

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

133rd Legislative Day

5/19/2014

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on May 19, 2014: recommends be adopted for the floor is Floor Amendment #2 to Senate Bill 978, Floor Amendment #3 to Senate Bill 2187; approved for consideration referred to Second Reading is House Bills 3835, 3836, and 3951. Introduction and First Reading of Senate Bills. Senate Bill 1098, offered by Representative Currie, a Bill for an Act concerning business. First Reading of this Senate Bill."

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Pastor William Graves, who is with the St. Peter United Church of Christ in Redbud, Illinois. Pastor Graves is the guest of Representative Costello. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and rise for the invocation and the Pledge of Allegiance."

Pastor Graves: "Let us pray. Almighty God, You are the creator of us all. We come today into Your presence as the State of Illinois. We come with... from the largest cities to the smallest towns, from northern, central and southern parts of our state. We come from different professions, communities, lifestyles. We are filled with joy and honor of being the Representatives of our districts, yet we are humbled by the duty to which we are elected. We are challenged to meet the needs of our great state. We come to this great House from different faiths and beliefs. As people of different faiths, we recognize that You are a God of great love, whose nature is to be gracious. We thank You that we live in a great nation

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where we can practice our faith according to our individual beliefs. Almighty God, we thank You for bringing us together this day. Inspire us to worthy deeds, help us make sound decisions and direct us toward an attainment of goals that strengthen our state. We pray that You would bear the... bless and protect all our people. Guide us on a path to unity and harmony, that we may serve You and Your people in keeping with Your holy will. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Costello."

Costello 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 Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representative Zalewski is excused today."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "Let the record reflect those excused absences. Mr. Clerk, take the record. There being 110 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules reports the following committee action taken on May 19, 2014: recommends be adopted

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Floor Amendment #1 to Senate Bill 978. Representative Dan Burke, Chairperson from the Committee on Executive reports the following committee action taken on May 19, 2014: do pass as amended Short Debate for Senate Bill 636. Introduction of Resolutions. House Resolution 1117, offered by Representative Demmer."

Speaker Madigan: "The Chair recognizes Mr. D'Amico."

D'Amico: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

D'Amico: "Mr. Speaker, I just wanted to let everybody know that we'll be having softball practice tomorrow. You can see the trophy down in the well. The game is Wednesday night about, I think, 6:00. So, we'll... we're going to have practice tomorrow night about a half an hour or so right after Session adjourns. So, everybody come on out, get a few swings in. Let's keep that trophy here in the House. Thank you."

Speaker Madigan: "Representative Pihos."

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

Speaker Madigan: "State your point."

Pihos: "I'd like to introduce to you today, Chris Petropoulos from Park View School in Glen Ellyn. He is my Page and he's here with his parents, Frank and Alyssa Petropoulos. And Janna Magas and she's here with her mother, Alicia Magas. And she goes to Westfield School in Glen Ellyn. Thank them both for being paging. Welcome to Springfield."

Speaker Madigan: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. A point of personal privilege."

Speaker Madigan: "State your point."

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Bellock: "I'd just like to have everyone welcome, I have two pages here today. I have Emmett Flannery here and he's from St. Joseph's School. He's a fifth grader from Downers Grove, Illinois. And I have Matthew Cihlar here today. He's a fourth grader here from Prospect School in Clarendon Hills, Illinois. And they're here to learn all about how a Bill becomes a law in Illinois. Thank you very much."

Speaker Madigan: "Representative Walsh."

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

Speaker Madigan: "State your point."

Walsh: "Today, I'd like to extend a birthday wish. It's a little belated. But my staffer, Mike Elliott, just turned 33 on Saturday. And I'd like to wish him and have the General Assembly wish him a happy birthday."

Speaker Madigan: "For the purpose of additional excused absences, the Chair recognizes Representative Currie."

Currie: "Thank you, Speaker. Please... please add Representative Hernandez to the list of excused absences."

