

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

58th Legislative Day

5/20/2013

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following action taken on May 20, 2013: Refer to the Floor recommends be adopted is Floor Amendment #1 to Senate Bill 923; Floor Amendment #1 to Senate Bill 1565. Approved for consideration, referred to Second Reading is House Bill 1546. Recommends be adopted is a Motion to Concur with Senate Amendment #1 to House Bill 181, and Senate Amendment #1 to House Bill 3388."

Speaker Lang: "The House will be in order. Members will be in their chairs. We shall be led in prayer today by Senior Pastor Daniel Darling who is Pastor with Gages Lake Bible Church in Gages Lake, Illinois. Pastor Darling is the guest of Representative Yingling. Members and guests are asked to refrain from starting their laptops, turn off your cell phones and rise for the invocation and Pledge of Allegiance. Pastor Darling."

Pastor Darling: "I want to thank Representative Yingling for his kind invitation to offer the convocation. It's an honor and privilege to stand before you today. Let us pray. Dear heavenly Father, we offer our humble gratitude for the gift of freedom as Americans forged over 200 years of messy democracy and protected by the blood of our fighting men and women. Let us ever be mindful of the many people around the world who are not as free, as prosperous, as blessed as we are. We're grateful to live in the beautiful and diverse State of Illinois; for the Leaders who have risen from this hollowed Chamber, for the movements birthed here on our rich soil. We ask humbly for Your blessing on our great land. We offer

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prayer for the Leaders today who serve You here, in this town. As You have commanded us we pray for them, for their families while they are away, for their safety while they serve here, for their integrity and wisdom in shaping the laws that will shape our future. We are thankful for each Representative who has stepped out of his or her ordinary lives to serve in Leadership here. They have spent countless hours campaigning and now are serving. They have given up precious time and resources, they have sacrificed their privacy, putting their lives and their families lives on public display. Care for each Representative, each Senator, each staffer and all the family members, in a special way, Lord. I pray that Your spirit visits this place in a powerful way. I pray these men and women find the fortitude to lead well. Give each Leader rest, refreshment and a clear mind. We ask You to move our Leaders to act justly, to love mercy and to walk humbly before their God. Help each lawmaker to consider Your command to love our neighbor as much as we love ourselves, mindful of the dignity and worth of each human life created in the image of God. Help them not to forget the poor, the immigrant, the marginalized, the unborn. Help them create laws that support the institutions that make our communities flourish, that encourage and sustain healthy families, that give hope to those struggling to find their way. We ask for Your forgiveness for yielding too often to the temptations to forget You in our national and political life, for the times we reject Your gracious providence, for confusing courage with incivility, for confusing liberty with license, for substituting our own agendas for Yours, for putting our own

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interests above those we serve, for the tendency to abdicate our responsibility to deal with the tough problems. Lord, we ask You for Your grace this day as these men and women endeavor to govern the people of this great state. May they realize that their power is limited granted to them by Your gracious decree. Help them wield this power with caution and humility. We long for the city to come whose builder and maker is God. We're thankful for the gift of Your Son who's offered entrance into His kingdom by His sacrificial death and miraculous resurrection. Grant each of these Legislators fresh grace today. In the name of Your Son, Jesus Christ, we pray. Amen."

Speaker Lang: "We'll be led in the Pledge today by Representative Kay."

Kay: 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 Lang: "Roll Call for Attendance. Leader Currie."

Currie: "Thank you, Speaker. Please let the record reflect the excused absences of Representatives Cassidy, Golar, Jones, Mautino, Riley and Soto."

Speaker Lang: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that we don't have that long a list just Representative Jim Sacia is the only one that is excused on the Republican side of the aisle today."

Speaker Lang: "Mr. Clerk, take the record. There are 111 Members being present and the House does have a quorum. The Chair recognizes Mr. Martwick."

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

Speaker Lang: "Please proceed, Sir."

Martwick: "Mr. Speaker, Ladies and Gentlemen of the House. Standing in the Gallery back behind us here is the A.P. Government Class of Ridgewood High School from Norridge, Illinois which is served by both Representative McAuliffe and myself and they're here with their teacher Megan Cantos. And I also have three pages today who are members of the A.P. Government Class. They're standing behind me here, Mr. Dylan Tabang, Mr. Sly Yushchyshyn and Mr. Nick Battaglia. So if you'd please all give them a warm Springfield welcome. Welcome to your Capitol. Thank you."

Speaker Lang: "Welcome to Springfield. Have a wonderful day. Chair recognizes Mr. Fortner."

Fortner: "Thank you, Speaker. Point of personal privilege."

Speaker Lang: "Please proceed."

Fortner: "Well, with a Senator named Oberweis there's certain things that one comes to expect and on this warm day Senator Oberweis has been kind enough to bring in a selection of ice creams and dairy free sorbet and back in the office behind the House Floor. Any and all of the Members are welcome to enjoy. Thank you."

Speaker Lang: "Thank you, Sir. Mr. Phelps."

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

Speaker Lang: "Please go ahead."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Ann Williams and I would like to welcome our sixth grade Page today from Blaine Elementary in Chicago, Sean Herrington. Help me welcome him, Ladies and Gentlemen."

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Speaker Lang: "Welcome to the House, Sir. Mr. Clerk."

Clerk Hollman: "Introduction of Resolutions. House Resolution 361, offered Representative Sims and House Resolution 365, offered by Representative Nekritz are referred to the Rules Committee."

Speaker Lang: "Representative Senger."

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

Speaker Lang: "Please proceed."

Senger: "I'd like to welcome and introduce my daughter, Michelle, who graduated from the University of Illinois a week from last Saturday, in three years with honors distinction. So she's here to spend the day with myself and tomorrow in Springfield, so please welcome her."

Speaker Lang: "Welcome to the Illinois House Representatives. Congratulations. The Chair recognizes Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. I would too would like to welcome a Page that I here... have today. It's Aiden Wagner whose grandparents are from my district so I'd like to have the Chamber welcome him as well."

Speaker Lang: "Welcome to the Illinois House. Ladies and Gentlemen, under the Order of Senate Bill's Third Reading on page 4 of the Calendar appears Senate Bill 1953, Representative Mayfield. Representative Mayfield. Please read the Bill."

Clerk Hollman: "Senate Bill 1953, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lang: "Representative Mayfield."

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Mayfield: "Thank you. This Bill will redefine net operating expenses and deals with PPV leases for the naval facilities within my district and others. There is no opposition to this Bill, it is agreed upon Bill with municipalities. I ask for an 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. The Chair recognizes Mr. Reboletti. Good afternoon, Sir."

Reboletti: "Mr. Speaker, good afternoon. Always a pleasure to see you so early in the afternoon. Will the Sponsor yield?"

Speaker Lang: "Sponsor will yield."

Reboletti: "Representative as I look at this the purpose is to reduce property taxes is that correct?"

Mayfield: "It will reduce them, yes."

Reboletti: "What... what's the purpose of the legislation what... what are you trying to accomplish up in your district?"

Mayfield: "Basically, what we're doing is we are redetermin... redefining what net operating expenses are in this particular Bill. There had been other language previously that was not exactly as clear, so we're just looking to redefine what the net operating expenses are comprised of, and again this is agreed upon language, it is agreed upon with all the municipalities that are involved and they are very much welcoming this legislation. This will actually save a lot of money, put money back into the districts and that's what we want."

Reboletti: "And I can appreciate that and development up in your region? One of the concerns that, as I look at our analysis, is that it says the Bill also contains language which sunsets

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the entire PPV evaluation procedure after tax year 2015. Why... why is that in there?"

Mayfield: "That was negotiated as well with the municipalities. That gives them the opportunity to renegotiate the entire package so that's all that is. And again, that was agreed upon with the municipalities to put that three year sunset into the Bill."

