

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

128th Legislative Day

4/26/2012

Speaker Lyons: "Good morning, Illinois. The House of Representatives will come to order. Members are asked to please be at their desks. We shall be led in prayer today by the Reverend Dr. Brett Smith, who is with the University Baptist Church in Champaign, Illinois. Reverend Smith is the guest of Representative Naomi Jakobsson. Members and guests are asked to please refrain from starting their laptops, turn off all electronic equipment, and rise for the... for the invocation and the Pledge of Allegiance. Reverend Smith."

Reverend Smith: "Please join me in prayer. We thank You, our God, for Your mercy and blessing, for the gift of life that comes from Your hand and we thank You for the people of the State of Illinois. We thank You for the favor which You show to each and every one. And we thank You for the men and women of this Legislative Body, who by Your grace have been elected to represent the citizens of our state. And as we begin this Session, we understand the gravity and opportunity that is about to occur and our obligation to You and one another to govern according to Your ways and purposes. And so, we ask for Your mercy upon these Legislators today, that You'll bless each one and guide and help them to seek You in Your direction. That the things which are thought and spoken and heard today bring glory and honor to You and righteousness and justice to the people of this land. We thank You for Your love for the people of our state including us and ask these things in faith with thanksgiving, Amen."

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Speaker Lyons: "Representative McAuliffe, on recognition of your brand new baby daughter, would you please lead us in prayer... in the Pledge of Allegiance?"

McAuliffe - 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. Majority Leader Currie, Democrats."

Currie: "Thank you, Speaker. Please let the record reflect the excused absences of Representatives Beiser and Jones."

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

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives Coladipietro, Pihos, and Sosnow... Sosn... easy for me to say, Sosnowski is excused today. Sosnowski. Joe."

Speaker Lyons: "Thank... we got it, Representative. Thank you, Leader Bost. Mr. Clerk, take the record. There's 112 Members responding to the Quorum Call. We are prepared to do the work of the people of the State of Illinois. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Rita, Chairperson from the Committee on Business & Occupational Licenses reports the following committee action taken on April 25, 2012: do pass Short Debate for Senate Bill 3279, Senate Bill 3380; do pass as amended Short Debate for Senate Bill 3685. Representative Franks, Chairperson from the Committee on State Government Administration reports the following committee action taken on April 25, 2012: do pass Short Debate for Senate Bill 180, Senate Bill 3325,

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Senate Bill 3396, Senate Bill 3530, Senate Bill 3621; do pass as amended Short Debate for Senate Bill 3287 and 3373; recommends be adopted House Resolution 701; and recommends be adopted as amended House Resolution 757. Representative May, Chairperson from the Committee on Environment & Ener... Environment & Energy reports the following committee action taken on April 25, 2012: do pass Short Debate for Senate Bill 3672 and Senate Bill 3724; recommends be adopted House Resolution 906. Representative Jakobsson, Chairperson from the Committee on Higher Education reports the following committee action taken on April 25, 2012: do pass Short Debate for Senate Bill 3635; do pass as amended Short Debate for Senate Bill 2949 and Senate Bill 3428. Representative Verschoore, Chairperson from the Committee on Counties & Townships reports the following committee action taken on April 25, 2012: do pass Short Debate for Senate Bill 2993. Representative May, Chairperson from the Committee on Environmental Health reports the following committee action taken on April 25, 2012: do pass Short Debate for Senate Bill 2950 and Senate Bill 3442. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on April 26, 2012: recommends be adopted Floor Amendment #1 to House Bill 4320. Representative Howard, Chairperson from the Committee on Judiciary II - Criminal Law reports the following committee action taken on April 26, 2012: do pass Short Debate for Senate Bill 2869... Senate Bill 2869, Senate Bill 3665, Senate Bill 3673, Senate Bill 3693, Senate Bill 3824; do pass as amended Short Debate for

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Senate Bill 2944 and Senate Bill 3349. Introduction of Resolutions. House Resolution 991, offered by Representative Williams. House Resolution 993, offered by Representative Lyons. House Resolution 997, offered by Representative Watson. House Res... House Joint Resolution 83, offered by Representative Watson. And House Joint Resolution 84, offered by Speaker Madigan."

Speaker Lyons: "Representative John Cavaletto, for a point of personal privilege."