Speaker Madigan: "Representative Williams."

Williams: "Thank you, Mr. Speaker. Just wanted to announce to the Body that tonight is the 2nd Annual Toast to Illinois event, featuring all Illinois craft beer, wine and spirits, 5 to 8 at the Governor's Mansion. Hope to see you there."

Speaker Madigan: "Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 1115, offered by Representative Lang and House Resolution 1116, offered by Representative Lang."

Speaker Madigan: "You've all heard the Agreed Resolutions. Representative Currie moves for the adoption of the Agreed

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Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolutions are adopted. Ladies and Gentlemen, could we have your attention please? If we could have your attention. If the Members could take their seats. Mr. DeLuca, please. And we have a special moment and we'd like everyone to give their attention to this Resolution. Mr. Clerk, read the Resolution."

Clerk Bolin: "House Resolution 1120, offered by Representative Jakobsson.

WHEREAS, Parenthood is a remarkable adventure, an incredible responsibility, and a constant challenge; adopting a child is one of the most transformative, selfless, and rewarding acts of parenthood, which is magnified when adopting 3 children at the same time; and

WHEREAS, In the summer of 2013, out of their desire to share their home and their love with children and understanding that countless children around the world are in need of a family, Will and Macy Cousineau made the life-changing decision to adopt 3 young sisters from Latvia: 8-year-old Sindija, 7-year-old Linda, and 4-year-old Ieva; and

WHEREAS, As part of the months-long, involved, and exhaustive adoption process, in December of 2013, Will and Macy opened their home and their hearts to Sindija and Linda by hosting them for 4 weeks; though the girls spoke very little English, they were immediately kind, well-behaved, and loving and Will and Macy bonded with them instantly; and

WHEREAS, During the girls' visit, Will and Macy took to parenthood naturally and embraced the girls as their own; they got to know as much as possible about Sindija and Linda

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and their lives, took family trips to Chicago and St. Louis, and taught the girls how to translate on an iPad; the 4 weeks passed all too quickly and Will and Macy struggled to say goodbye when the girls had to return to Latvia, unable even to tell them they would be together again in a short time; and

WHEREAS, In April of 2014, Will and Macy got the call they had been waiting months to receive, that, in just days, they would reunite with Sindija and Linda and meet Ieva for the first time; and

WHEREAS, Will and Macy made the nearly 20-hour journey to Latvia to spend 3 weeks with the girls, the first of 3 trips to the country as part of the adoption process; they spent time with the girls' loving grandmother, traveled from their orphanage to the Latvian capital of Riga, where they visited Riga's old town, spent several days at the park, went to the zoo and the Riga Circus, ate lunch at Cathedral Square, waded in the Baltic Sea, climbed Gaizinkalns Hill, the highest point in Latvia, and attended Easter service at St. Peter's Church, one of the oldest monuments of medieval architectural in the Baltic which was first mentioned in written documents in 1209; and

WHEREAS, The girls could not wait to arrive in their new home, asking Will and Macy every morning how many "good mornings" until their arrival in America; and

WHEREAS, The Cousineau family, now 5 strong, returned to the United States on May 1, 2014, just beginning their new life together as a family; Will and Macy are learning more about their new daughters and the girls' homeland and culture; and

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WHEREAS, Sindija, Linda, and Ieva have seamlessly adapted to their new surroundings and lives; Sindija's favorite color is red and Linda's and Ieva's favorite color is violet; the girls enjoy riding their new bicycles in Washington Park and will soon begin a summer school program; and

WHEREAS, New parents Will and Macy Cousineau have forever changed the lives of 3 young sisters from Latvia and made sure the sisters remain together as a family; where language and cultural differences may often create barriers, Will and Macy have made their devotion to their new daughters unquestionably clear through their unconditional love; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Will and Macy Cousineau in bringing Sindija, Linda, and Ieva into their lives and wish them all the best as they continue their amazing journey as a family; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Cousineau family as an expression of our esteem and respect."

