

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

134th Legislative Day

5/10/2012

Speaker Lyons: "Good afternoon, Illinois. Your House of Representatives will come to order. Members are asked to please be at your desks. We shall be led in prayer today by Pastor Wayne L. Gordon, who is with the Lawndale Community Church in Chicago, Illinois. Pastor Gordon is the guest of Representative du Buclet. 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. Reverend Wayne Gordon."

Reverend Gordon: "Hey, God, we are so blessed to be alive this morning. We thank You for Your great blessings for us in every way. Provisions of life, we thank You for food, shelter, clothing. We thank You, Lord, for all the things that You do for us. We thank You that You have created us in Your image and we are a part of Your family. Lord, I thank You for this great Body of Legislators here in Illinois. We thank You for the great State of Illinois, Lord, and we come with praise in our hearts today. We thank You for each person that represents a district. We thank You for the people in those districts. And Lord, we just pray that You would be with this group, that You would give them wisdom far above human wisdom that would be from You, our Lord, our God. We pray that You would guide them in sensitive decisions in things that they have to decide. Give them love in their hearts for their constituents and for the people of their district. Lord, I pray for all of the Representatives themselves, pray, God, that You would help them. I'm sure there are some difficulties. You know what they are. There are some people today who are here who

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have some pain, some hurt, some struggle. Lord, be with them today in a very special way. And I also pray for their families as I know that they serve at a great sacrifice when their families are back in their hometowns in their home districts. Be with their families today, help them to know that their dad, mom, sister, brother, they're serving and they're making a difference. So, Lord, we just thank You for this and we thank You for Illinois. We pray for those in our state who are struggling today, also, Lord. We know that there are many problems, but there's no problem that You can't solve. We know that we can do all things through You, who strengthen us. And so, we begin this Session today asking for Your divine guidance. And I also ask for Your special blessing on this group and on the great State of Illinois. And I pray this all in the name of our Lord, Amen."

Speaker Lyons: "Representative D'Amico, would you and your daughter Jennifer and son John please lead us in the Pledge of Allegiance."

D'Amico, Jennifer, John - 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, star of last night's show, Barbara Flynn Currie, status on the Democrats."

Currie: "Thank you, Speaker. Please let the record show that Representatives Carli and Cassidy are excused today. And let me just say, Speaker, we were all stars last night."

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Speaker Lyons: "Leader Michael Bost, how's the GOP this morning... this afternoon?"

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Connelly and Kosel are excused on the Republican side of the aisle today."

Speaker Lyons: "Thank you, Leader. Mr. Clerk, take the record. There's 114 Members responding to the Roll Call, a quorum is present and we're prepared to do the work on behalf of... Mr. Clerk."

Clerk Hollman: "Committee Reports. Representative Howard, Chairperson from the Committee on Judiciary II - Criminal Law, reports the following committee action taken on May 09, 2012: do pass as amended Short Debate is Senate Bill 3258. Representative Daniel Burke, Chairperson from the Committee on the Executive, reports the following committee action taken on May 09, 2012: recommends be adopted is Floor Amendment #1 to House Bill 4277. Representative Zalewski, Chairperson from the Committee on Elections & Campaign Reform, reports the following committee action taken on May 10, 2012: do pass Short Debate is Senate Bill 3338, Senate Bill 3743."

Speaker Lyons: "Representative Patti Bellock. Point of personal privilege, Representative?"

Bellock: "Thank you very much, Mr. Speaker. A point of personal privilege. I just wanted to say thank you on behalf of all of us to Representative Karen May and to Representative Naomi Jakobsson for all of the hard work that they did on the COWL production last night. And to all of the Members who supported and were in the show and came to the show and

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to you, Mr. Speaker, thank you. All of us just appreciate your support so much and we appreciate all the hard work that Karen and Naomi did too and Michelle, everybody, thank you."

Speaker Lyons: "Representative May."

May: "Yes. Thank you. Thank you, Representative Bellock for those kind words. It's I who want to thank a few people. First of all, our executive director, Deborah Murphy is here. She... Deborah, stand up. Yes, please, yes. So, she prefers to be behind the scenes, but she's there not only for our big fundraising event but for all of our women's health initiatives, for our new Leadership as well as our fundraiser for the scholarship fund. So, Deborah makes it possible for all of us to accomplish what we want to accomplish. And last night, also, it was a great bipartisan effort, bicameral effort. Danny Burke, who... we want to thank him for his entertaining us during the early hours of the show. The Majority Leader, Barbara Currie always, always brings down the house. She showed us, too, even when her microphone doesn't work, that she has grace under pressure, cannot only handle hugely complicated Bills here, but the little slings and arrows when... she's our foremost thespian in the way she says 'I object' so many different ways. Our... our fundraising team of Elaine Nekritz and Kelly Burke worked behind the scenes. We raised a hundred thousand dollars for our scholarship fund. So, our Republican men, Mike Fortner, and Mike Tryon and Representative Hays were there with Margaritaville, Madiganistan. We had our Democratic divas. They're up front

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there, some of them, Ann Williams, Kim du Buclet, Kelly Burke. Everyone really participated with writing songs on the weekend. So, I thank you all. I think we had a way to laugh while we're dealing with dire problems right here. Thank you, Deborah and thanks, everyone."

Speaker Lyons: "Ladies and Gentlemen, just to give you a little path on where we're going. We're starting on page 4 under Senate Bill-Third Readings and we'll start and proceed following the Calendar. So, if you have something with some of the lower numbers on page 4 or page 5, heads up, we'll be trying to get to you. Representative Riley, on page 4 of the Calendar, Senate Bill 2536. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2536, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Al Riley."

Riley: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2536 essentially just requires that records that are kept by the public administrator of Cook County be retained by the public administrator rather than the current practice which is handing them off to the Clerk of the Courts. This would be good administratively for the public administrator, their records would be right there. The Clerk of the Courts is having severe problems with space retaining all the records that they must retain. So, this is agreed Bill in terms of all of the effective offices of the county which are the public administrator, the Clerk of the Courts and the Illinois First Judicial District. It's a good Bill and I'd like 'aye' votes. Thank you."

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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 2536 vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Feigenholtz, Deb Mell, Nekritz. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative David Reis, on page 4 of the Calendar, you have Senate Bill 2579. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2579, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Lyons: "Representative David Reis."

Reis: "Thank you, Mr. Speaker. Senate Bill 2579 as amended provides that the length limits for the distance between a kingpin and the center rear axle of semitrailers for livestock trailers shall not apply to livestock trailers. This is a Bill that's passed out of this chamber three times, hopefully, this is the final time it comes over from the Senate. Be happy to answer any questions and ask for an 'aye' vote."

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 2579 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? Cunningham, Krezwick, Deb Mell. Mr. Clerk, take the record."

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On this Bill, there's 112 Members voting 'yes', 2 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Robyn Gabel, on page 4, Senate Bill 2847. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2847, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Robyn Gabel."

Gabel: "Thank you, Mr. Speaker. Senate Bill 2847 changes the Equal Pay Act of 2003 to include language that imposes personal liability on officers of a corporation or agents of an employer who knowingly and willingly evades payments of a final judgment. In 2004, the department received a complaint that resulted in a \$12 thousand in back wages and penalties assessed to an individual. The administrative decision was upheld at the Circuit Court and Appellate Court levels. The judgment was unenforceable as a result of the corporation's account having a zero balance when the time came to pay. Without this legislation, employers who intentionally evade payment of a final judgment will continue to have evasive means available to them. So, this legislation would allow the Department of Labor to pursue recovery of damages and penalties from employers regardless of employers maneuvering their funds thereby increasing the likelihood that underpaid workers will receive the back wages owed to them."

Speaker Lyons: "You've heard the Lady's explanation on the Bill. Is there any questions from the Body? The Chair

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recognizes the Gentleman from DuPage, Representative Dennis Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, under the Equal Pay Act of 2003, what is the standard now? Because now, I see that it says willfully and knowingly is your standard. What is the standard at this time?"

