aye' vote for this legislation."

Speaker Lyons: "The Lady from Lake, Representative Sandy Cole."

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

Speaker Lyons: "Sponsor yields."

Cole: "Representative, it says in my analysis that it amends the Liquor Control Act to establish an annual production cap of 15 thousand barrels for craft brewers."

Mautino: "That's correct."

Cole: "What happens to a craft brewer that's producing 20 thousand barrels currently?"

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Mautino: "They would have to go through a distributor. They would be above the level for licensing."

Cole: "And that's okay. It's just that my analysis reads that they can no longer produce 15 thousand barrels."

Mautino: "You might want to check your analysis."

Cole: "Well, I am reading it. So this..."

Mautino: "Anything over the 15 thousand..."

Cole: "...so where the analysis isn't correct."

Mautino: "...15 thousand barrels of beer at that level then anything above that, you would need to go through the normal three-tiered system. You would have to go through the distributor network."

Cole: "So they can continue... can they still self-distribute the first 15 thousand barrels and then use a distributor after that?"

Mautino: "No, they would not... they would not be able to it. As far as the law itself under our analysis, craft brewers may self-distribute up to 232,500 gallons. That's the equivalent of 7,500 barrels of beer that they manufacture each year. To obtain this privilege, they've got to meet a five criteria set."

Cole: "But that's a brew pub, correct? We're talking about brew pubs right now, seven thousand..."

Mautino: "No, no, that's craft brewers."

Cole: "...five hundred barrels. So I've sold 15 thousand barrels for craft brewers."

Mautino: "Correct."

Cole: "And now you're telling me it's 7500 barrels."

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Mautino: "They may produce 15 thousand barrels and they can distribute up to 7,500 barrels."

Cole: "Okay. So, what happens... so nothing happens to a current craft brewer who is producing 20 thousand barrels."

Mautino: "He'd be over the threshold."

Cole: "Seventy-five hundred..."

Mautino: "He would not be able to self-distribute."

Cole: "Seventy-five hundred, they can self-distribute."

Mautino: "Yes. Not, excuse me, not if they're over the threshold of 15 thousand barrels, they cannot distribute. They would be outside of their license. So then they would need a distributor tier..."

Cole: "Yeah. But they can continue..."

Mautino: "...from that point to be the same."

Cole: "So, if they're using a distributor now, they can continue to use... be a distributor, which is a little bit confusing language in our analysis, certainly in ours."

Mautino: "As long as they're below 15 thousand barrels, they may apply, they'll meet that criteria. In fact, I believe, your... the folks you're considered... concerned about in this under the craft brewers do. They're below that level, so they would be able to continue to self-distribute. If we didn't do this, then the ruling of the judge would be that they would not be able to distribute, would be to take away those... the license that was granted to them in the first place."

Cole: "Okay. So, if they're getting... if they're doing 15 thousand barrels today, that first 15 thousand they can

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self-distribute it. My question is, the next 10 thousand they may do, can they... then..."

Mautino: "Then they would have to sign on with a distributor."

Cole: "For everything? For everything that they are producing?"

Mautino: "Once... once you go beyond the level of 15 thousand, you are not in the category of the brewer... craft brewer."

Cole: "Thank you."

Speaker Lyons: "Representative John Bradley."

Bradley: "To the Bill, Mr. Speaker."

Speaker Lyons: "To the Bill."

Bradley: "I'm going to support this Bill. I was involved in negotiations regarding this issue earlier this year. My concern is that this is going to be a Pyrrhic victory for the craft brewers. We have several of these small businesses throughout the state, in particular, in my area, and I support their growth and their attempts to do business within the state. However, I don't think that this is going to settle the litigation, which has taken place throughout the state with regards to this issue and I don't think that, ultimately, this is going to settle this issue. And I would just caution everyone, anyone thinks that because of passing this Bill that this issue has been resolved, I am concerned that it won't, and I anticipate that we'll have to deal with this for Sessions and weeks to come. So, I will support this Bill, but again, I don't think any of us should kid ourselves as to what the long-term impact of this is going to be."