Speaker Madigan: "On House Resolution 1120, the Chair recognizes Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It gives me great pleasure to have been able to introduce this Resolution honoring Will and Macy Cousineau and their three new daughters. You know, we read all of the whereas' in Resolutions and I think one of the really important points of this is new parents, Will and Macy

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Cousineau, have forever changed the lives of three young sisters from Latvia and made sure that the sisters remain together. Will and Macy, I want to thank you on their behalf for doing that and I know that your lives are forever changed too. But I'm just so pleased to be able to do this and congratulate Will and Macy and wish them all the best in their new venture with this new family of five. And Ladies and Gentlemen, did you ever think we could catch Will? And I'm sure that you all saw his family stand up. They are in the balcony and it's just a great pleasure to welcome all five of you. And can we add all the rest of the Legislators in the House to this Resolution?"

Speaker Madigan: "Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I, too, would like to congratulate the Cousineau family. I know that this is always a very difficult thing to adopt children, especially from that part of the world. I will be relieved, however, because Macy, as you may know, is an outstanding, outstanding employee at the Department of Revenue. So, as happy as I am that they have these wonderful children, I'm even more happy that Macy may show up back at Revenue because we rely on her all the time. Thank you."

Speaker Madigan: "There's a request that all Members be added as cosponsors to the Resolution. Is there leave? Leave is granted. Let the record show that all Members of the House will become cosponsors of HR1120. And Representative Jakobsson moves for the adoption of the Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. And to Will and Macy,

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congratulations. On page 6 of the Calendar on the Order of Senate Bills Third Reading, there appears Senate Bill 640. Representative Smith, do you wish to call the Bill? Mr. Smith."

Clerk Bolin: "Senate Bill 640, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Smith: "Senate Bill... Thank you, Mr. Speaker, Members of the House. Senate Bill 640 prohibits any... any person from charging an EPICard user for a fee for withdrawing of child support payments from the ATM. This usually, generally... generally do not have... they usually does not have a bank agreement... bank account or this cards allow them to receive their child support payment in a more effective manner. Charging them these fees does not give them the full benefits of the child support and only takes away from the critical resources needed to provide them for the child. As we know, these small charges add up to... over time. Currently, the users withdraw payments from the... from out of network ATM are charged by Xerox and debit... debit card operation of a 125 fee and without the... without and a 50 percent fee for a balance inquiry. In addition to Xerox fees, ATM operation... operators may access EPICard using the surcharge. Under Senate Bill 640, EPICard users will never be assessed a fee or a surcharge for using an ATM withdraw... withdraw child support. This Bill passed unanimously out of child... out of Jud. Committee. I'm asking for an 'aye' vote."

Speaker Madigan: "Mr. Sandack."

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

Speaker Madigan: "Sponsor yields."

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Sandack: "Thank you. Representative, my analysis says that there's a fiscal impact to the State of Illinois of between 1 to 3 million annually in incurred fees. Do you understand that that's the fiscal impact of your Bill?"

Smith: "No, I don't... I don't see an impact in mine."

Sandack: "Do you think that there's an expense associated with this item?"

Smith: "No."

Sandack: "Explain that to me. How is it that there would be no fee whatsoever?"

Smith: "What the... the child support is... the state puts the money on the debit card which allows them to withdraw the fees from the... these banks to withdraw the fees from the particular account. But to my knowledge, there's no fees charged to the state... from the state."

Sandack: "At... at one time the Illinois Bankers Association was in opposition. My analysis says that it's withdrawn its formal opposition. Do you know if they still are opposed to this Bill? And if so, why?"

Smith: "They're neutral."

Sandack: "And did... did you have discussions with them as to why or when they became neutral?"

Smith: "I've been having a discussion with them of when I first presented this Bill in committee. They under..."

Sandack: "Well, Representative..."

Smith: "...they understand the impact."