Gabel: "Right now, it's for employers. And what this... what this Bill did was it changed slightly the definition of 'employer'. It said that if an employee or an employer or anyone knowingly and willfully evaded the penalties, then they could be considered and called an employer."

Reboletti: "Was there a situation that needed..."

Gabel: "Yes."

Reboletti: "...to be addressed?"

Gabel: "Yes."

Reboletti: "Can you explain that situation?"

Gabel: "Yes. The department initiated the... this is in response to the outcome of People v. 2000 West Madison Liquor Corporation. In 2000 West Madison Liquor Corporation, a main street liquors was found to have violated the Equal Pay Act of 2003 because the corporation paid a female employee substantially less than a similarly situated male employee. After the Appellate Court affirmed the decision of the Circuit Court finding in favor of the plaintiff the officers of the corporation intentionally made the corporation insolvent. This left the plaintiff without redress because the Circuit Court had previously granted

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the entry of an agreed Motion to dismiss the individual employer based on the premise that individual liability could not be enforced against officers of the corporation since the Equal Pay Act did not provide for liability in such circumstances."

Reboletti: "So, basically, we're codifying case law from the Appellate Court?"

Gabel: "Yes."

Reboletti: "Thank you very much."

Gabel: "Thank you."

Speaker Lyons: "Representative Gabel moves for the passage of Senate Bill 2847. 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? Greg Harris. Representative Jones, Representative Harris, like to be recorded? Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Leader Frank Mautino, on the bottom of page 4, you have Senate Bill 2876. Frank, 2876. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2876, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Lyons: "Deputy Majority Leader, Frank Mautino."

Mautino: "Senate Bill 2876 is the trailer Bill for the medical sharing companies, and basically, it sets up rules on collecting reserves, monthly statements that have to be issued. We passed a Bill out of both chambers. The Governor signed it into law and there was an agreement for a trailer

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Bill and this, basically, is what the... what is before you today. Ask for an 'aye' vote."

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 2876 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? Jerry Mitchell, David Harris. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the top of page 5 of the Calendar, Ladies and Gentlemen, Representative Zalewski, you have Senate Bill 2941. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2941, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Mike Zalewski."

Zalewski: "Thank you, Mr. Speaker. Senate Bill 2941 is an initiative of the Illinois Dental Society. What we're simply saying is that it's in the best interest of patient safety for the dentist to supervise no more than four assistants... dental assistants at any one time. I'd ask for an 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's explanation, is there any discussion? The Chair recognizes Representative Dennis Reboletti."

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

Speaker Lyons: "Sponsor yields."

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Reboletti: "Representative, did you say 'shall' supervise or 'shall not' supervise?"

Zalewski: "We're not allowing them to supervise any more than four assistants. There's a cap on the amount of assistants they can supervise."

Reboletti: "And how does the Act read now? Does the Practice Act allow them to supervise any amount?"

Zalewski: "One moment, Representative. I don't know that there's a cap or any sort of restrictive language now, Representative. We're just adding language that says that going forward they shall not supervise any more than four dental assistants."

Reboletti: "Was there a reason the dentists wanted this particular number? I mean..."

Zalewski: "I think they..."

Reboletti: "...has there been some issues that patient care deteriorates if they're supervising more than four dental assistants?"

Zalewski: "If I'm not mistaken, this is the language that de... that just mirrors the language that deals with dental hygienists and they just simply wanted some conformity in the statute and they feel that four is the appropriate number."

Reboletti: "What are the penalties if they are supervising more than four individuals?"

Zalewski: "I don't know, Representative. I can get that information to you. My assumption is it would be whatever the Act provides for... for it... whatever the department's

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rules and regulations are for penalties in the event they find that the Act's been violated."

Reboletti: "I'm just trying to figure out where this came from because I didn't know if there was some special need for this. I hadn't heard of anything in the Tribune or you know, the local... in my district or..."

Zalewski: "Yeah."

Reboletti: "...something in your district, maybe?"

Zalewski: "No. I just simply... again, I think this... what the Dental Society did is made a judgment that in order to ensure patient safety and remove any doubt about the appropriate number of dental assistants under which a dentist should be able to supervise, four is the appropriate number. I don't think there's any grand plan here other than they made a determination as a profession regulating it under the Act that this was the best policy judgment for them."

Reboletti: "And so, if a dentist wanted to expand his or her practice and they already had four assistants, and then they wanted to add another assistant based on new business, they would have to hire another dentist to come in then to supervise during that time frame?"

Zalewski: "Under... I mean, I can't answer that specifically, a hypothetical, other than to say that given that this is an initiative of the Dental Society, they would be aware of the constraints placed under their regulatory Act and if they wish to expand their practice, they would have to recognize the fact that the capacity of more dental

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assistants would require capacity for more principles in the practice."

Reboletti: "And I appreciate that because I know that, as the assistants are working, the dentists do come by and check on patients, see what's happening, but it seems like things have worked pretty well so far. I just didn't know why the change was necessary as of this Session, so."

Zalewski: "Again, I don't... I won't give you any... I won't give you any answer that I know to be less than true, other than to say that, you know, this is something that the dentists feel is the best for patient safety at this moment."

Reboletti: "Thank you, Representative."

Speaker Lyons: "Representative Zalewski to close."

Zalewski: "I ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 2941 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? Biss, Riley, Rita, back row. Mr. Clerk, take the record. On this Bill, there's 108 Members voting 'yes', 6 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Sara Feigenholtz, on the top of page 5, you have Senate Bill 2897. Out of the record. Representative Esther Golar, on page 5 of the Calendar, Esther, you have Senate Bill 2944. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2944, a Bill for an Act concerning corrections. Third Reading of the Senate Bill."

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Speaker Lyons: "The Lady from Cook, Representative Esther Golar."

Golar: "Thank you, Mr. Speaker. 2944 is just a technical change for the Department of Corrections. At one time it had an adult center, but presently they wanted to clear up the language on it. And it's just a cleanup Bill and I would just ask for an 'aye' vote for it, this particular piece of legislation."

Speaker Lyons: "You've heard the Lady's explanation, is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 2944 signify by saying 'yes'; those opposed say 'no'. All those in favor vote.. all those in favor of the passage of Senate Bill 2944 vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Harris, Jones, Lang, Mussman, would you like to be recorded? 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. Mr. Clerk, on page 5 of the Calendar, we have Senate Bill 2897, Representative Feigenholtz's Bill. Read the Bill."

Clerk Hollman: "Senate Bill 2897, a Bill for an Act concerning business. Third Reading of this Senate Bill."

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

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 2897 establishes benefit corporations in Illinois and addresses concerns held by entrepreneurs who wish to raise growth

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capital but fear of losing control. I'd be glad to answer any questions."

Speaker Lyons: "You've heard the Lady's explanation, is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative Dennis Rebo... Dennis Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "What's the Benefit Corporation Act?"

Feigenholtz: "A benefit corporation is a class of corporations required by law to create general benefit for society as well as shareholders."

Reboletti: "Representative, why couldn't you just amend your articles of incorporation to reflect that? Why do we need to make an entirely separate Benefit Corporation Act?"

Feigenholtz: "I'm sorry. What wa... I can't hear you, Representative."

Reboletti: "Mr. Speaker."

Speaker Lyons: "Ladies and Gentlemen, we're having a discussion on the floor of a Third Reading Bill. Could I ask we bring the noise level down, shhh. Thank you."

Reboletti: "Representative Feigenholtz, my question was, why can't you just amend the articles of incorporation to reflect your intention of basically being this B corporation?"

Feigenholtz: "Well, Representative, an ordinary corporation has a duty to maximize value for shareholders. This is a little different as you can tell because it has an opportunity for a mission to also be considered in the Corporate Act."

Reboletti: "Who would benefit from a B corporation?"

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Feigenholtz: "Well, first of all, the shareholders, people of conscience, perhaps, who would choose to invest in a corporation that has a mission."