Speaker Lyons: "Representative David Harris."

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Harris, D.: "Thank you, Mr. Speaker. And a question of the Sponsor."

Speaker Lyons: "Sponsor yields."

Harris, D.: "Representative, is the key issue here the issue of distribution?"

Mautino: "David, can you repeat that, please?"

Harris, D.: "Is the key issue here the issue of distribution?"

Mautino: "Distribution and licensing."

Harris, D.: "Is... Are brewers of, let's say, 15 thousand gallons now allowed to self-distribute?"

Mautino: "If they are in the state."

Harris, D.: "If they're in state. If..."

Mautino: "Go ahead."

Harris, D.: "If we didn't pass this legislation, though, what you are saying is that privilege would be taken... potentially taken away from them by the court case or the judge... decision of the judge."

Mautino: "Yes. In the decision of judge, he found two ways that he could answer this. One would be to remove the ability for all brewers to self-distribute, and he found that that would be... the nullification remedy would impose financial hardships on the brewers. So Judge Dow stayed the enforcement 'til May 31 in order to provide the General Assembly an opportunity to act on this. And his two options were, one, to say there would be no self-distribution; the second, would be to allow it open to anyone. Basically, in my opinion, that puts the three-tier system at severe risk."



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Harris, D.: "Right. And... and the three-tier system has been in place since prohibition or since the repeal of prohibition?"

Mautino: "Correct."

Harris, D.: "Right. So in essence, what we're doing here is, we are, even though the gallonage figure may not be as high as some people like, we are protecting the ability for those craft brewers to self-distribute."

Mautino: "Correct."

Harris, D.: "And my compliments to you and to everyone who worked on this Bill. My compliments to the Senate Sponsor, and I strongly recommend an 'aye' vote."

Speaker Lyons: "Representative Mautino to close."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I simply ask for an 'aye' vote on Senate Bill 754 and thank all those who were involved in bringing this Bill to the floor of the House of the Representatives."

Speaker Lyons: "Representative Mautino moves for the passage of Senate Bill 754. 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? Keith Farnham. Mr. Clerk, take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no', 3 Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lisa Dugan, on the Order of Senate Bills-Third Reading, on page 5 of the Calendar, you have Senate Bill 840. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "Senate Bill 840, a Bill for an Act concerning health. Third Reading."

Speaker Lyons: "The Lady from Kankakee, Representative Lisa Dugan."

Dugan: "Thank you, Speaker, Members of the House. Senate Bill 840 is the Cottage Food Industries Bill. What this Bill does is it removes barriers to local food entrepreneurship. It allows nonpotentially hazardous baked goods such as jams and jellies, dry herbs, and dry teas. I think many of us know farmers' markets that are in most of our communities throughout the state. The cottage food producers are those that at home make jams, jellies, breads and bring them to the farmers' market. This allows them to do it and it also gives the public health departments, at least a little bit of registration so they know who's doing it, and we can continue to promote buying of local foods. It helps the farmers. It helps the people. The consumers are certainly looking for this. And I would be glad to answer any questions."

Speaker Lyons: "The Chair recognizes the Gentleman from Morgan, Leader Frank... Jim Watson."

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

Speaker Lyons: "Sponsor yields."

Watson: "Representative, can you explain? There seems to be some lack of clarity about the impact on farmers' markets. Can you elaborate on whether this is applicable?"

Dugan: "Well, I think now what we do have already, Representative, is these types of local foods are already sold at farmers' markets. These local farmers and

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entrepreneurs bring their product to the farmers' markets now. I think what it was, was back... there was a definition or in... back in 2009 where there was an interpretation of the Food Handling Regulation Enforcement Act that actually shut down these types of things from being done in farmers' markets, and these entrepreneurs would be able to bring their products. So, this just kind of clarifies it to bring and allow these types of... they call them cottage industries to be able to come back to the farmers' markets, as they've done."