Sandack: "...is there a fiscal impact or a financial impact to the banks?"

Smith: "No. There was no discussion of that to my knowledge."

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Sandack: "Last question, Representative, just so I'm clear. Are you saying that there's no expense to anyone associated with your Bill?"

Smith: "Well, this is just to allow them to... individuals using the... the debit card or the EPICard, it allows them to receive the full benefits of using that card. These are individuals that, they're receiving child support but they may be receiving \$50, \$10 and those particular fees really have impacted their families from being able to purchase... purchase..."

Sandack: "I understand the rationale and I certainly support that. What I'm asking is, right now, as we currently stand here, is there a fee or an expense to the state or to recipients of this program right now, so that your Bill addresses that item?"

Smith: "Not that I'm aware of."

Sandack: "All right. To the Bill. I... it's... I certainly understand what the Representative is trying to do. I have a hard time seeing that there's no fiscal impact to anybody, the banks, the state, the recipients of the program, to anyone. This Bill addresses some expense and it necessarily follows that someone is going to bear that expense. So, in the absence of further information and some fiscal information, I have a hard time supporting it. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Smith moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 65 voting 'yes', 45 voting 'no'.

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This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 728, Mr. Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 728, a Bill for an Act concerning liquor. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Turner."

Turner: "Thank you, Mr. Speaker, Members of the General Assembly. Senate Bill 728 amends the Liquor Control Act of 1934 by providing that the Illinois Liquor Control Commission may only consider violations that occurred within the past 5 years when determining whether a licensee has committed a second or subsequent violation of selling alcohol to a person under the age of 21. This change is consistent with current ILCC policy and merely codifies the present... the practice. I ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 63 voting 'yes', 47 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 902, Mr. Welch. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 902, a Bill for an Act concerning wildlife. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Welch."

Welch: "Thank you, Mr. Speaker. Senate Bill 902 is an initiative... initiative of the Illinois Department of Natural Resources. This Bill consolidates two different codes, the Amphibian and Reptile Law, into one code. That code would become the

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Herptile Code. And it makes it easier for both law enforcement and animal owners to quickly find regulations that are currently spread out under the different codes. This Bill seeks to strengthen regulations on how owners are required to maintain them, protect them from escape and/or possible injury to the public or the animals themselves. The Bill also seeks to create a registry which will identify individuals and businesses housing certain types of amphibians and reptiles and ensure that the animals are being maintained in a manner that protects them and protects the public. I ask for an 'aye' vote on a Bill that came out of committee 17-0 and passed the Senate unanimously."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "Sponsor yields."

Bost: "Representative, just for clarity, because I think there was some information on this Bill that wasn't necessarily correct. There is a fee but the fee is being requested by the people that actually handle these animals or these reptiles. Is that correct? It's so that they can... they... they can make sure that we are in compliance and... and have some kind of oversight for those people who own these... possess these. Correct?"

Welch: "That is... that is correct, Representative."

Bost: "Okay. Thank you."

Speaker Madigan: "Representative Mayfield."

Mayfield: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

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Mayfield: "Representative, on our analysis it says that the Humane Society is opposed. Can you tell me what their opposition is?"

Welch: "My understanding, Representative Mayfield, is that the Humane Society would not support this Bill in any form because they don't support people owning reptiles. So, there was nothing we could really do to get their support on it. They are the only ones that remain in opposition. All other folks that expressed concerns about the Bill, we sat down and talked with them. And the Humane Society remains the only ones in opposition."

Mayfield: "Okay. And my second question deals with the turtles. What type of turtles? Are these the little domestic turtles that you buy in the pet shop? Or..."

Welch: "This Bill specifically does allow, on a limited basis, the hobbyist who likes to handle turtles. But outside of that that's strictly prohibited."

Mayfield: "Okay. I just wanted to be sure I could keep my turtle. Thank you."