Reboletti: "Thank you."

Speaker Lang: "Mr. Drury."

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

Speaker Lang: "Sponsor yields."

Drury: "Representative, this Bill you said was agreed upon by the parties, do you know if the school districts were part of the discussions?"

Mayfield: "I believe they were, yes."

Drury: "Because I was contacted by a school... this Bill affects Highland Park, Highwood, North Chicago and Glenview, is that correct?"

Mayfield: "That is correct."

Drury: "My understanding is that the school districts have not been spoken to yet. I was speaking with Mr. Casper who's one of the main persons working on this Bill. Are you aware of that?"

Mayfield: "Yes, I am."

Drury: "And I'm still waiting for information from... from Mr. Casper about what the net effect of this is actually going to be on the local school districts. Are you aware of those conversations?"

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Mayfield: "No, I'm not aware of your conversations with Mr. Casper. However, I will say that in the initial underlying Bill there were several conversations with the school districts. They were part of the initial negotiation, so they are very much aware of what is going on here. The fact of the matter is, is that if we do not do this and they decide to pull out, the school districts will get zero, and that is something we do not want to happen. And yes, they can pull out and they will get zero. We're trying to make sure that the millions of dollars that are going to these municipalities continue to go to these municipalities."

Drury: "And... and..."

Mayfield: "...This is a very good Bill and with that three year sunset when we do... do renegotiation those school districts, along with every other involved taxing body, will be at the seat of the table as they were with the initial negotiations. So we're not trying to exclude anyone here."

Drury: "Okay and when... the other Representative asked you, does this reduce property taxes, now this reduces property taxes for... for a private business not... not for the individuals living in any homes, is that correct?"

Mayfield: "It reduces it for the organization that is in charge of the PPV leases within these communities. However, prior to this, we were receiving absolutely zero dollars from anybody because it's federally owned property. If this organization decides they will pull out then we will receive zero dollars, and I am of the belief that something is better than nothing and I'm sure your school districts feel that way as well."

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Drury: "And by reducing the property taxes for this private entity it's going to potentially reduce the amount of money that our local school districts receive?"

Mayfield: "It will slightly... it will change the net operating each district is evaluated differently... each different district receives a different dollar amount, so..."

Drury: "A to... I'm sorry."

Mayfield: "Go ahead."

Drury: "To the Bill, Mr. Speaker. Everybody, I just want to make clear what's going on with this Bill. It's being touted as a property tax reduction, but all its doing is reducing the property taxes of a private entity that's contracted with the military. It doesn't affect the military's property taxes, it doesn't affect any individual property owner. But what it does do is, it reduces the amount of money that gets to our local school districts. I've been actively talking with the parties engaged in this process, was waiting for some information from them, was quite surprised that this Bill popped up number one today and I would ask the Representative that she pull this from the record because the discussions are ongoing and the fact is, is that there is a lot of uncertainties with this Bill right now. It could really hurt some of our local school districts, especially North Chicago which is a school district in desperate need of money and we're going to be lowering the property taxes that go to that school district and we, I haven't... no one has yet to see the agreement where it says that they are allowed to pull out of this agreement. It's basically information that we do not have verified and I just ask that this be pulled from the

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record until we have the time to accurately see what is going on here because it just doesn't smell right."

Speaker Lang: "Representative Sente."

Sente: "Thank you, Mr. Speaker, question for the Bill Sponsor."

Speaker Lang: "Representative yields."

Sente: "I just want to understand, based on what it says here that net operating income is being redefined for the public-private venture lease. And I don't know if that's something that's commonly done with other military facilities but I'm just not familiar why, besides interest appreciation amortization we're also taking out the lesser of 62 or 42 percent? If you could explain that question as well as what is standard procedure for other military bases. I know this doesn't affect them but what would be typical?"

Mayfield: "On standard military bases we receive zero dollars, period. There is no money that comes in back into the community as far as real estate taxes. This venture allows us to receive money back into the community. What is, the reason that we're redefining is that this current entity pays 220 percent more in real estate property taxes than they should... then any other entity that would be in this situation. So we're just trying to rectify that with the redefinition of the net operating expenses because expenses are great. We are putting a lot of money back into the communities. One of the community's school districts that was mentioned was North Chicago school district, which is in my district, and they are agreed to this because we have never gotten a dollar prior to this and we are welcoming every penny that we can get so we definitely want this. The other districts have also stated

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that they want this as well. Again, there is no opposition to this Bill, it is an agreed upon Bill."

Sente: "Thank you, Representative, but and it may be very good piece of legislation but that wasn't the two questions I asked. So, I'll break them down. I wanted to know at other military facilities have they redefined net operating income for any other facilities in the State of Illinois?"

Mayfield: "This will cover those facilities that are in the State of Illinois. Currently there are one, two, three.."

Sente: "...This Bill says it does not affect other military facilities."

Mayfield: "There are five military facilities within the State of Illinois that are in this situation. The other military installations do not have this type of operating... do not have this type of organization that is operating for them so what they are doing, they are basically military operations that do not pay any property taxes at all, so they would not be affected because they do not give you anything, you get zero dollars from them. This is an agreed upon..."

Sente: "...my..."

Mayfield: "...contract with this particular organization to put money into the district. So the military actually contracted out to this organization and it allows for property taxes to be assessed. Without this we could not assess property values and reap the benefit of those property taxes because it is federal property. So, I hope that answers your first question."

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Sente: "What I think I heard you said was that five military bases in the State of Illinois will be affected by this and the rest will not. If that was the answer, I did understand that."

Mayfield: "Yes."

Sente: "The second question was, how are we coming up with 62 percent or 42 percent or the lesser of? Where do those numbers come from?"

Mayfield: "That was the number that was negotiated between the military this... contractor and the municipalities in which we are paying the taxes. So it was agreed upon."

Sente: "Thank you."

Speaker Lang: "Mr. Harris."

Harris, D.: "Thank you. Thank you, Mr. Speaker. Question of the Sponsor?"

Speaker Lang: "Sponsor yields."

Harris, D.: "Representative, we had a Bill similar to this, if I'm not mistaken, last year for Scott Air Force Base, did we not?"

Mayfield: "Correct."

Harris, D.: "Right. And the way these work is that a public private partnership is set up for the residences that are next to a... a military facility such as Scott Air Force Base or in this case Great Lakes Naval Training Center, and they're set up so that the military doesn't have to maintain that housing but rather that the private company that has the housing can maintain the housing for the military families, correct?"

Mayfield: "That's absolutely correct, yes."

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Harris, D.: "Right. And if I'm not mistaken where we talk about 62 percent instead of 42 percent currently they get an exemption of 42 percent but we're raising it to 62 percent, is that not accurate?"

Mayfield: "Yeah, that is accurate."

Harris, D.: "Okay. And I understand the concern about school districts but if I'm not mistaken the school districts also get what's known as an impact fee from the federal government to make up for the fact that property taxes tend to be lower where you have large military facilities and those military facilities don't pay any property tax so they get an impact fee. The local school districts get impact fees from the federal government to help those school districts pay for the education of those military families, correct?"

Mayfield: "That is correct. They receive several million dollars in impact aid from the federal government, yes."

Harris, D.: "Right, and Ladies and Gentlemen of the House, this does get a little bit complicated but what the Lady has said is accurate that... that this will enable those properties to be maintained for the... the military families that live in these residences, it does increase somewhat the exemption that currently exists, we're going from 42 percent to 62 percent, but it's a reasonable course of action. I encourage a 'yes' vote."

Speaker Lang: "Mr. Sullivan."

