

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

112th Legislative Day

3/8/2012

Speaker Lyons: "Good afternoon, Illinois. Your House of Representatives will come to order. Members are asked to please be at their desks. We shall be led in prayer today by Reverend Dr. Bob Phillips who is with the First United Methodist Church in Peoria, Illinois. Dr. Phillips is the guest of Representative Gordon-Booth. Members and guests are asked to please refrain from starting their laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. Dr. Phillips."

Reverend Dr. Phillips: "Pray with me. Gracious God, when the challenges come stacked in bales, the temptation is to forget the big picture and spend our time shooting the wolf nearest the sled. So help the men and women of this Body to move forward with a larger vision and refuses to exchange what matters most, to obtain what matters now. As your servant, Peter Marshall, once prayed for the United States Senate, so may it be for this gathering, as well. When we are wrong, make us willing to change. And when we are right, make us easy to live with. For Your name sake, Amen."

Speaker Lyons: "Nice job, Reverend. Representative Smith, would you please lead us in the Pledge of Allegiance?"

Smith - 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 Currie, on the Democrats."

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

112th Legislative Day

3/8/2012

Currie: "Thank you, Sir... Speaker. Please let the record reflect that Representative Bradley is excused today."

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

Bost: "Thank you, Mr. Speaker. Let the recor... record reflect that all Republicans are present and ready to shoot the wolves, and be humble when we're so right."

Speaker Lyons: "Representative Jones, would you like to be recorded? Mr. Clerk, take the record. There's 117 Members responding to the Roll Call. We have a quorum present and are prepared to do the work of the people of the State of Illinois. Mr. Clerk on Committee Reports."

Clerk Hollman: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on March 07, 2012: recommends be adopted and referred to the floor is Floor Amendment #2 to House Bill 5180. Representative Howard, Chairperson from the Committee on Judiciary II - Criminal Law reports the following committee action taken on March 08, 2012: do pass Short Debate is House Bill 4031, House Bill 4642, House Bill 4974, House Bill 5121, House Bill 5182, House Bill 5187, House Bill 5250, House Bill 5262, House Bill 5264, House Bill 5505, House Bill 5525, House Bill 5665, House Bill 5730, House Bill 5920, House Bill 5921, House Bill 5922; do pass Standard Debate is House Bill 4498, and House Bill 5587; do pass as amended Short Debate is House Bill 1245, House Bill 3914, House Bill 4452, House Bill 5024, House Bill 5122, House Bill 5278, House Bill 5280, House Bill 5289, House Bill 5723; do

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

112th Legislative Day

3/8/2012

pass as amended Standard Debate is House Bill 5492. Introduction of Resolutions. House Reso... Resolution 846, offered by Representative Colvin. House Resolution 847, offered by Rep... Representative Mussman. House Resolution 849, offered by Representative Gordon. These are referred to the Rules Committee."

Speaker Lyons: "Mr. Clerk, read House Resolution 828. Representative Brauer, I believe we have some of Illinois's finest athletes in the House."

Brauer: "Thank you, Speaker. Yes, we do. Ladies and Gentlemen of the House, I'm honored here today to welcome the Rochester High football team, coached by Derek Leonard. They were IHSA Class 4A State Champions for the second year in a row. The Rockets ended their season with an extraordinary 12-2 record and defeated the Richmond Burton Rockets 42 to 39 for the State Championship. Our rockets fly higher than their rockets. The... the team was coached to their victory by head coach Derek Leonard, assistant coaches Brad Alewelt, Steve Beucker, J.C. Clarke, Brad Leonard, Derrick Nelson, Troy Piper, Jim Smith and Matt Reichers. Ladies and Gentlemen, this is a class act. Welcome to the Capitol today. Thank you."

Speaker Lyons: "Congratulations, Rochester. Welcome to your Capitol. Representative Brauer moves for the adoption of House Resolution 828. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 828 is unanimously adopted. Leader Barbara Flynn Currie for announcement."

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

112th Legislative Day

3/8/2012

Currie: "Thank you. I'd like us all to welcome a group from the University of Chicago, undergraduates, who are in the Careers in Public Service Program. They are here in this gallery with their advisor Dillan Siegler. Please give them a warm Springfield welcome."

Speaker Lyons: "University of Chicago, welcome to your Capitol. We're proud to have you here today. Representative Naomi Jakobsson, for what purpose do you seek recognition?"

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

Speaker Lyons: "Please proceed, Naomi."

Jakobsson: "I was asked to announce and remind people that this evening there's a SURS, S-U-R-S, and State Universities Annuitants Association reception at the Sangamo from 5:30 to 7. And so, please attend this and show up for our SURS and Annuitants."

Speaker Lyons: "Thank you, Representative Jakobsson. Representative Currie on a Motion."

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that House Bill 4573 may be heard in Executive."

Speaker Lyons: "You've heard the Lady's Motion. Is there any objection? Seeing none, all those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion carries. Representative Tim Schmitz, for what purpose do you seek recognition, Sir?"

Schmitz: "Mr. Speaker, Ladies and Gentlemen of the House, it's... it's been a very long year for myself, personally, my

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

112th Legislative Day

3/8/2012

family. As you remember, last year I introduced a Bill regarding a toll fee, and I got a 100 'no' votes. And I actually had to change the record 'cause myself and Leader Cross voted 'no' on that Bill. Yesterday, this chamber was... we elected another... another person to the great class of the Century Club. I have behind me the... the famed trophy and I'd like to announce an escort committee to present this trophy to Representative Jack Franks. And on that escort committee will be my seatmates, Representative Sullivan, Representative Connelly, Representative Reboletti, and Representative Coladipietro. If the escort committee could please come by me and we'll walk over to Representative Franks and present the well-earned trophy."

Speaker Lyons: "Congratulations, Jack, on this well-deserved and very deserving moment for you here on the House Floor. Representative Lang."

Lang: "Thank you, Mr... thank you, Mr. Speaker. Point of personal privilege."

Speaker Lyons: "Please proceed, Leader."

Lang: "Thank you. As a former recipient of the trophy, Mr. Franks, we... we honor you and welcome you into the club. The rest of us, though, wonder why it took you so long to win it."

Speaker Lyons: "Representative Dave Winters."

Winters: "Thank you, Mr... I also rise on a point of personal privilege. As the founder of the Century Club... Club a number of years ago, we're starting a new tradition as of this moment, where I think, Jack has to host a dinner for

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

112th Legislative Day

3/8/2012

all current and former recipients on the House Floor. Thank you."

Speaker Lyons: "Representative Dan Beiser. Do you seek recognition, Representative?"

Beiser: "Not on... I mean... If there's other to speak on the Century Club, I'd be... I defer 'til after they... If anybody else wants to speak to Jack's hunt... Century Club..."

Speaker Lyons: "I don't see any lights on, Dan..."

Beiser: "Okay."

Speaker Lyons: "...so if you want to proceed with your point of personal privilege, go ahead, please."

Beiser: "Thank you, Mr. Speaker. I think I echo the sentiments of the entire Body when I want to say thank you again for those great corn beefed sandwiches the other day. They're very much appreciated. And Leader Lyons, I would hope that whoever represents your district, you would impress upon them in the strongest terms the tradition that you've started with those sandwiches."

Speaker Lyons: "Let's not put too much pressure on a freshman, Representative. Just for the record, that's Harrington's Corned Beef in Chicago, been doing this for the last 15 years. So, thanks for the recognition. Now, on the order of some real business on behalf of the State of Illinois. On page 15 of the Calendar, under House Bills-Third Reading, Representative John D'Amico, you have House Bill 3972. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 3972, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "Representative John D'Amico."

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

112th Legislative Day

3/8/2012

D'Amico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3972 basically bans hand-held cell phones while driving a vehicle. I... I'm open for any questions."

Speaker Lyons: "You've heard the Gentleman's discussion. Is there any questions? The Chair recognizes Representative Roger Eddy."

Eddy: "Thank... thank you, Mr. Speaker. Will the Sponsor yield for just a..."

Speaker Lyons: "Sponsor yields."

Eddy: "...couple of questions? Representative D'Amico, are there any exceptions at all to the use of the cell phone?"

D'Amico: "There are exceptions. In emergency situations, you can use... you can use a cell phone. Police officers are exempt from it, as well."

Eddy: "So, if... if someone... this... in an emergency situation, would they have to be pulled over to the side of the road? Would they... how... how do you comply with the... the law if you consider yourself to be in an emergency situation?"

D'Amico: "Well, if it's deemed to be an emergency, you do not... the way the Bill says, you do not have to be pulled over. I would recommend that you're pulled over, but you do not have to be pulled over."

Eddy: "So, if an individual is in route to a hospital with someone who is injured and they're calling ahead to the hospital to alert an emergency room, or try to get a hold of a family doctor to meet them there, and the call is being made for that purpose, then they're exempt from that law."

D'Amico: "Very good point. Yes, they would."

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

112th Legislative Day

3/8/2012

Eddy: "Okay. And how would they... would it be through regular due process if... if they are pulled over and they're given some type of citation... by the way, this would be a moving violation."

D'Amico: "It... it would be a moving violation. Yes, it would."

Eddy: "Okay. So, if they were cited, then they would have the opportunity like be it any other case of a moving violation to protest that through a court appearance."

D'Amico: "Yes, they would."

Eddy: "And if they were truly in an emergency situation, all of that would come to light later. So, you're..."

D'Amico: "Absolutely. You'd be able to prove that you were in an emergency situation."

Eddy: "Okay. What about hands-free?"

D'Amico: "You're... you're allowed to talk hands-free. That's the point about his Bill. We're not trying to do away with all communication. All we're doing... trying to do is do away with a hand-held cell phone to your ear."

Eddy: "Okay. So, if you have a hand-held cell phone that has a speaker feature..."

D'Amico: "That's acceptable."

Eddy: "...and you set the speaker in a... a cradle and you're speaking through the... the speaker system without holding it in your hand, you're not... you are not violating the law."

D'Amico: "You are not violating the law. That is perfectly acceptable."

Eddy: "Okay. What about... does this include just calling, or does this include, also, if you have a hand-held device and you are checking e-mail?"

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

112th Legislative Day

3/8/2012

D'Amico: "Well, you're not allowed to check e-mails now."

Eddy: "Okay. Or texting?"

D'Amico: "Yes."

Eddy: "This just ex... extends that same law to using it as a hand-held speaking device."

D'Amico: "Yes. Basically, what we want... we want to have happen is, there's a lot of times you may be able to avoid an accident with your second hand. I know a lot of people don't drive with two hands, but when you have that second hand on the phone, to your ear, you may be able to avoid that accident with the second hand, if you're able to grab the wheel."

Eddy: "Now, there... there are also some exemptions related to ham radio operators."

D'Amico: "Yes. They... they are exempt as well."

Eddy: "And truck drivers, for example, that are using a CB."

D'Amico: "Yes. That... they... they are exempt and we're going to be doing a Bill for..."

Speaker Lyons: "Representative, your three minutes have expired. There's about five or six other people waiting to address this issue. So, if you can conclude your remarks, we'd appreciate it. One more minute."

Eddy: "Thank... thank you. I'm sure some of this other information's going to come out. What about truck drivers who are... truck drivers could use a CB, but they couldn't use a cell phone, 'cause a lot of times now, if you go down the highway and you travel interstates, a lot of truck drivers are using cell phones."

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

112th Legislative Day

3/8/2012

D'Amico: "Yes, and you know what, we're going to be addressing that issue. We have a Bill to do that. The truckers are in full support of, not only this ban, but they're in support of a ban for truckers using a cell phone, because under federal guidelines, we have three years to adopt a law mandating that they not use a CDL, as well... a cell phone, as well."

Eddy: "Okay. Thank you."

Speaker Lyons: "Represent... Representative DeLuca, three minutes."

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

Speaker Lyons: "Sponsor yields."

DeLuca: "Representative D'Amico, speaking of the exemptions, if the vehicle does not have the capability for hands-free, how does the Bill address that?"

D'Amico: "You put your phone on speakerphone. Bluetooth, as well."

DeLuca: "Okay. So, most cell phones have a speaker, but not all cell phones have the hands-free option. So that would be the only way to handle the situation where... whether the owner does not have a cell phone that has a hands-free option, or if the owner drives a vehicle that does not have a hands-free option, the speakerphone would be the way to handle that?"

D'Amico: "That's the way I... that's the way it would work, yes. So, I mean, you'd still be able to carry on your conversation, just put it on speaker."

DeLuca: "What if there's other individuals in the vehicle that you don't want to share the conversation with?"

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

112th Legislative Day

3/8/2012

D'Amico: "Then I wouldn't have the conversation. I just wouldn't make the phone call. Wait to pull over and carry your conversation on... on... in private."

DeLuca: "Okay. Assuming all cell phones... do you know if all cell phones have a speaker option?"

D'Amico: "I... I don't know. I can't give you a definite that they do, but I'm assuming that they do. I mean, every phone that I've ever had always had a speaker option on it."

DeLuca: "Okay. 'Cause that was one of the concerns I had, was that if a vehicle does not have the technology for a hands-free device, I know that we have cell phones that do not have it, that how would those people handle that situation. Would they be forced to purchase some kind of a... an ear set or a... some kind of a hands-free device? But the speakerphone, you're saying, is how those people would be forced to handle it is they'd have to put their phone on speaker."

D'Amico: "That's the way they would handle it, and if they want, they could also, you know, buy the earpiece that connects to it. They can buy the earphones that connect to almo... almost every phone is capable of putting earphones on. That's another way to deal with it."

DeLuca: "Okay. Thank you very much."

D'Amico: "Thank you."

Speaker Lyons: "Representative David Harris."

Harris, D.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, in my gut, this Bill troubles me. It makes feel somewhat like we're being the nanny, that we're... we're overseeing everything that a... a... a driver tries to do;

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

112th Legislative Day

3/8/2012

however, if you look on the board, you see that I'm a cosponsor. So, my brain is telling me that, indeed, I think it... this is good legislation and needed legislation. I'd like to tell you two stories as to why I think it's needed legislation. First of all, back in the 19... early 1990s, there was a Legislator by the name of Bob Bugielski, from the northwest side of Chicago. Bob was a great guy, and I think he was the first one that introduced a... a ban on cell phone use while driving. And we always used to say, well, Bob, what about that woman who's putting on her mascara, or what about that guy who's holding a doughnut in one hand and a coffee cup in the other hand, and he's steering with his knee. Well, indeed, they still do that. The difference between then and now is that cell phones are pervasive. If you don't have one, if you can't afford one, call up Life Line and the government will give you one. So, they are pervasive. The other story I'd like to tell you as to why I think it's a good idea is because when I was the Adjutant General of the Illinois National Guard, my air unit, my F-16 unit, had what's known as a midair. Now, a midair is the military term for when two aircraft bump into each other in midair. You know what, bad things happen when aircraft bump into each other in midair and indeed, one aircraft crashed to the ground. Fortunately, the pilot ejected safely. The Air Force doesn't like it when you drop a \$25 million aircraft on the ground and destroy it. So, they say, hey, we want an investigation. So they do a big, long investigation and after six months, you go back to the commander's office of Air Combat Command at Langley Air

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

112th Legislative Day

3/8/2012

Force Base, and you sit in this big conference room and all of these officers sit around waiting for the four-star general to come in to start the briefing. And the four-star general walks in and he says, okay, tell me why we destroyed this aircraft. So, all these colonels for the next hour and a half or so, put up a minute by minute, second by second... second by second simulation of what happened while that aircraft was in the air. And at the end of it all... at the end of it all, the bottom line was it was pilot error caused by four words 'loss... loss of situational awareness'. In other words, that pilot, for whatever reason, took his eye off of that other aircraft and ran into another aircraft, loss of situational awareness. He was distracted. So, whether you were piloting or driving a \$25 million aircraft or a \$25 thousand Ford, it's important to know where you are, where the other vehicles are. And the fact that you're holding that cell phone in the hand is..."

Speaker Lyons: "David, one more minute."

Harris, D.: "...is too easy to be distracted. This Bill isn't going to solve the problem entirely, but it will help protect motorists from being distracted while driving. That is a benefit, both to the motorist who is driving, as well as to every other motorist on the road. I strongly recommend a 'yes' vote. Thank you."

Speaker Lyons: "Leader Renée Kosel, three minutes."

Kosel: "Thank you. Will the speaker yield, please?"

Speaker Lyons: "Sponsor yields."

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

112th Legislative Day

3/8/2012

Kosel: "Thank you. Can you please define for me what hands-free is? I have been told that in the City of Chicago, if you literally dial a phone, it is no longer considered hands-free."

D'Amico: "No. We put the exemption in there for a one-touch. We're allowing you to make that one-touch, not dial 10 digits, but you can dial your contact list and hit that one button."

Kosel: "Okay. So, an exception only for one-touch."

D'Amico: "Yes."

Kosel: "All right. And this is a moving violation?"

D'Amico: "Yes, it is."

Kosel: "Can you tell me how many moving violations you can have before your license is revoked?"

D'Amico: "Your license will be revoked after three."

Kosel: "So, you get one stop light, one cell phone, and something else and..."

D'Amico: "Well, the bo... the bottom line here, we... we wanted to make it a moving violation because we had to put some real teeth in the Bill. If we want to get serious about trying to stop distracted driving and save lives on the roadway, there needs to be a severe penalty involved."

Kosel: "And..."

D'Amico: "The penalty, in the City of Chicago, right now, is \$100 and it's really not that effective. I feel that by making it a moving violation, just like the texting ban is a moving violation, that this will try to curb this. But the one thing we've got to remember, when you're driving a car and you're talking on a phone, you're not only

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

112th Legislative Day

3/8/2012

responsible for yourself, but your responsible for everybody else on the road. You're taking everybody else's life in your own hands 'cause you want to talk on a hand-held cell phone. So, we're trying to stop that."

Kosel: "Thank you."

Speaker Lyons: "Representative Morthland, three minutes."

Morthland: "Thank you very much, Mr. Speaker. A question of the Sponsor, please."

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

Morthland: "Is there a provision in the Bill for signage through DOT? That we are going to have... as in, the people who are driving into the State of Illinois, who don't... aren't familiar with our State's Laws, are we going to put up signage to inform them?"

D'Amico: "Well, anybody that has a driver's license outside of the state, or any state, it's your responsibility to know the rules of the road when you cross the... cross the border of another state."

Morthland: "So, there isn't anything in the Bill itself?"

D'Amico: "There's a lot of... there's a lot of laws that are in place that we don't have signage for."

Morthland: "Thank you very much. To the Bill. With all due respect to the... to the Sponsor and any other supporters of this Bill, Illinois is an incredibly diverse state, in regard to its geography, its population dis... dispersion, its debt population density, and its driving situations. Out where I live, we can drive miles without encountering another automobile on the road. We are, thankfully, able to use our handheld devices to improve the quality of our

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

112th Legislative Day

3/8/2012

lives and to be able to make more efficient time. To be able to rush into this is going to be another blight against Illinois as a nanny state that is trying to overregulate the lives of its citizens. I strongly urge a 'no' vote. Thank you."

Speaker Lyons: "Representative McAuliffe."