Speaker Madigan: "Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I'd rise to thank the Sponsor for working out many different problems in this Bill. When it arrived, I know there were many in my area who were very worried about the implications of the Bill. But the Sponsor worked through diligently on those issues and I support the Bill. So, thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The

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Clerk shall take the record. On this question, there are 87 people voting 'yes', 23 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Mr. Martwick seek recognition?"

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

Speaker Madigan: "State your point."

Martwick: "Yes. Mr. Speaker and Ladies and Gentlemen of the House, in the gallery on the Democratic side of the aisle, I would like you all to join me in welcoming Beaubien Elementary School from my district. I have some teachers and administrators, Debbie Solka, Chris Kotis, Dawn Wiley, Kim Sineni, Michelle Ludford and 47 eighth graders. Please give them a warm Springfield welcome."

Speaker Madigan: "Mr. Martwick, would you like to introduce that Gentleman behind you?"

Martwick: "Thank you, Mr. Speaker. Senator John Mulroe is here on the floor as well. Of course, the school also resides in his district as well."

Speaker Madigan: "Senate Bill 978, Mr. Turner. Mr. Clerk, read the Bill. Mr. Turner? Turn on Mr. Turner."

Turner: "Thank you, Mr. Speaker. Can we please take this Bill out of the record?"

Speaker Madigan: "Mr. Clerk, take the Bill out of the record. Senate Bill 2650, Mr. Franks. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2650, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. This Bill specifies that anyone exonerated of a crime for which they've been accused or for

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which they've been previously convicted shall not be held liable for the costs of their prosecution and incarceration.

I'd be happy to answer any questions."

Speaker Madigan: "Mr. Sandack."

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

Speaker Madigan: "Sponsor yields."

Sandack: "Jack, I'm looking at a letter from the Illinois Association of Court Clerks. Have you seen the letter of their objections?"

Franks: "Yeah. I... I got it this morning."

Sandack: "All right. Do you mind addressing some of them? First they say they think the legislation's unnecessary. And then they look at some of the procedural steps or issues they claim. Do you mind addressing some of their concerns?"

Franks: "Well, what they said, which I just can't agree with, is that they say, well, if they have the money, they'll pay it back when they get around to it. I think, what a rotten public policy. When you have someone whose been victimized by the system, someone whose been accused or found... or found guilty and then was exonerated on factual evidence that they weren't guilty and these people have had to pay fees and court costs, all we're saying is, don't make them victims again. Give them their money back. That's not talking about what other compensation they may have. But they... if they've had to pay fees and costs, they should get them back. And I think it's rotten that the clerk would say, well we'll give it back when we have the dough. No, these people have been victimized. Enough is enough."

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Sandack: "Jack... Jack, I hear you and I totally agree with that. Of course, the clerks didn't bring the prosecution in the first place."

Franks: "Oh, I agree."

Sandack: "And they didn't have anything to do with..."

Franks: "I agree."

Sandack: "...the use of their services and their office was still utilized. Right?"

Franks: "Correct. But, it's not their money."

Sandack: "True."

Franks: "It's... it's the person who was victimized money and they should get it back."

Sandack: "All right. Thank you."

Speaker Lang: "Representative Lang in the Chair. Mr. Franks to close."

Franks: "I appreciate the questions. I would ask that for an 'aye' vote here because people who have been found innocent after being convicted of crimes should not be victimized by our system again. Please vote 'aye'."

Speaker Lang: "Those in favor of the Bill vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Sims. 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 2664, Mr. Yingling. Out of the record. Senate Bill 2694, Mr. Drury. Please read the Bill. Out of the record, Mr. Clerk. Senate Bill 2800, Representative Mayfield. Please read the Bill."

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Clerk Bolin: "Senate Bill 2800, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Representative Mayfield."

Mayfield: "Thank you. What this Bill will do will allow for inmates that have been... to be returned back to the... to the jail, to the court system after they've been deemed fit to stand trial. This will open up and free beds for those individuals who need it the most. I ask for an 'aye' vote."