Watson: "Okay. Thank you, Representative."

Dugan: "Thank you."

Speaker Lyons: "The Chair recognizes Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, I just have a simple practical question for you, related to a farmers' market. In my area, farmers or gardeners will bring into town sweet corn or tomatoes or green peppers; produce that they have raised at their farm. How does this affect those individuals that are doing that right now?"

Dugan: "It doesn't affect them at all. They'll still continue to be able to do that. This just adds if the farmer, let's say, grows strawberries and wants to make strawberry jam to also sell at the farmers' market, this will allow that to be done."

Eddy: "So. the difference is, if they are somehow using what they have grown to... for a product, whether it's, you

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mentioned jam. If it goes through some kind of processing, then this begins to kick in?"

Dugan: "Yes. It's processed things, yes."

Eddy: "Okay."

Dugan: "I mean, not only for farmers, but I mean for, I guess you would consider entrepreneurs that make breads, you know people that make breads, make jams, make jellies."

Eddy: "Okay. So, in my area, there is a pretty significant settlement of Amish..."

Dugan: "Uh huh."

Eddy: "...and those Amish will produce bread and bring to town baked goods. How does this affect those individuals?"

Dugan: "That allows them to do it and not..."

Eddy: "Well, they already do it."

Dugan: "Yeah, I realize that. And so... but because of the definition, the intrepidation (sic-interpretation) of the definition, it caused some problems as though they would... should not be allowed to do it. This Bill makes it clear that they are allowed to do it."

Eddy: "They're allowed under certain conditions. Do they have to pay fee? Do they have to register? Do they..."

Dugan: "They have to register with a local public health, and this is all handled from the local health agencies. Of course, the Department of Public Health would certainly become involved if they need to."

Eddy: "Okay. So would those individuals then have to have a food sanitation license to prepare and process the food that they're going to bring to the local fair or the local..."

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Dugan: "There are certain things in this Bill... what this Bill... because the department does say that. And what we're trying to do is allow these small entrepreneurs to be able to do it without going through everything that the department is saying that you need to do if you're a major manufacturer of Welch's Grape Jelly."

Eddy: "Okay. Does it take a complaint then to trigger any type of inspection because normally, if you have a process... you have the health department come and give an inspection, and they rate you. That won't happen under this Bill, will it, unless there is a specific complaint?"

Dugan: "Correct. That's correct. There are also... this Bill also requires food labeling on..."

Eddy: "Okay."

Dugan: "...the items that are being sold. So that is... yes, if there is a complaint, then the..."

Eddy: "Okay. One final question, and I want to make this differentiation. A lot of times, too, there are groups that will have bake sales. They will stand out in front of one of the local establishments, where members of a church organization or a school group has made cookies, and now, is there anything in here that's going to affect anything that they currently do?"

Dugan: "No. This doesn't affect that. And this also just adds the definition of what a farmers' market is, to mean a place where farmers gather to sell a variety of fresh fruits and vegetables. So it actually defines farmers' markets also. So it shouldn't... it doesn't address the issue that you're speaking of."

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Eddy: "Okay, so they're exempt? I mean, they would not be... they would not be held to these standards."

Dugan: "We think... I think, Representative, they're currently exempt under current law."

Eddy: "Okay. Thank you."

Dugan: "Yes."

Speaker Lyons: "Representative Mike Tryon."

Tryon: "Thank you, Mr. Speaker. I rise to ask the Sponsor some questions, if she will yield?"

Speaker Lyons: "The Lady awaits your questions, Sir."

Tryon: "Thank you. Representative Dugan, my understanding in the past, and believe me as a former county board chairman we used to get complaints because one of our communities had a farmers' market and the health inspectors came, and they had different regulations than the county next to them. And so, the venders would complain, gee, when we're in Will County we could do this, but in McHenry County, we couldn't do this. So, you're basically leveling the playing field, correct?"