Cavaletto: "Personal privilege. Thank you, Mr. Speaker. Let's give a warm welcome to the Franklin Park seventh-grade class, from Salem, Illinois and their teachers Paula Flanagan and Mike Klostermann. Thank you for coming to your Capitol today. Welcome."

Speaker Lyons: "Welcome to your Capitol, enjoy your day. Representative Roth, for what purpose do you seek recognition, Pam?"

Roth: "Point of personal privilege."

Speaker Lyons: "Please proceed."

Roth: "I'd like to welcome today my Pages for the day, my young son Jared and his friend Alex. But most importantly today is my son Jared's 13th birthday."

Speaker Lyons: "Welcome gentlemen, enjoy your day. Mr. Clerk, post House Resolution 969. Representative Chapin Rose on House Resolution 969."

Clerk Bolin: "House Resolution 969, offered by Representative Rose."

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS,

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that we congratulate the members of the Villa Grove Devilettes dance team on the occasion of winning the IDTA State Championship and wish them continued success and happiness in the future; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Villa Grove Devilettes dance team as a symbol of our esteem and respect."

Speaker Lyons: "Representative Chapin Rose."

Rose: "Thank you. Mr. Speaker, may I have the attention of the Body, please and the gallery, if they'd rise? In the Speaker's Gallery are the State Champion Villa Grove High School Dance Team. They won this year's State Division A title. These ladies and their coach began hosting clinics in April. They began practicing twice a week all summer long. When things kicked into overdrive and you came into competition season, they would practice five to six days a week doing two a days starting at 6 a.m. They completed the state finals at the University of Illinois Assembly Hall on March 17th, where they won their first ever state championship and only the second state championship in the history of Villa Grove High School. Notably they were the smallest school to compete in Division A that year. Thank you, Mr. Speaker."

Speaker Lyons: "Hold on, Chapin."

Rose: "Sure."

Speaker Lyons: "Ladies and Gentlemen, were doing a Resolution honoring some children. Please, if we could bring the noise level down, just a little bit. Shh. Thank you. Chapin Rose."

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Rose: "Thank you, Mr. Speaker. Again the ladies and their coach in the... in the chamber, in the gallery, their high school is only 160 students and they competed against schools as large as 490. I was just told that out of all the classes, A being the smallest, that they took the second highest number of points of all classes. Being had Villa Grove, Illinois competed against, in one single division they would've come in second across the entire State of Illinois, which is pretty amazing for a school district of 160 students in the high school. In any event, I'd like to congratulate if I could. Katina Clodfelder, if you would wave, Celeste Cler, Hunter Hettinger, Sara Tondini, Sarah Showalter, Ashlee Turner, Carly Bushell, Hannah Alv... Alvis, Bryanna Broady, Taylor Quinn... Quinn, Taylor Quinn, excuse me, Keyaira Bielert, Cory Tibbetts; and their coach Alyssa Hudson, who put it quite a bit of time, and Coach Hudson if you'd wave as well. Let's give a big round of applause and congratulate the Division 1A State Champion Women's Dance Team."

Speaker Lyons: "Congratulation ladies from Villa Grove, we're all very proud of you on behalf of the State of Illinois. Representative Jakobsson, did you want to speak to the dance team also?"

Jakobsson: "I had my light on for something else, but I do want to congratulate them."

Speaker Lyons: "Okay. Also being from Champaign-Urbana. The Motion is, Representative moves to pass the adoption of Resolution 969. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the

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'ayes' have it. And House Resolution 969 is unanimously adopted. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 989, offered by Representative Riley. House Resolution 990, offered by Representative Brady. House Resolution 992, offered by Representative D'Amico. House Resolution 994, offered by Representative Will Davis. House Resolution 995, offered by Representative Ford. And House Resolution 996, offered by Representative Bellock."

Speaker Lyons: "Majority 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. Representative Jakobsson on a point of personal privilege. Naomi."

Jakobsson: "Thank you, Mr. Speaker. I rise for a point of personal privilege. For those of you who have been keeping track of your steps, for the COWL Heart Challenge, we are down to the last wire. This is the last week we have to keep track of it. That doesn't mean that we should stop walking. But please, Sunday night or Monday morning, remember to send in your steps because this is going to help the COWL scholarship. We're going to get some of our steps matched with dollars. So, please turn in your steps."

Speaker Lyons: "Thank you, Naomi. Representative Patti Bellock on a point of personal privilege, Representative."