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? Kosel, Sullivan. 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 2802, Mr. Turner. Please read the Bill."

Clerk Bolin: "Senate Bill 2802, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Turner."

Turner: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2802 would allow a person to operate or permit the operation of a motor vehicle that does not display a valid registration sticker so long as the operator has proof that the vehicle was registered before the previous registration's expiration in the form of a printed receipt from the Secretary of State. I'd ask for an 'aye' vote."

Speaker Lang: "Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

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Reboletti: "Leader, as I look at this, you're saying that you'd have to have that print out from your computer present with you that you purchased the sticker, but you're awaiting the sticker in the mail? Is that what... is that what this is?"

Turner: "If I heard you correctly, yes. I believe that as long as you have that proof that you've actually purchased the vehicle registration, you should be good for 30 days."

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? Pihos. 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 2808, Representative Williams. Please read the Bill."

Clerk Bolin: "Senate Bill 2808, a Bill for an Act concerning location surveillance. Third Reading of this Senate Bill."

Speaker Lang: "Representative Williams."

Williams: "Thank you, Mr. Speaker. This Bill requires a court order based on probable cause of crime before law enforcement can obtain current or future location information from an individual's electronic de... device, so, such as a cell phone. There are certain enumer... enumerated exceptions, but this Bill is the culmination of almost a year of discussion and negotiation. And I wanted to commend the Cook County State's Attorney, the ACLU, the States Attorney's Association and the State Police for working hard to find a Bill that balances privacy rights with law enforcement needs. And I'm happy to answer any questions."

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Speaker Lang: "Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Reboletti: "Representative, I know that you had the Cook County State's Attorney's Office testify in front of committee and for the purposes of the Body, the intent is not to stop the ability of law enforcement to find information out about a cell phone or tracking. They can still get an order from the court, is that correct?"

Williams: "Absolutely. This just prevents obtaining such information on current and future location only without probably cause. But it's obviously a very important law enforcement tool and when appropriate, it can absolutely be accessed."

Reboletti: "And I asked the State's Attorney, if you recall, there would be a case number created, usually under MR for miscellaneous relief, so there would be a case number so that this order would be turned over in the future prosecution of one... if one happened or if one occurred?"

Williams: "I'm sorry. I didn't exactly hear the question?"

Reboletti: "Speaker. Thank you. That... I asked the assistant State's Attorney that testified, that there would be a case number that would be effectuated because this may be turned over in discovery at some point that there was a hearing or that an order was presented to the court and there's a factual finding that probable cause existed and that would eventually be turned over to the defense in... in the part of discovery. Is that right?"

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Williams: "I think, yeah. If I recall, it becomes part of the larger prosecution, should it move forward."

Reboletti: "Thank you."

Williams: "Thanks."

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? 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 2826, Representative Chapa LaVia. Please read the Bill."

Clerk Bolin: "Senate Bill 2826, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Lang: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. You look amazing today, which you always do. So, Senate Bill 2826. The purpose of this Bill is to bring state law governing firefighters admissions tests in line with federal anti-discrimination laws. The Bill is narrow fix of existing law and will ensure that firefighter applicants are qualified and able to perform the essential functions of a firefighter while also ensuring that the tests comply with both state and federal anti-discrimination laws. The Association of Firefighters of Illinois supports this Bill. There is no opposition. And this Bill does not and will not affect Chicago, the City of Chicago's firefighters standardized test... I mean, testing standards. It came out of the Senate unanimous. I'll take any questions. Thank you, Sir."

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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? Davidsmeyer. 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... Senate Bill 2922, Mr. Beiser. Please read the Bill."

Clerk Bolin: "Senate Bill 2922, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Beiser."

Beiser: "Thank you, Mr. Speaker, Members of the House. This is an initiative of the Department of Insurance and it amends the Illinois Insurance Code to prohibit a public adjuster from charging or accepting any compensation in... in excess of 10 percent of the amount of the insurance settlement."