McAuliffe: "Thank... thank you, Mr. Speaker. To the Bill."

Speaker Lyons: "To the Bill."

McAuliffe: "I... I have the privilege of serving on the... with Jesse White and with Representative D'Amico on their traffic safety Bill. This Bill, I know that Representative's been working on and thinking about for a number of years. Here's a couple of things, keep in mind. Most of the time you see distracted driving and... and most facts where it's a drunk driver on a New Year's Eve night and other nights like that. If you think about when it... somebody's being distracted while they're driving, that happens in the daytime, morning rush hour, afternoon, back and forth when we're going from Springfield back to Chicago, or back to our homes. How many times on the highway do... do we see a driver drifting in and out of the lanes, and that's 'cause they're on the phones. I think that while this is a cutting-edge Bill, I think that today's the day that we need to pass a Bill like this. I think that there's, besides the number of lives that will be saved in Illinois, all the accidents that occur, all the rear-end collisions that occur, just because of people talking on phones and holding their phones. I think that if somebody has a phone, they should use the hands-free

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

112th Legislative Day

3/8/2012

device. It's in most of all the new cars, and I think that people should be aware of the technology that we have nowadays. So, I'm hopeful that you can all urge me and support this Bill, and I think today's the day that we need to get this passed. Thank you."

Speaker Lyons: "Representative Jim Durkin."

Durkin: "Well, Representative D'Amico, you mentioned earlier the issue about three violations. You said it's a revocation after three."

D'Amico: "Yes."

Durkin: "Is it three per year? Does it collect... does it start at..."

D'Amico: "Yes."

Durkin: "...new every year?"

D'Amico: "It's... it's three moving violations in a year."

Durkin: "It is... it is a suspension or a revocation after three? If you get three, is it a suspension or revocation? Representative Kosel stated earlier whether... asked whether the... your license was revoked after three."

D'Amico: "I... I think it's a suspension after three."

Durkin: "What is the penalty for one... for someone who drives on a suspended license?"

D'Amico: "First time offense is a misdemeanor."

Durkin: "No. It's a Class A misdemeanor. It's a Class A misdemeanor. It means that you're handcuffed, that you're brought down to the station, you're fingerprinted, you get a... a mug shot, you get a State of Illinois criminal ID number, and more often than not, you have to be processed at a bond hearing with..."

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

112th Legislative Day

3/8/2012

D'Amico: "You're saying... you're saying for the first time you get..."

Durkin: "No, no, no, no, no."

D'Amico: "...pulled over on this?"

Durkin: "We... after your three violations and then you..."

D'Amico: "After three violations..."

Durkin: "...drive, and if you just..."

D'Amico: "...you're right."

Durkin: "...and then you are hauled into the 26th and California, and you go through the misdemeanor bond court. This is way too much. I have a question also and use the example. My wife, sometimes, is geographically and directionally challenged and oftentimes, she will call me on her cell phone that she's lost. I... and sometimes, she's... I have to... you have to give her directions. But I'm not going to... sometimes, I want to tell her don't pull over to the side of the road. Keep talking in the phone so I know where you're at. Is she violating your law..."

D'Amico: "You can..."

Durkin: "...under that situation?"

D'Amico: "...you can still talk. We're just telling you to put the hand-held phone down. Put it on speaker and have your conversation, Representative."

Durkin: "Well, I..."

D'Amico: "I don't... I don't think that that's that difficult. The bottom line here is, we've got to try to save lives. In 2009, there was a thousand fatalities due to hand-held cell phones across the country. And we've got to sit back and say, look, do we want to do something serious about this."

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

112th Legislative Day

3/8/2012

These were the same arguments that were brought up when they introduced the... the Bill to make us wear seatbelts. People didn't like that. Fatalities have continued to go down here in Illinois. We're coming off of three years in a row where we have had record low numbers and it's due to a lot of the work that we've done here in the General Assembly and in the Senate. I want to continue that, and continue to save the lives here on the roadway in Illinois."

Durkin: "Well... to the Bill. This is excessive, and as my previous... the speakers have mentioned, this is over-regulation. I supported the ban... ban on texting, but this goes way too far. There are multiple situations, which have not been accounted for, and which you're going to penalize individuals for sit... for situations which they are trying to help themselves, and I gave you one example right there. And I don't believe the response you gave was appropriate. It was not responsive, actually. So, I... I think this goes too far. I'm voting 'no'. We need to slow down with this regulation in the State of Illinois."

Speaker Lyons: "Representative Franks."

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

Speaker Lyons: "The Sponsor yields."

Franks: "I was interest... It was interesting to listen to the debate so far, and I heard Representative Harris talk about the loss of situational awareness. I'm wondering why this Bill is not a distractive driving Bill instead of singling out one activity."

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

112th Legislative Day

3/8/2012

D'Amico: "That's something that we're going to be looking at. We're working on a Bill like that, as well, Representative."

Franks: "'Cause right now, Representative, for instance, I use earphones when I'm driving, and sometimes I'll use the Bluetooth but I don't always hear very well, because it's sometimes scratchy. But I always use earphones 'cause I just find it has a better sound quality. But I'm wondering now, I thought there was a law that it was illegal to have earphones and listen to music while you're driving. And I think that's a prohibition right now. Am I correct?"

D'Amico: "I... I have no idea if that's a law right now."

Franks: "I think it is. And I'm wondering how would our law enforcement be able to enforce this. Would they know whether I was listening to music on my earphones, or whether I was speaking on my... on my cell phone."

D'Amico: "Well, all I can tell you is that the State Police, the Chiefs of Police, the FOP, all the law enforcement are in support of this ban. And they were all there to testify in committee and not one of them brought that up that that's illegal."

Franks: "Okay. 'Cause I... I was thinking about that. Now, is there empirical evidence that would suggest that you would have two hands on the wheel that you would be a... a better driver?"

D'Amico: "I didn't... and I didn't say that you would have two hands on the wheel. I want to make sure that that second hand is available to be on the wheel. Right now, if you've got that hand on your phone to your ear, and one hand on

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

112th Legislative Day

3/8/2012

the wheel, you can't react quick enough. That second hand may help you avoid an accident."

Franks: "Well, that brings me to my next point then. So, if it's really about leaving a hand open, is there anything here that would prohibit me, for instance, from, you know, eating my Taco Bell, you know, messy taco, when I'm driving?"

D'Amico: "No, there wouldn't. I mean, that... you also have to have some common sense, and our... if we do this distracted driving Bill that might be coming over, that might address what you're talking about."

Franks: "Well, I think... I think that would make more sense than a Bill like this because, you know, I've seen people... I drove down with a Representative once who was shaving while we were driving to Springfield. I've seen other people putting on their makeup while they're driving. I've seen people eat hot fudge sundaes while they're driving. I've seen them eat soup while they're driving. And it... I understand the... the premise behind this, but I don't know why we would prohibit a certain activity that has very, very high penalties when we could simply just enhance penalties for any type of distracted driving."

D'Amico: "Because there's no statistics that prove, like the ones that we have in front of us, there were a thousand fatalities due to sa... hand-held cell phones alone."

Speaker Lyons: "Your time's expired, Representative Franks. Finish that question of John and we'll..."

Franks: "I just..."

Speaker Lyons: "...continue."

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

112th Legislative Day

3/8/2012

Franks: "Can... can I... but how do we know it was holding the hand-held cell phone? Because you're saying they need an extra hand how come it just couldn't have been them holding the taco supreme?"

D'Amico: "This..."

Franks: "Or... or..."

D'Amico: "...this was..."

Franks: "...could it be..."

D'Amico: "...on record in the police report. It was caught... there... the accidents and the fatalities were caused by a hand-held cell phone."

Franks: "How many in Illinois?"

D'Amico: "In Illinois, I don't have those numbers yet. This was a thousand nationwide."

Franks: "Well, you and I talked about you like to sing when you drive. And what happens if you're closing your eyes, putting your head back, and singing to your favorite band? Isn't that a little distracted? I mean, we've all done that."

D'Amico: "Well, who... who can drive with their eyes closed?"

Franks: "People do when they're singing or when they're turning..."

D'Amico: "Well, they can't drive... they can't drive very far."

Franks: "You... remember when our kids were little and they'd be throwing stuff at us in the back or popping their balloons, and you'd turn around and say, you know, what the heck are you doing? Take care of yourself. I would think that's a little bit more distraction than me talking on the phone. I... I and I really appreciate what you're doing here, but I

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

112th Legislative Day

3/8/2012

just think... I think we ought to... we ought to be more narrow in the scope and have a larger penalty for anyone who's distracted driving, because there's so many other things, if we pass this, then other things we're tacitly saying we can do."

D'Amico: "Representative, I want to tell you, I was fortunate..."

Speaker Lyons: "Representative Franks."

D'Amico: "...I was invited to three summits put on by our U.S. Secretary of Transportation, Ray LaHood. And at those three summits, I heard testimony from countless families that lost loved ones due to hand-held cell phones while driving a car. And I'd like to see you go there and argue and face them, and tell them that this is not a good Bill and that we're going too far."

Speaker Lyons: "Representative Franks, I've ex..."

D'Amico: "We've got to put some teeth in the Bill, and put a stop to this."

Speaker Lyons: "Representative Franks, I've extended an extra minute to you. The next speaker will be Representative Karen May."

May: "Thank you, Speaker. I rise in support of the Gentleman's Motion, and I congratulate him for the work he's done on it. I... when I hear people say we're rushing into it, I think he' been working on this issue for about six years with input from the Secretary of State. I filed a similar Bill, but one... his Bill was moving. I am in support of this Bill. He has addressed a lot of concerns, spent time dealing with people to narrow it down. I will tell you one of the reasons I am in such strong support because in my

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

112th Legislative Day

3/8/2012

area of the state half of the communities in my district have passed cell-free laws. So, as you drive down the highway or on Sheridan Road, you go in and out of communities. The other half of the communities are waiting for the state to take action so that we do not have a patchwork of laws. The other thing is, the reason to move it now is new information that is by the National Traffic Safety... NTSB on the absolute dangers that are of distracted driving and cell phone usage. So while perhaps everyone would like to ban it completely, this is a logical step forward that makes a... an even playing field across it. We do not need a patchwork. The rest of the communities in my district are waiting for the state to take action. I urge an 'aye' vote."

Speaker Lyons: "Representative Marlow Colvin."

Colvin: "Thank you, Mr. Speaker. Ladies and Gentlemen, if you'll allow me to just read a... a short list of... of some real innovations in automobile construction, and this is just in the last 50 years: seatbelts, antilock brakes, front collision warning systems, head-up display systems, lane departure warning systems, air bags, cars that are built with energy absorbing crumple zones in its construction. These are just a handful of the innovations that have made automobiles much safer, that protect the driver, and protect their children, and all the rest of their passengers. The one thing that the automobile manufacturers cannot protect against are people from themselves. The distractions that people create while operating a five thousand pound moving automobile. This is

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

112th Legislative Day

3/8/2012

a Bill whose time has come. All of us who own automobiles practically own cell phones. We all know this. We also know that the State Police and the City of Chicago Police, when the City of Chicago passed its Bill to ban holding... using a phone while driving, said most of these accide... accidents are one-car accidents; meaning they hit a telephone pole or utility pole, or they run into a ditch, or they run into the back of another car. In other words, there doesn't have to be another car on the road to have an accident that can cause great bodily harm. We also know, in part of this conversation and listening to the debate, people talk about personal freedoms. Well, personal freedoms come with great responsibility. They also come with the re... responsibility that we would act in a way, in a nature, that would protect others around us. You can be sitting at a red light and someone distracted by a phone call runs smack dab into the back of your car. These are the kind of accidents that we were seeing in the City of Chicago prior to passing that ban. You know, we live in the third-largest city, I do and many of the Members here. The third-largest city in America and we were able to implement this without great disruption to anyone's lives. I only know one person, quite frankly, who ever got a ticket. And for those who are interested in the responsible use of automobiles and cell phones, can invest either in a car that has... or aftermarket, very cheap alternatives to using a hand-held device in a Bluetooth device. Sitting here on the Internet, as I'm preparing this list, there are Bluetooth hand-held wireless systems you can put in your car for \$29. And... and I think that in terms

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

112th Legislative Day

3/8/2012

of talking about the safety of automobiles and those around us who are operating automobiles, this..."

Speaker Lyons: "Representative, your time expired. I'll give you another minute to conclude your remarks."

Colvin: "So, with that, I... I'm done, Mr. Speaker. But I enthusiastically support this Bill, and I want to thank the Sponsor for having the courage to bring forth such an innovative idea whose time has truly come. Thank you."

Speaker Lyons: "Leader Chuck Jefferson."

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

Speaker Lyons: "The Sponsor yields."

Jefferson: "What's the genesis of the Bill, Representative?"

D'Amico: "The genesis of the Bill is to save lives, and the bottom line here is... you know, one of the towns, right now... the Tribune did a report on Sunday. There's 76 municipalities across the State of Illinois that currently have some sort of a cell phone ban in place. So, right now, you're going to drive from town to town, you don't even know what the law is. None of us do. You don't know where you can get stopped for this."

Jefferson: "Representative, where did the Bill come from?"

D'Amico: "The Bill came from a... from a lot of studies that we've done with the National Highway Transportation Safety Alliance, with Secretary Ray LaHood from... the Director of Transportate... U.S. Transportation, and it's my... it's a Bill... it's one of my initiatives."

Jefferson: "It didn't come from Verizon Wireless, did it?"

D'Amico: "It didn't come from where?"

Jefferson: "Verizon Wireless. Verizon Wireless."

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

112th Legislative Day

3/8/2012

D'Amico: "Yeah. Verizon Wireless is actually in favor of the Bill."

Jefferson: "I... I understand that. I understand that, Representative, it's revenue for them. But back to the Bill."

D'Amico: "I don't think they're here... they're doing this for revenue. They... they understand there's a problem."

Jefferson: "What I'm... what I'm asking, is this already a Bill in Chicago?"

D'Amico: "Yes, it is."

Jefferson: "So, you're going to po... impose this throughout the State of Illinois?"

D'Amico: "Yes. Like I said, there's 76 municipalities that already have some sort of cell phone ban in place. This puts everybody on an equal playing field."

Jefferson: "There's a lot of con... congestion in Chicago, where there isn't in other places. You know, Chicago's a busy city and we understand that, but we've got a lot of other places that aren't as nearly as busy as Chicago. So why do we need this Bill in those areas?"

D'Amico: "Well, I can tell you this. One of the small towns, just for instance, Rockdale, Illinois, the Rockdale policeman was going through an intersection, and this was all on video because they had a red light camera in place. The girl t-boned the police officer while on the cell phone. Never got off the phone. Got out of her car in the middle of the accident, continued to stay on the cell phone, and argued with the police officer that he ran the red light. And they were able to view the camera and prove

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

112th Legislative Day

3/8/2012

that she ran... she went right through the red light 'cause she had no idea what she was doing. Her concentration wasn't where it should be."

Jefferson: "Representative, is there a Bill..."

D'Amico: "Yes, and it's a small town."

Jefferson: "...that prohibits you from drinking a hot cup of coffee while driving?"

D'Amico: "No. My Bill doesn't do that."

Jefferson: "I think there's a lot of people that have been in accidents because a coffee spilled on their laps. But my... my concern is this, Representative, if I'm a little tired and I've got my hand up to my ear, resting, and the police comes by and he says I'm on the cell phone. You know, what happens in that case?"

D'Amico: "I'm sorry. I didn't hear your question. Could you do that again?"

Jefferson: "If I'm driving and I'm a little tired, and I'm... I got my hand up to my ear, and he perceives that I'm talking on my cell phone, what happens in a case like that?"

D'Amico: "You could... you could just show them your phone, and show them that you weren't on it."

Jefferson: "Couldn't he say I put it down while he was..."

Speaker Lyons: "Chuck, your time's expired. We'll give you another minute to finish your remarks."

Jefferson: "Thank you, Mr. Speaker. You know, my concern is this is another form of profiling. It gives the police the ability to pull you over at their will to say that you are on the cell phone. And I won't be supporting this. Thank you."

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

112th Legislative Day

3/8/2012

Speaker Lyons: "We have one final speaker and then, Representative D'Amico to close. Representative Chuck Krezwick."

Krezwick: "Yes. To the Bill, Mr. Speaker."

Speaker Lyons: "To the Bill."

Krezwick: "I'd like to just address the issue of... of the distraction. I think we've heard a number of Members talk about different activities that are taking place while you're driving. And the concern is whether this is going to solve that problem. Well, it probably will not, but here's something... there was a figure that came out of the committee, and if I remember this correctly, and it may have been in the State of California, where they had one of the things that saved the lives with this. There were 40 percent fewer cellular calls with... with a hands-free... with the hands-free ban. I think what we have to do is support this Bill. I think, eventually, it's going to come to the State of Illinois, and I think something that's very important is we do have to have something uniform. We're always going to be dealing with other distractions. We have to deal with the cell phone issue, get a uniform law across the State of Illinois. I urge all the Members to vote for the Bill. Thank you."

Speaker Lyons: "Representative D'Amico to close."

D'Amico: "Thank you, Mr. Speaker. And thank you, Members of the Body, here. I thank you for your debate on this Bill, but I think the time has come. We need to get serious about this and try and continue to make the roads here in Illinois as safe as possible. When Secretary Ray LaHood

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

112th Legislative Day

3/8/2012

called me up and invited me to come speak out there, it's because of what we're... the work we're doing here in Illinois. I'm proud of the work that we've done. I want to continue to make the roads here in Illinois as safe as possible. And I encourage an 'aye' vote. Thank you."

Speaker Lyons: "After thorough discussion, the question is, 'Should House Bill 3972 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 are 62 Members voting 'yes', 53 Members voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bill Mitchell, thanks for your patience on a point of personal privilege."

Mitchell, B.: "Thank... thank you, Mr. Speaker, Ladies and Gentlemen of the House. In... on... in the gallery, on the Republican side, I would like a young gentleman, Calin Smith. Calin. Calin is a freshman class president in Clinton High School. Let's give a big welcome to Mr. Smith."

Speaker Lyons: "Welcome to your Capitol, Mr. President. Representative Kosel, on the Order of Third Readings, you have House Bill 3982. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 3982, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "Leader Renée Kosel."

Kosel: "Thank you very much, Mr. Speaker. As many of you know, in the past, because of a tragic accident by Lyndsey

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

112th Legislative Day

3/8/2012

Whittingham, in my district, who was killed by a taxicab in the City of Chicago. I have carried some taxicab legislation, much of which that has gone out of this chamber unopposed, only to die in the other chamber. I am presenting a piece of legislation today that I have worked with the City of Chicago on and that should help us conquer some of the problems that we have. This piece of legislation will have the cir... the Clerk of the Circuit Court furnish any moving violations that are issued to taxicab tags to the... any municipality that regulates taxicabs. It will have the ability of showing how many violations are on the various tags, and will also have the ability of other municipalities to check and make sure that a bad driver's not moving from one area to the other. And I would ask your support. I do have the support of the City of Chicago, and I know of no opponent."