Bellock: "Thank you very much, Mr. Speaker. Yes. I'd ask that the Members of the Legislature just to welcome, we have some students here today from the College of DuPage. And they've

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been here for yesterday and today obs... observing Illinois government at work. So, I'd just like to take this point. If they'd stand up, we'll welcome them. Thank you."

Speaker Lyons: "Welcome to your Capitol, ladies, enjoy your day. Mr. Clerk, what's the status on House Bill 1390?"

Clerk Bolin: "House Bill 1390, a Bill for an Act concerning local government. The Bill was read for a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Ladies and Gentlemen, I'll be running some Third Reading Bills on page 4 of the Calendar. So, Members, if you have a Bill in the Order on page 4, heads up, we'll try to get to you. We'll start there. Representative Karen May, on Senate Bills-Third Reading, has Senate Bill 2488. Out of the record. Representative Rita Mayfield, you have Senate Bill 2849. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2849, a Bill for an Act concerning children. Third Reading of this Senate Bill."

Speaker Lyons: "Lady from Lake, Representative Rita Mayfield."

Mayfield: "Thank you, everyone. What this Bill does it expands the definition of... for neglected children. And it also adds to... it explains... it expands the definition of blatant disregard and further defines the term of a neglected child. There is no opposition to this Bill and what we're just looking to do is to add further protections for the children within the State of Illinois. I ask for an 'aye' vote. Thank you."

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Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, the question is, 'Should Senate Bill 2849 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 Brauer, Naomi Jakobsson. Rich. 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 Dave Winters, on the Order of Third Reading-Senate Bills, you have Senate Bill 2850. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2850, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Dave Winters."

Winters: "Thank you, Mr. Speaker. What this Bill does is require that on the first and last day of school that the school districts would have to have at least five clock hours of instruction for it to count for a full day of attendance instead of simply bringing the kids in, do organizational meeting for a half an hour and put them back on the bus. If we're going to go to the expense of having kids in school, we're trying to educate them, let's make a full day of school the law for the first and last days of school. I'd be happy to answer any question."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 2850 signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted

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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 Jim Sacia, on page 4 of the
Calendar, you have Senate Bill 3324. Read the Bill, Mr.
Clerk."

Clerk Bolin: "Senate Bill 3324, a Bill for an Act concerning
local government. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Jim Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen, this is a
rather simple Bill. It simply requires that township
officials can not advance their salaries on anticipated
future incomes. It occurred in my district and Senator
Bibbons started it in the Senate and it's... it's just a
commonsense Bill supported by township officials. I'd be
glad to answer any questions."

Speaker Lyons: "You've heard the Gentleman... Gentleman's
explanation. Is there any discussion? See... seeing none, all
those in favor of the passage of Senate Bill 3324 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 Dan Brady, you have
Senate Bill 3242. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3242, a Bill for an Act concerning
insurance. Third Reading of this Senate Bill."

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Speaker Lyons: "Mr. Brady."

Brady: "Thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 3242 is an initiative of the Illinois State Dental Society. It simply seeks to amend the Illinois Insurance Codes to provide that no insurer may issue a service provider contract that requires dentists to have to provide services with a certain fee set by the insurer unless those services are covered under the apropos policy agreement. I'm not aware of any opposition to the Bill and I'd be happy to answer any questions."

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

Franks: "I'm sorry. Mr. Speaker, will the Sponsor yield?"

Speaker Lyons: "Spea..."

Franks: "Thank you."

Speaker Lyons: "Representative yields."

Franks: "Representative..."

Brady: "Yes."

Franks: "...I'm reading the analysis and I'm not sure I understand what this Bill does. Our analysis indicates that no insurer can issue a contract to a dentist which requires the dentist to provide services to the policyholders at a fee set by the insurer for services not covered by the policy."

Brady: "Correct."

Franks: "What does that mean?"

Brady: "In layman's terms it means the following: that the dentist is not responsible for services above and beyond

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what the contract provides that may be needed, that he has to cap his particular charges, if it's above and beyond what the policy covers."

Franks: "Well, isn't that what it is now?"

Brady: "No, it is not."

Franks: "Well, give me an example. Like, are you talking about I go in for, let's say, a root canal, and the insurer says they're going to insure it \$200 or whatever it is. How would this come into play? If the... if the dentist was going to charge 300, would they not... would they... I'm not sure how this would work."