Dugan: "I think it... what it does is it puts it back into the hands of the local communities and the local public health departments in the counties. It... what the problem became was the state agency Department of Public Health came in and started making interpretations, which did put problems into all of our local famers' markets and the local public health departments."

Tryon: "Right. That's correct. Basically, this is an attempt to say you can... some health departments would say they could sell jams and jellies and some health departments said you

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couldn't. And there is a real risk with jams and jellies. You can get botulism and a bunch of other things that if the pH isn't right, can grow and make people sick. And that's really our goal is to not make people sick. On the fee, no county health department gets to have a fee, but the county board gets the ability to adopt a fee for this kind of regulation 'cause annually a county board has to set the health department's fees. They don't just get to go make up a fee. So essentially, your Bill says a local health department may, upon approval of their county board, set a fee. Is that correct?"

Dugan: "Yeah, we don't establish fees in this, Representative."

Tryon: "Right."

Dugan: "So, I am assuming, yes, it will go as it normally is."

Tryon: "Right. So, a county who didn't want to have a fee, isn't forced to have a fee, correct?"

Dugan: "That's correct."

Tryon: "So, we're basically just empowering the county boards by resolution to set the fees of their health department just like we do for any other restaurant inspection, septic permits, or anything else they annually have to adopt by resolution of the county board, correct?"

Dugan: "Correct."

Tryon: "Okay."

Dugan: "Yes, again, this Bill does not increase any fees. This Bill is to just allow local farmers and entrepreneurs to be able to sell at farmers' markets because of the problems that have happened through the state agency before..."

Tryon: "Okay."

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Dugan: "...and the fact that it's something that consumers and that the need for it and the want for it has grown quite tremendously in the last five years."

Tryon: "Okay. Well, I think you have a good Bill. And I'm going to support it, and I think it's... and I hope we come back and as a public health industry in this state, sit down and figure out how we're going to handle consistency between counties when it comes to things like, you know, booster club events and outdoor things. And I think this is a good first step starting with the farmers' market. So, I'm going to support your Bill. Thank you."

Dugan: "Thank you very much."

Speaker Lyons: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. This is a very important Bill, and I want thank Representative Dugan for sponsoring it here in the House. If you read the analysis that I have, it talks about how... about two years ago some of the farmers' markets that have home bakers suddenly found that the home bakers were not allowed to sell their wares, sell their bake goods. These people have been doing it, you know, they're doing this in the summer for maybe eight weeks, ten weeks, something like that, and it's important to them. If they don't want to have their business continue, you know, they wouldn't be as careful as they are. They're already not, you know, trying to sell cream pies that are sitting out in the sun or things with a lot of eggs, so the home bakers are usually very careful about what they're selling at these farmers' markets, at least the one in my area. One of the things



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that the health department tried to say was necessary to keep them from the farmers' markets was that it would be bad for local businesses. Well, when the local businesses found out that our home bakers needed certified kitchens, they opened up their kitchens to them. So I think even our local businesses are supportive of this because they understand that it's an opportunity for everybody. In fact, many of our local restaurants go to the farmers' market and buy these breads and sell them on the day. You know, that's what they use in their restaurants on the days of farmers' markets. So, to the Bill, Representative. Is this going to take care of the home bakers so that they don't have to maybe rent a certified kitchen? They'll have their own kitchens inspected?"

Dugan: "Correct."

Jakobsson: "Thank you. I urge everyone to vote for this very important Bill. Thank you for carrying it."

Speaker Lyons: "Representative Monique Davis and then Representative Dugan to close."