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? Crespo. 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 2928, Representative Osmond, who's standing and ready to go. Please read the Bill."

Clerk Bolin: "Senate Bill 2928, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Lang: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. Senate Bill 2928 amends the Environmental Protection Act that allows law enforcement agencies to collect, store and transport controlled substances. I... this came over from the Senate with no

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opposition. I know of no opposition. Be happy to answer any questions."

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? 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 2941, Representative Cassidy. Please read the Bill."

Clerk Bolin: "Senate Bill 2941, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Representative Cassidy."

Cassidy: "Thank you, Mr. Speaker. Senate Bill 2941 addresses an oversight that we made a few years ago when we created the opportunity to seal several narcotics crimes, among many others. In that... when that was done, we permitted sealing of possession of cannabis and controlled substances as well as possession with intent to deliver narcotics or controlled substances, but not cannabis. At the same time, we overlooked a problem under federal law that put pharmacies at risk. Under federal law, pharmacies cannot employ anyone that has any sort of controlled substance or narcotics convictions. And for the last few years, pharmacies have been operating without the ability to access those records. Under this Bill, we will also make it possible for the Department of Professional and Financial Regulation to access those records related to all of the underlying crimes related to narcotics and cannabis so that the pharmacies can come into compliance with federal law. I worked with the Retail Merchants Association to find

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that solution, taking the burden off the pharmacies and putting it on the Department so that they can remain in compliance."

Speaker Lang: "Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "Representative, I remember we had some lively discussion in Judiciary on this. My analysis says that law enforcement or at least those wishing to opine on the matter, the Illinois Association of Chiefs of Police and the Illinois Sheriffs' Association are against or still stand in opposition. Is that your information?"

Cassidy: "It is. However, this Bill was the result of work with the State's Attorneys Association, who was the organization that noticed the initial oversight of this particular crime being left out of the sealing opportunities. And then, as I said, later, the Retail Merchants discovered their... their error and we went... went ahead and corrected that error as well."

Sandack: "My analysis doesn't show the pharmacists coming in on this. I would assume that they have an opinion?"

Cassidy: "They are... via the Retail Merchants Association, they are neutral but we worked very closely with them. They believed that it was not appropriate to take a supporting position 'cause they don't opine on criminal law. That said, they are grateful for the shift of responsibility from the small businesses to the Department."

Sandack: "Okay. Thank you."

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Speaker Lang: "Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Reboletti: "Representative, I won't ask you the first question I would normally ask you, I'll skip that one."

Cassidy: "Aw come on, it's so fun."

Reboletti: "The second question I have is you mentioned that this was an oversight with respect to other controlled substances. But I'm not aware of which ones you're referring to, because it's my understanding that the only Class 4's that you can seal are those with respect to possession of a controlled substance. So, I was wondering, from a delivery perspective, which ones that you could seal already."

Cassidy: "The Class 3 felony conviction for possession with intent to manufacture or deliver a controlled substance is eligible for sealing."

Reboletti: "So, there's only... I think there's only one Class 3, if I'm not mistaken, and that's the look alike substance but I'm not sure? Is that what you..."

Cassidy: "I am unaware."

Reboletti: "You're not aware?"

Cassidy: "No. I do not know."

Reboletti: "And does this say that you can seal something if the probation hasn't been successfully completed?"

Cassidy: "The records can only be sealed, and this is the underlying law, the records can only be sealed four years after the termination of the petitioner's last sentence. They cannot have any subsequent conviction records sealed and they may order the unsealing of prior felony convictions if the

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individual is convicted of a subsequent felony. So, there is... there are consequences if this... if you continue down this road."

Reboletti: "And... and there was some opposition from the sheriffs and the chiefs. What... what was their opposition?"

Cassidy: "I believe they just by and large opposed the sealing generally. The state's attorneys generally are... are more open to sealing."