Reboletti: "Well, I think corporations have missions which is to make money so that they can pay their employers and to pay dividends. I don't know... understand why we need make a B corporation since you could still file the articles of incorporation and then try to carry out whatever mission that you choose. So, I... Try to help me, Representative. I don't... are other states doing this?"

Feigenholtz: "Yes, Representative Reboletti. Currently California, New York, Hawaii, Virginia, Maryland, Vermont, New Jersey have already passed this legislation and five or six other states are debating it as we speak."

Reboletti: "Are there any different tax consequences then? Are there any taxes that would be levied from these B corps?"

Feigenholtz: "None whatsoever."

Reboletti: "Thank you."

Speaker Lyons: "The Gentleman from Rock Island, Representative Rich Morthland."

Morthland: "Thank you very much, Mr. Speaker. To the Bill."

Speaker Lyons: "To the Bill."

Morthland: "I really want to commend the Sponsor of this Bill. I have a number of students who actually are excellent customers of these kinds of companies. And whether they are trying to literally wear their conscience on their sleeve, whether they're trying to help other people with their actual purchases and the way they shop and the way they live and whatever the reasons are, I've seen a lot of

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students be engaged in getting the wares of these companies and being able to talk with their peers about the issues that they care about. Now, I had to be perfectly honest, am I likely to show up in a set of Toms shoes or Patagonia pants, probably not. Am I going to probably run out and buy stock in these companies? I don't know. But do I welcome good sponsors, good corporate citizens to the State of Illinois, the jobs they bring with them, the commerce they bring with them, the opportunity they bring with them, absolutely. Therefore, I do rise in support of this Bill and I do encourage an 'aye' vote."

Speaker Lyons: "The Gentleman from Winnebago, Representative Jim Sacia."

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

Speaker Lyons: "Sponsor yields."

Sacia: "Representative Feigenholtz, reading my analysis, a very interesting comment here, reason for change. This will allow consumers to distinguish between companies that are responsible and those who only claim to be. Would you help me understand that, please?"

Feigenholtz: "Is that a Republican analysis?"

Sacia: "I think it's the right analysis."

Feigenholtz: "Representative, I... I'd like to talk about a letter that I believe many of us got from United Laboratories. It... they are a global company. They have an office in Northbrook and they support this Bill and have urged us to pass it because they see the benefits of it. I'm not sure exactly what you're asking me."

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Sacia: "Well, I guess, much like Representative Reboletti, I'm struggling with why we even need it. In deference to the previous speaker, who is very strongly encouraging an 'aye' vote, I don't understand the reason for it. If I could get my arms around that, maybe I can support your legislation."

Feigenholtz: "Representative, the difference between this and the corporation in Illinois that you're referring to allows investors to go beyond just the responsibility of maximizing its shareholder benefits. It also allows them to have a purpose, a public purpose. There's... without violating their fiduciary responsibilities."

Sacia: "Well, thank you, Representative. It's just... I think you would agree there's been a great deal stated, most in the past year, that corporations in general are being depicted in many cases as evil. And you know, they're up there trying to get all of this big money at the expense of the working man. And I always struggle with that concept and when I see legislation like this, I just wonder what we're really trying to accomplish."

Feigenholtz: "You know, the intent of this Bill, Representative, there's no malice here."

Sacia: "Thank you."

Feigenholtz: "There's no judgment here of corporations and how they operate. This Bill merely... it doesn't mandate that companies do anything. It permits voluntary activities by shareholders who have made a decision to focus more on resources in their community or whatever their mission is. That's all it does. There's... Nobody has any bad intent in this law."

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Sacia: "Thank you, Representative."

Speaker Lyons: "Representative Chapin Rose."

Rose: "Hello. Thank you, Mr. Speaker. How are you today?"

Speaker Lyons: "Terrific. Thanks, Chapin."

Rose: "Outstanding. Would the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Rose: "Representative Feigenholtz, I have two questions. One is, how will one dis... How will a corporation be distinguished as a responsible company versus an irresponsible company that remains a 'c' corp, an LLC as a subchapter 's' corporation. What is it within this new B corp that would make it a B corp?"

Feigenholtz: "Simply the designation."

Rose: "So, they would elect this on the front end?"

Feigenholtz: "Correct."

Rose: "So, if I wanted people to think I'm an okay guy, I would select a B corp and then, tell them I'm a B corp."

Feigenholtz: "No..."

Rose: "Would you agree with that, Representative?"

Feigenholtz: "I think you're... I think you're... you have a board and the board determines the mission of the B corp, just like any other corporation."

Rose: "So, anybody can state affirmly to the public that they're okay by simply making this B corp designation irrespective of their actual background and history in business. My next question would be, directors have a fiduciary duty to the stockholders to not make bad decisions. I understand you're waiving that in the interest of the collective good as decided by the people who... and

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the mission of this company. If those shareholders... Let me give an example. If the collective mission of the company is to create pet... no-kill animal shelters and they raise a million dollars to create no-kill animal shelters, and then the company decides to pay the chairman of the board a \$500 thousand stipend and the other four directors a \$100 thousand dollar stipends and then only donate a hundred thousand of the million dol... of the million dollars to the no-kill shelters. What prevents the people who donated that money and/or 'the shareholders' from coming after them for not fulfilling the mission, if you've eliminated the fiduciary duty of the directors to the shareholders?"

Feigenholtz: "First of all, when you talk about raising... you talked about raising a million dollars, Representative Rose. Is that..."

Rose: "In capital. If you're... a capital contribution from your shareholders is a million dollars and the board... and it's for no-kill animal shelters... and the board decides to pay out exorbitant salaries to the directors instead of to the core mission, normally the shareholders would be able to come back in some sort of fiduciary suit against the directors. I guess the shareholders could fire the directors, but they've already been paid."

Feigenholtz: "Correct."

Rose: "So, where... what is the... where is the recourse to the shareholders if they don't uphold the mission? Said differently, couldn't an LLC in existence state our mission is to create no-kill animal shelters and people who want to invest in that invest in it?"

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Feigenholtz: "Representative, I think I understand what you're asking me and I believe that any action that's taken as a director, what you're trying to identify, is... this is aligned with Article 8 of the Business Corporations Act."

Rose: "But you're waiving... this states that you're waiving the fiduciary duty of the directors to the stockholders. The director is not personally liable for monetary damages for actions taken as a director."

Feigenholtz: "Well, like any corporation, Representative, they're responsible for filing annual reports and posting it, the public portions of their corporation on the website. So, they'd have the same burden that any other corporation does."

Rose: "I'm going to... Thank you for your answer and I... I have some serious concerns here. You... I'm reading a Section right now, I'm not sure that it's written the way it should be written because you may end up leaving directors with the ability to do just about anything even violate the original purpose of the public benefit. But I'll read some more and listen some more. Thank you, Mr. Speaker."

Speaker Lyons: "Representative Barickman."

Barickman: "Thank you, Mr. Speaker. I want to speak to the... to the Bill and first commend the Sponsor of the Bill for taking on a Bill that certainly has raised some questions today, but I want to try to put some of those to rest and speak in support of the Bill. There have been... and I've looked at this Bill at a bit of length and there have been some general concerns from those that I've talked to about the nature of the Bill. But, please understand that this

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Bill is a good tool for businesses to use and it's one tool that can be added to the arsenal of a reason why someone could bring a business to Illinois. Benefit corporations.. as the Sponsor has expressed, benefit corporations are used in other states around the country and they are used as a tool to allow shareholders and investors to create an entity which does something more than simply maximize profits. By setting up a benefits corporation, it allows the investors, the stockholders, the shareholders of the business to state that there are additional interests of the shareholders such as serving a purpose toward saving the earth or environmental concerns. It can promote social justice. The concerns that have been raised by some, I think, on my side of the aisle, is an uneasiness of creating this new type of entity and I perfectly well understand that. Understand that the basis of this legislation takes Illinois's current Business Corporation Act, it models the benefit corporation off the language used to create what we know as a C corporation. It adds provisions to... to the Business Corporation Act to add this type of entity as one that can do something more than maximize the profits. Now, to Representative Rose's concern that we're waiving some fiduciary responsibilities of directors or officers of the entity, I think that's an invalid characterization. The directors, officers still have fiduciary duties, but whereas a shareholder could sue a director, an officer under a corporation today for making a decision such as investing profits in an environmental cause, this Bill says that if the investors chose to set up

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as a B corp that some of its profits can be directed toward something other than returning value in dollars to the shareholders. So, the company of Patagonia, which many people here may be familiar with a company named Patagonia... it's like North Face, Columbia outdoor gear... Patagonia is a benefits corporation. And what Patagonia does is every year invest one percent of its profits in certain environmental causes. The shareholders of Patagonia know that. They agree with that purpose and they have no legal right to sue the officers and the directors of the company for investing those profits in the environmental cause. So, I support this Bill. I'm glad to try to answer questions. I think they're really very valid questions that have been asked, but I do support this legislation. Thank you."