Sullivan: "Thank you, Mr. Speaker. Will the... To the Bill. Ladies and Gentlemen, I rise in strong support of this legislation. What you see here is a very unique way to help build navy housing. It's built under the premise of property tax law of

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a lease-hold estate. A lease-hold estate is a taxable value. I helped write the original legislation a few years back and at that time we picked 42 percent as an expense rate and that's how you derive income. We used 42 percent of an expense rate kind of as an arbitrary number, there's a way to value property based on income as opposed to the value of the property. We don't know what the value of the property is because the underlying land is not owned by the developer. So, here we have a few years later, this Bill that says we now know what the expenses are and so because we know what the expenses are we want to increase that number from 42 percent to 62 percent as recoverable off of what they have to pay. Now why do we want to do that, and that's the critical component here? The person or the entity that has to build these bases, this four city military housing, what they put in expenses they're not putting into new housing because we had an arbitrary number and we know what the real number is, this will allow them to plow more money back into the navy housing for our sailors. That's why this Bill is critical, that's why I'm in full support of it. It is a very unique way of doing property taxes, but it's under a lease-hold estate and there's very few of them done around here, but I actually know a little bit about this because we built them before, we've written this legislation, we've seen it, this is a very good pro military Bill. Please vote 'aye'."

Speaker Lang: "Representative Mayfield to close."

Mayfield: "Again, this Bill was negotiated, it is agreed upon Bill with the municipalities and the affected taxing bodies.

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There is no opposition to the Bill and I would request an 'yes' vote. Thank you."

Speaker Lang: "Those in favor of the Lady's Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Please record yourselves. Mr. Franks. Please take the record. On this question, there are 97 voting 'yes', 11 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1988, Mr. Schmitz, Mr. Schmitz. Out of the record. Senate Bill 2101, Mr. Harms. Please read the Bill."

Clerk Hollman: "Senate Bill 2101, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Harms."

Harms: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2101 provides that when a mobile home park owner or licensee has been notified in writing by law enforcement that one of the mobile homes in the park has been used for the manufacturer of methamphetamines, then the licensee or owner shall provide the potential buyer of the mobile home written notice that meth has been manufactured in the home and it sets a fine for up to \$2 thousand for noncompliance. I'd be happy to answer any questions and I move for the Bill's passage."

Speaker Lang: "Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

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Reboletti: "Representative I can appreciate why you're trying to do this. If you can explain to the Body about what happens with the manufacturer of methamphetamine, what happens to a home if that's made in a residence."

Harms: "Yes, Representative. What happens if you have a manufacturer of meth inside of a home you can get ill and especially children? What happened to my constituent by a mobile home and..."

Reboletti: "...Speaker, if I could have some order, I can't hear Representative Harms."

Speaker Lang: "Mr. Reboletti is correct, it's very noisy in here, let's hold it down. Let's let these folks debate the Bill. Please proceed Sir."

Harms: "So what happens is that if you move in the residue can cause the people living in there to become sick."

Reboletti: "And so this... this would let people know what happens and so they won't buy a mobile home unsuspectingly finding out months or years later that their family was subjected to the residue from the methamphetamine production, right?"

Harms: "Yes, Sir."

Reboletti: "Thank you."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Franks, Hatcher, Rosenthal. Mr. Franks. Please take the record. On this question, there are 110 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Returning to Senate Bill 1988, Mr. Schmitz. Please read the Bill."

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Clerk Hollman: "Senate Bill 1988, a Bill for an Act concerning government. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Schmitz."

Schmitz: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 1988 is a... comes out of the Treasurer's Office, and right now if there's unclaimed property worth \$25 or more forms are filled out so they can find and locate the correct owner. The treasurer's office would like this threshold to be dropped down to five dollars and they think, we believe that you can send out more money that is unclaimed to the individuals of the state. I'd be happy to answer any questions."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 110 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2157, Representative McAsey. Please read the Bill."

Clerk Hollman: "Senate Bill 2157, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lang: "Representative McAsey."

McAsey: "Thank you, Mr. Speaker and Members of the House. I bring Senate Bill 2157 because of a constituent, Tyler Woodworth. He is a high school student who also has a disability and both he and the school district thought that his hands were tied when trying to craft his high school schedule. Essentially what the legislation does, is allow for a student

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with a disability, who's participating in an adapted P.E... or athletic program rather, outside of school and documents that participation to have more flexibility with regard to creating their high school schedule. Tyler gave moving testimony in committee about his participation with the Hornets, a competitive sled hockey team. Our intent is to make sure that through this legislation we are encouraging athletic activity and allowing students with special needs greater flexibility with regard to their academic schedules as well. Thank you to the numerous cosponsors, the many proponents of the legislation. I know of no opposition and appreciate the support of the Body."

Speaker Lang: "The Lady's move for the passage of the Bill. Those in favor of the Bill vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Mr. Franks. Please take the record. On this question, there are 110 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2163, Mr. Brown. Please read the Bill."

Clerk Hollman: "Senate Bill 2163, a Bill for an Act concerning government. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Brown."

Brown: "Thank you, Mr. Speaker. Senate Bill 2163 says that full time public university employees on the active duty military leave should receive their pay differential from the public university. This benefit's already extended from the municipal employees as well as school districts around this state. It's supported by the F.O.P., V.F.W. and several universities. I know of no opposition."

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Speaker Lang: "Gentleman's moved for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question there are 109 voting 'yes', 1 voting 'no'. And this Bill having received the Constitutional Majority, is hereby declared passed. Senate Bill 2169, Mr. Zalewski. Please read the Bill."

Clerk Hollman: "Senate Bill 2169, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Zalewski."

Zalewski: "Thank you... Thank you, Mr. Speaker. Senate Bill 2169 is an initiative of the Illinois Department of Revenue. It's a omnibus Bill that deals with several different factors within the Illinois Department of Revenue's purview. If the Chair can give me one moment there's some legislative intent that we have to read into the record."

Speaker Lang: "Gentleman moves for the passage of the Bill. And are you going to have a... dialogue with someone or just read this, Sir?"

Zalewski: "No... no Mr. Speaker, I'm just going to read something."

Lang: "Please go ahead."

Zalewski: "Under the new provision of Section 905 of the Illinois Income Tax Act that is added by this Amendatory Act, it is the intent of this legislation designate as a nonfiler any taxpayer that should've been reporting on a unitaries groups combined return, that that taxpayer was omitted from the unitary return and also failed to file its own return. In such cases this omitted taxpayer shall be treated in the same way as all other nonfilers are currently treated under

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Illinois Law. In other words, without any statute of limitations, entities that are not tax payers because they have no nexus with the State of Illinois, are not covered by this provision and the state cannot issue an assessment against such entities even if they should have been included in the unitary groups return if the statute of limitations, with respect to that unitary return, is expired. The statute of limitations on the return of a unitary group is not changed by this legislation neither it nor that groups tax liability would be affected by any action taken by the Illinois Department of Revenue with regard to a taxpayer that should have filed as a part of that unitary group. Any penalties imposed on a nonfiling taxpayer, or recruited the taxpayer that was omitted from the unitary group. No additional tax, interest or penalty would be assessed in the unitary group for failure to include the nonfiling tax payer, if the statute of limitations for assessing such items has expired. Thank you, Mr. Speaker."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Kelly Burke, Mr. Franks. Please take the record. On this question, there are 97 voting 'yes', 13 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2178, Representative Will Davis. Please read the Bill."

Clerk Hollman: "Senate Bill 2178, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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Speaker Lang: "Mr. Davis."