Brady: "If any of the work that was necessary was outside the scope of what the contract dictates by the provider, that that dentist is not responsible to have to charge his charges at a certain rate. In other words, what... if it's not covered by the contract that the insurer provides, that dentist can do the work but it's between the patient and the dentist and that dentist is not responsible to set at a cap at a certain level what the additional work may require from a fee structure."

Franks: "Is there any independent evaluation of whether this is above and beyond what the contract was for?"

Brady: "Well, I would assume that would be between the patient and the dentist."

Franks: "I just... would the patient be sophisticated enough to know to question. Because I've had problems when I've gone to physicians and I thought it was covered and I've gone to my network provider and then they bring... you know somebody... let's say you go to a hospital for a procedure and

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unbeknown... and the hospital's in the PPO or whatever it might be but the anesthesiologist isn't. So, I get stuck with this huge bill. I assumed I did the right thing because I went to the hospital that's in my coverage but then they bring in an outside provider that I was unaware of, I didn't choose the anesthesiologist. How would this... how would this play out?"

Brady: "This would play out that what the Dental Society has indicated that they are seeing that new policies place a cap on additional work without the authority in which to do that and so the dentist is saying I provide what the insurance coverage says but if there's additional above and beyond that, that contract cannot dictate to me as the dentist what I'm going to charge for additional work above and beyond what that policy covers."

Franks: "Well, is there going to be some disclosure to the patient because I... I don't disagree with what your... what your... what this Bill says to that extent. What I'm concerned about would be a consumer right because let's say I go into my dentist and I presume its covered and I check it out ahead of time, but then if there's something above and beyond that could be, you know, thousands of dollars more than what I had ever anticipated or budgeted for. So, will there be something in a contract with the patient that would indicate that they... that this could happen and then also show how much it could be."

Brady: "I certainly understand what you're... what you're asking and I can only answer it by saying the following: that the dentist, 1) believes... I believe and the State Dental

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Society indicates that the relationship between dentist and patient, that patient would certainly have to know this is not covered under your contract or your insurance coverage and if I'm going to do this work, here is what I'm charging for the additional work."

Franks: "Well, I want our patients to be treated as well as when I go to get my car fixed."

Brady: "Sure."

Franks: "'Cause if my car's under warranty and I know what it's going to be, but they say, wait, there's extra stuff that isn't covered under the warranty, let me give you an estimate. I want to make sure that our patients are getting that estimate and not waking up from anesthesia and finding out they got a \$7 thousand bill."

Brady: "I... I whole heartedly agree with you and can only answer your question with the following; that prior to any type of commitment between a patient and the dentist, I am under the belief from the Dental Society that that patient certainly has to be fully educated to the fact that here is above cost of what your insurance is not covering, here is what I can charge for those services and that's what I'm going to charge."

Franks: "Oh... I..."

Brady: "Now that patient then has to make the informed decision, one would assume, whether they're going to have additional work done or not done."

Franks: "I appreciate that. So, for... for legislative intent I think we both agree..."

Brady: "Yes."

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Franks: "...that they will have to have full disclosure and they will be able... they will have to make an informed consent and decision for the amounts that aren't covered under the insurance policy."

Brady: "That's... that's certainly my intent and my understanding of the position from the Illinois State Dental Society as well."

Franks: "I support your Bill. Thank you."

Brady: "Thank you very much."

Speaker Lyons: "Representative Brady to close."

Brady: "Thank you very much, Ladies and Gentlemen of the House. Thank you to the Representative for his questions. And I simply ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 3242 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 Penny, Representative Leitch, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 111 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Members, going back to page 5 on the Calendar, so if anybody has a Senate Bill-Third Reading on page 5, please give some attention to the list that we'll be going down. Starting with Representative Chapa LaVia, you have Senate Bill 3393. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3393, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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Speaker Lyons: "Representative Chapa LaVia."

Chapa LaVia: "Thank you so much. You look wonderful up there, Speaker Lyons. And thank you for the win last night, even though I didn't participate in it. Senate Bill 3393 is very important to teachers right now in the State of Illinois, throughout your districts. The legislation will provide an open window to fix an unexpected consequence which was the result of one of the numerous changes we did to the Educator's Certification process signed into law last August 26, 2011. And I ask for its passage. Thank you."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? The question is, all those in favor of the passage of Senate Bill 3393 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 Reis, would you like to be recorded? Mr... 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. Mr. Clerk, what's the status, on page 3 of the Calendar, of House Bill 5665, 5665?"