Speaker Lyons: "Representative Sente."

Sente: "Thank you, Mr. Speaker. I, too, would like to commend the Sponsor of the Bill and appreciate Representative Barickman's explanation. This is an outstanding piece of legislation. We're trying to be business friendly here in Illinois and this Bill does this. This allows a company to decide to become a B corporation. It has third party criteria that you need to identify to specifically measure up and say that you are delivering these results to your shareholders. And the corporation, by two-thirds vote has to decide and approve this type of mission. I'm in full support of this Bill and encourage your 'aye' vote."

Speaker Lyons: "Leader Jim Durkin."

Durkin: "To the Bill. About three weeks ago, a young man from... a Harvard law grad came in and asked me to take a look at

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this 50-page Bill which created the... this Benefit Corporation Act. And after a half hour of me asking the question three or four times, what exactly are you trying to accomplish, I was not convinced that this is necessary. He didn't give me a good response. So, I did some of my own research and I was just looking at some articles and there was... let me just quote a couple stories that I... a couple comments from some individuals. One of them was a gentleman by the name of Charles Elson who teaches corporate governance at the University of Delaware. The state of Delaware is where everybody incorporates because of their laws and he's... I take him as a pretty good source. When he spoke about the Benefit Corporation Act, he says the idea has its share of critics. For an investor, this is a terrible idea, says Charles Elson who teaches corporate governance at the University of Delaware, the structure creates a lack of accountability he adds. So, if the management of a benefit corporation makes a bad decision, there's very little you can do about it as a shareholder. Now, you look at the Bill, it states that exoneration for personal liability an officer is not personally liable for monetary damages for action taken as an officer if the officer performed the duties of the position in compliance with this Section or failure of the benefit corporation to pursue or create general public benefit or specific public benefit. For the past 150 years jurisprudence in this country has allowed for the theory called where you can hold officers and directors personally liable by piercing the corporate veil which is when they have acted outside

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the scope of their corporation and against the best interest of the investors. We're going to reverse that in Illinois with this Bill. I had spoken with the Illinois State Bar Association and about this, you know, at least two or three times. Mr. Covington, who's with the ISBA, said we are neutral because our members who are in the corporate section who review these Bills don't understand the nature of it and why we need it. So, there may be a good purpose for it, but I tell you what, right now I think there's so many questions and I think that there's some concerns have been raised at the national level but also here on the floor, where I think we should hold back and I would suggest that we vote this down and take this under further consideration at some point later."

Speaker Lyons: "Leader David Leitch."

Leitch: "Thank you very much, Mr. Speaker. To the Bill. I totally agree with the previous speaker. In fact, I think it is something of an outrage to imply that corporate America doesn't already pursue a great deal of the eleemosynary pursuits, in fact, leads the way many times in instances of sustainability, all kinds of charitable contributions, provides leadership to those organizations and to imply by this Bill or to suggest that a B corporation is somehow superior to what is already occurring throughout the country, I think is without merit. I think this is a Bill, who knows where this can go in the future especially if different... down the road if different striations of taxation start to emerge from it. I think

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this is a very, very bad Bill. And I would urge a 'no' vote."

Speaker Lyons: "Representative Sandy Cole."

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

Speaker Lyons: "Sponsor yields."

Cole: "Representative, how would a B corporation influence 501(c)(3)s and 501(c)(4)?"

Feigenholtz: "Could you... I'm sorry, Representative, one more time."

Cole: "501(c)(3)s, what would be the influence of a B corporation could have on that designation?"

Feigenholtz: "503... 501(c)(3) is a not-for-profit. It has no effect on this whatsoever."

Cole: "Could a 501(c)(3) start a B corporation?"

Feigenholtz: "I'm not sure what you're asking. I think that you have to register to become a B corporation."

Cole: "We have to register to be a 501(c)(3) as well. Now, we've heard a couple of speakers talk about the difference between a B corporation and a C corporation, but would... and some of the comments that were made were... were correct, but I would like to compare a B corporation with a S corp? An S corp... here's what I'm asking. With a... with your B corporation proposal, how would the directors disperse the profits? Are the directors unpaid?"

Feigenholtz: "It's the same as any corporation, Representative."

Cole: "No, S corporations and C corporations are quite different."

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Feigenholtz: "I thought you asked me the difference between B and a C."

Cole: "So, the B... so, what... No, I'm talking about the difference between a B corp and an S corp."

Feigenholtz: "Your question... well, your question was how do the shareholders get paid, correct?"

Cole: "How will the shareholders of a B corporation get paid?"

Feigenholtz: "The same way they get paid in a C corporation."

Cole: "Well, that's... that's why S corporations were created. I don't know why you need a B corporation when you already have S corporations, but we are creating a whole different animal. So, you have... so, a 501(c)(3)s, those directors aren't paid, but in a... but what... put in a B corp, those directors will be paid and the corp... and the members of the B corporation will decide how much the directors are paid and then, how much actually goes to the charity?"

Feigenholtz: "Representative Cole, a 501 designation is a federal designation and it's not-for-profit. A B corporation still continues to be a for-profit corporation and the differentiation is the designation that we're discussing earlier about just the basis of the Bill is the benefit of the common good."

Cole: "Thank you, Representative. I was referring to the S corporation compared to a B corporation. I really left the 501(c)(3) comment, like, two minutes ago. So, an S corporation has the... will have the same ability to do what a B corporation does. The way I'm reading the Bill this... an S corp already has the ability that you are trying to do. The problem that I have with the B corporation is the

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transparency that comes with the S corps under current law.

And it just, you know, that's just a comment I'm making."

Feigenholtz: "Representative, this B corporation also mandates, like any other corporation, that an annual report is filed so... for transparency purposes."

Cole: "Can an S corporation incorporate within its... within its purview a B corporation? Can it be a subsidiary of an S corp... a B corp? I guess what I'm getting at is we have different tax codes in this state regarding different types of businesses. We have limited liabilities, we have partnerships, we have S corps, we have C corps and now, you're creating a B corp. I'm wondering who can create a B corp. Can an S corp create a B corp?"

Feigenholtz: "I think it would require new registration, Representative."

Cole: "But they can, correct?"

Feigenholtz: "I think that..."

Cole: "Yes or no."

Feigenholtz: "...any corporation could register new corporations in subsidiaries."

Cole: "Could a union create a B corp?"

Feigenholtz: "If they're a for-profit shareholder corporation, anybody can."

Cole: "Great. All right. Thank you."

Speaker Lyons: "Representative Watson."

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

Speaker Lyons: "Sponsor yields."

Watson: "Representative, would you consider amending this Bill so if we're going to have B corps, maybe we can include

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Legislators and we could have B Legislators to distinguish between Legislators that are responsible and those that only claim to be?"

Feigenholtz: "I'll draft it with you."

Speaker Lyons: "Representative Mike Zalewski."

Zalewski: "Mr. Speaker, I move the previous question."

Speaker Lyons: "The Gentleman moves the previous question. All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the question is so moved. Representative Feigenholtz to close."