Davis, M.: "Thank you, Mr. Speaker. I have one question. Part of our analysis, Representative Dugan, states that... that if the gross receipts from the sale of exempted food does not exceed \$25 thousand in a calendar year, then they don't have to do what? What is it... does it have to happen? If they are earning less than 25 thousand a year, what is it that has to happen?"

Dugan: "These are people that are selling less than 25 thousand, Representative."

Davis, M.: "So, if they're selling more, then what?"

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Dugan: "Then they would have to meet the current law of manufacture. I am assuming you could consider it like a manufacturer. We're talking about cottage industries, small shops."

Davis, M.: "You know, I'm just asking because of some of the churches in my district, during the summer months, they have farmers' markets to help the farmers in Illinois and even further south in Illinois really. You know, because they're not selling food all year. They're not big commercial farms."

Dugan: "Right."

Davis, M.: "So this wouldn't hurt them in any way."

Dugan: "No. In fact, this helps them. That's what this Bill is for."

Davis, M.: "Okay. Thank you very much."

Dugan: "Uh huh, sure."

Speaker Lyons: "Representative Dugan to close."

Dugan: "Yes. Again, I would just like an 'aye' vote, and for those, just to let everyone know, 17-plus states have some version of cottage food laws like those being considered today in Illinois. And all of Illinois' neighboring states already have cottage food industry laws. This is good for the farmers. It's good for the consumers, certainly shopping local and having local food available is something that's very positive for consumers and businesses. I would certainly appreciate an 'aye' vote."

Speaker Lyons: "Representative Dugan moves for the passage of Senate Bill 840. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Representative Saviano. Mr. Clerk, take the record. On this Bill, there are 97 Members voting 'yes', 18 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mathias, you have Senate Bill 1043. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1043, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Sid Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 1043 amends the Rights of Crime Victims and Witnesses Act, and it provides that when law enforcement should open... reopen a case to resume an investigation, as long as it's determined that that disclosure wouldn't interfere with the investigation that the... they would... the law enforcement would then notify the victims that the case is active. I ask for your 'aye' vote. This passed unanimously in the Senate and in committee."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 1043 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? Lisa Hernandez. Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Dan Brady, for what purpose do you seek recognition, Sir?"

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Brady: "Thank you very much, Mr. Speaker. Would you allow the record to reflect my intent on Senate Bill 840 was to vote 'yes' and inadvertently voted 'no' on the Bill, Senate Bill 840."

Speaker Lyons: "Representative, the Journal will reflect your wishes. Representative Emily McAsey, you have Senate Bill 1073. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1073, a Bill for an Act concerning civil law. Third Reading."

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

McAsey: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1073 grants quick-take powers to Will County for a project at the intersection of Weber and Renwick Roads. In 2001, this intersection was designed for approximately 20 thousand vehicles a day, and currently, it's got about 31 thousand average daily traffic. So this is for necessary intersection improvements for the safety of the community. And I would ask for the support of the Members."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 1073 should 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? Cunningham, Will Davis, Thapedi. Mr. Clerk, take the record. On this Bill, there are 66 Members voting 'yes', 48 Members voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Karen Yarbrough, on the

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Order of Senate Bills-Third Reading, you have Senate Bill 1213. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1213, a Bill for an Act concerning safety. Third Reading."

Speaker Lyons: "The Lady from Cook, Representative Karen Yarbrough."

Yarbrough: "Thank you, Mr. Speaker. Senate Bill 1213 is primarily a technical cleanup Bill. It clarifies that the enforcement related to mercury bans and regulation in the Act applies specifically to the State of Illinois. It expands the definition for mercury switch and adds pressure transducers, rings, seals, and sensors. It also eliminates the quarterly report manufacturers must submit to the IEPA regarding mercury. This Bill was brought to me by the EPA. I'd be happy to answer any questions."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 1213 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? Will Davis, Tom Holbrook. Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Feigenholtz, on the bottom of page 5, you have Senate Bill 1234. Representative Sara Feigenholtz. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1234, a Bill for an Act concerning civil liabilities. Third Reading."