Clerk Bolin: "House Bill 5665, a Bill for an Act concerning foreclosure. The Bill was read for a second time on a previous day. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions are filed."

Speaker Lyons: "Third Reading. Mr. Clerk, back to Senate... House Bill 5665. Read the Bill."

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Clerk Bolin: "House Bill 5665, a Bill for an Act concerning foreclosure. Third Reading of this House Bill."

Speaker Lyons: "Representative Connie Howard."

Howard: "Thank you very much, Mr. Speaker. House Bill 5665 amends the Code of Civil Procedure to create the offense of false representation concerning real estate title. Under this Bill, a person commits the offense of false representation concerning real estate title when he, as a part of a transaction or legal proceeding relating to mortgage foreclosure, knowingly does a number of things including, claiming in a document an interest in or lien or encumbrance against real estate that is recorded in the recorder's office in the county in which the real estate is located and also knows or has reason to know that the document is forged or groundless. I'll answer questions."

Speaker Lyons: "You've heard the Lady's explanation on the Bill. Chair recognizes Representative Dennis Reboletti."

Reboletti: "Thank you, Speaker. I... I want to check the status of the Fl... there's an Amendment. I didn't know what the status of the Amendment was."

Speaker Lyons: "Mr. Clerk."

Clerk Bolin: "Only one Amendment... Amendment has been filed for the Bill. Floor Amendment #1 remains in the Rules Committee."

Speaker Lyons: "Representative."

Reboletti: "Will the... will the Sponsor yield? Representative, were you intending to move the Amendment prior to calling the Bill?"

Howard: "No, I am not."

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Reboletti: "What... with respect then, I know there was numerous objectors in opposition in committee. Has any of the opponents changed their position since our... the time of our committee hearing?"

Howard: "Not to my knowledge, but there was no possibility of coming to any agreement."

Reboletti: "Did you have a chance to have a conversation with some of the opponents with respect to that?"

Howard: "There were a number of efforts. There were, in fact... the Amendment that was... that's now in Rules, that will not come out of Rules, was one of the things that happened as a result of attempting to get an agreement, but that just didn't happen. So, I need to be able to move the Bill."

Reboletti: "I... I guess some of the concerns that they have submitted and some of the concerns I have is that you're putting criminal provisions into the Civil Code of Procedure and I... I believe that they should probably remain separate. And I was wondering what your thoughts were on that?"

Howard: "My interest in this Bill, Representative, is to try to do something to help some of those individuals who have been suffering because of the foreclosure problems. That's why I'm doing this Bill. I was... I've never been told that there was a problem or that there would be any kind of conflict with what I was doing."

Reboletti: "What was the objection... what was... if... and I'm trying to recall the committee hearing... and what were the opponents suggesting that was a problem? Why... why were

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the... the Credit Union League opposed and the Mortgage Association and the bankers. Why were they all opposed?"

Howard: "They felt that the Bill as it is in its current form is not going to be in their best interest."

Reboletti: "Is that because they may be charged with... with crimes based on bad mortgages?"

Howard: "I... I would imagine... I would imagine that would be their... their belief, yes."

Reboletti: "Thank you."

Speaker Lyons: "Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "Representative, I understand what you're trying to do here and... and as the last speaker had brought forward, Mr. Reboletti, I'm very concerned that we'll be creating a new crime here and putting people in jail for a mistake. And I know that your Amendment would have made that much more difficult, it would have made a much higher standard and I would ask that you'd reconsider and perhaps, consider going to the Amendment. And I'm wondering why you don't wish to have that Amendment."

Howard: "The Amendment never came out of Rules. I was told it was not going to come out of Rules and so I would like to proceed."

Franks: "Well, by proceeding though, what you're doing is you're going to put people in jail for a mistake where there is ample opportunity to have redress without putting people in prison but right now, the way this Bill is written, it's a very low standard. If someone knows or

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should know and they make a mistake, you're going to make them a criminal. What happens if someone just makes a mistake here? There is nothing that would protect this person. Is that really what you want to do, to put someone in jail for making a mistake?"

Howard: "I should... I should remind you that the legislation says knows... knowingly..."

Franks: "Or should know."

Howard: "...does something."

Franks: "I..."

Howard: "Knowingly means that you..."

Franks: "...or..."

Howard: "...you intentionally do something when you know what you're doing."

Franks: "...or has reason to know. That is a much different thing than knowingly."