Feigenholtz: "Thank you. Ladies and Gentlemen, Senate Bill 2897 doesn't mandate Illinois companies to do anything. It doesn't say bad things about other Illinois companies. It's merely a Bill that tries to bring more jobs and more business with a conscience to Illinois. There... in the House committee, there was no organized opposition to this Bill. I'm not aware of any group opposing the Bill. And I urge you to vote 'aye'."

Speaker Lyons: "You've heard the Lady's explanation. After a thorough discussion on Senate Bill 2897, 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, Flowers. Mr. Clerk, take the record. On this Bill, there are 66 Members voting 'yes', 47 Members voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Leader Acevedo, a point of personal privilege, Ed?"

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Acevedo: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Lyons: "Please proceed."

Acevedo: "I know this Sunday is Mother's Day, but in Mexico Mother's Day is celebrated on May 10. So, I want to wish all the mothers a happy Mother's Day."

Speaker Lyons: "Well done, Representative. Representative Don Moffitt, for what purpose do you seek recognition, Sir?"

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

Speaker Lyons: "Please proceed, Don."

Moffitt: "I hope all the Members took time to note that today was the... the ceremony to honor fallen firefighters. It started out with a ceremony out here at the monument and then went down to the Prairie Capital Convention Center for the Medal of Honor awards and several of you had an opportunity to go. If you didn't, I have the program if you want to see who received awards. But I hope you'll just take this as a time to reflect and thank all of our firefighters and other emergency personnel for what they do. Today was when they were honoring, you know, the finest that had gone above and beyond and some that had given their lives and we need to... need to appreciate that. So, if you want to see the program, but take time to reflect and thank on them. And Mr. Speaker, two of the recipients were from my hometown of Galesburg and only one of them could be there 'cause the second one was on active military duty. And that speaks to the kind of people that so many of our emergency personnel are also serving in our military, so

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it's a double thank you to them. So, take time and thank them would you, please."

Speaker Lyons: "Thank you, Representative Moffitt. God bless all our firefighters in the State of Illinois. Thank you for the job that you do. Thanks, Representative Moffitt, for bringing that to our attention. Representative du Buclet, point of personal privilege, Kim?"

du Buclet: "A point of personal privilege, thank you, Mr. Speaker. I'd like to recognize my pastor who came down today to give the opening prayer and his son, Austin. This is his first time to Springfield. So, just wanted to give him a warm welcome and hope he has a good day. Thank you."

Speaker Lyons: "Welcome to your Capitol. We're proud to have you, and your dad did great. Representative Ann Williams, on page 5 of the Calendar, under Senate Bill-Third Readings, you have Senate Bill 2947. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2947, a Bill for an Act concerning safety. Third Reading of this Senate Bill."

Speaker Lyons: "The Lady from Cook, Representative Ann Williams."

Williams: "Thank you, Mr. Speaker. This Bill clarifies a longstanding practice that liability for waste operations extends to owners not just operators of waste site facilities. Own or operate is the standard terminology accepted by regulators and industry and is a reference used throughout the EPA Act and Federal Law. This is in response to a recent court case which found an owner was not liable despite a violation and this was due to inconsistent

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language. This would simply remedy the issue. I'd be happy to answer any questions. I know of no opposition."

Speaker Lyons: "You've heard the Lady's explanation, is there any discussion? Seeing none, the question is, 'Should Senate Bill 2947 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 Cavaletto, want to be recorded, John? Representative Penny, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative David Reis, you have, on page 5 of the Calendar, Senate Bill 3047. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3047, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 3047 would provide that a few municipalities in a couple of counties downstate that are still on the commissioner-based type of government to be able to petition the county board to annex out and form their own road district outside of the township road district. It's a town of 400 people and they would do the repairs, issue the bonds and then use the... the motor fuel tax to pay down the bonds. It just would only affect a few small communities in two counties downstate. Be happy to answer any questions and ask for your 'aye' vote."

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

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

Speaker Lyons: "Sponsor yields."

Zalewski: "Representative, our analysis indicates there's opposition from the Illinois Association of County Boards."

Reis: "Yes. We discussed this in committee and they're opposed because they would... petition the county board to annex out of the township and the county board. And the county's not spending the money on the city streets, so obviously they wouldn't want to use... lose the money. It's about \$9 thousand a year. And it's just... they don't want to lose the money and they don't want to provide the improvements to the streets in this small town."

Zalewski: "So, there's no real way to reconcile the differences. It's just a difference of opinion. Okay. Thank..."

Reis: "They've been working on it for a long time."

Zalewski: "Thank you, Representative."

Speaker Lyons: "Representative Dennis Reboletti."

Reboletti: "...you. Mr. Speaker, will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, it says that Wabash County will lose 9 to 10 thousand in revenue. How much does it cost for them to maintain those roads, if they were to keep them in their jurisdiction?"

Reis: "Well, the... the small community's going to bond about 10 times that amount which is the normal rate of repayment."

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So, they're going to issue those bonds, do the city improvements that includes both sewer and reblacktopping of the main streets and then use the proceeds from these motor fuel taxes to pay down the bonds."

Reboletti: "Why... why can't the county just do this?"

Reis: "Well, that's a good question. And the members of the town and the mayor have been asking that for a long time. Just a disagreement and they don't have real sales tax revenue in this town and they just come to a head and there are other towns in this same county that have asked to do this, it's just that the threshold is at a much higher level than this one so. This would put these small towns on par with the larger towns in this county to do this."

Reboletti: "Has this particular county been trying to keep up with their maintenance? How many miles a year are they repaving or are they not really doing very much at all?"

Reis: "Well, as you know, motor fuel tax comes back to the county based on population and all of our counties are experiencing declining population, so the county says we're getting less money. We just can't take care of a municipal town and everyone's traveling slow so we don't really care about your potholes."

Reboletti: "Thank you."

Speaker Lyons: "Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "Representative, I'm sorry, I had trouble hearing the conversation with Mr. Reboletti, but Mr. Reboletti and I sit on the Local Government Consolidation Commission and

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I'm just wondering why we would be creating more governments?"

Reis: "Because the government that oversees this small town which is the county government isn't giving them any repairs."

Franks: "Well, don't you have redress at the ballot box in throwing out the county board members that aren't doing their job?"

Reis: "This is a small county that only has three commissioners and it only takes two. There's only two counties in the state that still have this form of government."

Franks: "Well, then, why don't you make the county board bigger?"

Reis: "Well, you just got through saying we want smaller government."

Franks: "I do, but I don't want more taxing bodies or maybe run somebody against the people who aren't doing what you want and knock them off."

Reis: "We worked on this for a long time, like I said, other towns in this county have went through this. They've come and asked for exemptions. It's just that it's over..."

Franks: "But... but wait a second."

Reis: "...the 400."

Franks: "You're saying they're not getting enough roadwork and maybe they're not, I don't know. But the fact is the people who are... who were elected to make those decisions have decided something different. So, you disagree with the decision made by the elected officials. So, you do have redress, all you have to do is vote them out, correct?"

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Reis: "It hasn't worked."

Franks: "Get better candidates. That's what we did. That's what they..."

Reis: "Representative, you come here and pounded on the desk several times that you want local control. This is local as you can get."

Franks: "Yeah. But I don't want more taxing bodies."

Reis: "The municipality of Allendale and 400 people would like to make the decisions about their roads. They would just like the motor fuel tax that comes back based on their population to go to just that municipality."

Franks: "Well, why don't they create an SSA?"

Reis: "Maybe we can do a B corp."

Franks: "Pardon me?"

Reis: "Maybe we can do a B corporation."

Franks: "No. I don't want to do the B. I voted 'no' on that, but they can... there's other ways to get to your answer here without creating two new taxing bodies."

Reis: "Representative, like I said, they've come to this conclusion with the larger towns in these counties before. They've worked on this for as long as I've served in Wabash County. They worked with Senator Righter and I and the Municipal League and everybody else to make sure the language is right. They would still have to petition the county board. It would still have to go on a referendum, so local people would decide if this could go forward."