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Speaker Lyons: "The Lady from Cook, Representative Sara Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 1234, let's see here, amends the Mental Health and Developmental Disabilities Confidentiality Act and permits state agencies to disclose recipients records for purposes of treatment and coordination. I'd be glad to answer any questions."

Speaker Lyons: "You've heard the Lady's explanation on Senate Bill 1234. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Jim Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Durkin: "How does this... does this comply with the Federal HIPAA laws?"

Feigenholtz: "It does."

Durkin: "How? I thought that the HIPAA law protected the confidentiality of these records, and this sounds like it does just the opposite."

Feigenholtz: "Actually, Representative Durkin, this Bill is... the information is confined to within an interdisciplinary team of care providers, and they are operating with these records in a manner in which they are consistent with Federal HIPAA Laws."

Durkin: "What would be the... I am just looking at the language that the state agencies, even DOC, may disclose records. What would the request have to be to seek these types of documents? I don't know... and this is without the consent of the individual who is... has... who's obtaining the treatment."

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Is there any type of threshold that they must meet before these documents can be disclosed or can the..."

Feigenholtz: "Yeah. The disclosure is only permitted if the recipient is in a program administered at DHFS. And it's only with hospitals, doctors, therapist, emergency medical personnel, and members of an interdisciplinary team. So, it's a very limited group of people, and they're professional practitioners, who typically are under any other circumstance HIPAA... have to be compliant with HIPAA."

Durkin: "Now, does this legislation prohibit that DHS employee from disclosing that to a third party?"

Feigenholtz: "Of course."

Durkin: "Well, does it say it?"

Feigenholtz: "It does say all disclosures must be made in a manner consistent with Federal HIPAA Laws."

Durkin: "Okay. And that is what..."

Feigenholtz: "That is certainly the intent."

Durkin: "...your understanding is, which will prohibit from disclosing that information to an outside... to a third party."

Feigenholtz: "Correct."

Durkin: "Correct. And they would be subject to..."

Feigenholtz: "Penalties."

Durkin: "...whatever types of penalties under HIPAA or under State Law, if they did violate that disclosure prohibition?"

Feigenholtz: "Correct."

Durkin: "Let me repeat the question. Would they be subject to Federal HIPAA penalties or would be some type of state

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penalties, if they did violate that Section about the... which it did disclose this... these documents to a third party?"

Feigenholtz: "Since HIPAA's a Federal Law, Representative Durkin, I would imagine the answer would be both."

Durkin: "Okay. All right. Thank you."

Speaker Lyons: "Representative Feigenholtz to close."

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

Speaker Lyons: "The question is, 'Should Senate Bill 1234 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? Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Jackson, for what purpose do you seek recognition?"

Jackson: "Yes. Mr. Speaker, could you... my vote reflect 'no' on Senate Bill 1073?"

Speaker Lyons: "Representative, the Journal will reflect your request. Representative Rose, you have Senate Bill 1773 on the bottom of page 6. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 1773 is on the Order of Senate Bills-Third Reading. However, Floor Amendment #3 has been approved for consideration."

Speaker Lyons: "Mr. Clerk, move that Bill back to the Order of Second Reading for the purpose of the adoption of the Amendment. Representative Rose, 1773, Floor Amendment #3."



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Rose: "Thank you, Mr. Speaker. Floor Amendment #3 adds an immediate effective date. I ask that it be added, and then we can debate the Bill on Third."

Speaker Lyons: "Is there any discussion on Floor Amendment #3? 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 is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. On the Order of Second Readings, Ladies and Gentlemen, we have Senate Bill 1035. 1035, Representative McAsey. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1035, a Bill for an Act concerning criminal law. Second Reading. Amendment #1 on the Bill was tabled. Floor Amendment #2, offered by Representative McAsey, has been approved for consideration."

Speaker Lyons: "Representative McAsey, you have Floor Amendment #2."