Speaker Lyons: "You've heard the Lady's explanation on House Bill 3982. Is there any discussion? Seeing none, all those in favor of the passage of House Bill 3982 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 Phelps, Soto, Verschoore, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 1 Member voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Camille Lilly. Representative Lilly, you have House Bill 4003. Read the Bill, Mr. Clerk."

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

112th Legislative Day

3/8/2012

Clerk Hollman: "House Bill 4003, a Bill for an Act concerning health. Third Reading of this House Bill."

Speaker Lyons: "The Lady from Cook, Representative Camille Lilly."

Lilly: "Thank you, Mr. Speaker. Ladies and Gentlemen of the General Assembly, I rise to present House Bill 4003. House Bill 4003 amends the Mental Health and Disability... Development Disability Code to eliminate a man... mandate that DHS must create and maintain all court forms. Currently, DHS presents mass quantity of forms that are being stored in the warehouse, and not being called to use. The computer software that's being developed today allows and produce to reproduce and print their own forms. This Bill is potential costs savings to the department, and all changes of the instruction be given to all those who's utilizing the forms. If there's no questions, I encourage your 'aye' vote. Thank you, Speaker, and Ladies and Gentlemen."

Speaker Lyons: "You've heard the Lady's explanation on House Bill 4003. Is there any discussion? Seeing none, all those in favor of its passage signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Chapa LaVia, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 116 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Brown, you have, on the Order of Third Readings, House Bill 4005. Read the Bill, Mr. Clerk."

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

112th Legislative Day

3/8/2012

Clerk Hollman: "House Bill 4005, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons: "Representative Brown."

Brown: "Thank you, Mr. Speaker and Members of the House. House Bill 4005 amends the Criminal Code of 1961 stating that convicted sex offenders can no longer transport minors. I'd be more than happy to take any questions."

Speaker Lyons: "You've heard the Gentleman's explanation on House Bill 4005. Is there any discussion? Seeing none, all those in favor of its passage signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representatives Biss, Burke, Will Davis, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 116 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Monique Davis, are you on the floor? Representative Davis. Representative Nekritz. Representative Elaine Nekritz. On the Order of Third Readings, Elaine, you have House Bill 4036. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4036, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. House Bill 4036 provides Pace, which is the suburban bus system, some bonding authority. Metra has approximately a billion dollars worth of bonding authorities. CTA has no limitation on their bonding authority. This would provide the Pace Bus System a

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

112th Legislative Day

3/8/2012

hundred million dollars of bonding authority for four specific projects. One in Des Plaines that would... that would construct a compressed natural gas bus facility. One at the South Cook Garage in Markham that would also convert to a compressed national... natural gas powered bus fleet facility. Paratransit Garage in DuPage and would do an expansion of a garage in Evanston. The... the repayment from these bonds will come from moneys that Pace will pledge out of their federal capital dollars that they get annually. And... and significantly, because of the conversion to compressed natural gas, CNG, there will be a reduction in operating cost for Pace. I ask for your support."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Will Davis. Representative Davis."

Davis, W.: "Oh, I'm sorry, Mr. Speaker. Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Davis, W.: "Representative, I just have one question. Does this Bill eliminate the RTA?"

Nekritz: "Representative, you know, I have looked into that question. I've reviewed the Bill several times. It... I'm... it... I know you'll be disappointed to hear this, it does not eliminate the RTA."

Davis, W.: "That's too bad. Thank you very much."

Speaker Lyons: "Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

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

112th Legislative Day

3/8/2012

Eddy: "Representative, where does the revenue for the bond payments come from? I mean, is this something that there's already authority for under the RTA that Pace could use their authority for? Yesterday, we had some legislation lifting the... or increasing the bonding authority..."

Krezwick: "Working cash... working the cash flow notes for RTA. And this... these are... these are... well, I shouldn't say. These are federal capital dollars that flow to Pace, and they will be pledging those that... that revenue stream for the future."

Eddy: "So, the... the bond... how much bonding authority are you seeking with this?"

Krezwick: "A hun... \$100 million."

Eddy: "One hundred million dollars, and does the Bill contain the specific projects that the \$100 million must be used to complete?"

Krezwick: "It does."

Eddy: "What... what are those projects?"

Krezwick: "There's four of them. One is a... a garage, and to replace an existing facility in Des Plaines, an existing garage. It would also service CNG powered bus fleets. In the... in south Cook in Markham, there's a conversion of a garage to a CN... to service CNG powered buses. There's a new paratransit garage in DuPage County, and an expansion of a garage in Evanston to accommodate additional indoor bus parking."

Eddy: "Who established those spending priorities?"

Nekritz: "The Pace Bus did."

Eddy: "The Pace Board?"

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

112th Legislative Day

3/8/2012

Nekritz: "The Pace Board."

Eddy: "The Pace Board. And how do they now interact under the authority of the RTA? Are they a separate entity that makes those decisions without the scope of authority of the RTA?"

Nekritz: "The... well, the RTA does have its own capital... list of capital projects. One of these is on that list, three of them are not. But Pace has determined that moving to compressed natural gas..."

Eddy: "Okay."

Nekritz: "...is a significant priority for them, so that they can start to reduce their operating cost."

Eddy: "Okay. So, the real test as to whether or not the bonds would be sold for the projects, and whether or not the federal money would be forthcoming, would be if the bonds sell?"

Nekritz: "I would assume so."

Eddy: "So, you really..."

Nekritz: "Does that... wait... how much... how much those bond holders would... would trust the Federal Government to continue that source of funding."

Eddy: "And that... that funding is only for Pace. It isn't something that the RTA would've received. I mean, the RTA didn't have authority over that federal funding. Is this being diverted for this purposes by this Bill? The RTA is opposed, and I'm wondering why."

Nekritz: "Oh. The RTA's opposed because they would like to be able... they... they say that to Pace that... that they can do this for Pace under their existing bonding authority. Pace is just asking to be put on... on a relatively equal footing

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

112th Legislative Day

3/8/2012

with Metra and CTA to have their own bonding authority. And... on... interest... interestingly, only one of the projects that is on this list is on the RTA capital list. So, RTA can't really do all four of these right now. They would..."

Speaker Lyons: "Roger, your time's expired. We'll give you another minute."

Eddy: "Okay. So... so, I see the... the purpose of this is some independence for Pace to use some federal money for bonding authority to complete projects that they're interested in rather than being under the... the control of the RTA. The RTA's fighting back..."

Nekritz: "Correct."

Eddy: "...basically. All right. Thank you."

Speaker Lyons: "Representative Mulligan."

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

Speaker Lyons: "Sponsor yields."

Mulligan: "Representative, is the full faith and credit of the State of Illinois behind these bonds, or who is behind the bonds if this... something happens?"

Nekritz: "There... there's... there's nothing that involves the state with these bonds. This just permits Pace to issue those bonds. And again, it will be a federal source of funding that will support the repayment."

Mulligan: "Is there federal money currently available right now?"

Nekritz: "The federal money is... has... this is federal money... this is federal capital dollars that's been flowing to the transit systems for a very significant length of time."

Mulligan: "All right. Thank you."

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

112th Legislative Day

3/8/2012

Speaker Lyons: "Representative Don Moffitt."

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

Speaker Lyons: "The Sponsor awaits your questions."

Moffitt: "First question I... you just responded to. So, no obligation whatsoever to the state if this passes. That's correct?"

Nekritz: "That's correct."

Moffitt: "Secondly, the board, you said the Pace Board would be the one to make the decision on how much and..."

Nekritz: "Well, the Pace..."

Moffitt: "...the details."

Nekritz: "...the Pace Board has already made that decision because the... the dollar amount, the dollar figures, and the specific projects are in the legislation."

Moffitt: "Okay. Who... how is the board selected? The Pace Board. Is it appointed, elected?"

Nekritz: "I have to admit, Representative, standing here, right now, I don't know, but there are... there are a variety of... of appointing bodies. I... I'm being informed that the county chairs appoint the... the members of the Pace Board. There may be others, but at least those."

Moffitt: "Okay. So, it is appointed by an elected body..."

Nekritz: "Yes. Yes."

Moffitt: "...that one elected. Okay."

Nekritz: "Oh, yeah."

Moffitt: "Thank you. Appreciate your response."

Speaker Lyons: "Representative Jim Durkin."

Durkin: "Will... will the Sponsor yield?"

Speaker Lyons: "The Sponsor awaits..."

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

112th Legislative Day

3/8/2012

Durkin: "All right. We've..."

Speaker Lyons: "...your questions."

Durkin: "...we've had some discussion about the... the bonds are going to be paid through a federal capital program. Bonds are generally issued to be paid off over about... at least at 20 years, 20 or 30 years, correct?"

Nekritz: "Correct."

Durkin: "If these federal capital dollars fluctuate or if they're suspended in any year, what is plan b to pay off the bonds?"

Nekritz: "Representative, I suspect that they're... I... I'm not aware of what the plan b would... is... is at this point, but those... those federal capital dollars have been flowing for decades. And I know that things are in flux in Washington, but I think that there's... I mean, there is... I don't know that this... this particular source of funding is... is under review right now."

Durkin: "Right. I had mentioned this to some of the folks from Pace, but you know, I... the debt service on these are set over a 20-year period, and I think it's... just got to be careful with this that if there is going to be there should be at least some type of provision which states that if there is a fluctuation or suspension of the federal program that there has to be something in the statute which is going to state how these are going to get paid off."

Nekritz: "Well, as one of the earlier speakers indicated, I think that might be taken into consideration by the bond holders 'cause they're the one going... they're going to be the ones on the hook if Pace defaults."

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

112th Legislative Day

3/8/2012

Durkin: "I... I don't know who'd purchase the bonds then. That would be a very tough sell on the market if these things are going to be subject to federal funding, but I'll... I'll support your Bill, but I think its just... it's a big question mark that I... I think that still lies with this legislation."

Speaker Lyons: "Representative Luis Arroyo."

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

Speaker Lyons: "Sponsor yields."

Arroyo: "Elaine, how much is the total of bonds that have to be sold?"

Nekritz: "One... 100 million."

Arroyo: "One hundred million. I heard one of my colleagues talk about the RTA, about elimination. Would you be willing to amend this Bill and put in an Amendment to eliminate the RTA?"

Nekritz: "Representative, that issue came up in committee, and I'm not sure that I... you know, we did look into that but felt that that was probably not appropriate for this particular piece of legislation. I... you know, I certainly would be willing to continue discussions with that... with that... with my colleague about that."

Arroyo: "Okay. I would be willing to talk to you about that when you get... when the time is right."

Nekritz: "Happy to."

Arroyo: "Thank you."

Speaker Lyons: "Representative Nekritz to close."

Nekritz: "I ask... oh, I've... I've been informed that the... the language in here about the repayment out of the federal

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

112th Legislative Day

3/8/2012

funding is the same language that Metra uses in their... in their bonding authority, and that the... the same source of funding that they use for the repayment of their bonds. I'd ask for your support."

Speaker Lyons: "The question is, 'Should House Bill 4036 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? Brady. Mr. Clerk, take the record. On this Bill, there's 79 Members voting 'yes', 36 Members voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Monique Davis on House Bill 4013. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4013, a Bill for an Act concerning business. Third Reading of this House Bill."

Speaker Lyons: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 4013 is a recyclable metal dealer Bill, and we're merely adding copper to any recyclable metal. And the reason is, people are stealing and criminally taking metal pieces for recycling. So, we're including any metal that contains copper that has to be reported to the State Police if it's taken to a recycling plant. Currently, the... they have to record any information with copper, but this Bill adds any material with copper in it. Just ask for an 'aye' vote. Will answer any questions."

Speaker Lyons: "You've heard the Lady's explanation of House Bill 4013. Seeing no discussion, the question is, 'Should

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

112th Legislative Day

3/8/2012

House Bill 4013 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Brady, Representative Turner, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 116 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Will Davis, you have, on the Order of Third Readings, House Bill 4050. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4050, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Will Davis."

Davis, W.: "Thank you very much, Mr. Speaker. House Bill 4050 provides that the State Comptroller shall direct, and the State Treasurer shall transfer the remaining balances of the Energy Initiatives Revolving Fund, the Minority and Female Business Enterprise Fund, and the Paper and Printing Revolving Fund into the General Revenue Fund. And provided that... upon the completion of those transfers, those funds shall be dissolved. Be happy to answer any questions."

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

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

Speaker Lyons: "The Sponsor yields, Representative."

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

112th Legislative Day

3/8/2012

Mulligan: "I'd like to know why you're dissolving the Minority and Female Business Enterprise Fund instead of adding to it."

Davis, W.: "Well, this was a fund that apparently was created some time ago, and there has not been any resources put into this fund in years. Now, this is the fund... this is not..."

Mulligan: "I know because I helped create it..."

Davis, W.: "Oh."

Mulligan: "...twice."

Davis, W.: "Okay. This fund... I don't know why no money has been put into the fund, but it's been sitting like this for years. And the reason why CMS wants to dissolve these funds is because they're inactive and they show up on their audit findings report."

Mulligan: "Well, then what we should've done is we should've, and I'm... it's my own fault for not getting on top of it. We should've put more money into it, and we should've advertised so that female start-up businesses, particularly in construction who have a really hard time starting up 'cause they can't get the original bonding money, we should've put the money in and we should've done this. So, now what we're doing is we're eliminating programs in this state that were very helpful to women and minorities. I really find that too bad."

Speaker Lyons: "Representative Elaine Nekritz."

Nekritz: "Thank you, Mr. Speaker. I'm just curious, Representative, is House Bill 4050 have anything... have any provisions in it to eliminate the RTA?"

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

112th Legislative Day

3/8/2012

Davis, W.: "Unfortunately, because this is a state... this is a State Government Act and yours was a... and that's a local government Act. Unfortunately, there's some incompatibility there. But believe me, if I could, I would."

Krezwick: "Representative, we'll keep looking for a Bill."

Davis, W.: "Thank you."

Speaker Lyons: "Representative Roger Eddy, are you inquiring to find out if this Bill eliminates the RTA?"

Eddy: "No. No, Sir, I... I'm just wondering how much money we're talking about here."

Davis, W.: "It's... it's..."

Eddy: "How much... Will the Sponsor yield?"

Speaker Lyons: "To the Bill? The Sponsor yields."

Eddy: "Thank... thank you. I'm just wondering how many dollars we're talking about here, and is this going to solve most of the... the state debt problem?"

Davis, W.: "No. I don't think this will even remotely put a... a dent..."

Eddy: "You know..."

Davis, W.: "...if anything..."

Eddy: "...maybe this wouldn't start the lockbox..."

Davis, W.: "...in the state debt."

Eddy: "...but maybe we could buy a locks... a lockbox with it. How... how much... how much money exists in these three funds, right now?"

Davis, W.: "I... I believe during committee it was said that there's probably about \$5 thousand in these funds."

Eddy: "Okay. So... so, basically, the funds that were... was that all from one of the funds? I think a couple of them didn't

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

112th Legislative Day

3/8/2012

have anything in it and they were totally inactive. Is that right?"

Davis, W.: "That is correct."

Eddy: "And the money that was in the fund, the 5900, I believe, dollars or so, that was... that was money that was generated from conference fees, or some type of directory sales. And... and that money has been sitting there for how long now?"

Davis, W.: "I'm not sure how long the money's been sitting there, but you're absolutely correct. That's what the fund was created for, but with the... with the use of technology, those directories are now online. They're not produced anymore. They're not sold."

Eddy: "Representative, I was excited there for just a second. I thought maybe you had uncovered a solution to... to the problems that we're going to face, but with \$5970, it appears as if we... we may not even be able to purchase that lockbox. But... but this would only be seed money for something better in the future. I think, probably, if you can find more, we'd all be grateful."

Davis, W.: "Well, if I could find more, I would certainly do so, Representative. Thank you."

Speaker Lyons: "Representative Davis moves for the passage of House Bill 4050. 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... Representative du Buclet, Phelps, Leader Rita. Mr. Clerk, take the record. On this Bill, there's 107 Members voting 'yes', 9 Members voting 'no', 0 voting 'present'. This Bill, having received the

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

112th Legislative Day

3/8/2012

Constitutional Majority, is hereby declared passed. Leader Mike Bost. For what purpose do you seek recognition, Mike?"

Bost: "Thank... thank you, Mr. Speaker. If the record could reflect that Representative Poe is excused the rest of today."

Speaker Lyons: "The Clerk will so note. Thank you. Representative Brauer, for what purpose do you seek recognition?"

Brauer: "Thank you, Mr. Speaker. On House Bill 4036, my button was inadvertently pressed 'yes', and it should've been 'no'."

Speaker Lyons: "The Journal will reflect your request. Representative Toni Berrios. Is Toni on the floor? Representative Frank Mautino. On the Order of Third Readings, Frank, you have House... you have House Bill 4139. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4139, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Lyons: "Leader Frank Mautino."

Mautino: "Hi. This Bill does eliminate the RTA. Just kidding, Will. I wanted to see if you were paying attention. Actually, thank you, Mr. Speaker, Members of the House. This is an initiative of the Central Management Services, and it moves from 500 thousand to 1 million dollars, the threshold amount before their funds would have to be transferred from the surplus property line back to GRF after the lapse period. The only reason they're doing this is this... this trigger level was set in the 1980s. It adjusts it... it accounts for about four to six weeks of

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

112th Legislative Day

3/8/2012

their operating funds. And every year, during the appropriation, we have to go back and add in money for operations so that they can pay their salaries until they sell the state's surplus property, about midyear. Ask for an 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's explanation on House Bill 4139. Seeing no discussion, those in favor... those in favor of passage of House Bill 4139 signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Gabel, like to be recorded? Mr. Clerk, take the record. On this Bill, there's 110 Members voting 'yes', 5 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Smith, on the Order of Third Readings, you have House Bill 4453. Out of the record. Representative Dugan, on the Order of Third Readings, you have House Bill 4479. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4479, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lyons: "Representative Lisa Dugan."

Dugan: "Thank you, Speaker, Members of the House. House Bill 4479 is from the State Fire Marshal's Office to... takes care of some issues that they have found. It extends the sunset date of the Fire Equipment Distributor and Employee Regulation Act from 2011 to 2023. Also, House Bill 4479 amends the Act to include legal language regarding licensing and administration of fines and also, the elimination of the Fire Equipment Distrib... Distributor and

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

112th Legislative Day

3/8/2012

Employee Advisory Board. I'll certainly answer any questions, and I would like an 'aye' vote."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those in favor of the passage of House Bill 4479 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 Brady, Brauer, Mell, Jerry Mitchell, Dave Winters. Representative Brady, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there are 69 Members voting 'yes', 45 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Page 16, Ladies and Gentlemen, at the top of page 16, we have House Bill 4492, Representative Raymond Poe. He's gone for the day. My mistake. Representative Kelly Burke. Is Representative Kelly Burke on the floor? Representative Marlow Colvin, you have House Bill... on the Order of Third Readings... page 16 of the Calendar, Ladies and Gentlemen, we have House Bill 4521. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4521, a Bill for an Act concerning residential mortgages. Third Reading of this House Bill."