Franks: "Well, can't you do a referendum to go to single member districts?"

Reis: "What do you mean si..."

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Franks: "And that way if you're worried about local control, you can fix this by doing a referendum at the local level. 'Cause I know you voted against my Bill to have us say what we should be done before, but my point is you can do that."

Reis: "This would still require a local referendum. This would just allow them to petition the county board to put the referendum on the ballot so that they could separate a way and form their own road districts."

Franks: "I just want to make sure I understand it. Is it your position that you want more government and more taxing bodies? That's what I want to know."

Reis: "This just puts us on par with every other county in the state and the municipality..."

Franks: "No, it doesn't. You're creating two new taxing bodies."

Reis: "Every... every county and... municipalities and counties already have this ability to collect their motor fuel tax to pay down bonds for their road improvements."

Franks: "Well, no... you... we get that. You just don't like how they're being spent. And you don't like the people who are making the decisions. To the... to the Bill. I don't mean to keep going, but this is very simple. This is a parochial fight where people don't like what their elected officials are doing. They're trying to do an end run to create new taxing bodies when they have... when they have the ability to change the elected officials. I think we're setting a horrible example 'cause if we don't like the people that are there what we do then is just create new taxing bodies

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and new thieftoms. I encourage a 'no' vote. It's the only responsible thing to do."

Speaker Lyons: "Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. To the Bill. Quite frankly, we have a local issue. And all of us before this Body talk about what we should do to make the locals more incumbent about how they deal with their local issues. So, we have a Gentleman that has an idea to help his community and we all say let's help our communities and yet, we're missing the main point here. It's a referendum based idea. So, the people in his community are going to go to the polls and say, yes, I want to do this or no I don't want to do this. They want to tax themselves or not tax themselves or have the county pay some money or not pay the money. They will make the decision. How do we vote against that? Please vote 'yes'."

Speaker Lyons: "Representative David Reis to close."

Reis: "I just ask for an 'aye' vote. Thank you."

Speaker Lyons: "The question is, 'Should House Bill... Senate Bill 3047 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? Mell, Mulligan, Ramey, Keith Sommer. Ramey, Sommer, back row, GOP. Mr. Clerk, take the record. On this Bill, there's 103 Members voting 'yes', 9 Members voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Norine Hammond."

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Hammond: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Lyons: "Please proceed, Norine."

Hammond: "Mr. Speaker, it is... and Members... it is my pleasure to welcome some firefighters from my district and soon to be Representative Tracy's district and previously, Representative Moffitt's district... we move around a lot in my part... it is a pleasure to welcome the men from the RSP&E Fire Protection District. Thanks so much for being here all day, appreciate it."

Speaker Lyons: "God bless you, gentlemen. Welcome to your Capitol, enjoy your day. We're proud to have you here. Representative Jack Franks, you have a Bill on Senate Bills-Third Reading, Representative, it's called 3137. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3137, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from McHenry, Representative Jack Franks."

Franks: "Well, this Bill does not create new taxing bodies. And this is a Bill... it's a cleanup language brought to us by IDFPR. It had passed unanimously in both the House and Senate last year and it's passed unanimously in the Senate. This is the Bill we deal with a... a very serious issue with sexual offenses with health care workers. The IDFPR wanted a change to make it more clear that the prosecuting attorney shall provide the notice to the IDFPR when a licensed health care worker has been charged with any

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applicable offense. There's no... no opposition. I'd be happy to answer any questions."

Speaker Lyons: "Is there any discussion? Representative Will Davis."

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

Speaker Lyons: "Sponsor yields."

Davis, W.: "If I heard you correctly, Representative, you said that when a worker is charged..."

Franks: "Correct."

Davis, W.: "...information shall be forwarded to Professional Regulations."

Franks: "Correct."

Davis, W.: "So, what are they supposed to do, to your knowledge?"

Franks: "The..."

Davis, W.: "I know it's a Senate Bill so to your knowledge."

Franks: "...let the IDFPR deal with it."

Davis, W.: "Okay."

Franks: "But see the problem was IDFPR was not getting... they were worried that they would not get the information because the way the original Bill was drafted. So, they wanted to make sure that the prosecuting attorney... I think before the law stated simply that the Illinois State's Attorney and this says the prosecuting attorney, so that made the clarification."

Davis, W.: "Well, I guess I'm more concerned with the fact that they're going to hear about somebody being charged with something and we know that a charge is an allegation that hasn't been proven yet through whatever process that

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exists, so, what would IDFPR do with that information on an individual if they receive information that that individual was charged? Does it go into a file?"

Franks: "No. What happens is... and you voted 'yes' for this Bill..."

Davis, W.: "All right."

Franks: "...so, I'll remind you what you voted on. And what this did was when they're charged and what happens is the filing of a criminal charge against a health care worker, the secretary shall issue an administrative order that the health care worker shall immediately practice only with a chaperone during all patient encounters pending the outcome of the criminal proceedings."

Davis, W.: "So, their license is suspended by IDFPR?"

Franks: "No, it's not."

Davis, W.: "And you said I voted for this. So, there was a House version of this?"

Franks: "No. It had passed into law. Everybody in the General Assembly voted on it last year."

Davis, W.: "Okay."

Franks: "And this is a cleanup language and we're changing one word... well, two words, from prosecuting attorney... from state's attorney to prosecuting attorney."

Davis, W.: "So, under the Bill that was passed a year or two ago..."

Franks: "Last year."

Davis, W.: "You... but you just told me that they didn't get this information, so we're..."

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Franks: "No. Look, I didn't say that. What they... what I said was they wanted to change the word from 'state's attorney' to 'prosecuting attorney'. They were concerned that they may not get it."

Davis, W.: "You mean that the prosecuting attorney was. Well..."

Franks: "No, IDFPR. This is an initiative of IDFPR."

Davis, W.: "So, they want information..."

Franks: "Of course."

Davis, W.: "...from the prosecuting attorney..."

Franks: "Correct."

Davis, W.: "...about the individual."

Franks: "Correct."

Davis, W.: "So, the change is so they will receive the information."

Franks: "Absolutely. To make sure they were getting it, yes."

Davis, W.: "Okay. So, then what was the Bill that we passed a couple years ago, just out of curiosity?"

Franks: "Exactly the same thing except we had state's attorney and not prosecuting attorney."

Davis, W.: "I see. Okay. Thank you very much."

Franks: "Yeah."

Speaker Lyons: "Representative Jack Franks moves for the passage of Senate Bill 3137. 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? Mr. Clerk, take the record. On this issue, there's 112 Members voting 'yes', 1 Member voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is

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hereby declared passed. Representative André Thapedi, you have Senate Bill 3202. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3202, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Thapedi."

Thapedi: "Thank you, Mr. Speaker and Members of the House. Senate Bill 3202 is an initiative of the Association of Condominiums, Townhouse, and Homeowners Association. It amends the Manager Licensing Act to provide fees paid by associations. Essentially, there are... 3202 exempts small associations from the licensing fee for condo managers and caps the maximum fee at a thousand dollars. There is no opposition to this Bill. And I'm prepared to answer any questions."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, the question is, 'Should Senate Bill 3202 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, Rosemary Mulligan. Mr. Clerk, take the record. On this Bill, there's 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Linda Chapa LaVia, on page 5 of the Calendar, you have Senate Bill 3244. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3244, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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Speaker Lyons: "Representative Linda Chapa LaVia."

Chapa LaVia: "This one. Thank you, Speaker and Members of the House. I don't see Representative Bradley, but it is his birthday today, just FYI. The Bill as introduced required Illinois to increase its high school graduation requirements from 3 to 4 years for math. It's an initiative of the Lieutenant Governor Sheila Simon's Office. She's gone throughout the state and to the 48 different community colleges throughout the state and noticed that there's a large number of students requiring remedial evalua... remedial education more frequently in math. As she's gone to the campus and spoke with all the schools and spoken to the grade schools, she finds this more and more. And what the proposal continues to preserve though is local control. It provides districts the opportunity of using all or a portion of the state recommended curriculum aligned with common CORE standards which we have to become online with in the year... school year 2013 and '14, so kind of puts us before the curve. So, I ask for 'yes' votes. Thank you."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 3244 should vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Leader Frank Mautino, on Senate Bills-

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Third Reading, you have Senate Bill 3249. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3249, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Frank Mautino."