Howard: "Well, if you have reason to know..."

Franks: "This is a much lower standard."

Howard: "...if you have reason to know, then you have a responsibility to know."

Franks: "Well, of course, you'd have re... Let's assume you make a mistake. And right now, if you make a mistake in this type of action, you have civil redress. And what you could do is sue that individual and you could sue that organization that he's... that he or she is with in order to made whole for any losses you may have had. But what you're doing now is changing this completely and putting someone in jail for making a mistake. Is that really what you want to do?"

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Howard: "I'm interested in making certain that there are ways to assist individuals, families in my district and beyond who have been having problems because individuals have made a decision to do something that has harmed so many people in the foreclosure process."

Franks: "Well, don't you think there's another way to do it though. Do you really think that putting someone in prison is the way to help this? Don't you think that a civil penalty, if someone knowingly makes a mistake and making them pay and maybe even making double damages or perhaps triple damages, if they knowingly did something. But do you really think that we need to put people in prison for this?"

Howard: "I think there needs to be some kind of penalty for what I have... what I have seen as no regard for families and the... and the problems that this kind of process has caused for them."

Franks: "To the Bill. I... I... and I appreciate the Sponsor and I know what she's trying do. This is just the wrong way to do it. I don't think... I don't think that we need to be putting more people in prison for mistakes, for a mistake in a civil matter, because what we're dealing with here is a question of money if someone makes a mistake and puts a cloud on a title. And if there's a cloud on a title, that can be fixed through the court system and there can be penalties because the people have been harmed monetarily and those folks ought to be recompensed for that. But to make this a criminal action, I tell you, it will absolutely slow down the mortgage process, people you're trying to

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help aren't going to get mortgages as a result because people are going to be gun shy. And I think you're going to make the situation much worse if we pass this Bill. And I'd encourage a 'no' vote. It's a terrible public policy."

Speaker Lyons: "Leader Jim Durkin."

Durkin: "To the Bill. I... I would say that I agree with the past two speakers in what we are doing is that we are now... I think there's a bit of confusion in this Bill because we're now mixing the different mental states that are required on civil... under a Civil Code and also the Criminal Code. And I will say that this is going to have a very difficult time of application if it is ever brought forward. And yes, this is the first time that I've seen where we instituted criminal penalties within the Civil Code. But also what we're doing again, I believe, is that we're reinventing the wheel. If you look at the Illinois forgery statute, it's a criminal statute; it will cover all the actions and all the issues which have been brought up by the Sponsor. And we don't need to add anymore paper to the Illinois Revised Statutes. And I respectfully would request a 'no' vote."

Speaker Lyons: "Represent... Leader Karen Yarbrough."

Yarbrough: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Lyons: "She awaits your questions, Leader."

Yarbrough: "Representative, I stand in strong support of your Bill. But I'd like to know what groups have you worked with on this piece of legislation?"

Howard: "This legislation was brought to me by the Far South Side NAACP who indicated to me that many, many, many families were suffering because of the kind of things that

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were happening... unscrupulous things that were happening. And so, I accepted this Bill because I know that in many instances that has been the case."

Yarbrough: "And so I see that the Illinois Land Title Association is also a proponent of your Bill as well. Now, what are you trying to keep from happening here? Does this have to do with privacy issues as well?"

Howard: "I'm sorry. I didn't hear that."

Yarbrough: "Does this have to do with privacy issues? Identity theft? Going into the recorder's office and recording interest that you don't have? Is that what you're trying to prevent?"

Howard: "We don't think that this has privacy implications. We're merely trying to say that those person's who have a responsibility ought to be responsible for the actions that they take in as much as what has happened, many people, many families have been harmed. They've lost everything and it's just... it's just unfair and we ought to be responsible as the General Assembly and want to do something to help them."

Yarbrough: "Okay. To the Bill, Mr. Speaker. I'm a proponent of this Bill and it's my understanding that there are those... this doesn't have anything to do with mistakes. This has to do with people doing things. They know full well what they're doing and the Representative is trying to prevent that. So, I would just urge an 'aye' vote."

Speaker Lyons: "Representative Mike Zalewski."

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

Speaker Lyons: "Sponsor yields."

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Zalewski: "Representative, who, under this Bill, would prosecute the offense that you're creating?"

Howard: "The state's attorney of the jurisdiction that... where it happened."