Speaker Lyons: "Leader Marlow Colvin."

Colvin: "Thank you, Mr. Speaker. House Bill 4521, as amended, amends the Residential Mortgage Licensing Act. It does... there are several things: it will provide additional regulations addressing loan modification in... in short sale facilitation, it will change some of the requirements for an application for a mortgage... a residential mortgage

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

112th Legislative Day

3/8/2012

license, it will enhance penalties the Secretary of the Illinois Department of Financial and Professional Regulation may assess for mortgage fraud, it will... it will require additional disclosures and additional penalties for a violation of the Residential Real Property Disclosure Act, and it makes other miscellaneous changes. I'd be happy to answer any questions."

Speaker Lyons: "You've heard the Gentleman's explanation. The Chair recognizes Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, there... there are some increases in here related to certain fees. Could you... could you kind of describe what fees are increased, and what those increases are?"

Colvin: "Yes. The fee for a license on the RMLA will be increased from \$2043 to 2700, which is actually taking the fee back to its original level."

Eddy: "Two thousand forty-three to 2700?"

Colvin: "That... that is correct."

Eddy: "When... when was the 2700 the original fee?"

Colvin: "Representative, I believe it was 2006."

Eddy: "When and why was it reduced?"

Colvin: "There was a... a lawsuit that was filed at a particular time."

Eddy: "So... I'm sorry."

Colvin: "There was a... a lawsuit that was filed at a particular time, and as a result of the settlement of that suit, the fee for a license was reduced to 20... \$2043, for a set

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

112th Legislative Day

3/8/2012

period of time that was sunset last year, which moved the fee back to its original level \$2700."

Eddy: "So, if this legislation doesn't pass, would the fee become..."

Colvin: "No. No. I'm sorry. But, just to word it, say it a little differently, say it more correctly and succinctly, this Bill would authorize it to move back to 2700."

Eddy: "Okay. So, this legislation is necessary because of a court action that reduced the original fee to reinstate the original fee. Now, who pays this fee?"

Colvin: "Which was their... which was the agreement under the original lawsuit."

Eddy: "Okay. And who pays this fee?"

Colvin: "Mortgage..."

Eddy: "The licensee?"

Colvin: "Those mortgage brokers and those bankers who are applying for a license."

Eddy: "And have you... have they contacted you re... related to this legislation? Are they opposed? Did they... did they slip?"

Colvin: "No. Well, they are... they are in support of this Bill. This was... and... and this entire Bill was part of an exhaustive negotiation with the mortgage bankers who... and we were able to reach agreement with those folks, along with the Illinois Association of Mortgage Professionals, who are also in support of this Bill."

Eddy: "Okay. So, both of those major groups that would be the recipients of the increased fee are neutral or they're not opposed to this or are they actually proponents?"

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

112th Legislative Day

3/8/2012

Colvin: "They're actually proponents, correct."

Eddy: "Okay. All right, Representative, thank you very much for clarifying that. I... I think that, at this point, our analysis does not show opposition and I wanted to... to check with you on that. But it... this does, buy our action, increase a fee that a court had reduced is basically what... what we're doing here."

Colvin: "That's correct."

Eddy: "All right. Thank you."

Speaker Lyons: "Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "Representative, I'm not sure who this... by reading the Bill, I'm not sure who this applies to. Would this apply to a bank that writes mortgages and sells more than three a year in this... in the secondary market?"

Colvin: "It does not apply to federal or state licensed banks, Representative."

Franks: "So, who does this apply to? That's what I'm trying to find out."

Colvin: "So, it would only apply to those who would be applying for a license under RMLA, and those are mortgage brokers and... and mortgage lender originators."

Franks: "What's a mortgage lender originator as opposed to a mortgage broker? Is there a definition? I think we're... the parliamentarian is giving me the definition, so I think we've got that. Okay. That was my concern, because when I'm reading this, it just seemed to be drafted broadly, but I think your Amendment probably takes care of that."

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

112th Legislative Day

3/8/2012

Colvin: "It does."

Franks: "All right. Thank you."

Speaker Lyons: "Representative Ed Sullivan."

Sullivan: "Rep... I'm sorry. Would the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Sullivan: "Representative, there's been discussion of this fee. Also embedded in this Bill is the... is the change from having to use a CPA to do some of their bookkeeping audits to the IDPR. That's going to be a net cost savings to these individuals doing this work. Is that correct?"

Colvin: "Can you repeat your question again?"

Sullivan: "Part of the Bill has to do with, and I'll... I'll read our analysis, but it has to do with the reporting requirements of bundling different reports and having to go out and hire a CPA to do them. And by not doing that, there's going to be a significant cost savings that will offset this fee. Is that correct?"

Colvin: "Correct."

Sullivan: "Okay. So... to the Bill. Ladies and Gentlemen, the Gentleman brings a... a Bill that is going to help combat some issues that we have with people that want to put themselves out as loan modification packages. This is an area where people would charge upfront fees and sometimes walk away from those, and the people would not have any relief. So, part of this Bill also says that you cannot charge upfront fees for the professional services that you are doing and that's... that's a clear distinction that I think should be made... made here. And in regard to some bad players in the... that go to you and say, hey, I could help

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

112th Legislative Day

3/8/2012

you get your loan changed... there's so many people looking for help... charge you a fee and then walk away, and there's no redress. So, that's the one piece that I wanted to bring out, that and the cost savings involved with this more than offsets what's going on with the potential fee increase that is needed to begin with. So, I certainly support the Bill. Thank you."

Speaker Lyons: "Representative Colvin to close."

Colvin: "Thank you. I would appreciate an 'aye' vote."

Speaker Lyons: "The question is... the question is, 'Should House Bill 4521 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Chapa LaVia, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 68 Members voting 'yes', 47 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Kelly Burke on House Bill 4500. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4500, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "Representative Kelly Burke."

Burke, K.: "Thank you, Mr. Speaker. This is a Bill that would amend the water reclamation... Metropolitan Water Reclamation District of Chi... Greater Chicago's Act to allow it to... to allow the executive director of the district, with the advice and consent of the Board of Commissioners to appoint a public and intergovernmental affairs officer who would report to the director. I ask for an 'aye' vote."

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

112th Legislative Day

3/8/2012

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Why... why does the General Assembly have to approve a position for the Metropolitan Water Reclamation District? Why..."

Burke, K.: "Apparently, to be outside of their civil service, it needs the enabling legislation."

Eddy: "So, the district itself doesn't have the authority to function to establish positions that it determines it might need?"

Burke, K.: "Well, it... to establish this position, which would be outside of their civil service board."

Eddy: "So, who's going to... once this... the General Assembly establishes this position, who then becomes responsible for job description, the evaluation, the... is that all going to come back here?"

Burke, K.: "No. The district."

Eddy: "What about paying for the salary?"

Burke, K.: "The pay will come from the district. It will be a cabinet level position that would report to the executive director."

Eddy: "So, the authority, the evaluation, the job description, and all the functions of the position, and the pay for it come from the Metropolitan Water Sanitation District, but the General Assembly has to authorize the existence of it."

Burke, K.: "That's correct."

Eddy: "Seems weird."

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

112th Legislative Day

3/8/2012

Burke, K.: "It is what it is."

Eddy: "That's your answer. Well, thank you. I appreciate it. I... I'm just not sure why it's necessary for us to be involved in that type of a... it doesn't make a lot of sense, but..."

Burke, K.: "I... I don't think the district would be seeking this if they didn't feel that their... the legislation required it. They have come and asked because the opinion of their legal staff that the General Assembly needs to authorize them to create this position outside of their civil service."

Eddy: "Okay. Thank you."

Speaker Lyons: "Representative Zalewski."

Zalewski: "It is... Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Lyons: "The Sponsor yields."

Zalewski: "So, Representative, this seems to me that... do you happen to know if the district has any sort of policy-making or... in other forms of government, Chapman, Rutan. There's policy-making exemptions that the entities have to fill these types of positions. Do you happen to know why the... following up on what the Representative said, why the district... they don't have any other policy-making positions besides the... the technical staff that are at the district? I'll rephrase my question. Do they... does the district have any exempt positions currently?"

Burke, K.: "I believe so, including the director."

Zalewski: "So, don't they have a person... do... do they have a person currently doing these duties at the district?"

Burke, K.: "No, they do not."

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

112th Legislative Day

3/8/2012

Zalewski: "So..."

Burke, K.: "They're trying to create the position, and it would be a cabinet level position that would serve at the pleasure of the executive director on the board and thus, needs to be outside of their current civil service structure."

Zalewski: "I mean, I'm not trying to... I'm not trying to get anybody in trouble right now, but I think there are people that do this for the board... for the district directly and I know..."

Burke, K.: "They... they have contractual people. My understanding is they want to make this a staff position and they don't have that right now. They don't have... they do not have this specific position."

Zalewski: "Okay."

Burke, K.: "Yes, they have people who come and advocate on behalf of the district, but it's not a designated, regular position."

Zalewski: "Okay."

Burke, K.: "This..."

Zalewski: "Thank you for answering my question, Representative."

Burke, K.: "You're welcome."

Speaker Lyons: "Representative Mulligan."

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

Speaker Lyons: "Sponsor yields."

Mulligan: "Are they going to appoint a person, is what you're saying, instead of hiring someone?"

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

112th Legislative Day

3/8/2012

Burke, K.: "They're going to hire someone to take over... to take... they're going to create the position and then hire someone..."

Mulligan: "All right. So..."

Burke, K.: "...to fill this position."

Mulligan: "...on my property tax bill are... am I going to get an increase because they've added staff that they're paying for in a budget that comes through my property tax bill? Probably, huh?"

Burke, K.: "I think... well, I think it's within their regular budget. I... I can't speak to what their budget's going to be for next year, but I don't think they anticipate that hiring the one person is going to be the budget buster."

Mulligan: "Well, I used to be more familiar with them with the law firm I work for than I am now but... and I'm... and I'm supportive of a lot of things that they do, but if they hire an employee, an extra employee, and that's a salary, and I'm not sure what the salary's going to be, if it's 50 thousand or 100 thousand, depending on what that person does, it's got to come from somewhere so it goes into their budget. And that means that it... the budget goes up and that means what they tax me goes up too."

Burke, K.: "Representative, I'm not familiar enough with what their proposal is for their next year's budget, whether they're paying for this out of positions that they're leaving vacant, or if they're not going to hire in other positions so they have the funds to do this. But I just will reference that the... the Water Reclamation District Act allows the executive director, with advice and consent of

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

112th Legislative Day

3/8/2012

the board of commissioners, to appoint a certain ca...
different categories of... of executive employees. And this
Bill simply adds one person to that category of employees
that the director, and the... with the advice and consent of
the board of commissioners, has the authority to hire."

Mulligan: "Well, I think a very important part of your Bill
and... and how you would describe it would be to know what
their intention is as far as how much they're planning on
spending on this, what they're actually going to do, how
soon it's going to happen, and if it's going to go into my
bill. I would think that would be a very important part of
the legislation, quite frankly, because, you know, it... it's
going to show up on my Cook County..."

Burke, K.: "You..."

Mulligan: "...bill."

Burke, K.: "No. Well, Representative, if... if they pay for the
position by forgoing expenses on something else, then it
would not result..."

Mulligan: "But they didn't..."

Burke, K.: "...in an increase."

Mulligan: "...tell you that, correct?"

Burke, K.: "No. They did not tell me that. I don't have that
information."

Mulligan: "Maybe if you don't... I don't know how people are
going to vote, but if it were me, I'd take the Bill out of
the record and call them up and find out."

Burke, K.: "Thank you for that advice, but I think I'll move
on. It is, again, simply..."

Speaker Lyons: "Representative..."

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

112th Legislative Day

3/8/2012

Burke, K.: "...simply adding..."

Speaker Lyons: "...Burke, want don't you just go into your closing. She was the last..."

Burke, K.: "Yes."

Speaker Lyons: "...speaker, so to close."

Burke, K.: "I'd ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 4500 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 are 62 Members voting 'yes', 50 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 4... on page 15 of the Calendar, Representative Feigenholtz has House Bill 4119. Read the Bill, Mr. Clerk. ."

Clerk Hollman: "House Bill 4119, a Bill for an Act concerning fish. Third Reading of this House Bill."

Speaker Lyons: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. This Bill is a response to many other states, moving forward on banning the sale and distribution of shark fins, and to end the practice of cutting off fins of sharks or other members of the subclass while they are alive, and placing them back into the water, a very inhumane act. I'd be glad to answer any questions."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, the question is, 'Should House Bill 4119 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have

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

112th Legislative Day

3/8/2012

all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cole, Mitchell, Jerry Mitchell. Mr. Clerk, take the record. On this Bill, there's 81 Members voting 'yes', 33 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Dan Beiser. For what purpose do you seek recognition, Representative?"

Beiser: "Thank you, Mr. Speaker. I would like the record to reflect on House Bill 4500, my switch did not register a vote. It was... would've registered a 'no' vote."

Speaker Lyons: "The Journal will reflect your..."

Beiser: "Thank you, Mr. Speaker."

Speaker Lyons: "...your request. Representative Lang, on the... page 16 of the Calendar, we'll skip ahead, you have House Bill 4569. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4569, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "Leader Lou Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a Bill on behalf of the Secretary of State that removes the power of the director of personnel to approve disciplinary actions taken against employees and transfer the power to the chairman of the Discipline Committee. This way there's a committee that will determine discipline rather than one person. It's an initiative of Jesse White. I ask for your support."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the passage of House Bill 4569 signify by voting 'yes';

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

112th Legislative Day

3/8/2012

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. And I'm working on page 16 of the Calendar. I might skip around slightly, but for the most part, we're trying to run down the Bills. Representative Cunningham, on page 16 of the Calendar, you have House Bill 4592. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4592, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Lyons: "Representative Cunningham."

Cunningham: "Thank you, Mr. Speaker. House Bill 4592 is an initiative of the Illinois Department of Corrections. It places reasonable limits on some of the records that inmates can access through the Freedom of Information Act. This effort has been borne out of the fact that DOC has seen a big increase in the number of FOIAs they've received from inmates in recent years. Just to give you an example, in '09 there were 498 requests, and last year that number ballooned up to 2640 request. So, as you can imagine this is very burdensome for the department. The legislation would do a couple of things. It would prevent inmates from using FOIA to obtain records that are available through other means, and records that are already available in prison libraries. Most importantly, it will place a shield on personnel records of correctional officers and other DOC employees and prevent inmates from accessing that personal

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

112th Legislative Day

3/8/2012

information through FOIA. I think it's real important to note that with the expre... the exception of employee records, this Bill will not seal any information from inmates. It will merely force them to go through other means to obtain that information than FOIA, like visiting the prison library. I'd be happy to answer any questions."

Speaker Lyons: "Representative Rich Morthland."

Morthland: "Thank you, Mr. Speaker. May I question the Sponsor?"

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

Morthland: "All right. So, let me get clear on this. This actually will not prevent them from getting any information that they cannot currently get?"

Cunningham: "Except for information on staff..."

Morthland: "Right."

Cunningham: "...members, personnel files."

Morthland: "But largely, this is information that a trip to the library would yield to them and in fact, we're going to be saving the state a great deal of money in regard to time that the department has to put in making these copies, distributing these copies, et cetera, et cetera."

Cunningham: "That's correct. In fact, last year, we talked about this big increase. Last year, DOC estimates that they spent more than a million dollars on personnel and other cost to respond to inmate FOIA requests."

Morthland: "All right. Well... well, obviously, we need to be careful any time we reduce or pull back on FOIA, but Sir, I... I applaud your activity here."

Cunningham: "Thank you."

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

112th Legislative Day

3/8/2012

Speaker Lyons: "Representative Monique Davis."

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

Speaker Lyons: "The Sponsor yields."

Davis, M.: "Representative, do you know the average education of most incarcerated individuals?"

Cunningham: "I can tell you that based on stats I've seen they.. most inmates read at about a fifth-or sixth-grade level and..."

Davis, M.: "Or below."

Cunningham: "Yes."

Davis, M.: "So, if they're reading at a fifth-or sixth-grade level, statistics say mostly third grade level, then we expect them to go to the library and seek the information they need for whatever purpose?"

Cunningham: "Well, I would think that if they have issues with understanding material, with writing skills, they'd be better off going to the library and getting the assistance of the prison librarian rather than working on their own. So, yes, there are those limitations. It's one of the reasons why the prison libraries are available and the librarians assist inmates in getting information. And.. and we've spoken about this, previously, I think it's very important that the inmates have access to this information. They might need to file.. they might need to work on appeals for their case. So, they do need access to this information. The point of this Bill is that instead of them filling out a Freedom of Information request, submitting it to the warden, forcing the warden to take out the state's statute books and make copies of it, they would instead be

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

112th Legislative Day

3/8/2012

instructed if that information is available at the library, you can go to the library and access it yourself."

Davis, M.: "To the Bill, Mr. Sponsor. I think this Bill is well-intentioned; however, I think it's very harmful. As I... as the individual or Representative stated, most inmates do not have a third-grade education. They don't have an eighth-grade education. They would not know how to go to a library, look under the table of contents of a book to see if the information they're seeking is in there. Many of them are now trying to gather information for their own appeals. And I just think in this age of transparency, and this age of opportunity, and this age of where we're trying to reduce, reduce, the prison budget and the so-called... what do you call it... overcrowding, that we would want people to get the information that they need. Now, this is almost like in the south, when people wanted to vote, they told them if you can speak Chinese or count the bubbles in this bottle, then you can vote. So what you're saying to people who cannot read, go to the library and find the information that you need. I think it's a very good idea for you, but it's a very bad idea for all those inmates who need information, who want information. They're getting paid to provide this..."

Speaker Lyons: "Representative, your time has expired. I'll give you another minute to conclude your thoughts."

Davis, M.: "Well, I would ask the Representative to take the Bill out of the record so that we can discuss this further and find out, you know, exactly what is it costing, that people don't want to adhere to this transparency for people

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

112th Legislative Day

3/8/2012

who are incarcerated. If you can't take it out of the record, I would urge a 'no' vote."

Cunningham: "I..."

Speaker Lyons: "Represent..."

Cunningham: "I... I..."

Speaker Lyons: "Give you... give you a minute to respond."

Cunningham: "I don't intend to take it out of the record, Representative, but we talked about this at length in committee. I think your... my position is well-known. I think it is a very reasonable piece of legislation that is not going to deny any inmate's ability to obtain information unless it's information that comes out of the personnel files of employees. So, for that reason..."

Speaker Lyons: "Represent... Representative Zalewski."

Zalewski: "Mr. Speaker, to the Bill. It... regarding the issue of expertise and how to get these records, it is far more reasonable to ask a Department of Corrections, that's under financial siege, to guide these inmates on how to navigate the process of obtaining these records through either administrative, remedy than it is to ask them to file a Freedom of Information request. We are dealing with a department that has significant financial challenges. And this is just one more thing, unfortunately, that they are having to deal with when they... they are best equipped to help these men and women, in an administrative way, get them the information they seek. This is not an attack on FOIA. This is a commonsense way to watch our pennies and help the Department of Corrections help these guys in an

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

112th Legislative Day

3/8/2012

administrat... men and women in an administrative way. I urge
a... I urge an 'aye' vote."