Davis, W.: "Thank you, very much, Mr. Speaker, and Ladies and Gentlemen of the House. I am very pleased and honored to present to you Senate Bill 2178. This began a couple of years ago with myself, and essentially what it does, is that it in some ways require, as we have discussed before, but also allows for permissive action for elementary and high schools to provide a level of catastrophic insurance for their student athletes. What you see before you was worked on extremely hard by my Senator, Senator Napoleon Harris for as many of you may or may not know is a former NFL football player, so this is something that's certainly very, very important to him. The version that you see in front of you again, was a compromise amongst many groups that previously opposed this piece of legislation as well as Members of the General Assembly that oppose it and we can certainly, we can certainly understand, understand why. But in short, it requires public school districts and private schools to carry catastrophic accident insurance for athletes for grades 9 through 12 are participating in school sponsored, supervised events, and that is the mandated part of it. The insurance begins when a student's medical ex... expenses exceed \$50 thousand. In terms of the benefit provided, the total benefit limits are either \$3 million for 5 years, whichever comes first and as many of you know from previous debates what I had attempted to do initially was an unlimited coverage, which unfortunately was very hard to quantify and was subsequently reduced to 7.5 million as well as 15 years, and unfortunately that bar was a little bit too high for many school districts to try to

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overcome. So, what you see here was the compromise language worked out in the Senate side with all of those groups. The benefits are to be in excess of any and all other insurances that students may have, and I think this is very important. So, it essentially is... is mandating the districts to provide insurance when students don't have insurance, but where families have insurance it will then... or benefits are in excess to any and all other insurances that that student may have, any public or private school that requires students to participate in school sponsored or school supervised events that are covered under an individual or group policy of health insurance are exempt from the requirements of this legislation. So, again, as long as your family already has insurance you're not required to provide that insurance but, so we're looking at those students who do not have insurance. Very pleased to say that, again, this language was crafted with the help of the Illinois Sports Association or IHSA, as well as the School Management Alliance, they were very instrumental in getting this language to a point where groups could reasonably accept it. It is not being opposed by LUDR, or any of the other large unit district groups as well as the Catholic Conference, they're not opposing this legislation as well. I will certainly do my best to try to answer any questions that you may have."

Speaker Lang: "Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Pritchard, Mr. Pritchard."

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

Speaker Lang: "Gentleman yields."

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Pritchard: "Representative, I know you have worked on this issue a long time and that you've had to make some compromises, but what is the impact on school districts? Are they already offering some type of catastrophic coverage?"

Davis, W.: "It's my understanding that some do already provide a... a level of coverage. If you think about the impetus for this Bill, was a young man named Rocky Clark who went to school in Eisenhower, which is in Blue Island in the south suburbs. His school had a catastrophic insurance policy that he... he lived under for approximately 10 years or so. So, some schools do already provide it but we found out that a number of schools don't provide it. And the whole idea behind this was to get schools to the point where they would provide a level of coverage and again, the compromise of the language does require 9 through 12, particularly for those students who do not have insurance, but I think it's permissible for anything less than 9th grade."

Pritchard: "Do we have any idea what kind of premiums this policy would add?"

Davis, W.: "Well it's our understanding that the, I think the cost, I think the cost per student is somewhere around, I think, I want to say between 5 and 10 dollars per athlete. Is that correct Steven? Yeah, between 5 and 10 dollars per athlete and so that's obviously would be an aggregate cost for the number of students that that district would be required to insure."

Pritchard: "And... and I noticed that most of the involved people here are now neutral or in favor of your Bill, but earlier it

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was commented that the Catholic Conferences had some concern about that. Are they not providing this kind of coverage?"

Davis, W.: "Well, they are now, they would be included in this and as a result of the changes that were made by Senator Harris, the Catholic Conference is not opposing this legislation."

Pritchard: "Thank you. I'm glad to support your Bill."

Davis, W.: "Thank you, very much."

Speaker Lang: "Mr. Harris."

Harris, D.: Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. The Sponsor of this Bill had something very similar at the end of last Session that unfortunately did not pass because I don't think, it didn't go through the... committee process and it was dropped on us fairly quickly. This time around as he correctly said, it's... it's going through the process, there's been negotiation. I know that there's a young man in his district as he mentioned, Rocky Clark, that suffered a catastrophic injury and was paralyzed; there was a young man in my district, High School District 214, Rob Kamōsa was paralyzed from the neck down and had to fight to get the coverage and the dollars that he needed to provide the care that he needed because of his total paralysis. This Bill is indeed a step in the right process. It is, as he said, an agreed Bill and is the type of thing that for those athletes that participate in IHSA sanctioned events, any of them can be hurt and they can be hurt catastrophically. This kind of coverage makes sense and I applaud you for doing this and certainly urge a 'yes' vote."

Speaker Lang: "Mr. Sullivan."

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

Speaker Lang: "Sponsor yields."

Sullivan: "Representative, the previous two speakers have covered a lot of the debate that I was going to ask. So clearly we've changed this from 15 million to 3 and this catastrophic insurance is above and beyond what... so if you had a student had insurance you'd have to go through that insurance first and then would get to this. I know your intent is to target those who don't have insurance."

Davis, W.: "Well, it works, it works in both situations..."

Sullivan: "...Right..."

Davis, W.: "...because we know that insurance obviously is one of those things where it's great to have but sometimes does not meet all of your needs, so it helps in those situations. But I think the changes, or at least what brought everyone around was the fact that, well let's look at the students that simply don't have any insurance to make sure that they are provided some level of insurance if they unfortunately incur such an injury."

Sullivan: "And... and so the... you're targeting schools private and public, 9 through 12, and so my understanding as I read the Bill is that you could go up to 5 years or \$3 million, whichever comes first. So, if you only spend a million dollars and it's 5 years, that's it?"

Davis, W.: "Correct. Whichever comes first."

Sullivan: "And if you spend 3 million in 2 years, that's it?"

Davis, W.: "Correct."

Sullivan: "Okay. There's some discrepancy about the cost it might be a little bit higher. I... obviously I think you've done a

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good job to bring the cost down. I think someone else might have some questions but, thank you for answering the remainder of my questions that... that weren't asked."

Davis, W.: "Thank you."

Speaker Lang: "Mr. Dunkin."

Dunkin: "Thank you, Mr. Speaker. To the Bill. I'd like to congratulate the Sponsor who I guess worked on this for what, three years now, Representative? And you have educated us tremendously, certainly in committee and today, seeing to it that this situation gets some resolution. I read about the gentleman who passed, Rocky Clark, it was a very, very horrific experience, a young promising individual who really reflected a lot of us who played college football or high school football. So this here simply gets to the, to a solution and hopefully this could put Rocky Clark's parents, and other parents, who experience extremely debilitating or catastrophic injuries while trying to be oh so enthused and feel great about their particular high school. So again, congratulations to you, and I hope this provides some level of psychological and financial relief to those injured, those students as well as their parents and family members who really wish the best for those particular kids. Congratulations on this legislation, again. Thank you."

Speaker Lang: "Mr. Reboletti."

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

Speaker Lang: "Sponsor yields."

Reboletti: "Representative I've been trying to follow the debate, it gets a little loud in here, as you're aware. From the cost issue standpoint what will determine what the average cost

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per student will be? Is that going to be on the sports, the number of students, a combination of those factors, can all these schools go into a pool to buy insurance, how's that going to work out?"

Davis, W.: "Well, let me, let me, I think answer by starting with your last question. In no way were we ever trying to tell the schools how to cover the costs, so if that meant that schools wanted to come together and... and whatever they needed to do to try drive the cost down, they were welcome to do, to do any... any of those things. And in terms of what drives the cost I think it would be probably any or all of the things that you previously stated, the number of sports that that school district may have as well as the number of students. I'm no insurance person but I would imagine that all of those numbers coming together help to ultimately determine what that cost would be."

Reboletti: "And do you have a range or any idea of what that might be per student? I think the state already covers indigent students and do we have an idea of what that may be? I know it's going to be a range, obviously pretty broad based on those factors but, any idea what that might be per student?"

Davis, W.: "Well, it's our understanding that it will be anywhere from 5 to 10 dollars per student."