McAsey: "Thank you. Thank you, Mr. Speaker and Members of the House. Floor Amendment #2... what this does is makes a couple technical changes. It makes a correction to the definition of offenses involving the sexual exploitation of children and adds a couple additional offenses. I would move for adoption of the Amendment."

Speaker Lyons: "Is there any discussion? Seeing none, 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?"

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

Speaker Lyons: "Third Reading. Representative Mussman, you have on the Order of Second... Senate Bills-Second Reading, Senate Bill 1040. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1040, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. Committee Amendment #1 was tabled. Floor Amendment #2, offered by Representative Mussman, has been approved for consideration."

Speaker Lyons: "Mr. Clerk, take that Bill out of the record on the request of the Sponsor. Representative Ken Dunkin, on the Order of Senate Bills-Second Reading is Senate Bill 1692. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1692, a Bill for an Act concerning business. Second Reading of this Senate Bill. No Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Mr. Clerk, what's the status of Senate Bill 1692?"

Clerk Mahoney: "Senate Bill 1692 is on the Order of Third Reading."

Speaker Lyons: "Move that Bill back to the Order of Second Reading on the request of the Sponsor. Representative Bob Rita, you have Senate Bill 1830. Representative Rita. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1830, a Bill for an Act concerning regulation. Second Reading of this Senate Bill. No Amendments. No Motions filed."

Speaker Lyons: "Hold that Bill on the Order of Second Reading. Representative Jakobsson, you have, on the Order of Senate

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Bills-Second Reading, Senate Bill 1943. Out of the record. Representative Mike Tryon, on the Order of Senate Bills-Second Reading, you have Senate Bill 1971. Out of the record. Representative Ann Williams, you have Senate Bill 2138. Out of the record. Representative Nekritz, you have Senate Bill 2288. Out of the record. Mr. Clerk, on Supplemental Calendar #1 is House Bill 815. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 815, a Bill for an Act concerning safety. Second Reading of this House Bill."

Speaker Lyons: "Hold that Bill on the Order of Second Reading. Mr. Clerk, what's the status of House Bill 861?"

Clerk Mahoney: "House Bill 861, a Bill for an Act concerning transportation. Second reading of this House Bill. No Committee Amendments. A Floor Amendment has been referred to Rules Committee. No Motions filed."

Speaker Lyons: "Hold that Bill on the Order of Second Reading. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 396, offered by Representative Turner. House Resolution 398, offered by Representative Verschoore. House Resolution 399, offered by Representative Dunkin. House Resolution 400, offered by Representative Kelly Burke. House Resolution 401, offered by Representative Lilly. And House Resolution 403, offered by Representative Rose."

Speaker Lyons: "Representative Lou 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

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Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Representative Jim Watson."

Watson: "Thank you, Mr. Speaker, for a purpose of announcement. House Re..."

Speaker Lyons: "Please proceed."

Watson: "...House Republicans will caucus immediately upon adjournment in Room 118. Thank you."

Speaker Lyons: "Republicans to caucus immediately after adjournment in Room 118. And now, with no further business to come before the Illinois House of Representatives, Representative Lang moves for... Representative Lang moves for the adjournment. All those in favor signify by saying 'yes'; those opposed say 'no'. And allowing perfunctory time for the Clerk, the House stands adjourned to the hour of 1 p.m. on Tuesday, May 24. Have a pleasant evening, everyone. Again, for purpose of the clarification, the House will come to order tomorrow at 1:00 not at 2:00 which was on the House Bulletin, 1:00 tomorrow, Session."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction of House Bills-First Reading. House Bill 3784, offered by Representative Leitch, a Bill for an Act concerning State Government. Introduction of Senate Bills-First Reading. Senate Bill 2170, offered by Representative Verschoore, a Bill for an Act concerning local government. First Reading. There being no further business, the House Perfunctory Session will stand adjourned."