Speaker Lyons: "Representative Dennis Reboletti."

Reboletti: "Thank you, Mr. Speaker. And to the Bill. I'm not
sure what information inmates need regarding the shift
changes at Stateville, the personal pictures of the
correctional staff and the counselors, the assignments for
the day or for the evening, vacation schedules. I'm not
exactly sure how that would add to any of their potential
lawsuits that they can file in State Court or in Federal
Court. I actually have a copy... redacted copy of some of the
request that inmates make, and they are quite voluminous.
And besides the cost, they are easily obtained through
other means. So, we're not denying anybody any access.
We're not denying them access to legal material, or
anything that might help a lawsuit. We're trying to protect
the correctional officers and the people that work within
the facilities, which is a very dangerous environment. We
want to make sure that they make it home at the end of
their shift. And I think this is a commonsense approach, so
I would urge an 'aye' vote."

Speaker Lyons: "Representative Mulligan."

Mulligan: "I also stand in support of this. I don't see why
anyone would have to get the records for... from staff
member's personnel files. I think it's only used as a
threat. And besides that, I can remember passing
legislation here that allows for educational help for any
inmate if they want to get... upgrade their education to a
higher level of eighth grade. They can get that while

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

112th Legislative Day

3/8/2012

they're in prison, so I don't think that we have not helped them to improve themselves while they're there. Number one and number two, I think some things are private, and if you're going to copy them, it's strictly to cause mayhem in some way or shape. And I certainly support the Gentleman's Bill. I urge an 'aye' vote also."

Speaker Lyons: "The final speaker will be Representative Ford, then Representative Cunningham to close."

Ford: "Mr. Speaker, I'd like to yield my time to Representative Davis. Monique."

Speaker Lyons: "Representative Ford... releases his time to Representative Monique Davis. Three minutes, Monique."

Davis, M.: "Thank you very much, Mr. Speaker. I'd like to ask the Representative who is passing this Bill. I've been here 25 years and we haven't had a need for such legislation. I, too, believe that inmates should be punished. When people commit a crime, they should go to jail. I believe that. They should go to prison. In most prisons, there are no education classes to the person who said they should take education classes. Some of them are special education people and there are nobody... there's no one with the knowledge of special education needs of an individual. Now, some are incarcerated in... incorrectly. Some are... it's an error. We know we reversed the death penalty on about 15 people in the State of Illinois who were incarcerated in error. After DNS(sic-DNA) tests were given, some of them were proven innocent. So... that is true. So, one of the most important things in my opinion is to allow inmates information to help their cases. This is not where you put

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

112th Legislative Day

3/8/2012

people in prison and you shut the door and the lights, and they're not able to access information. What we're saying is, well, if you can read, go to the library. Pick it up. Find it for yourself. But if they ask will someone to copy information for them, they should have every right to do that. Now, once we decide that this information will not be available, what's next? What's the next piece of information that will be too costly to provide for those who request it? Many FOIA information pieces cost a lot to be provided to the people who request it, but we have to do it. An inmate should have a right to request information and not be told to go read books, which look like Chinese to them, because many of them have not been educated to read. This Bill will probably get a majority vote, but my conscience will not let me vote 'yes', when I'm trying to keep people in the dark in reference to information that they need for their cases. Vote 'no'."

Speaker Lyons: "Representative Cunningham to close."

Cunningham: "I appreciate the concerns that have been voiced by the opposition, but I think it is misplaced. It's a... the main point here is that no information is going to be suppressed. No information is going to be kept from inmates other than information... personnel information of the staff. All the other information will still be available through other means, means other than FOIA. So, I... I appreciate an 'aye' vote."

Speaker Lyons: "The Gentleman moves for the passage of House Bill 4592. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted

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

112th Legislative Day

3/8/2012

who wish? Have all voted who wish? Have all voted who wish? Representative du Buclet. Mr. Clerk, take the record. On this Bill, there's 103 Members voting 'yes', 3 Members voting 'no', 8 Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Pihos, on page 16, you have two Bills in a row. The first one is 4687. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4687, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Lyons: "The Lady from DuPage, Representative Sandy Pihos."

Pihos: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 4687, what that does is it requires a full 48-hour posting for a public meeting, and that has mitigated some of the opposition. And I will tell you that the only question now is the sufficient descriptive agenda, which some people feel is vague, and we've agreed to pass it through the House, if it's the will of the Membership, and work on that in the Senate. So, I'd be happy to answer any questions."

Speaker Lyons: "The Chair recognizes the Gentleman from DeKalb, Representative Bob Pritchard."

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

Speaker Lyons: "Sponsor yields."

Pritchard: "Representative, to that point, I know a number of clerks have indicated some apprehension with that definition. Is there anything in statute that... that

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

112th Legislative Day

3/8/2012

clarifies, or at least, have you indicated what your intent is with sufficiently descriptive agenda?"

Pihos: "Yes. Anybody who has called me on that issue, I have told them once the Bill reaches the Senate, if it's the will of the House Members, then to please bring me language and we'll all sit down and see if we can find something that satisfies everybody's concerns."

Pritchard: "Well, I think the clerks, that at least I have talked to, are definitely in support of this idea of posting agendas online, but they're just fearful of, perhaps, some litigation that they weren't sufficiently descriptive in their agenda. So, I would ask that you do try to amend that in the Senate and would urge this Body to support this Bill."

Speaker Lyons: "Representative Elaine Nekritz."

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

Speaker Lyons: "Sponsor yields."

Nekritz: "Representative, I know that you had... I just wanted... I could... I didn't hear the whole introduction that you made, so I just wanted to make sure I understood that in it... that... that one... one of the issues that you were going to be working on in the Senate is indeed what Representative... the former Representative talked about. Would... would that also include the question of what happens when an Internet service provider goes down?"

Pihos: "That's already in Amendment 2."

Nekritz: "That's in the Bill?"

Pihos: "Yes."

Nekritz: "Okay. Very good."

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

112th Legislative Day

3/8/2012

Pihos: "That's in the Bill right now..."

Nekritz: "Okay."

Pihos: "...as it stands."

Nekritz: "Thank you."

Speaker Lyons: "Representative Pihos moves for the passage of House Bill 4687. 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 Chapa LaVia, Dunkin, David Harris, Greg Harris. Dunkin. Mr. Clerk, take the record. On this Bill, there's 104 Members voting 'yes', 10 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bost."

Bost: "Mr... Thank you, Mr. Speaker. If the record could reflect that Representative Kosel is excused the rest of the afternoon."

Speaker Lyons: "The Clerk will so note. Thank you, Representative. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect that Representative Jones is excused for the remainder of the day."

Speaker Lyons: "The Clerk will so note. Thank you, Leader. Sandy, you... on page 16, Representative Pihos, you have House Bill 4689. Ring the... Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4689, a Bill for an Act concerning business. Third Reading of this House Bill."

Speaker Lyons: "Representative Pihos."

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

112th Legislative Day

3/8/2012

Pihos: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4689 is making reference to credit slips. Several years ago, we put out a good, defined definition of gift certificates, but when we did that, we forgot to include credit slips. So, this Bill would allow a credit slip from a store to have equal weight."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, the question is, 'Should House Bill 4689 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 112 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Jakobsson, for what purpose do you seek recognition?"

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

Speaker Lyons: "Please proceed, Naomi."

Jakobsson: "March is Women's History Month, and I'd like to share the history of one woman, and I, you know, I chose somebody from... right from my district. Bonnie Blair is a retired speed skater and one of the most decorated athletes in Olympic history. Blair competed in the... for the United States in four Olympics, and in her Olympic career, won five gold medals and one bronze medal. She was raised in Champaign. Already nationally known at age 16, she competed in the 1984 Winter Olympics in Sarajevo. During the Winter Olympics in 1988 in Calgary, she skated to gold and bronze

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

112th Legislative Day

3/8/2012

medals and was the only American to win more than one medal that year. In the 500 meters race, she set a world record. She won two more gold medals in the 1992 Winter Olympic games in Albertville, France. Albertville. There was a change in Olympic rules and the next Winter Olympics was held two years later in Lillehammer, Norway, where she not only won two gold medals, but finished the 1000 meters race by the largest margin of victory in the history of the event. So, I just wanted to share that with all of you and remind you that it's Women's History Month."

Speaker Lyons: "Thank you, Representative. On page 16 of the Calendar, House Bill 4692, Representative Pritchard. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4692, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from DeKalb, Representative Bob Pritchard."

Pritchard: "Thank you, Mr. Speaker. This Bill allows the Secretary of State to add or designate an area on the driver's license so that those drivers can ask the Secretary of State's Office to list medical conditions that they would want someone to know, and that police officers might want to know. But this is all at the discretion of the driver, and the Secretary of State is promulgating rules on that. I would ask for your support."

Speaker Lyons: "You've heard the Gentleman's explanation of House Bill 4692. No one seeking recognition, the question is, 'Should House Bill 4692 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The

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

112th Legislative Day

3/8/2012

voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Arroyo, D'Amico. Mr. Clerk, take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Kelly Cassidy, on page 16 of the Calendar, you have House Bill 4725. Out of the record. Representative Evans, on the bottom of page 16, you have House Bill 4966. Out of the record. Representative Pat Verschoore. Pat, you have, on Third Reading, House Bill 4982. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 4982, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Rock Island, Representative Pat Verschoore."

Verschoore: "Thank you, Mr. Speaker. This Bill was brought to me by the Secretary of State, and what it is, it's a deceased police officer and firefighter license plate Bill. And the present language, the spouse of a police officer or a firefighter can have a special plate. What this Bill would do, would allow the parents of the... of the deceased policeman or firefighter to have a special plate. And I would ask for an 'aye' vote, be happy to answer any questions."

Speaker Lyons: "You've heard the Gentleman's explanation. Seeing no discussion, the question is, 'Should House Bill 4982 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?"

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

112th Legislative Day

3/8/2012

Representative Bost and Representative Dunkin, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 109 Members voting 'yes', 2 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Norine Hammond, on the bottom of page 16, you have House Bill 5002. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5002, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "Representative Hammond."

Hammond: "Thank you, Mr. Speaker. House Bill 5002 allows retired teachers, who continue to hold a valid teaching certificate and return to work in the same school district, to be exempt from submitting to fingerprint-based background check as a condition of employment when seeking a student teaching... or substitute teaching certificate. I'll be happy to answer any questions."

Speaker Lyons: "You've heard the Lady's explanation on House Bill 5002. And seeing no discussion, the question is, 'Should House Bill 5002 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Brown, Davis, Dunkin, Zalewski, Naomi. Mr. Clerk, take the record. On this Bill, there's 83 Members voting 'yes', 29 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Leader Tom Cross, on the top of page 17, on House Bill-Third Readings, you have House Bill 5003. Read the Bill, Mr. Clerk."

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

112th Legislative Day

3/8/2012

Clerk Hollman: "House Bill 5003, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "Ladies and Gentlemen, I'd appreciate silence on the floor and staff, please retire to the back of the chamber. Leader Cross."

Cross: "This shouldn't take that long, I hope."

Speaker Lyons: "With all due respect, Tom..."

Cross: "Thank..."

Speaker Lyons: "...I'm not going to get in trouble. So..."

Cross: "Well, thank you very, very much. This is a suggestion of a number of groups: the American Diabetes Association, JDRF, which is the Juvenile Diabetes Research Foundation. And also, I think most everybody in this room caucused... or this... on this floor knows that we have, under the direction of the leadership of Representative Tryon and Representative Soto, the... a Diabetes Caucus, which... one of the few Legislative Bodies in the country that's done that. Congress has their own. But the idea was to create more awareness surrounding the issue of diabetes and this Bill is very simple in that it creates an annual date of November 4, as Diabetes Awareness Day. We have almost a million people, well over 800 thousand in the State of Illinois, that have been diagnosed with diabetes, and is primarily a diagnosis of Type 2, which can happen to anybody. And it, unfortunately, it seems to have created... we've seen more and more incidence of diabetes in the inner city with young people, which is something that never happened years ago. And I'm... there are probably a variety of reasons of why that's happening, none of them are good.

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

112th Legislative Day

3/8/2012

And then, the result is that we are spending, as a state and as a country, literally billions of dollars on health care costs associated with diabetes. It is a devastating disease, and one that we would all like to see eradicated. And Type 2 we certainly can make end roads on that, and Type 1 there's a long way to go. But I would certainly appreciate the support on this. I don't know of any opposition, but again, I think a lot of credit goes to the people that put together... our Diabetes Caucus, as I said, Representative Soto and Tryon, and many, many others that have been involved in it. So, thank you, Mr. Speaker, for the... for the opportunity to say something about the Bill."

Speaker Lyons: "Is there any discussion? Seeing none, all those in favor of the passage of House Bill 5003 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 Cassidy, Smith, Zalewski. Mr. Clerk, take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Smith, on the Order of Third Readings, you have House Bill 5006. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5006, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "Representative Smith."

Smith: "This is a Secretary of State Bill. This Bill is... Secretary of State meric... Merit Employee Code. It grants veteran employees, within the office of the Secretary of

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

112th Legislative Day

3/8/2012

State, four days rather than two days per year to visit a veteran hospital in examin... for examination and dis... disability connected to the military service. This is effective immediately."

Speaker Lyons: "You've heard the Gentleman's..."

Smith: "I ask for a 'yes' vote."

Speaker Lyons: "...explanation. Is there any discussion? Seeing none, all those in favor of the passage of House Bill 5006 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 Colvin, Crespo, would you like to be recorded? Marlow. Mr. Clerk, take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Colvin, you have a Bill on Third Reading. House Bill 5007. 5007. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5007, a Bill for an Act concerning public aid. Third Reading of this House Bill."

Speaker Lyons: "Marlow Colvin."

Colvin: "Thank you, Mr. Speaker. I have House Bill 5007 which simply amends the Energy Assistance Act by extending the higher annual eligibility level of 200 percent. Typically, LIHEAP grants are available at the 150 percent of poverty level. This is a continuation of the spin down of the federal stimulus dollars, with respect to the LIHEAP dollars that were put in that fund, the additional dollars. At that time, the rules that were written required... allowed, I should say, for these... for eligibility levels to

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

112th Legislative Day

3/8/2012

be at 200 percent of the federal funding level. Once that money is spent down, it will revert back to the 150 percent. So, essentially, this is just an extension of one year to continue to spend down those dollars for the Federal LIHEAP program. I'd be happy to answer any questions."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the passage of House Bill 5007 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 113 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Penny, you have, on Third Reading, House Bill 5023. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5023, a Bill for an Act concerning children. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from St. Clair, Representative Penny."

Penny: "Thank you, Mr. Speaker, and thank you to Members of the House. This Bill was brought to me by the Illinois State Police and is a technical correction of statutory language regarding an obsolete program, which was the I-Search program for missing and exploited children. And the current program, since 1993, is the State Missing Person Clearinghouse. So, the purpose of this statute is to correct that language and bring it up-to-date."

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

112th Legislative Day

3/8/2012

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, is this your first Bill?"

Penny: "Yes. Thank you, Sir."

Eddy: "No. Thank you. Let me... let me ask you a question. Perhaps, maybe in the... in the rush of getting up here today, the fact that you were contemplating how big a day this was, in... in your... your legislative career, you may have forgotten something."

Penny: "What would that be, Sir?"

Eddy: "Well, I think that the proper attire when one delivers their first Bill to the Legislative Body, includes an adornment in red that you seem to have forgotten today, perhaps. Maybe there was... again, in your rush to get here, in your desire... I... it's perfectly understandable. So, I would... I would ask that you respect the integrity of the red, and pull the Bill from the record, obtain the proper attire, and then we'll tear your Bill apart."

Penny: "I need to leave, on behalf of the State Police, the Bill on the record and had I known that, I would've worn a red jacket today."

Eddy: "Now, my understanding..."

Penny: "Well, I'm ready now to debate the Bill, Sir. Thank you for that. No. No. No. No. No. I have to go home tonight. I'll take a beating from my wife if I'm wearing a necklace."

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

112th Legislative Day

3/8/2012

Eddy: "Representative May, that's a tradition I'm not interested in either, so."

Penny: "Thank you, Sir."

Eddy: "If you could just drape it a little more, I think he can get by. It looks to me like that might be a size small."

Penny: "It's a little bit small. I think my shoulders might be a little big for this."

Eddy: "Representative, and you're getting a little help. That helps a little bit."

Penny: "I feel good about myself now, Sir."

Eddy: "Apparently, spring training hasn't started yet, so Ramey is not wearing his jacket today. Either... now, let me ask you a couple of questions about your... your Bill. What's your background? Are..."

Penny: "I'm here as a working Chief of Police, Sir."

Eddy: "So, you're... you have some, apparently, background that includes the issue related to I-Search."

Penny: "I was a police officer when I-Search came into being, yes."

Eddy: "In 1935, 36? What... what year?"

Penny: "Nineteen eighty-six."

Eddy: "Oh, 1980. I guess... So, what... what's I-Sear... what's I-Search supposed to do, and why is it so flawed that, as your first Bill, you thought it was so important that we change the entire system?"

Penny: "Well, I-Search was a wonderful program, but if you remember, it was invented back before the Internet was in existence. And I-Search actually had us looking for missing children, primarily by putting their faces on milk cartons."

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

112th Legislative Day

3/8/2012

Those days have since come and gone and the State Police asked for a technical revision to correct this."

Eddy: "So, what you're saying is that the interne... Internet has effectively replaced milk cartons as a communications method."

Penny: "The Internet is a factor to improve on the milk carton, but nothing for a person that likes to read is ever going to replace a cereal box or the milk carton."

Eddy: "Have you checked with Al Gore to see if it's okay if you run this Bill?"

Penny: "Well, this is not a internet connection... connection of wires and tubes. This is a way for us to update things and to bring us into the new millennium."

Eddy: "Okay. Representative, I guess my... when... when you boil this down, what... 'cause this could be a very serious issue. When... when children are missing and we're trying to find them, and we want to use every available avenue in order to find a missing child. Right? I mean, that's what your legislation is seeking to..."

Penny: "Yes. That's correct."

Eddy: "...improve that method."

Penny: "Yes."

Eddy: "How does this improve that method specifically?"

Penny: "Actually, what this is doing is bringing the statutory language in sync with the actual name of the entity that's doing the searching and coordinating nowadays, which is the State Missing Person Clearinghouse..."

Eddy: "Okay."

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

112th Legislative Day

3/8/2012

Penny: "...and replacing obsolete language, which is no longer in use."

Eddy: "Okay. Representative, I wish you well. I'm not sure you're going to do very well unless the coat issue is cleared up here in the next few minutes, but appreciate you bringing this to us, and if it improves the way that... that we're able to find children in any way, or coordinate that effort, I think it's worthwhile. The... the substance of the Bill is good. The presentation is... is very lacking, which may cause it to go down in flames."

Penny: "Thank you, Representative Eddy. I appreciate it. Have a good day then."

Speaker Lyons: "Representative Dave Winters."

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

Speaker Lyons: "The Sponsor yields."