Reboletti: "Because I... our staff has indicated it could be anywhere from 8 to 30 dollars depending on of course size and the number of sports so, your 5 to 10 dollars range could be, is within that zone. I guess the alternative, Representative, would be what, if we didn't have this and a person has insurance and they have a cap of 500 thousand or a million

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dollars, who is then responsible for that student after the parents insurance caps out?"

Davis, W.: "That... that family, one way or another."

Reboletti: "And I would assume after the family maxes out and they spend all their resources, is it fair to say that the State of Illinois would probably have to come on under Medicaid or some type of disability come on in to try to help that family out?"

Davis, W.: "Well, presumably if that family ultimately is eligible for Medicaid that would be the case. In the case of the young man that I mentioned earlier, when his insurance ran out his family then... then applied to Medicaid and was brought on to the Medicaid rolls, absolutely."

Reboletti: "And so the State of Illinois covered it one way or another, at least in your particular situation for your... your constituent?"

Davis, W.: "That's... that's correct, at the end of his life the state did provide him with health insurance."

Reboletti: "And there are no opponents of the advocates who were opposed, and you and I had a pretty healthy discussion, it was back in Veto Session when you ran this last time, you've addressed all their concerns they're now neutral or for the Bill?"

Davis, W.: "Well, Representative, that is my understanding that in committee the large unit district folks were there, IHSA I think was in the room for a previous discussion, the Catholic Conference representatives was there and no one voiced opposition to the current Bill."

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Reboletti: "And... and I appreciate that, Representative, we had a discussion on the Floor, we talked afterwards, and I know you were committed to work to put together a good piece of legislation that not only worked for the students, but worked for the school districts and I appreciate that, and I'll be supporting your legislation. Thank you."

Davis, W.: "Thank you, very much."

Speaker Lang: "Mr. Reis."

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

Speaker Lang: "Sponsor yields."

Reis: "My apologies Representative, I missed part of the debate there. Has... has school districts given you any indication as to how much this might cost per student?"

Davis, W.: "They haven't given me any specific information, again as we stated earlier, we're ranging somewhere between 5 and 10 dollars per student, that is what we're given from the Senate debate. But they've not given me anything specific that says that it may cost on either side of the window that I just provided."

Reis: "Gosh, Representative, I didn't know anything cost 5 dollars anymore, I can't imagine it being that inexpensive. And I heard from a number of my superintendents over the summer and fall that were commenting on this proposal from last year, and you know many of our athletic programs right now are being cut because of the cut in general state aid and... and loss of the AB, loss of students, whatever, and we have a lot of private businesses stepping up to help fund the buses, the uniforms, paying for the umpires and things like that. Here we are just adding one more expense to an already dire

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situation. So, I guess my question is, how can we encourage schools to do this rather than making it an unfunded mandate?"

Davis, W.: "Well, if you... if you heard previous debates from my perspective, Representative, again, every year when we go through the high school tournaments, when you have winners, the people that win the championships, they come and many of them sit in that balcony up there. So we asked them to go above and beyond to bring home that trophy for that school, so they get that notoriety, so they get all the accolades and everything that comes along with that, and that's great for the school district and even great for many of the students because many of them are looking to play these sports in college to try to get scholarships, so they're willing to do those kinds of things. I think my basic premise with this is that as much as we ask of our students to give us that for our high schools and for our communities in a lot of places, so again, if you're driving and you go from town to town, you see placards as you enter the town, championship this year, championship that year, so I simply am trying to make the case that why don't we offer something positive for those students that are willing to give so much so that we ben... I'm answering your question Representative..."

Reboletti: "...No you haven't yet. How are you making it, how are encouraging him to purchase this rather than making it a mandate? Because I'm telling you our smaller school districts are going to do away with sports. We have mandatory EKG Bills, we have mandatory this, we have mandatory that, we can't hit during practice, you know all these things that come out from Springfield rather than those decisions being made at the

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local level and schools are just going to say, you know what we can't afford to have football anymore, we can't afford insurance, we can't pass these costs onto the students anymore, we're just not going to have football anymore. To me that is a bigger deterrent than offering them an insurance policy."

Davis, W.: "Well, also, Representative this is a shared expense. So now if every school, if every school child in your districts and your schools don't have their own insurance then, yes, we are asking school districts to provide this, but for school districts, if the student has their own insurance then they're going to have to use their own insurance first in order to try to cover these expenses, up to a certain point..."

Reboletti: "...I... I under..."

Davis, W.: "...so this is a shared expense so. So for you, you know who, again, obviously opposes every mandate put on a school, I think you voted for... for Representative Mitchell's mandate last year..."

Reboletti: "...No I didn't..."

Davis, W.: "...but for those of you who... who oppose every mandate put on a school, I understand why this is challenging for you. Again..."

Reboletti: "...Well, why do you keep coming back with more mandates? I'm telling you as a parent of a child that plays football, we can't even fill teams anymore. Our boys are playing both ways which means they're more accident prone than they are if we had a big lineup, we don't have a big lineup because we can't afford the sports anymore."

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Davis, W.: "Well..."

Reboletti: "...So, I mean..."

Davis, W.: "...Again, again, I appreciate that Representative, again, I think I'm trying to do something that's good for student's, good for our student athletes, I mean we can speak of a few instances where this actually does happen and God forbid, unfortunately a student in one of your schools..."

Reboletti: "...Absolutely..."

Davis, W.: "...should succumb to this, and I would like to think, and again, I think what some... some people fail to realize is that it's not just a mandate on your schools, it's also a mandate on the schools that I represent as well, and these are schools that I have communication with through their organizations they have decided not to oppose the... the legislation at this level. When it was much higher, everyone was opposed to it because they were indeed concerned about the cost, not that they're not concerned now, but apparently where it landed, has landed, school districts and organizations have decided to either be neutral, or in some cases, support the Bill."

Reboletti: "Thank you, Representative. To the Bill. Ladies and Gentlemen, you've heard us all, many of us say before, our school districts are waving the white flag, no more unfunded mandates. We're having a debate in this town about cost shift of pensions, we're having a debate in this town about lowering the general state aid, we're having a debate in this town about reducing the amount of reimbursements for transportation, where is it going to stop? We do not have the businesses and EAV's and the tax base to continue to absorb

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these. I have one school district where the local businesses and booster clubs have kicked in over \$85 thousand to keep athletics at Teutopolis, for goodness sakes. We don't need another mandate for an insurance policy, I would encourage a 'no' vote."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Sponsor yields."

Franks: "Representative, I apologize I missed part of the debate, I was hearing some of the cost estimates. Can you tell me how much it would cost per pupil per month, is it like 10 dollars a month, is that what you're saying?"

Davis, W.: "What we understand, from the Senate debate, is that it may range anywhere from 5 to 10 dollars per child."

Franks: "And how many children are presently in interscholastic sports? Or sanctioned events?"

Davis, W.: "I honestly don't have a specific number for you, Representative. If anybody knows they can blurt it out but I'm sure there are probably tens of thousands of students that participate in... in sports at this level."

Franks: "Okay. Let's say 50 thousand, which is probably low but let's assume there's 50 thousand throughout the state and let's say it's 10 dollars a month so that would be..."

Davis, W.: "...So, you said 10 dollars a month? The... the policy for the districts will be 5 to 10 dollars. I assume that would be for the year."

Franks: "For the year, okay..."

Davis, W.: "...Not a month..."

Franks: "...that's all I wanted to know..."

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Davis, W.: "...not a month..."

Franks: "...Okay, that's number one. How many schools right now provide this type of insurance?"

Davis, W.: "Unfortunately Representative, I don't know. I know some already do provide..."

Franks: "...I know they do..."

Davis, W.: "...and some even provide it at a higher level than what we're arguing for..."

Franks: "...Right..."