Zalewski: "So, have you spoken to the Cook County State's Attorneys Office or the... any of the State's Attorney Offices about their ability to properly prosecute this action?"

Howard: "I have not and neither has any of them come to me and had a problem with the Bill."

Zalewski: "Have you talked to the Attorney General about if they... they would have prosecutorial abilities with this particular piece of legislation?"

Howard: "One of the problems that had been expressed to me is that the Attorney General's Office does not have the ability to deal with each of these individual cases."

Zalewski: "How come?"

Howard: "And that's one of the reasons why it was felt that it should be approached from this angle."

Zalewski: "Did the Attorney General state why they couldn't do that? Why... you just mentioned that they said they couldn't do... couldn't do so. Did they say why?"

Howard: "Well, if I'm not mistaken, I... I was told that the Attorney General felt that there is some legislation... or something already in the law that deals with this. But the problem is we see it that there's so many of these cases and the Attorney General does not have the capacity to deal with all of them as they... they come... they come up and then... and in fact, one of the problems is that there is a time

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period... an extensive time period between the time that the signature is affixed and when the problem is discovered. And so the Attorney General has had a difficult time trying to prosecute."

Zalewski: "Than... thank you, Representative."

Speaker Lyons: "Representative Elaine Nekritz."

Nekritz: "Thank you, Mr. Speaker. To the Bill. I have been listening to a little bit of the debate and I just want to let the Body know that there is a national effort going on at looking at a uniform foreclosure law and this particular Bill has been brought to the attention of some of the folks working on that. And they actually think it's a very good idea and are looking at possibly including something like this in... in this national foreclosure effort. And so I think that the... a lot of the discussion that's gone on, I think, would not accurately reflect the importance of this kind of issue in making sure that our foreclosure laws actually help people get through the process but also catch those that are... that are wrongdoers and that are... are creating a lot of messes that we have today. So, I think this is really good public policy, a good way for the... a good direction for the State of Illinois to be urged to be moving. And I would urge an 'aye' vote."

Speaker Lyons: "Representative Connie Howard to close."

Howard: "Yes. I would just... I think that we've had extensive discussion... debate about this. I would just hope that my colleagues would understand what it is that I'm trying to do and give me all green votes. Thank you."

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Speaker Lyons: "The question is, 'Should House Bill 5665 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? DeLuca, Farnham, Mayfield, McAuliffe. Mr. Clerk, take the record. Representative Howard."

Howard: "Yes. I would like to be considered under Postponed Consideration."

Speaker Lyons: "Mr. Clerk, put this Bill on the Order of Postponed Consideration. Representative John D'Amico, I believe you have an announcement and information we're all waiting for today."

D'Amico: "Thank you, Mr. Speaker. I'm proud to say, we had the House/Senate softball game last night and we kept the trophy here in the House. It was... it was a great ball game. Everybody on the team gave a 110 percent, especially in the last inning. We were down six runs and everybody on the team came up, refused to die, refused to lose and I want to congratulate everybody that was part of the team and everybody that was out there. It was really a great win. And Joe, you did a great job running the team. Thank you."

Speaker Lyons: "Thank you, John. Congratulations, House Members. Truly a great come from behind victory. And now, seeing no further business to come before the Illinois House of Representatives, Leader Barbara Flynn Currie moves that the House stand adjourned 'til the hour of 12 noon on Tuesday, May 1. All those in favor signify by vo... saying 'yes'; those opposed say 'no'. In the opinion of the

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Chair, the 'ayes' have it. And allowing perfunctory time for the Clerk, the House stands adjourned 'til Tuesday May 1 at the hour of 12 noon."

Clerk Hollman: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 6161, offered by Representative Monique Davis, a Bill for an Act concerning gaming. First Reading of Senate Bills. Senate Bill 275, offered by Representative Pritchard, a Bill for an Act concerning State Government. Senate Bill 548, offered by Representative Unes, a Bill for an Act concerning local government. Senate Bill 679, offered by Representative Saviano, a Bill for an Act concerning regulation. Senate Bill 2761, offered by Representative Jackson, a Bill for an Act concerning revenue. Senate Bill 2885, offered by Representative May, a Bill for an Act concerning insurance. Senate Bill 20... correction... Senate Bill 3280, offered by Representative Jakobsson, a Bill for an Act concerning regulation. Senate Bill 3688, offered by Representative Sullivan, a Bill for an Act concerning State Government. These are referred to the Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."