Winters: "Representative Penny, I have to rise and ask if you don't have some personal interest in this Bill that would be a con... conflict for you to carry a Bill dealing with missing persons. I was sworn into this House almost 18 years ago with a certain Representative Tom Holbrook, and he is missing. He's not here on this floor. Can you tell me what has happened to him? Is this the reason you're carrying this Bill because there are Members missing from the Illinois House? And did you have anything to do with his disappearance?"

Penny: "No. Those were big shoes to fill. Tom..."

Winters: "Well, now, Tom might..."

Penny: "...is gone."

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

112th Legislative Day

3/8/2012

Winters: "...take some exception to you saying that he has big shoes, or other parts."

Penny: "He did have big shoes. They were big shoes for me to fill, and I don't know where Tom is at this minute, but I will be looking for him when I return to St. Clair County."

Winters: "Well, you... you're a neighbor. You're quite familiar with Tom, and... and it... it... it shocks me when I come down here and Members that I have served with for almost 18 years no longer are here, and I... I hope that you can conclude that search and find Tom, and tell him he... he ought to be back here and at least say hello to us from the gallery."

Penny: "When I see Tom, I'll get him back in here to visit."

Winters: "Okay. Thank you."

Penny: "Thank you, Representative."

Speaker Lyons: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I wish someone had told me I was sitting next to a Chief of Police. Maybe I wouldn't have called that taser Bill. I kept feeling these electric prods coming my way, and I guess that's why my Bill failed. Mr. Speaker, would you move his seat?"

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Leader Lou Lang."

Lang: "Thank you. Representative, it's a pleasure to have you here among us, and up in the front row, they were admiring your tie. So, thank you very much. So, I... I wasn't totally paying attention to your Bill because... well, you know."

Penny: "You were fascinated by me wearing a woman's jacket, yes."

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

112th Legislative Day

3/8/2012

Lang: "Well, I didn't even notice that. Can you... you don't want to do that again. So, why do we need this Bill?"

Penny: "The State Police are required to be audited in order to be compliance with professional standards, and they needed this upgrading to get the language correct in the statute for what their mission was."

Lang: "And, where is not correct? Can you point out the page and line numbers where the old... in the old statute..."

Penny: "Yes, I can."

Lang: "...where it's not correct? You really can?"

Penny: "Yes. I actually can."

Lang: "Well, all right. We want to hear that."

Penny: "It would be incorrect in this Bill, on page 3, in Section 5.4... 4.3."

Lang: "Well, Sir, I don't know what you're looking at. I'm looking at page 3, there is no Section 5."

Penny: "Okay. Page 1, Section 6a-5. I stand corrected."

Lang: "You stand corrected?"

Penny: "Yes."

Lang: "You sure you don't want to take the... maybe, you want to take the Bill out of the record, figure out..."

Penny: "No. No, I need..."

Lang: "...what it is? No."

Penny: "...the Bill on the record in order to help the Illinois State Police."

Lang: "So, you're talking about where it is scratched out, where the line... it's lined out?"

Penny: "Yes."

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

112th Legislative Day

3/8/2012

Lang: "Well, what about the other pages where it's lined out?
Are those in... corrections also?"

Penny: "Those would be incorrect also, yes."

Lang: "And then there's some places where there's some language
with lines under it. What would that mean?"

Penny: "Well, that would be the corrected language that we
would want in, Sir."

Lang: "Oh, I see. And so, on page 4 of the Bill... I'll give you
a chance to have that in front of you. Do you have it,
Sir?"

Penny: "Yes."

Lang: "On page 4 of the Bill is paragraph (j)... paragraph (j)..."

Penny: "Yes, Sir."

Lang: "...it says blank. What does that mean?"

Penny: "Well, we're going to strike out the language which has
a strike through, and we are going to leave the word blank
there as a placeholder."

Lang: "So, what are... so, we need a paragraph that says blank?
Aren't we going to waste a lot of ink printing up the
statutes that way?"

Penny: "We are trying to minimize by striking through the
language and we're just..."

Lang: "I see."

Penny: "...shortening our sentences up."

Lang: "Well, I would suggest you take this Bill back to Second
Reading and have an Amendment that just removes paragraph
(j), instead of calling it blank. What do you think?"

Penny: "Well, if we did that, then we wouldn't be able to
inform the Members accurately about what we're removing."

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

112th Legislative Day

3/8/2012

Lang: "I'm not even sure what you just said to me, but I'm sure it was a good answer. Congratulations, Representative."

Penny: "I am adlibbing here. Thank you, Sir."

Speaker Lyons: "Representative Penny to close."

Penny: "I would ask that the Members support the Bill. And I'm very flattered to be here, and I'm happy that I'm through with this process on my first Bill."

Speaker Lyons: "Representative Monique Davis's seatmate, the Police Chief, moves for the passage of House Bill 5023. All those in favor signify by saying 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 111 Members voting 'yes', 1 Member voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Congratulations on your right of passage, Representative. Welcome to the House of Representatives. The Police Chief's seatmate, Representative Monique Davis, has House Bill 5047. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5047, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Lyons: "Representative Davis."

Davis, M.: "Mr. Speaker, House Bill 5047 is a technical revision to an existing law, Public Act 094-366. House Bill 5047 changes the Portable Electronic Insurance Act in only three ways: it clarifies the requirements for maintaining and regulating a registry of authorized vendor locations; number 2, it expands the refund language to include

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

112th Legislative Day

3/8/2012

credits; and number three, it clarifies notice requirements for the termination of the policy. I would ask for an 'aye' vote, and I'll answer the questions."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those in favor of the passage of House Bill 5047 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 Hernandez, Jefferson. Mr. Clerk, take the record. On this Bill, there's 113 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby... hereby declared passed. Representative Bost."

Bost: "Thank you, Mr. Speaker. If the record could re... reflect that Representatives Sosnowski... I... it's getting late in the day. Can you... Sosnowski and Schmitz are excused today..."

Speaker Lyons: "The Cl..."

Bost: "...for the rest of the day."

Speaker Lyons: "...the Clerk will so note. Thank you, Leader. Representative John D'Amico, on Third Reading, you have House Bill 5056. Out of the record. Representative Ann Williams, on the Order of Third Reading, you have House Bill 5071. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5071, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lyons: "Representative Williams."

Williams: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill simply provides that electric vehicle charging stations are not considered to be public utilities

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

112th Legislative Day

3/8/2012

under the Public Utilities Act. Obviously, they're not public utilities, but they do provide electricity for vehicles. This was the legislative recommendation that came out of the Electric Vehicle Advisory Committee that provided the General Assembly with a report in December. This was their one legislative recommendation designed to make sure the infrastructure was in place for electric vehicles in Illinois. I'm happy to answer any questions, and I know of no opponents."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those in favor of the passage of House Bill 5071 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. Colvin. Mr. Clerk, take the record. On this Bill, there's 111 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Sid Mathias, you have House Bill 5078. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5078, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "Representative Sid Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 5078 makes a correction, adds a Section to correct a conflict in statute regarding who can be a budget officer. There is a specific statute that actually does set forth who can, but then, there's another Section of the Code that should've been amended at the same time but wasn't. And as a result of

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

112th Legislative Day

3/8/2012

that, we're just adding it to that Section so there is no conflict in the law. And I ask for your 'aye' vote."

Speaker Lyons: "Representative Jack Franks."

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

Speaker Lyons: "The Sponsor yields."

Franks: "Representative, what's the genesis of this Bill?"

Mathias: "This... I'm sorry. This Bill is an initiative of the Illinois Municipal League and has the support of the DuPage Mayors and Managers, and the Northwest Municipal Conference. It came to their attention that there was a conflict in the la... of the law... in the law and as a result of that, they wanted to make sure that there... it was to clarify what the current law is."

Franks: "So they brought you this Bill, but..."

Mathias: "Yes."

Franks: "...is there someone specific that they're trying to help with this Bill?"

Mathias: "Not to my knowledge. This is just to make sure... they want to be proactive. I'm not aware of anyone. I asked them. They said they were not aware of anyone. So, they... nobody came to them. I... I believe they... one of their attorneys, if I'm not mistaken, told them about this conflict."

Franks: "So, the provision that you're trying to amend with this Bill, to put it in line with the previous one, specifically allows for a budget officer to serve a second municipal office and also to receive compensation for both offices. Is that correct?"

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

112th Legislative Day

3/8/2012

Mathias: "That is, if you look at Section 8.2-9.1 that's what this General Assembly previously passed, but they didn't put the same Section in... in another Section, which... which would've created the conflict."

Franks: "So, the answer's yes."

Mathias: "Yes."

Franks: "Okay. So, why not, instead of passing this Bill, just incorporate the duties of one office into the other office, instead of having to have two separate offices?"

Mathias: "Might be a good suggestion for the future, but this is the Bill that they asked me to... to present."

Franks: "I... I ask... I know they asked you to bring it, but I know in the real world when, for instance, you know, in my business when I give additional duties to an employee or they assume those, they don't get a separate paycheck for two separate jobs. We incorporate what they're doing in one. I don't know why... I understand someone asked you to do this, but why would we pass a Bill like this, that would allow for one person to wear two separate hats, and get two government paychecks?"

Mathias: "Well, in some small communities, it's very difficult sometimes to get people that are qualified. It doesn't require two separate paychecks, this is just allows. It's still up to the local municipality to determine if they would... if they're going to give... pay for that to include it and then say, okay let's have everyone have that additional funding, would actually say that, in effect, would raise everybody's salary. And that's not the intent of this."

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

112th Legislative Day

3/8/2012

Franks: "To... to the Bill then, Mr. Speaker, if I could... could have a..."

Speaker Lyons: "We'll give you a minute, Jack, to finish up."

Franks: "Thank you. This is one of the most ill-conceived Bills, I think, that we've seen..."

Speaker Lyons: "We'll have to turn Representative Franks on for one more minutes."

Franks: "Thank you. To use taxpayer dollars to codify double dipping is reprehensible. This ought to be ti... entitled the Double Dipper Insider Protection Act, because what this Bill says is if you're working for the government, we're going to let you wear two different hats, simultaneously, and... and collect two paychecks. This is a rotten Bill. It's terrible for public policy. It's an affront on our taxpayers, and it's one that should not receive any votes."

Speaker Lyons: "Representative Mathias to close. Sid."

Mathias: "I... as I stated per... this is the law today. It's very clear and specific, but there's another Section of the Code that needed to be amended which wasn't amended. So, you may have that argument, but I think those arguments should've been made when the original Bill was passed, not today. So, I still ask for your 'aye' vote."

Speaker Lyons: "Representative... Representative Mathias moves for the passage of House Bill 5078. 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? Dunkin, Gaffney, Golar, Jackson, Jakobsson. Mr. Clerk, take the record. On this Bill, there's 61 Members voting 'yes', 47 Members voting

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

112th Legislative Day

3/8/2012

'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mathias, you also have House Bill 5090. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5090, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons: "Representative Sid Mathias."

Mathias: "Thank you... thank you, Mr. Speaker. House Bill 5090 is identical to House Bill 3284, which actually passed, I believe, unanimously in the House last year, but did not have enough time in the Senate. Basically, what it does is if a person commits the offense of indecent solicitation of a child by using the Internet... knowingly using the Internet and lying about his age, would be guilty of an enhanced crime. The penalty would be one class higher. As you know, you probably watch some of these TV shows where people lie about their age in order to meet young... young girls. I think it was Dateline had a lot of those incidents where the person doesn't realize that they're talking... or, not talking, but on the Internet, that they're e-mailing or texting, or dealing with someone who is an adult and who misrepresents their age. We believe that that should be a higher penalty. So, I ask for your 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any questions? The Chair recognizes Representative Riley."

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

Speaker Lyons: "The Sponsor yields."

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

112th Legislative Day

3/8/2012

Riley: "Representative, my analysis shows that there's opposition to this Bill. Can you explain the... the opposition by the Illinois Voices for Reform that... did you talk to them? Did they tell you about why they were opposed to this piece of legislation?"

Mathias: "Since I filed this Bill last year, or this year, no one has contacted me and asked... and... and told me that they were... at least contacted me to say they were oppos... in opposition. I don't know the group that you're mentioning. I know they did sign a slip in committee, but did not testify, so I don't know the reason."

Riley: "Thank you."

Speaker Lyons: "Representative Mathias to close."

Mathias: "I ask for your 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 5090 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? David Harris. David. Mr. Clerk, take the record. On this Bill, there's 108 Members voting 'no', 0 voting... 108 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Costello, on Third Reading, House Bill 5098. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5098, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from St. Clair, Representative Jerry Costello."

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

112th Legislative Day

3/8/2012

Costello: "Thank you, Mr. Speaker and Members of the House. I bring before you House Bill 5098, which requires local police training schools to include the subject of elder abuse and neglect in training curriculum of the local probationary police officers. The Bill references the Elder Abuse and Neglect Act, which requires law enforcement officers to report incidence of elder abuse and neglect. The Bill's referring to training schools that are certified by the Law Enforcement Training and Standards Board. The LETSB is responsible for adopting rules and minimum standards for schools and their curriculum. It's important to know that the executive director of the Law Enforcement Training Board testified in committee as a proponent to this Bill, and AARP is a proponent to the Bill. Thank you, Mr. Speaker."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the passage of House Bill 5098 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 Costello, would you like to vote for your own Bill? Representative May. Mr. Clerk, take the record. On this Bill, there's 108 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Don't sit down, Representative. You have House Bill 5099. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5099, a bill for an Act concerning transportation. Third Reading of this House Bill."

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

112th Legislative Day

3/8/2012

Speaker Lyons: "Representative Costello."

Costello: "Thank you, Mr. Speaker. I bring before you House Bill 5099, which provides that no person may use a wireless telephone at any time while operating a motor vehicle within 500 feet of an emergency scene. It also includes digital photography and video, as far as an electronic message. Obviously, if Representative D'Amico's Bill becomes law, this would be null and void. But in this particular situation, it treats an emergency zone like a school zone or a construction zone. Thank you, and I ask for an 'aye' vote."

Speaker Lyons: "Representative Roger Eddy."

Eddy: "Thank you. Will the Sponsor yield? Actually, I have an inquiry of the Chair."

Speaker Lyons: "Mr. Clerk... Representative Costello, there was an Amendment that's never been adopted on this Bill, the Clerk tells me. Do you want to table that Amendment? We can't table that Amendment. There's an Amendment, the Clerk brought it to..."

Costello: "No. I would like to adopt that Amendment. I'm sorry, Mr. Speaker. I thought it was adopted."

Speaker Lyons: "Mr. Clerk, move that Bill back to the Order of Second Reading. And what's the status on the Bill?"

Clerk Hollman: "House Bill 5099, a Bill for an Act concerning transportation. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendment #1, offered by Representative Costello, has been approved for consideration."

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

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

112th Legislative Day

3/8/2012

Costello: "I would like to adopt Floor Amendment #1, Mr. Speaker."

Speaker Lyons: "Is there any discussion? Representative Rose on the Amendment. Representative Rose, this is an Amendment. Do you want to wait until the Bill's... All those in favor of the adoption of Floor Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading, and read the Bill."

Clerk Hollman: "House Bill 5099, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "I believe we've heard the explanation. Representative Rose on a question."

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

Speaker Lyons: "Sponsor yields."

Rose: "Representative, I do have a question and... and... there was... couple court cases now dealing with electronic recording of police and, in fact, Representative Nekritz has a Bill currently pending, and it was actually just... just last week, one of the court cases found our current ban on electronic recording of police as unconstitutional. I have a concern that the way this is drafted, because you've added the photographs and video to that, that you would be in violation of that court case and Representative Nekritz, as I mentioned, does have that Bill to undo the underlying statute. I... has... did anyone raise that issue in committee with you, Representative?"

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

112th Legislative Day

3/8/2012

Costello: "No, they did not, Representative, but it's important to note that this applies to the driver of a vehicle. So, a passenger could record... I... I think it's been proven that texting or operating a vehicle can impair you, and this is to protect police officers and emergency service personnel."

Rose: "I don't... I don't disagree with that, but I... I do... I am concerned though, because if... if something was going on and the citizen wanted to videotape that, that may be in violation of that court case that came down last week. Is there any way that we can get some guidance on that before you call it for Third Reading?"

Speaker Lyons: "Representatives, let me interject here for purposes of clarification. I adopted the Amendment, put it back on Third, but we really can't run the Bill today. So, why don't we put this Bill... take it out of the record and you can ask questions, possibly, before we run the Bill again and get it clarified. My mistake. Thank you. Representative John D'Amico. Representative John D'Amico, on page 17 of the Calendar, you have House Bill 5101. Out of the record. Representative Lisa Dugan, the bottom page of 17, you have House Bill 5142. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5142, a Bill for an Act concerning regulation. Third Reading of this House Bill."

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

Dugan: "Thank you, Speaker, Members of the House. 5142 changes the statutory requirements for a freestanding emergency center. Freestanding emergency centers are kind of

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

112th Legislative Day

3/8/2012

regulated... I mean, they're regulated in the state so we don't have too many. This will allow a local... local hospitals to submit a permit to the Department of Public Health right now. It was in March of 2009 that no more permits were being issued for freestanding emergency centers. This allows it to be until January 1, 2014. It also changes the... the distance that the resource hospital has to be away from the freestanding emergency center. So, I'll certainly take any questions."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? The Chair recognizes the Gentleman from McHenry, Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "Representative, what's the purpose of this Bill?"

Dugan: "The purpose of this Bill, there's... well, one, it was brought to me by a hospital in my district but it... it really is for any hospital. Freestanding emergency centers, depending on the growth of communities, and growth of areas, access to health care may be needed where a freestanding emergency center could be used. But the way the law and the statute is right now, those freestanding emergency centers, first have to get a permit from the Department of Public Health and goes through the... your favorite board which, of course, you and I discuss a lot, and that's the CON as to whether or not there's a need for additional access to health care. Since the deadline to submit for applications for freestanding emergency centers was... it sunsetted in 2009, we do change it periodically,

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

112th Legislative Day

3/8/2012

based on if there's a need to at least let hospitals look to see if there is a need for a freestanding emergency center, and this has come up. So, it's not a guarantee that someone's going to get it. It let's them apply for a permit that then has to go through the process to make sure that the need is there. It's just that they believe there is a need because of the increase in population in certain areas."

Franks: "So your goal is to be able to provide more of these freestanding emergency centers."

Dugan: "No. The... well, this would allow one to be... a permit to be given to see if there is a need, that there's enough need for access to health care for a freestanding emergency center. They're... they're not all over the state, but there are quite a few depending... instead of building a full hospital, you... you actually just do like a... a freestanding emergency center for quicker access."

Franks: "Well, I hate the fact that the state regulates this type of industry and really limits health care options. I hate that. I think..."

Dugan: "I know you do."

Franks: "But it looks like, and I'm reading this Bill, you're giving the ability to have these freestanding emergency centers within 50 miles, instead of currently 20, of the hospital that owns or controls the FEC..."

Dugan: "Correct."

Franks: "...so that would be an expansion. But you also have then, also reduced the population requirement in municipality from 75 to 50 thousand residents."