Reboletti: "Thank you."

Speaker Lang: "Mr. Ford."

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

Speaker Lang: "Sponsor yields."

Ford: "Representative, I just have a few questions about the Bill. The first question I have, is this adding to a... to the number of offenses that are eligible for sealing under the Illinois State Law?"

Cassidy: "Yes, it is."

Ford: "So, it adds what to the statute?"

Cassidy: "It allows that you may petition to seal convictions for a Class 4 felony or Class 3 felony, a possession with intent to manufacture or deliver cannabis, which was... which was omitted from the original effort to seal narcotics, the similar..."

Ford: "And does it also..."

Cassidy: "...the similar narcotics cases."

Ford: "...does it... and does it also require background checks for certain convictions?"

Cassidy: "Under federal law, pharmacies are not permitted to employ people with any narcotics convictions of any kind. The

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original law, again, there was an oversight there and the pharmacies have been operating outside of federal law at this point. What we were able to do is what we've done in other similar circumstances and create an industry-specific exception so that the Department of Financial and Professional Regulation, at the time of licensing, can do that background check. Previously, what happens is a pharmacy, when they're seeking to hire someone, does their... does a private background check. So this... this makes it a Department responsibility at the time of licensure."

Ford: "Okay. So, the question is, so... will it be on the application for a person applying to be in the profession? The question?"

Cassidy: "I believe that this would be a question upon licensure. This is not about getting the job. Once you... once you have the license and apply for the job, it's... it is inherent that you do not have the conviction. So this is, just as when attorneys apply for licensure or other professions apply for licensure, they have to submit to certain... certain checks. And this would be part of that within the Department of Professional Regulation."

Ford: "Is there any..."

Cassidy: "But not at the time of app... applying for employment. Because if you have the license, you've passed the background check."

Ford: "Is there any reason why we're doing two things?"

Cassidy: "I'm sorry, I'm having trouble hearing you?"

Ford: "Could you tell me why we're doing two things and this... the two things that we're working on in this one Bill? Part of it is good and part of it I don't like. So the question is, why

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are we... it's great that we're adding a sealable offense to the statute. But the other question is, I don't know if I like the idea that we are requiring background checks. I mean, I think that it's automatic, even without saying that we have to do it, because if a person applies for a professional license and they apply for the..."

Cassidy: "I really am having trouble hearing you. I'm very sorry."

Ford: "I like one part of the Bill. But the second part, the... the part that I don't like is the fact that we are requiring a background check, when it appears to me that if the state or federal law automatically prohibits a person from having a... from being in the profession, I don't know why we have to ask the question. It's sort of goes against what I believe we should be doing. So, it's hard for me to vote for it when you have one part that's good and another part that's totally against what I believe."

Cassidy: "You and I have worked together on other issues that have allowed for industry-specific exceptions. Because... because the federal law actually affects the pharmacy's license to operate, it is outside, sort of, our ability to... to implement and puts all of the sealing at risk. This allows the other sealing to continue while allowing this... this one very specific exception to exist where... where in federal law prohibits people with narcotics backgrounds from being in a position of distributing them."

Ford: "So, you can't have one without the other?"

Cassidy: "Right."

Ford: "Thank you."

Speaker Lang: "Representative Cassidy to close."

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

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? Mr. Drury. Please take the record. On this question, there are 42 voting 'yes', 69 voting 'no'. And the Bill fails. Ladies and Gentlemen, immediately upon adjournment, there will be a Democratic Caucus in Room 114. Immediately. You hear the word? Immediately upon adjournment, there will be a Democratic Caucus in Room 114. And now, allowing for perfunctory time for the Clerk, Leader Currie moves that the House stand adjourned until Tuesday, May 20 at the hour of 2 p.m. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the House does stand adjourned 'til tomorrow, Tuesday May 20 at the hour of 2 p.m. There will be an immediate Democratic Caucus."