Mautino: "Thanks. Senate Bill 3249 is the Collateral Recovery Act. This Bill passed unanimously out of the House. There was a corresponding Senate Bill and that was sent over here... that was sent first. So, the Amendment we put on the Bill puts it in the same form that it's... we had passed out of here. And I would ask for an 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, the question is, 'Should Senate Bill 3249 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? Pihos, David Reis. Mr. Clerk, take the record. On this Bill, there's 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative John Bradley, on page 5 of the Calendar, Representative, you have Senate Bill 3240. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3240, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Lyons: "Representative John Bradley."

Bradley: "This is an initiative of the Illinois Dental Society. I don't know of any opposition. It passed out of committee unanimously."

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Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? The Chair recognizes Leader Mike Bost."

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

Speaker Lyons: "Sponsor yields."

Bost: "First off, happy birthday."

Bradley: "Thank you. Thank you, Representative."

Bost: "We do have in our analysis one opponent and I'm just kind of wondering if you know why and what that... their reason for it and that's the Illinois... hold on... the Delta Dental of Illinois. Can you tell me?"

Bradley: "I thought that that got worked out. I'm not... We don't have it in our analysis as an opponent. There was an Amendment that was attached. And when we were in committee the other day, I know of no opponents. There were no opponents at that time that I was aware of."

Bost: "Okay."

Bradley: "So, I think that's outdated information."

Bost: "All right. Thank you."

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

Bradley: "Ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 3240 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? Patti Bellock. 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

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declared passed. Representative Keith Sommer, for what purpose do you seek recognition, Sir?"

Sommer: "Point of personal privilege, Mr. Speaker."

Speaker Lyons: "Please proceed, Keith."

Sommer: "I'd like the chamber to recognize friends of mine visiting from Morton. A group of Republican women from Morton who are also my lifelong friends and I want the chamber to welcome them here today. Over in the east gallery."

Speaker Lyons: "Welcome to your Capitol, Ladies. We're proud to have you down here today, enjoy it. Representative Bob Rita, on page 5 of the Calendar, you have Senate Bill 3279. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3279, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Bob Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an initiative of the Illinois Roofing Contractors. What it basically does is requires a photo ID when getting a permit. There's been a lot of fraud involved in pulling these roofing permits and with these licensed contractors. And so, it basically just puts a requirement that they have to show a photo ID. And I ask for a favorable vote."

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

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

Speaker Lyons: "Sponsor yields."

Reis: "Representative, right now they don't... are not required to show a photo ID?"

Rita: "No."

Reis: "What are the reasons for the change in now wanting to require a photo ID?"

Rita: "Well, after... over the past few years, we've been making some changes to the Roofing Contractors Licensing Act because of fraud. There's been a lot of fraud and this would be, I believe, by their association to come with it would help deter non-licensed roofing contractors from obtaining licenses and permits."

Reis: "How many people is this going to affect?"

Rita: "I don't have the number."

Reis: "I mean, a thousand, 50 thousand."

Rita: "Just the roofing contractors. Whoever would be a licensed roofing contractor."

Reis: "What if they can't afford a state ID?"

Rita: "Well, they could use their driver's license then."

Reis: "What if they don't have a driver's license?"

Rita: "Well, then, I would imagine that they're not going to be able to get their... if this would to be passed and signed into law a license to and a permit to replace or do roofs in a particular..."

Reis: "Will the state issue them a free state identification card if they can't afford one?"

Rita: "I don't think so."

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Reis: "Ladies and Gentlemen, to the Bill. You have to show a license to do a lot of things, to buy cigarettes, to buy beer, but any time our side of the aisle asks for a driver's license or photo ID to vote we don't even get a committee hearing on it, shunned away; we might discriminate, we might not allow someone to go vote which we all know are red herring excuses, but yet we can come here and say you have to show a photo ID for a license so that you can put roofs on. What's good for the goose is good for the gander. If you support this, you should also support photo IDs to make sure one of our most basic freedoms, as American, to vote is kept fair and honest and without fraud. Thank you."

Speaker Lyons: "Representative Chapin Rose."

Rose: "Thank you, Mr. Speaker. Will the Sponsor yield for a brief question?"

Speaker Lyons: "Sponsor awaits your question."

Rose: "Representative Rita, I actually remembered and appreciate the fact, I believe you were with me on the photo ID on LINK card Bill. Isn't that correct?"

Rita: "Yes."

Rose: "So... And I appreciate the fact that you voted for that Bill to put photo IDs on LINK cards to prevent fraud, but where is the fraud in putting on a roof on a house?"

Rita: "It's when they're obtaining the license and the permits on non-licensed and non... state licensed roofing contractors or builders are pulling permits when they're not supposed to be doing this type of work in the State of Illinois without being licensed."

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Rose: "So, they're walking in and pulling a permit.. So, they're not showing their licensure.. Why aren't they showing their licensure?"

Rita: "Other people are pulling the licenses for these.. these.. for these particulars that are doing the work."

Rose: "Right. But if I'm the homeowner, don't I go in and get a... can I go in and get a building permit?"

Rita: "Yes. You would know who's pull... who in terms of who's doing your work. From how I understand this came from their association and they believed that this would deter the fraud within the industry."

Rose: "Let me give you another one from my area, Representative, and this is not to be facetious, funny or otherwise. It's extremely serious and it's not just my area it's several of us that represent the state Amish community. All over the State of Illinois, the Amish are roofers, they're carpenters, they're... they do all kinds of building of residential, commercial properties. The Amish are exempted from having a photo state ID card because it's against their First Amendment religious freedom. Will an Amish man who seeks to roof a roof, which happens every day, now be required to get a photo ID to put on a roof on a house?"

Rita: "I didn't... Could you repeat that, Chapin?"

Rose: "Sure."

Speaker Lyons: "Wait a minute, Chapin. Shhh. We're having discussion on a Senate Bill-Third Reading. Please keep the voices down. Thank you."

Rose: "Bob, are you familiar with the Amish?"

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Rita: "Yes. Not real familiar, but yes."

Rose: "Okay. You've heard about them?"

Rita: "Yeah."

Rose: "One of their major industries, as a collective group, is contracting, general contracting. There are a lot of carpenters, a lot of roofers, a lot of folks that do those types of trades. It is not uncommon in downstate Illinois to hire a contractor that employs Amish folks to do a roof. They are currently exempted under State Law and state IDs from having a picture. Will the Amish now be required to forfeit their First Amendment freedom of religion right to roof?"

Rita: "Here's the... the intent of this is to... to deter someone from using or obtaining some information from a contractor or a roofing contractor or someone doing work and fraudulently using their..."

Rose: "I understand..."

Rita: "...almost as an identity thing. It's not intended to go after the Amish or any other group..."

Rose: "Right."

Rita: "...that would be there. It's..."

Rose: "But that's going to be the outcome."

Rita: "And... and..."

Rose: "Because you're going to tell them they have to issue a photo ID and the Amish are actually specifically exempted and are given a non-photo state ID and this is a lot of roofers in downstate Illinois. In fact, as I... the ultimate of ironies... one day I walked out of my house and there was an Amish man across the street on a roof, putting a roof

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on, on his cell phone... on a cell phone. I thought that was a little bit ironic. But they were roofing. If this Bill becomes law, they won't be able to get a permit on behalf of their client."

Rita: "Yeah, Mr. Speaker, can we offer to pull this out of the record?"