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

112th Legislative Day

3/8/2012

Dugan: "Correct."

Franks: "Why not just leave it at 75, if you really wanted to expand it?"

Dugan: "This was something that when... when they took this and... and the hospital, the health facility's planning board, and... and who is in support of this. They're... they're looking at the needs of people and I believe, and... and again, Representative Franks, and I'm just going by what they told me, that the need of 50 thousand residents access to health care, they believe, is not extraordinary... I mean, you know, that that's not... 75 thousand to 50 thousand... 50 thousand people in an area that may have no freestanding emergency center or hospital, in fact, that 50 thousand, they believe, is a... is a legitimate number."

Franks: "Well, let me ask the background here, because our anal..."

Speaker Lyons: "You have another minute to finish up."

Franks: "Riverside hospital purchased a property in Frankford, Illinois..."

Dugan: "Correct."

Franks: "...and wants to convert it to an FEC."

Dugan: "Correct."

Franks: "What kind of property did they buy? Did they buy a hospital?"

Dugan: "I... I'm not quite sure, Representative."

Franks: "'Cause I'm... I'm not sure what they're trying to do, is to give less health care or more, quite frankly."

Dugan: "No. We're trying to give more because they're... at this particular point... because again, they can't... a freestanding

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

112th Legislative Day

3/8/2012

emergency center can't even be approved unless if it's approved through the certificate of need process."

Franks: "Okay."

Dugan: "So, this doesn't give them the freestanding emergency center. This allows them to apply for a permit to go through the process to see whether or not there's a need."

Franks: "Wow. I really appreciate you answering those questions. It just bolsters my argument that we need to get rid of this archaic system here in Illinois that doesn't allow health care where it's necessary, and organizations that want to provide health care have to jump through hoops and are often turned down. We saw what happened in Cook County last year, where they actually... the county board wanted to close a... a facility and they couldn't, costing them millions of dollars. And here, where an organization wants to help folks who don't have adequate health care, they can't even apply. This is ridiculous. We need to jettison this entire system."

Speaker Lyons: "Representative Dugan to close."

Dugan: "Thank you very much, Speaker. And... and I know that the issue of whether or not the certificate of need should be there is not what this legislation is about. The fact that it is there, it requires that medical facilities go through the certificate of need process. All this legislation does is allows somebody to apply to provide access to health care, and then they have to go through the process. So, I understand Representative Franks' concern, but this Bill does not have anything to do about whether or not the health facility's planning board continues. This Bill is

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

112th Legislative Day

3/8/2012

that is what continues, and there's a medical facility who's trying to provide access to health care. This will allow them to at least apply for the permit. I would like to ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 5142 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Morrison. Mr. Clerk, take the record. On this Bill, there's 106 Members voting 'yes', 1 Member voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Kelly Cassidy, you have House Bill 5167. Out of the record. Representative Dan Biss, on the bottom of page 17, on the Order of Third Readings, you have House Bill 5195. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5195, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "Representative Biss."

Biss: "Thank you, Mr. Speaker. House Bill 5195 makes a technical change in the Illinois Finance Authority Act. It simply amends the definition of energy conservation project to include within it energy efficiency projects which are undertaken by school districts or community college districts. The point of this is that, led by Representative May and more... more recently taken up as well by Representative Mussman, we've been engaging in discussions around a Green school task force about how to help our schools engage in more environmental and sustainable

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

112th Legislative Day

3/8/2012

practices. And this technical change will enable the enactment of some of the more interesting recommendations of that task force. I urge an 'aye' vote, and happy to answer any questions."

Speaker Lyons: "You've heard the explanation. Seeing no discussion, the question is, 'Should House Bill 5195 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 107 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Elaine Nekritz, you have House Bill 5210. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5210, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Lyons: "Representative, I believe there's a note still pending. Mr. Clerk, House Bill 5210... Notes been filed, Clerk."

Clerk Hollman: "The pension note has been filed."

Speaker Lyons: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. When we enacted the legislation that created Tier II on the... on the pension benefits for new employees, there was a term that was used that is an 'earned annuity' with regard to survivor benefits. That term was not defined and it is... was important by... that... for the Cook County Pension Code that that term be defined and this legislation does that."

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

112th Legislative Day

3/8/2012

Speaker Lyons: "You heard the Lady's explanation. Is there any discussion? Seeing none, the question is, 'Should House Bill 5210 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Phelps. Mr. Clerk, take the record. On this Bill, there's 108 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bob Pritchard, on the bottom of page 17, you have House Bill 5221. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5221, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Lyons: "Representative Pritchard."

Pritchard: "Thank you, Mr. Speaker. This Ac... Bill amends the Income Withholding for Support Act, whereby the payer, the company that's withholding, is given due notice and their obligations are explained. It limits any errors that occurred to one year, and the maximum fine to \$100 per day, or 10 thousand in total for an incident. I would ask for you support."

Speaker Lyons: "You've heard the Lad... Gentleman's explanation. Is there any discussion? Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "Representative, why do we need these changes?"

Pritchard: "There's been an incident across the state that points out a weakness in this law, back in 19... in the early 1990s when it was passed, that it didn't set forth

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

112th Legislative Day

3/8/2012

reasonable standards and proof. And what we're trying to do is correct that, and an incident, as I said, that happened in my district that brought this to our attention."

Franks: "Why are we changing the standard from 'willfully', rather than 'knowingly'? Isn't that a much higher standard?"

Pritchard: "I... I don't know if it's a higher standard, but it certainly clarified in law and it... it shows that it was not a mistake but that it was intentional. And that's what we're trying to do here, is that if something isn't paid or if a withholding isn't paid, that there was an intent not to do it, not accidentally."

Franks: "Well, here's my concern with limiting the... the liability here. Let's assume that the person who's obligated to pay child support also happens to own the company. So, he's put up a... he has put a corporate structure together where he pays himself as an employee; then as the employer, owning the company, he just doesn't pay. It may be cheaper under this way not to pay the \$100 a day if he's a high income earner. It might be cheaper for him to take your penalties."

Pritchard: "So, I'm not sure in your example that if this person owns the company, why would he have the company withhold it? It would be his obligation?"

Franks: "Understood. But let's assume he doesn't willfully pay and as a result, the custodial parent goes to court to get an order for the money to be withheld from his paycheck. Because let's assume he's a C-corporation..."

Pritchard: "Yes."

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

112th Legislative Day

3/8/2012

Franks: "...and he's getting paid by the corporation. Well, let's assume this individual is the CEO of a very large corporation and makes a very substantial income. It would be cheaper for him not to pay and to get fined \$100 a day than to actually pay this under this legislation."

Pritchard: "So, that goes back to the definition of willful."

Franks: "Correct."

Pritchard: "In that... in that case, he has an intent to do the illegal act. So..."

Franks: "But the most..."

Pritchard: "...he would not be exempted from this."

Franks: "But the most he could be fined would be \$100 a day."

Pritchard: "So... so... and it would accumulate to \$10 thousand..."

Franks: "Correct."

Pritchard: "...per incident."

Franks: "So, let's assume he's a high worth individual and he needs to pay \$5 thousand a month in child support. So, if he... so, let's assume this goes on for a year. He should've paid 60 grand; it's cheaper to pay a \$10 thousand penalty."

Pritchard: "So, what we're talking about here is the penalty, not the underlying obligation."

Franks: "Correct."

Pritchard: "The underlying obligation is still due."

Speaker Lyons: "One more minute to finish this discussion, Gentlemen."

Franks: "I agree, but..."

Speaker Lyons: "Thank you."

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

112th Legislative Day

3/8/2012

Franks: "...I think you're... I think the penalty... I don't know why we would have a limit on the penalty. That's my argument. I don't know why we would have an..."

Pritchard: "Because it's unreasonable..."

Franks: "...upper limit."

Pritchard: "...in incidences where the withholder didn't know that they were supposed to have withheld something. You have one example. I have another one where this was egregious and that's what we're trying to correct."

Franks: "I... I've seen this plenty of times in court where there's a... another family member who may own the company, or whatever it is, and that... what you have to do, oftentimes, is file what's known as a conditional judgment against the employer to make them actually answer. So, I'm concerned anything that we might be doing to weaken those provisions."

Speaker Lyons: "Representative Mulligan."

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

Speaker Lyons: "Sponsor yields."

Mulligan: "The one objection I really have to this, it says it provides that an action to collect a penalty from a payor may not be brought more than one year after the date, instead of two. Why would you lessen the ability to go after someone that hasn't done what they were supposed to do? I'm not quite sure why you would do that."

Pritchard: "Because we have a situation where the recipient deliberately waited for the two-year, or longer, time period so there would be more penalty applied to the person that was paying it, and this is often the case. It's done

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

112th Legislative Day

3/8/2012

out of vindictiveness, and we're saying that the recipient has an obligation to let the payor know that they were supposed to do something so they can pay it promptly."

Mulligan: "I used to work in that area of law when I... a long time ago, 'cause I've been here a long time, and people do this intentionally, I don't think people wait. I think they can't afford to go after them, they don't know what to do with the kids, or the spouse was supposed to pay the college and you send the kid off to college, and he didn't spend them, and the kid actually graduates and goes back and collects the money or tries to collect the money because the pay-it parent owed for them to pay for college. I just... I wouldn't limit the length of time. I... I think... I don't like the change in the law and I think it... it hurts the people that can't afford to go after them or perhaps, the child later on, or some way of collecting it or maybe they need a Guardian Ad Litem appointed to... to go out there and help the child collect what they need. There's any number of reasons..."

Pritchard: "So... so... so..."

Mulligan: "...why it would take a long time."

Pritchard: "...they don't have to go after them. They don't have to sue. What this Bill is saying is all the recipient has to do is notify the payor because there was an honest failure to make payment. So what we're trying to do is allow the withholding to occur and not unnecessarily penalize a company that didn't know they should be doing that."

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

112th Legislative Day

3/8/2012

Mulligan: "Normally, and I know I... I'm pretty sure, and I'd have to go back into Cook County, you just... they have someone that you go to in Cook County that will actually go to the company and do this. I... I don't... I think this is weakening the law in how you collect and I'm not quite sure why you would want to do this. I... I don't think I can support this."

Pritchard: "So it doesn't weaken the law on collecting. What we're talking about is a punishment or a penalty for an honest omission."

Speaker Lyons: "Representative Pritchard to close."

Pritchard: "Ladies and Gentlemen, we don't want to soften the fact that someone needs to pay in child support. What we're trying to do is allow a company that's doing the withholding know they have an obligation. If there has been a withholding missed, they could make it up and not have an onerous penalty. I would ask for your support."

Speaker Lyons: "The question is, 'Should House Bill 5221 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Pritchard."

Pritchard: "Postponed Consideration."

Speaker Lyons: "Mr. Clerk, put this Bill on the Order of Postponed Consideration. Top of page 18, Ladies and Gentlemen, following along in the Calendar. Representative McAsey, you have House Bill 5235. Read the Bill, Mr. Clerk."

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

112th Legislative Day

3/8/2012

Clerk Hollman: "House Bill 5235, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons: "Representative McAsey."

McAsey: "Thank you, Mr. Speaker, Members of the House. House Bill 5235 is an initiative of Illinois Attorney General Lisa Madigan's office. Essentially, what this is doing is correcting an unintended consequence of a CLEAR commission Bill. It's restoring language to fix a situation where right now, child pornography cannot be charged unless a prosecutor can prove that the victim is over the age of 13. This is restoring the law correcting the unintended consequence. I ask for your support."

Speaker Lyons: "You've heard the Lady's explanation. Seeing no discussion, the question is, 'Should House Bill 5235 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? Mary Flowers, would you like to be recorded? Take the record. On this Bill, there's 107 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative du Buclet, on page 5459. You have House Bill 5459. Out of the record. Representative Monique Davis, on page 18 of the Calendar, under Third Readings, you have House Bill 5478. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5478, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Lyons: "Representative Davis."

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

112th Legislative Day

3/8/2012

Davis, M.: "Thank you, Mr. Speaker. This Bill provides an exception from the provision concerning the public inspection of records, books, and papers of the Office of the Director of Insurance for information that is exempt from disclosure under the Freedom of Information Act. Current law provides that the Director of Insurance shall be a public office and the records, books, and papers on file will be accessible to the inspection of the public, except as the director may decide for good reason. This Bill helps to protect the proprietary information on a device that has... well, it is not available to the public because it is a private company's device. And under the current law, Progressive cannot file their relevant rate information with the department without revealing a trade secret. And this Bill will help to exempt them, and protect their trade secret information. I will answer any questions. And I ask for an 'aye' vote."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those in favor of passage of House Bill 5478 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 are 61 Members voting 'yes', 44 Members voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Emily McAsey, House Bill 5486. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5486, a Bill for an Act concerning criminal law. Third Reading of this Bill."

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

112th Legislative Day

3/8/2012

Speaker Lyons: "Representative McAsey."

McAsey: "Thank you, Mr. Speaker and Members of the House. This is an initiative of the AARP. Essentially, it is making a change to the theft statute. In specific instances where a victim is over age 60 and the amount of the theft has been greater than \$5 thousand, it is adding in provisions for theft by threat intended to give an additional tool to prosecutors when the financial exploitation statute doesn't exactly fit, but we have the heightened, seniors being victims. I ask for the support of the Body."

Speaker Lyons: "You've heard the Lady's explanation. No one seeking recognition, the question is, 'Should House Bill 5486 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Golar, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 106 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative McAsey on House Bill 5511. 5511. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5511, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons: "Representative Emily McAsey."

McAsey: "Thank you, Mr. Speaker and Members of the House. This is an initiative of the Illinois State's Attorneys Appellate Prosecutor. Basically, it's clarifying statute arising from an appellate case to clarify that a court may impose both straight time and periodic imprisonment so long

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

112th Legislative Day

3/8/2012

as it doesn't violate the total maximum sentence permissible for the offense. I ask for the support of the Body."

Speaker Lyons: "You've heard the Lady's explanation. The Chair recognizes Representative Roger Eddy."

Eddy: "Thank you. Inquiry of the Chair."

Speaker Lyons: "State your inquiry, Sir."

Eddy: "Are we currently on the order of McAsey?"

Speaker Lyons: "Sorry, Roger. On the Order of..."

Eddy: "You call them like you see them? Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, I... I guess I'm just curious as to what definition 'periodic imprisonment' has."

McAsey: "Periodic imprisonment would be anything other than straight time. So, perhaps, it's Friday through Sunday. Maybe it's Tuesday through Thursday. Maybe it's Monday, Wednesday, Friday."

Eddy: "So, un... under this Bill, how is periodic imprisonment effected? Does it... it's not allowed toward good time credit?"

McAsey: "It doesn't... it doesn't make any change to the definition of 'periodic imprisonment' or 'straight time', but basically is providing and clarifying that judges can impose sentences oth... a combination of both straight time and weekends, if that's what's appropriate."

Eddy: "So, in other words, the extension of this... this earning of time would be for either straight sentence or periodic imprisonment. That's what you're trying to do?"

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

112th Legislative Day

3/8/2012

McAsey: "I'm sorry. Can you repeat that? I didn't hear your question."

Eddy: "So, ho... as far as periodic imprisonment is concerned, what are you trying to do? What... what does this Bill do related to periodic imprisonment?"

McAsey: "Basically, all that this Bill does is... it arises out of an Appellate Court case in Whiteside County where, because... because of what was previously, kind of, less clear language, a judge did not believe that the judge could impose a sentence of straight time of 90 days and then impose a sentence that included additional time to be served on weekends, where that total time was still within the permissible maximum sentence. And so all this is doing is giving the judge the flexibility to, in fact, sentence someone appropriately. So, 180 days, may be 90 straight, a number of them on weekends."

Eddy: "Well, where is the Sheriffs' Association on this, because I... I would imagine they may have some concerns. They didn't oppose the Bill?"

McAsey: "No. There's no opposition to the legislation. This Bill is essentially similar to House Bill 3292 that passed this Body unanimously last Session."

Eddy: "Okay. Well, thank you for the explanation. I'm a little concerned about resources in some smaller areas and the periodic imprisonment and how this could affect them, but I'll listen to the rest of the debate. It... it just seems, in some areas, this would be difficult on those small county jails."

Speaker Lyons: "Representative Durkin."

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

112th Legislative Day

3/8/2012

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "The Sponsor yields."

Durkin: "Representative, you said this is one case out of what county?"

McAsey: "Whiteside County."

Durkin: "Do we really need to change the law based on that one judge's concern?"

McAsey: "This was a concern of the State's Attorneys Appellate Prosecutor recognizing that there was..."

Durkin: "No. No. No. No. No."

McAsey: "...some lack of clarity."

Durkin: "Not... I'm not done. Do you believe it's a concern? You, not the..."

McAsey: "I... I believe that there was... that there was a lack of clarity based on the way that the statute reads prior to this change."

Durkin: "Well, I would say that we're just adding more ink to the state's statutes. But let me just ask you one quest... one more quest... a few more questions. How many years you been down here?"

McAsey: "How many years?"

Durkin: "Yes."

McAsey: "Just a little bit more than three."

Durkin: "Can you name one piece of legislation that you've passed that has not had an impact on the criminal justice system? I'm afraid you're becoming one dimensional. Would you agree..."

McAsey: "I can."

Durkin: "...or disagree?"

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

112th Legislative Day

3/8/2012

McAsey: "I... I can name other pieces of legislation that I've passed that..."

Durkin: "Is there anything left that you have not made a Class X Felony yet?"

McAsey: "In fact, there is."

Durkin: "No. There is?"

McAsey: "Yes."

Durkin: "I would disagree, but you know, broaden your horizons a little bit. You know, I was a prosecutor once upon a time, had that same type of attitude. But the thing is, there's more to this process than just the criminal justice system. So, take that advice."

McAsey: "Thank you."

Speaker Lyons: "Representative Mulligan."

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

Speaker Lyons: "Sponsor yields."

Mulligan: "As much as I admire Representative Durkin, with his comments, would this Bill... Bill be appropriate for someone, say, that's embezzled money, And so, they're an embezzler and they're... in order to repay the money, they put them in jail on the weekend but during the week. they let them pay... they let them go to work so they can get the money and repay it? Would that be the appropriate use for something like this, and are you just worried that the judge would impose too much on them for them not to be able to do what he meant to do with this sentence? I'm not quite sure where you're going with it if it isn't for the use of repayment or assistance in some way for why the, you know, what the person will be doing."

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

112th Legislative Day

3/8/2012

McAsey: "It... thank you. This... this legislation is not about any particular sentence that ought to be imposed, given a particular, factual scenario, but just is making sure that judges have the ability to sentence both to... it... warranted straight time and in addition to serving straight time, can also have a... a criminal defendant serve time on weekends. So, in this specific fact pattern that... that brought about the legislation, someone was... had served prior to trial no... more than 90 days in custody and then the court wanted to impose an additional sentence, prosecutors wanted to impose an additional sentence following that and... and were not able to. And so, that's... that's what this... why this is here. It's just to bring about greater flexibility for the courts in imposing their sentence. It's not saying that there should be one sentence or another."