Davis, W.: "...in, in this particular Bill. But I unfortunately I don't have a number of how many schools provide catastrophic insurance."

Franks: "...Well the CPS, for instance, do all of their schools provide catastrophic insurance?"

Davis, W.: "I'd, I'm not sure, I'm not sure. I think CPS, if I'm not mistaken, CPS is exempt from this Bill. They would be able to self-insure."

Franks: "That was, that was, I was going to ask about that because I was al... that was my next question. How many schools are self-insuring as opposed to how many have insurance right now..."

Davis, W.: "Well I think, I think CPS you know, is the only one allowed to self-insure. Other school districts, again, we don't, we're not telling them how to, how to come across this. We know the high school sports association they provided when their... when the young people participated in their state tournaments, they provided and I believe it's paid through booster fees and things of that nature, but I don't know if I can exactly answer your question, Sir."

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Franks: "'Cause I just... I'm just trying to... I heard what some of the previous speakers were talking about and they were worried about a cost. I'm just trying to figure out what the real cost would be, because it may be negligible and that's what I'm trying to figure out, but I'm not sure. In the, in the instance, the genesis of this Bill was a young person who was tragically paralyzed and died as a result of his injuries sustained during a high school football game. What did his family do for compensation? Did they actually sue the school?"

Davis, W.: "No, they... they did not sue the school. I think it was maybe an option for them but the school provided a coverage that provided, I want to say, 10 or 11 million dollars worth of coverage over a 10 year period, I believe. Some... some where..."

Franks: "...So for healthcare right?"

Davis, W.: "Yeah. That's what the school district already had for him. So, they accepted the coverage and I think the rationale unfortunately, Representative, is that when someone is that severe their... their prognosis is very bleak..."

Franks: "Limited, right."

Davis, W.: "And wouldn't expect them to max out a con... you know, a insurance policy, in that respect, but this young man did, you know, his own will, whatever, but he did ultimately max out that policy and lived for a short period of time after that policy had exceeded."

Franks: "Because ultimately the parties who are injured, would have a means of redress whether or not the schools carried insurance, if there was negligence."

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Davis, W.: "Well, that's true, I guess if there was negligence. Obviously, you know, to the previous Representative's question about the cost of school districts, that family could sue the school district..."

Franks: "...Right, right."

Davis, W.: "You know, and I think that would probably cost that school district a lot more..."

Franks: "...Oh, I agree..."

Davis, W.: "...than providing, you know, this policy..."

Franks: "No, I agree, and I think that's why people carry insurance, but right now the law's permissive. I guess last month, my son is a junior, was playing baseball and he missed the cut off and he got... he caught a ball right in his cheek. I had to take him to the emergency room, he had his... he had the x-rays, everything was fine, luckily, thank God, you know. But the school called us and offered their insurance stuff right away, I'm like, no, it's okay we're going to put it on ours. I mean the kid screwed up and you know, he missed the cut off, big deal. But I know some schools have it, but I also know that if they didn't, and if I wanted to go forward, I could say, okay, you pay or I sue you. So, I'm not sure how it ultimately helps the end user, I think this probably helps the schools more than the person who might be harmed."

Davis, W.: "Well, I think like you said... Well, I mean, I think when you have car insurance you're looking about yourself, and protecting your family or the people that you have in your car..."

Franks: "Sure..."

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Davis, W.: "And I think we're looking at this kind of the same way because in many communities across the state, we know families unfortunately would not be able to afford this type of coverage for their children. Even if they had insurance, it may very well exceed the coverage amounts that they have. So, I see this as a benefit to that student and that family to try to help and again, when we started this conversation we started with unlimited coverage which too, you know, too nebulous to wrap your arms around. We came up with some lower rates, 7 million, excuse me, yes, 7.5 million 15 years, you know, that was a little bit more for some to overcome. And again, the Senator who took up this issue, you know, brought groups together, and presumably came up with what he thought was language to at least remove the opposition from... from those groups."

Franks: "And... are the school districts okay with it now?"

Davis, W.: "There's no opposition to it. They either went neutral, and I think in some cases, some are now in support."

Franks: "Okay. Thank you, very much."

Davis, W.: "Thank you."

Lang: "Mr. Davis to close."

Davis, W.: "Thank you very much, Mr. Speaker. To the Members of the House who spoke in favor of the Bill, I think you understand why such a Bill is important. We know that there are a number of... I think I know more than anybody the challenges of school districts are now faced with in terms of financing, you know, but again, what we do here in this Body is to try to put things in place to try to protect and to help our constituents whenever possible and this Bill is

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nothing more than trying to do that. Rocky Clark, before or after he was injured, you know he didn't just go somewhere and shrivel up and wither away and nobody heard from him, he continued to try to coach not only football but also track. His mother continued to be active so he was a very special young man, and while he is no longer on this earth to see this type of legislation at least get to this point, you know, we certainly appreciate him looking down on us, encouraging us to support this piece of legislation. So, I... I just simply ask for your support. Thank you very much, Mr. Speaker."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Sullivan, Thapedi, Verschoore. Mr. Thapedi. Please take the record. On this question, there are 71 voting 'yes', 39 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2182, Mr. Sandack. Please read the Bill."

Clerk Hollman: "Senate Bill 2182, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Sandack."

Sandack: "Good afternoon, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2182 does three things. First, it puts school districts in the same place as other municipalities and requires them to fulfill and submit a fiscal responsibility report card to the comptroller and the county clerk annually just like any other municipality. It also allows TIFs, excuse me, it mandates that TIFs electronically

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submit this information rather than just doing it by paper and the third thing it does, it permits extensions as the comptroller office sees in its discretion. There is no known opposition."

Speaker Lang: "The Gentleman moved for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Drury, Dunkin, Schmitz. Please take the record. On this question, there are 111 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2183, Representative Nekritz. Please read the Bill."

Clerk Hollman: "Senate Bill 2183, a Bill for an Act concerning transportation procurement. Third Reading of this Senate Bill."

Speaker Lang: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 2183 con... creates the Transportation Sustainability Procurement Program. What it does is to allow the state's chief procurement officer in conjunction with the Illinois Environmental Protection Agency to develop some guidelines for how they will account for sustainability practices of vendors in awarding contracts for transportation. I'd ask for your support."

Speaker Lang: "Lady moves for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Sims. Please take the record. On this question, there are 111 voting 'yes', 0 voting 'no'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. Chair recognizes Mr. Sims."

Sims: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. On the Republican side of the aisle in the Gallery we have the statewide NAACP here doing their annual lobby day. President George Mitchell, Teresa Haley, is their vice president, Norma Joseph the state secretary, state secretary for the... they're here for their NAACP lobby day. Welcome to Springfield."

Speaker Lang: "Pleasure to have you here, welcome to the Illinois House Chambers. Mr. Ford."

Ford: "Thank you, Mr. Speaker. I, too, rise for an order of personal privilege."

Speaker Lang: "Please proceed, Sir."

Ford: "Mr. Speaker, we also have someone from the west side, the west side NAACP is here representing and we have Phyllis Logan right there and other members of the west side NAACP down lobbying. Please welcome them to the Illinois House."

Speaker Lang: "Welcome, thank you very much for being here with us. Senate Bill 2184, Mr. Martwick. Please read the Bill."

Clerk Hollman: "Senate Bill 2184, a Bill for an Act concerning safety. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Martwick."

Martwick: "Thank you, Mr. Speaker. Senate Bill 2184 makes a number of changes to the Carnival and Amusement Ride Safety Act. Currently, the Department of Labor, the inspectors that inspect amusement rides in order to promulgate rules and regulations and develop fees and fines, must do so with the consent of the board which is made up primarily of amusement

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park owners. What this would do, this would change that so that they now would make rules and set fines, fees and schedules in consultation with the board, so it changes consent to consultation. It also creates a safety fund. Currently, the Department of Labor has five inspectors to inspect every amusement ride in the State of Illinois. And what this would do, this would allow them to use the money that is received as fees and penalties to grow into a fund that they would use to hire additional inspectors to ensure ride safety. There is no opposition to this Bill, and I request an 'aye' vote."