Speaker Lyons: "Mr. Clerk, take this Bill out of the record. Now, Ladies and Gentlemen, going back to Considered Postponed on page 14 of the Calendar, Representative Connie Howard, you have House Bill 5665. Read the Bill, Mr. Clerk, status on that Bill, Mr. Clerk?"

Clerk Hollman: "The Bill's on... House Bill 5665 is on the Order of Consideration Postponed. Floor Amendment #1, offered by Representative Howard, has been approved for consideration."

Speaker Lyons: "Mr. Clerk, put that Bill back on the Order of Second Reading. Representative Howard on Floor Amendment... Mr. Clerk. On Floor Amendment #1, Representative Connie Howard."

Howard: "Thank you very much, Mr. Speaker. Under this Amendment a person may only be convicted of false representation concerning real estate if he knows that the document he records, executes or causes to be recorded is forged or invalid and he commits the act specified by the Bill with the intent to defraud."

Speaker Lyons: "You've heard the Lady's explanation of Floor Amendment #1. Is there any discussion? On the Amendment, Representative, or do you want to wait 'til it's Third

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Reading, Representative Franks? On the Amendment or do you want to wait 'til we put it on Third?"

Franks: "We can wait 'til Third. Whatever the... whatever the Sponsor would like."

Speaker Lyons: "Repeat that, Representative."

Franks: "Whatever the Sponsor would like. We can wait 'til Third or we can do it now whenever... whenever..."

Speaker Lyons: "Why don't we put that Bill on the Order of Third Reading..."

Franks: "Sure."

Speaker Lyons: "...and then we'll open it up for discussion? All those in favor of the adoption of Floor Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

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

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

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

Speaker Lyons: "Representative Howard on House Bill 5665."

Howard: "Yes. Thank you, Mr. Speaker. When last we spoke about this Bill there was no Amendment and we subsequently were able to amend it with language that I am told now makes it okay with all of those who were opposed in the past. In fact, as amended, this Bill would create the offense of false representation concerning real estate title. It would say that a person commits this offense of false representation when he, as a part of a transaction or legal proceeding relating to mortgage foreclosure, knowingly

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claims 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. Also, when that person executes or notarizes a document purporting to create an interest in, or loan or encumbrance against real estate that is recorded in the recorder's office in the county in which the real estate is located or causes such a document to be recorded and knows that the document is forged or groundless containing a material misstatement or false claim or is otherwise invalid."

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, first of all, I want to thank you 'cause we spoke after this Bill didn't make it last time and we talked about an Amendment, so I very much appreciate you doing this. Can I ask who helped draft that Amendment because I want to make sure all the parties were involved are okay with it?"

Howard: "The person who I know had the most involvement was Mr. Witter, Randy Witter."

Franks: "Sure."

Howard: "He's with a titles company."

Franks: "Uh huh."

Howard: "And the persons who were with the bankers said, if it's okay with him, it's okay with us."

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Franks: "Well, I think it's a much better Bill now because it's the 'knowing' requirement because before it said or should have known..."

Howard: "Mmm mmm."

Franks: "...which I think is a much lower standard. So, I appreciate this 'knowing'. And you also have in there they'd have to knowingly claim in a document an interest in or lien or encumbrance which they know isn't true. And they also have to knowingly execute a document knowing that it isn't true. And the third thing is they knowingly have to have the document to be recorded, correct?"

Howard: "That is correct."

Franks: "All right. So, if they simply record a document... 'cause you might have someone who works at the title company who records a document, but if they didn't know that it was fraudulent that it'd been... then they would not be subject to criminal sanctions, correct?"

Howard: "That is correct as well."

Franks: "Well, I think you've made a good Bill here, Representative and I'm proud to stand with you to support this. So, thank you."

Howard: "Thank you."

Speaker Lyons: "Leader Jim Durkin."

Durkin: "Thank you, Mr. Speaker. To the Bill. We had a very robust discussion on this a few weeks back and as I look at it right now, we still are... every action and every... all the language under this Bill is still in the Civil Code of Procedure and we are now putting criminal penalties in the Civil Code. I guess there's a reason for it because if you

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went over to the Criminal Code everything that's being asked for in this legislation is currently under the forgery statute. We have a habit of down here.. down here in Springfield.. of reinventing the wheel. That's why we have massive volumes of Illinois statutes. And if you'd really take time to think about most of the things that we do, we've got them covered. And this is a situation, while I have tremendous respect for my friend who's the Sponsor of this Bill, but I believe and I'm quite certain that the types of acts that are trying to be discouraged and to be investigated and people be held accountable are currently found in our Criminal Code of Procedure for this type of bad act. So, with all due respect, I will vote 'no' 'cause we already have laws that cover this."

Speaker Lyons: "Representative Jim Sacia."

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

Speaker Lyons: "Sponsor yields."

Sacia: "I don't want to be repetitive with Representative Durkin, but Representative Howard, you indicated that, if I understood you correctly, all the opposition was removed. I'm reading.. although the Illinois Land Title Association suggested Floor Amendment 1 and will remove their opposition on the adoption of that Amendment, they do not support the Bill. Floor Amendment 1 only entered.. only eases the introduced language for entities that record or execute real estate documents. It does not change the language for lenders. As such, it is not agreed upon.. it is not an agreed upon Amendment. Did I miss something?"

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Howard: "Well, apparently, I missed something because that is not what was said to me."

Sacia: "Okay."

Howard: "In fact, we worked on this and it's been weeks and I was told that this would remove the opposition."

Sacia: "All right, Representative. I... I'm going to respectfully vote 'no', Representative Howard, but again, as someone challenged our legislation... our legislation this morning perhaps I have erroneous information, but I think it's quite clear and quite concise. In deference to what Representative Franks said and I'm sure he has studied this as well, but I know Representative Durkin has also. So, I will be voting 'no'."

Speaker Lyons: "Representative Connie Howard to close."

Howard: "It's my understanding that this language to codify the civil... (unintelligible) remedies and that it will allow the Attorney General's Office to do what they do. And I would like support from my colleagues. Thank you."

Speaker Lyons: "You've heard the Lady's Motion. Those in favor of the passage of House Bill 5665 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. On this Bill, there are 62 Members voting 'yes', 51 Members voting 'no', 0 voting 'present'. And this Bill is declared... constitutionally declared law. Mr. Clerk, House Resolution 948, Representative JoAnn Osmond. Representative Osmond."

Osmond: "Thank you, Mr. Speaker. House Resolution 948 actually incorporates Nurses Week which is May 6 through the 12th

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and it also gives mention to a nurse, Rachel Busch who was a registered nurse at the Condell Hospital in Lake County. She recently passed in December of this year... last year from cancer. She was a devoted nurse who really went far beyond her capabilities of actually helping other nurses learn compassion, taking care of so many people. And we ask that this be adopted to recognize her nursing career."

Speaker Lyons: "Lady moves for the adoption of House Resolution 948. 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 948 is adopted. Mr. Clerk, Agreed Resolutions."

Clerk Hollman: "Agreed Resolutions. House Resolution 1033, offered by Representative Beiser. House Resolution 1034, offered by Representative Gordon. House Resolution 1035, offered by Representative Connelly. And House Resolution 1036, offered by Representative Jefferson."

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. Ladies and Gentlemen, this might be the message you'd like to hear. Secretaries in the Stratton pay attention for your Members. Session for Monday, May 14 is canceled. So, Monday's Session will be canceled. Don't be so disappointed. And now, seeing no further business to come before the Illinois House of Representatives, Leader Barbara Flynn Currie moves that we stand adjourned 'til the hour of 11 a.m. on Friday, May 11.

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All those in favor of adjournment signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned 'til the hour of May 11 at 11 a.m. and allowing perfunctory time for the Clerk, the House stands adjourned."

Clerk Hollman: "House Perfunctory Session will come to order. Introduction of Senate Bills. Senate Bill 3259, offered by Representative Chapa LaVia, a Bill for an Act concerning education. Introduction of Resolutions. Senate Joint Resolution 69, offered by Representative Biss and Senate Joint Resolution 70, offered by Representative Currie. These are referred to the Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."