Mulligan: "All right. I know it's hard for people to imagine that the court system in Illinois is not uniform and there used to be, a number of years ago, that there were no female judges south of I-80. So, it's always very interesting to see how different things happen around the state, and how the courts are worked and what happens because they have different ways of applying the law. And I'm..."

McAsey: "I would agree with you, Representative. And that's exactly why this Bill is here, is to afford greater clarity because of differences in application of the law around the state."

Mulligan: "Okay. Thank you very much."

Speaker Lyons: "Representative McAsey to close."

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

112th Legislative Day

3/8/2012

McAsey: "I thank the Members of the Body for their comments and ask for your 'aye' votes."

Speaker Lyons: "The question is, 'Should House Bill 5511 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 are 88 Members voting 'yes', 13 Members voti... voting 'no', 4 Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lisa Dugan, you have House Bill 5539. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5539, a Bill for an Act concerning agriculture. Third Reading of this House Bill."

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

Dugan: "Thank you, Speaker, Member of the House. This is an initiative of the Illinois Fertilizer and Chemical Association. What it does is it modernizes the Illinois Fertilizer Act, which has not been sub... substantially changed since 1961. It also sets up a fe... a fee structure that the fertilizer industry themselves will be paying in order to look at new revenue that's needed for... in the Illinois Department of Agriculture for nutrient research and water quality programs. It's a very good idea of the industry coming up themselves to... to raise the revenue themselves in order to provide for Illinois the research and water quality programs that we have. So, it's... it's a program that's supported by the Farm Bureau, the Sierra

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

112th Legislative Day

3/8/2012

Club, the Illinois Environmental Law Policy Club, Soil and Water Conservation Districts, the Department of Ag, the Illinois Soybean Association, and others. So, I certainly would be happy to answer any questions, and I would certainly like an 'aye' vote."

Speaker Lyons: "Representative Moffitt."

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

Speaker Lyons: "The Sponsor yields."

Moffitt: "Representative, I do have a question on this, but just, you know, once again, it's agriculture being proactive saying we want to be sure to protect the consumer, the environment, and we're... we'll step up the plate to... to... to provide for that. My question is, because you mentioned fees and... do you think there are adequate... adequate safeguards, that this will really go for that purpose, and that they will not be swept? And just..."

Dugan: "Yes."

Moffitt: "...if we raise... if we provide the fees... if I vote for it, I want to be sure they go there and I'm sure you do too. So, you feel it's adequately protected?"

Dugan: "Yes. I believe so, Representative. I know that we always have that concern about the funds being swept, but the Illinois Fertilizer Group and... and those that are involved in this feel very comfortable that that money will go into the Department of Ag and be used for people to make sure that they are regulated, as they need to be. They're paying to be regulated themselves."

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

112th Legislative Day

3/8/2012

Moffitt: "And it's a unique combination of proponents there, I notice, that they're not necessarily always on the same Bill, so it's... delighted to see that combination. Thank..."

Dugan: "Yes. Correct."

Moffitt: "...thank you."

Dugan: "Thank you."

Speaker Lyons: "Representative Dugan moves for the passage of House Bill 5539. 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 are 80... 84 Members voting 'yes', 22 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Moffitt has House Bill 5540. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5540, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Knox, Representative Don Moffitt."

Moffitt: "Thank you, Mr. Speaker. The intent of this Bill is to further promote and recognize that agriculture is the #1 industry in the State of Illinois. Illinois has provided national leadership in agriculture. The intent is to further raise the stature and the status of agriculture in the state. It would name the administrative office building that... the Illinois Department of Agriculture in honor of a Former Illinois Director and U.S. Secretary, that being John Block. We believe that John Block's the only Illinois Director of Agriculture who then became U.S. Secretary, and

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

112th Legislative Day

3/8/2012

he was the director when the building was built. I talked to the Governor's Office before I introduced it, talked with both Representatives from Springfield, talked to the Department of Agriculture and have found strong support for this. My intent is that there'd be no taxpayers' expense. We would have private donation for any cost related. Jack Block is still a national figure in agriculture. I want you to know just a little more about him. He was our former Illinois Director of Agriculture from '77 to '81, and then U.S. Secretary of Agriculture '81 to '86. He graduated from West Point in 1957 and served in the 101st Airborne. Jack still has a radio program, the John Block Report, and that program is heard on 500 radio stations, in 30 states, once per week, and is still a strong spokesman for agriculture. Jack Block... or John Block is truly a towering figure in agriculture. This is a case of recognizing an influential figure, and I think it would help raise the awareness of the importance of agriculture in our state. Be happy to entertain any questions."

Speaker Lyons: "Representative Brauer."

Brauer: "Thank you, Mr. Speaker. I'm not sure that I can add too much more than Representative Moffitt. I've had the privilege of... of knowing Mr. Block for my entire life. He was a working farmer. He brought a new level of professionalism to not only the State of Ill... Illinois, but to our nation. And I think it's very fitting that we recognize him in this way. I urge an 'aye' vote."

Speaker Lyons: "Representative Moffitt moves for the passage of House Bill 5540. All those in favor signify by voting

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

112th Legislative Day

3/8/2012

'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 Mell. Representative Nekritz. Representative Golar. Mr. Clerk, take the record. On this Bill, there's 106 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Brauer, you have House Bill 5606. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5606, a Bill for an Act concerning corrections. Third Reading of this House Bill."

Speaker Lyons: "Representative Brauer."

Brauer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Bill was brought to me by the Illinois Sheriffs' Association. And it just simply states that if anybody's been convicted of a methamphetamine crime, will need a prescription from a doctor to get pseudoephedrine. And... I'll answer any questions."

Speaker Lyons: "You've heard the Gentleman's explanation. No one seeking recognition, the question is, 'Should House Bill 5606 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mell. Representative Nekritz. Mr. Clerk, take the record. On this Bill, there's 107 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mike Tryon, you have House Bill 5642. Out of the record. Representative McAsey. Busy. House Bill 5650. Read the Bill, Mr. Clerk."

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

112th Legislative Day

3/8/2012

Clerk Hollman: "House Bill 5650, a Bill for an Act concerning State Government. Third Reading of this..."

Speaker Lyons: "Rep..."

Clerk Hollman: "...House Bill."

Speaker Lyons: "Representative Emily McAsey."

McAsey: "Thank you, Mr. Speaker, Members of the House. This is not an Act concerning criminal law. What this is doing is creating a State Vehicle Use Act. Essentially, it comes out of findings of an audit by the Auditor General that was released this past fall. It pointed out numerous problems with regard to the control and the use of state vehicles. So, essentially, what this Act will do is to set up minimum standards across all of our state agencies to monitor the state vehicles fleet to ensure that... that these vehicles are... are being used. It includes requiring that every agency had a policy created with regard to state vehicle use. A policy, specifically, about take-home vehicles, that procedures regarding daily u... use logs and mileage recording are parts of... of those vehicle use practices, and looking at the vehicle use analysis to... to make sure that this is the most cost-effective use of... of our vehicles. So, I would ask for the support of the Members and..."

Speaker Lyons: "Representative Lang."

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

Speaker Lyons: "She awaits your questions, Leader."

Lang: "Representative, if somebody abuses the privilege of having a vehicle, can they go to jail?"

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

112th Legislative Day

3/8/2012

McAsey: "There is no criminal penalty in this Bill. This is about making sure that we are having greater transparency, and... no criminal penalties."

Lang: "Don't you want to take this back to Second and add some criminal penalty to it?"

McAsey: "Perhaps, I'll bring another Bill at another time."

Lang: "All right. Well, you know, this is one is a row, so good for you."

Speaker Lyons: "Representative Bill Mitchell."

Mitchell, B.: "Would the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Mitchell, B.: "Representative... where is she?"

McAsey: "Yes."

Mitchell, B.: "Ah, there she is. Representative, I... I read the audit, the Auditor General's report."

McAsey: "Yeah."

Mitchell, B.: "And I presume this is what... how many state employees get to take a automobile home?"

McAsey: "It... it is a... an astounding... astounding findings in the audit. I think that this is really just the first step in working to address the audit findings. But I thought at this point, we should make sure that across all of our agencies, we... we don't... there... there are no policies whatsoever. There's no uniformity. There are a total of more than 16 thousand vehicles, and 5 thousand... more than 5 thousand of those are assigned to individual employees. More than 5 thousand of them are authorized to be taken home. Many agencies do not keep any records or any logs

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

112th Legislative Day

3/8/2012

with regard to those... that vehicle use. And that's something that we need to clean up."

Mitchell, B.: "And... and I appreciate your efforts on this, but in the report, and I think that as my memory serve, we do have 5 thousand... some state workers, at least 5 thousand of them, take a vehicle home. They use state gas. I guess we're broke."

McAsey: "And... and that's a real concern. That's exactly why, in the first place, I sponsored the audit to gather the information. That's why I'm here with this Act today, is because that... we can't allow that to continue to go on. First and foremost, creating transparency, shedding light on this. We need to do that and... one of the other audit findings has to do with breakeven miles, that with individual vehicles being assigned, oftentimes, what we need to really look at is reimbursements or no vehicles whatsoever."

Mitchell, B.: "And I guess that's the point. So, what is... what is... to succinctly put it, what does this... your legislation do?"

McAsey: "Succinctly put, what this does is create a State Vehicle Use Act to make sure, first and foremost, each of the agencies has a vehicle use policy that, within that policy, it specifies rules regarding take-home vehicles, making sure that they are being used only for state-related business, making sure that mileage and purpose of the vehicles use is being recorded."

Mitchell, B.: "And... and I appreciate... you've done a great... I mean, you were the one who did the audit and so, I

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

112th Legislative Day

3/8/2012

appreciate that work. Before I was in the General Assembly, I was at Central Management Services, and I don't... I did not think we had 5 thousand automobiles that state workers took home. That's what, possibly 10 percent of state workers?"

McAsey: "I, actually..."

Mitchell, B.: "Maybe more than that? Maybe more than that?"

McAsey: "I haven't done that calculation. I... I couldn't speak to that, but it's astounding."

Mitchell, B.: "I guess I would like to see us... according to the Governor... I mean, the state is broke. It's kind of astounding if you ask a business person in the State of Illinois. Okay, you're bankrupt, but you're still providing automobiles that people can drive around. Why don't we go further and just ground them. No use. Can we work on that this Session?"

Speaker Lyons: "Representative Mitchell, your time is expired. We'll give you another minute to finish up."

Mitchell, B.: "And that's all. I... I appreciate. I just have... I think the Body should know 5 thousand state cars are taken home by workers when the state is broke. I appreciate the... the Representative's work on this."

Speaker Lyons: "Representative McAsey to close."

McAsey: "Thank you so much for your comments, and again, I think that this is a starting point. There is much more work to be done in this area to make sure that we are cleaning up and using the state's resources in the best way possible. Especially, recognizing the... the fiscal crisis

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

112th Legislative Day

3/8/2012

that this state is in. So, I urge your 'aye' votes. Thank you."

Speaker Lyons: "The question is, 'Should House Bill 5650 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bost, Riley. Mr. Clerk, take the record. On this Bill, there's 107 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative McAsey on House Bill 5653. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5653, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons: "Representative McAsey."

McAsey: "Thank you, Mr. Speaker and Members of the House. This is the final piece of legislation that I will present this afternoon. This is also an initiative of the AARP. You may recall last spring I sponsored legislation making changes to the financial exploitation of the elderly statute following conversations with practitioners. As that legislation has gone into effect, this essentially is making a couple of tweaks to make sure that, in fact, we are capturing the universe of people who are in a position of trust or confidence, and can exploit seniors. So, specifically, it is adding 'caregivers', whether paid or unpaid, to the definition of people who stand in a position of trust or confidence. It is also adding language that allows for a prosecuting attorney to file a petition within the courts regarding res... sorry, regarding seizure or

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

112th Legislative Day

3/8/2012

freezing of the assets that a defendant may have taken from that senior. And I ask for your support."

Speaker Lyons: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Durkin: "All right, now I got... I have serious questions, right now, Representative. All right, let's get into the whole issue of freezing of the assets. Is this a proceeding... what court would that petition be heard? It is a... it's an in rem proceeding, which are not typically done in criminal court, so I don't believe they have jurisdiction. Where is that proceeding going to take place?"

McAsey: "What the legislation specifies is that the prosecuting attorney may file a petition with the Circuit Court of the county in which the defendant has been charged."

Durkin: "Oh. All right. All right. Interesting. Okay. But here's what I find really interesting in the language after that. It says the burden of proof that the defendant unlawfully obtained the victim's property shall be by a preponderance of the evidence, the civil standard. But this is even what I find more perplexing. It says this subsection, which is basically, you're saying you're going to allow the state's attorney to freeze or seize the assets for purposes of restitution. Correct?"

McAsey: "It... it's... the intention is to freeze the assets while a case is pending so that a criminal defendant can't use those unlawfully obtained... allegedly, unlawfully obtained assets in... while supporting their defense."

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

112th Legislative Day

3/8/2012

Durkin: "No... no disagreement. But what you... your Bill states at the end is that this subsection is operative whether or not the defendant has been convicted of the offense and the whole purpose of the freeze order is to ensure that there will be restitution. So, you're acquitted of the crime, but the court is still going to give them restitution. That is what your Bill is saying. This is breaking new... new ground in the legal... legal world, Miss McAsey. But do you understand the problem with that?"

McAsey: "The intention is that this would freeze the assets while the case is pending and have a separate restitution action."

Durkin: "The last sentence..."

McAsey: "But..."

Durkin: "...of this Bill, this subsection is operative whether or not the defendant has been convicted of the offense. You can only order restitution upon a finding of guilty. You're saying here that even if you're acquitted, you're still going to be making restitution from that freeze order. It doesn't make sense."

McAsey: "I appreciate those comments, and would be... would like to continue to have that discussion with you."

Durkin: "Why don't we..."

McAsey: "My... what I would like to do is if we can pass the Bill this afternoon and continue, perhaps to work on that language to capture the point that you're making, and make sure that the..."

Durkin: "Remove the last sentence. You've got 'til tomorrow. You can do that. This is really... I mean, we're getting to a

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

112th Legislative Day

3/8/2012

point where we're passing so many things that, I think, a lot of people are not catching. We're reinventing the wheel too much, but you have now put in language which is black letter. It's not about the intent, which is stating for the first time anywhere in this country, that even if you were going to hold money, we're going to freeze it. We're still going to allow restitution, despite the fact that you were found not guilty. That doesn't make sense. Could you please pull the Bill from the record, remove that last sentence, and then we're fine."

Speaker Lyons: "Jim, your time expired. But I'll let you continue for another minute or so."

Durkin: "I.. I just would like a response."

McAsey: "Representative Durkin, I would be happy to sit down with you if.. and would pull the Bill from the record today."

Durkin: "Thank you very much."

McAsey: "Thank you."

Speaker Lyons: "Take that Bill out of record, Mr. Clerk. Representative Penny, being the veteran you are, now on third Bill.. Third Readings, we have House Bill 5682 on the Order of Third Reading. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5682, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from St. Clair, Representative Penny."

Penny: "This Bill is a technical correction to have the exemptions under unlawful use of weapons put into sync with the technical requirements with the Department of

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

112th Legislative Day

3/8/2012

Professional Regulation that control when a security officer can carry a firearm. The Department of Professional Regulation has a lengthy list of rules and regulations about training requirements and documents that are sent to the department, and documents that the department issues to the guard. However, in the unlawful use of weapons statute where they carved out exceptions for private detectives and security guards to carry firearms while they're on duty or going back and forth to work, the language was imprecise and it allowed a security guard on duty however, carrying a concealed weapon without the permission of the client or of the employing security contract or agency to car... he carried a firearm, got caught, was arrested, and the exception in the Criminal Code, being written the way it was, was imprecise to the degree he was acquitted. He then, subsequently, filed a civil lawsuit against the arresting agency and received a judgment. So, this language corrects that defect. It does not add anything, nor take anything away with regard to carrying concealed weapons, or give any additional power to a security officer or take that power away."

Speaker Lyons: "You've heard the Gentleman's explanation on the Bill. There's no one seeking recognition, the question is, 'Should House Bill 5682 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 95 Members voting 'yes', 11 voting 'no', 1 Member voting 'present'. This Bill, having received the

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

112th Legislative Day

3/8/2012

Constitutional Majority, is hereby declared passed. Representative Costello on House Bill 5685. Read the Bill, Mr. Clerk."

Clerk Hollman: "House Bill 5685, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from St. Clair, Representative Costello."

Costello: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5685 allows a Department of National (sic-Natural) Resources Conservation Officer the ability to remove individuals or groups involved in illegal acts or disorderly conduct from land owned, leased, or managed by the department. Currently, the legal department of DNR does not believe they have this authority and that's why they've asked me to run this legislation. Thank you. And I ask for an 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's explanations. Is there any discussion? Seeing none, the question is, 'Should House Bill 5685 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 107 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on Supplemental Calendar #1, what's the status on House Bill 4452?"

Clerk Hollman: "House Bill 4452, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment

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

112th Legislative Day

3/8/2012

#1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Mr. Clerk, committee announcements."

Clerk Hollman: "Committee schedule. Following Session, the Executive Committee will meet in Room 114, Personnel & Pensions will meet in 115, and Health Care Availability & Accessibility will meet in C-1. Tomorrow at 8 a.m., the Elementary & Secondary Education Committee is meeting in 114. At 9:00 a.m., is the Judiciary I Committee - Civil Law in Room 115, and Insurance Committee in Room D-1."

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

Clerk Hollman: "Agreed Resolutions. House Resolution 845, offered by Representative Rose. House Resolution 848, offered by Representative Kelly Burke. House Resolution 850, offered by Representative Sacia. House Resolution 851, offered by Representative Colvin. House Resolution 852, offered by Representative William Davis."

Speaker Lyons: "Leader Barbara Flynn Currie 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, read the Adjournment Resolution."

Clerk Hollman: "Senate Joint Resolution 64."

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 08, 2012, it stands adjourned

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

112th Legislative Day

3/8/2012

until Wednesday, March 21, 2012 at 12:00 noon, or until the call of the President; and when the House of Representatives adjourns on Friday, March 09, 2012, it stands adjourned until Wednesday, March 21, 2012 at 12:00 noon, or until the call of the Speaker."

Speaker Lyons: "Leader Currie moves for the adoption of the Adjournment Resolution. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have. And the Adjournment Resolution is adopted. And now, seeing no further business to come before the Illinois House of Representatives, Leader Barbara Flynn Currie moves that we adjourn 'til the hour of 10 a.m. on Friday, March the 9th. 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 allowing perfunctory time for the Clerk, the House stands adjourned 'til the hour of 10 a.m. tomorrow, Friday, March 9th. Have a pleasant evening, everyone."

Clerk Hollman: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 6138, offered by Speaker Madigan, a Bill for an Act making appropriations. House Bill 6139, offered by Speaker Madigan, a Bill for an Act making appropriations. Introduction of Senate Joint Resolutions. Senate Joint Resolution 53, offered by Representative Currie, and Senate Joint Resolution 40, offered by Representative Kay. These are referred to the Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."