Speaker Lang: "Gentleman has moved for the passage of the Bill.

The Chair recognizes Mr. Bost."

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

Speaker Lang: "Sponsor yields."

Bost: "Representative, our actual, our oppon... or our analysis says there is opposition to the Bill, unless you can tell me that maybe that there's been some kind of changes that would straighten that out. And, let me tell you that the opposition we have listed here is the Illinois Outdoor Assessment Business Association, Illinois Association of Agricate... Agricultural Affairs, and ERMA."

Martwick: "Yes, Representative, I believe that your analysis is wrong. At committee, all the parties were there, they testified that there is no opposition, there were some negotiations and all opposition has been removed."

Bost: "Do... do you know what the... the Illinois Association of Agricultural Affairs were opposed to two different items, and has that been taken care of? The first was the removing of

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the consent authority from the carnival amusement safety board?"

Martwick: "Yes,..."

Bost: "...That has been... been removed or they... they removed their opposition because of why?"

Martwick: "They removed their opposition and it has now been changed to that... that the rules will be established in consultation with the board."

Bost: "Okay, our staff does affirm that, everybody's in agreement. Thank you very much."

Martwick: "Thank you."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Bellock, Hammond. Please take the record. On this question, there are 87 voting 'yes', 24 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Jakobsson."

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

Speaker Lang: "Please proceed."

Jakobsson: "Would the House please look up back... in back of me. Wait a minute, they disappeared. Anyway, I wanted to give a warm welcome to the Champaign County Chapter of the NAACP. They're represented here today especially by their president and my good friend, Patricia Avery. Let's give them a real warm welcome. Thank you."

Speaker Lang: "Welcome to Springfield, glad you're here. Senate Bill 2186, Mr. Fortner. Please read the Bill."

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Clerk Hollman: "Senate Bill 2186, a Bill for an Act concerning business transactions. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Fortner."

Fortner: "Thank you, Speaker, Members of the House. Senate Bill 2186 clarifies some language that needs to be fixed after a change in the federal rules as relates to certain electronic fund transfers, and all it does is make sure that in the case of a conflict that the federal rule would supersede any other rules and all other cases the state rules would remain in effect. I would appreciate an 'aye' vote."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Mr. Drury, Dunkin, Harris, Sims. Please take the record. On this question there are 110 voting 'yes', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Will Davis."

Davis, W.: "Thank you, Mr. Speaker. I know it may be unusual to do this, to recognize someone who's not of this Chamber, for their birthday, but Ladies and Gentlemen would you please join me in congratulating Senator Toi Hutchinson who's celebrating her 40th birthday today."

Speaker Lang: "Happy Birthday, Senator. We're pleased that you would share your birthday in the House, we wouldn't want to be in the Senate either. Senate Bill 2194, Mr. Evans. Please read the Bill."

Clerk Hollman: "Senate Bill 2194, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Evans."

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Evans: "Thank you, Mr. Speaker and fine Members of this Assembly. Senate Bill 2194 requires electronic filing to the Illinois Department of Revenue for any return or document that requires to be filed on or after January 1, 2014. The Bill does not require or penalize individuals and businesses that do not have internet access because this is one of biggest concerns. They can obtain a easy to obtain two year waiver and they can renew that two year waiver for an unlimited amount of time. I urge your 'aye' vote."

Speaker Lang: "Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Reboletti."

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

Speaker Lang: "Sponsor yields."

Reboletti: "Representative, is this state Department of Revenue initiative?"

Evans: "Yes, Sir."

Reboletti: "And what are they trying to accomplish by this legislation?"

Evans: "Well, the majority of businesses throughout the state already file electronically. It's a little more, it's more quick, it's more effective. I think the point of this is to utilize the equipment that's been purchased. We gave the Department of Revenue millions of dollars in equipment to use. Probably 92 to 93 percent of businesses has already filed electronically, we're trying to get the rest of them to do that, continue to move into the next century."

Reboletti: "Well, are there any penalties if you do not file electronically or if you don't have access to the internet?"

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Evans: "Yes, there are small penalties for businesses. The hope is that they will utilize the two year waiver option to avoid the penalties and that two year waiver option can be used an unlimited amount of time. So, I don't believe businesses will be, you'd just have to really be negligent to receive the penalties. The largest penalty is two percent of the amount of tax liability, either 100 dollars or two percent, the greater amount, if they choose not to get the waiver which is a two year waiver and unlimited amount of time to get that waiver."

Reboletti: "What percentage of individuals are paying the electronic formatting right now?"

Evans: "Well, as I mentioned, I'm not sure what individuals but under this Bill individuals are not required or won't be penalized or not required but, I don't know the exact number of individuals that are..."

Reboletti: "Because I'm assuming at some point that would be the next step, but what percentages of businesses are now filing by electronic?"

Evans: "Yeah, I was told by the Department of Revenue somewhere around 92 to 93 percent, so a great majority of businesses anyway. But because we've given them the money upwards of \$25 million to use equipment, we want that equipment to be used so that we're trying to reach all businesses."

Reboletti: "And based off that... that 8 percent, that still does not file via electronic formatting, what amount of revenue is that? What type of fines would you anticipate assuming none of those corporations filed electronically, assuming your legislation became law and those eight percent even after a

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two year forgiveness, choose not to file or are unable to file electronically?"

Evans: "Well, either they choose not to after two years as I mentioned earlier, they can renew that two year waiver and get another two year waiver. Its unlimited amount of times if a business just decides I don't want to do it electronically, I want to do it paper for the rest of my life, they can do that. They continue to renew the two year waiver."

Reboletti: "Has the Department of Revenue spoken with any of those business owners as to why they do not file electronically? Obviously a super majority or more almost all do that now. Have they reached out to them to try to figure out what it is that's precluding them from participating by filing the internet..."

Evans: "...I believe they have, if they haven't, I'll communicate to the Department of Revenue that they need to do that. It think that we're moving to mobile banking and online banking, I mean technology is a reality, and this is just encouraging businesses to take advantage of that reality."

Reboletti: "And are you aware of any type of business in particular or type of business that seems to file by paper more so than other types of businesses? Is there a reason?"

Evans: "Yeah, probably a mom and pop business. I have them in my community, bakeries, barber shops, and I've reached out to some of the small businesses in my community while doing this Bill. Some of them just, that's the way that they know, they're comfortable with that way, but unfortunately or fortunately, technology is becoming an everyday thing so, the

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ones that are uncomfortable hopefully they'll become more comfortable with this way, which is more effective."

Reboletti: "And what... what does it cost the state then to process something from the U.S. mail compared if they filed it electronically?"

Evans: "Representative, I don't have the specific dollar amount but it does save, it saves the Department of Revenue in man hours. You can easily catch individuals attempting to commit fraud, so it's just a much more effective way for the department and again, we've already purchased the equipment for the them to do this."

Reboletti: "Well, I appreciate your answers, Representative, I'm going to wait to hear some other speakers and see what, how this Bill fol... goes. Thank you."

Evans: "Thank you."

Speaker Lang: "Mr. Harris."

Harris, D.: "Thank you, Mr. Speaker. Question of the Sponsor?"

Speaker Lang: "Sponsor yields."

Harris, D.: "Representative, just so we're very clear, this does not apply to individuals, correct? This only applies to corporations?"

Evans: "Yes, Sir, does not apply to individuals."

Harris, D.: "So anyone who, an individual can file either electronically or on paper. If they don't file there's no fee other than what they might owe normally by not filing?"

Evans: "Yes, Sir, this Bill does not apply to individuals..."

Harris, D.: "...Doesn't apply to individual. Okay, doesn't apply to individuals. Second thing is, if for any reason whatsoever, good or bad, the company says, I'm not going to file

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electronically I want to file via paper, they get a two year waiver in order to do that, correct?"

Evans: "Yes, they can request a two year waiver and it's unlimited amount of times..."

Harris, D.: "...Right..."

Evans: "...they can request it, yes Sir."

Harris, D.: "And that waiver can be renewed right now any discussion infinitum, right?"

Evans: "Yes, Sir."

Harris, D.: "Okay. Ladies and Gentlemen, if I may address the Bill. This is for those folks who are concerned this is potentially a fee on businesses. If they do not file electronically and do not get a waiver, potentially they're subject to a \$100 fee. It only applies to businesses it does not apply to individuals. Is it reasonable? Well, I think that most businesses now have access to the internet, most businesses especially of any size are going to file electronically. Why are they doing this, why is the department doing this? I think it's reasonable to say it's a lot more efficient to file electronically than it is, more efficient for the tax payer to file electronically than it is to file via paper. If any of you have filed electronically and are owed a tax refund, you know that you get your tax refund a lot faster when you file electronically than when you do... it has to through paper, somebody has to open up the envelope, somebody has to look at it. So, no question, there is a potential fee here but it can be avoided simply by making a standard request to get a waiver. I think it's a reasonable request on the department's part to modernize their

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procedures, to get people to file electronically. I urge a 'yes' vote."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Sponsor yields."

Franks: "Representative, I want to make sure I understand this, if a business does not file electronically, they get a three percent penalty?"

Evans: "It is my understanding it's two percent of either \$100 or two percent..."

Franks: "...Which number is greater..."

Evans: "...Yes."

Franks: "But that's also something here in our... in our analysis that says, any person required to make a tax payment electronically that fails to do so will have to pay the greater of thirty dollars or three percent of the payment required to be made."

Evans: "And that's individuals that are already required, for whatever reason, I don't, I can't tell you, I know every, you know, particular requirement from the individual, but those individuals are already required. This does not add for a general individual."

Franks: "I just wonder why we need to penalize our taxpayers more, our businesses. It's right... and I understand the Department of Revenue wants this, but this is the same Department of Revenue that fails to pay back when people over pay. Is there any penalty for them when they haven't repaid when a business over pays?"

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Evans: "Well, Representative, I think it's the hope that with this Bill they'll have more time to process those things with... you know... with electronic filing it would give them more time to do other things, hopefully to get our returns back fast."

Franks: "Yeah, I... To the Bill. I appreciate what the Gentleman's trying to do, but folks understand that if you vote for this Bill you're voting for a penalty on tax paying businesses in the State of Illinois, simply because they've chosen to file by mail or in person instead of filing electronically just for, I don't know how to say it, just for the convenience of the Department of Revenue. Now this is the Department where we've had to pass laws to require them to actually pay back the money that they owe these tax paying companies. I think it's rotten public policy to continue to beat on businesses and to put more mandates on businesses simply for the convenience of our Department of Revenue. I understand they'd like to make it easier, and if they'd like to do so perhaps they should give incentives to companies that choose to file electronically, maybe taking off thirty dollars or maybe 3 percent, which ever's greater, if they'd like to incentivize but to continuously whip on our businesses in Illinois, continually penalize them and making up new junk laws so we can beat up on our businesses, it's not the way to attract businesses to the state and I respectfully request a 'no' vote."

Speaker Lang: "Mr. Kay."

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

Speaker Lang: "Sponsor yields."

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Kay: "Representative, one question. We currently, under the tax revenue code pay businesses a stipend to cover their costs of filing the very thing that you're talking about today. My question to you is are we going to take the small amount of money that we pay to businesses to get these things filed if they use electronic filing or not?"

Evans: "No, there's nothing being taken away, Sir, it's just encouraging businesses to move forward like the majority of the businesses already do within our various districts."

Kay: "Well why would we continue to pay the stipend if it's done electronically because the stipend was to handle the paperwork involved in getting the filing done?"

Evans: "I can speak to the Department of Revenue about the specifics of that stipend that you're mentioning. I don't know how it relates to this Bill, but I can talk to the Department of Revenue about that stipend and potentially address that at a later time."

Kay: "Okay, well, Representative I'm going to say this as a, just as a business man, I think this is a business unfriendly Bill, I think from the standpoint that we're really penalizing them as opposed to helping them. Furthermore I think when you stop and think about it we're compensating them already not to do it one way or another just to get it done. I think it begs the question of what this Bill really is setting out to accomplish. So, I'm going to ask the Body to vote 'no' and I'd also Mr. Speaker, Mr. Speaker, I would like a verification on this vote."

Speaker Lang: "Your request is acknowledged. Mr. Evans to close."

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Evans: "Thank you, Mr. Speaker. Representatives, I think we had a couple of Members who brought up some good points and I appreciate it, but that's not the intent of this Bill and if you read the Bill that's not in any way the direction of this Bill is to be against businesses. This Bill had zero opposition throughout the entire process. I reached out to businesses there's not an issue. The majority of the businesses within all of your districts already file electronically. We're just trying to continue to move into the next century and to use the technology that we already have. We allocated to the Department of Revenue twenty some odd million dollars to do just the thing, the very well thing that I'm encouraging the businesses, which 93 to 92 percent are already doing. So, I didn't anticipate this to be an issue, no opposition, it moved through committee fine. I encourage your 'aye' votes, we'll continue to move all our business and move our departments to the next century. Thank you."

Speaker Lang: "Gentleman moves for the passage of the Bill. Mr. Kay has moved for a verification so Members will be in their seats and vote their own switches. Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Mr. Thapedi. Please take the record. On this question, there are 31 voting 'yes', 79 voting 'no'. And Mr. Kay I assume, withdraws his verification. And this Bill fails. Mr. Clerk, House Resolution 280. Representative Hernandez moves that the posting requirement be suspended so this Resolution might be

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heard in Agriculture today. This has been checked with the other side. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it and this Bill will be posted in Agriculture today. Mr. Clerk, Agreed Resolutions."

Clerk Hollman: "Agreed Resolutions. House Resolution 362, offered by Representative Gordon-Booth. House Resolution 363, offered by Representative Gordon-Booth. And House Resolution 364, offered by Representative Senger."

Speaker Lang: "Leader Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Bost."

Bost: "Thank you, Mr. Speaker. Upon adjournment the House Republicans would like to have a caucus."

Speaker Lang: "Upon adjournment the House Republicans will caucus in Room 114. Room 114 for the House Republicans. And now leaving.. allowing perfunctory time for the Clerk, Leader Currie moves that the House stand adjourned 'til Tuesday, May 21 at the hour of 1:00 p.m. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the House does stand adjourned until tomorrow, Tuesday May 21, at the hour of 1:00 p.m. Members, Members, Members, Mr. Clerk, are there some committee announcements?"

Clerk Hollman: "The following committees will meet in one hour at 4:30. Meeting at 4:30 is Agriculture and Conservation in Room C-1, Elementary and Secondary Education Room 413, the Executive Committee in Room 114, the Judiciary Committee in D-1, and Revenue and Finance in Room 115."

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Speaker Lang: "So the committees will meet at 4:30, the House is adjourned."

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports: Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following action taken May 20, 2013: approved for consideration refer to Second Reading is House Bill 820; Recommends be adopted for the Order of Resolutions is House Resolution 365. Recommends be adopted is the Motion to Concur with Senate Amendment #1 to House Bill 1139; Senate Amendment #1 to House Bill 1868. There being no further business, the House Perfunctory Session will stand adjourned."