

STATE OF ILLINOIS
99th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

24th Legislative Day

3/17/2015

Speaker Lang: "Happy St. Patrick's Day. The House will be in order. The House will be in order. Members will be in their chairs. We shall be led in prayer today by Pastor Tim Lusitana, who's with Life Builders Church of God in Decatur, Illinois. Pastor Lusitana is the guest of Representative Scherer. Members and guests are asked to refrain from starting their laptops, turn off cell phones and rise for the invocation and Pledge of Allegiance. Pastor."

Pastor Lusitana: "Thank you, Representative Scherer, for inviting me here today. I want to invite you to bow your head and close your eyes, if that's the way you pray and also, invite you just to pray in however manner your religion does. As we come here to pray today, may today's Session start with meditation and reverence to clear our hearts and minds to be productive for the State of Illinois. My heart is full of thanksgiving for all of the State Representatives, for their service and love for the State of Illinois and the particular areas they represent. I pray a blessing on their families, may they find time to grow closer with their spouses, even in the midst of a hectic schedule. I pray a blessing on their children. Many here have sons, daughters, grandsons and granddaughters. I ask for protection and prosperity for all of their young ones. Not only have our Representatives sacrificed, but their families have also and I just want to honor that here today. As Leaders, may we not be driven by ego, but may we be driven by servanthood. Help us all to resist the temptations of giving into selfishness and injustice, may they all wear a banner of teamwork, forgiveness, inclusion, charity and love.

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May we treat today as our last day, so it will be the best day for the House of Representatives. In Jesus' name, Amen."

Speaker Lang: "Be led in the Pledge today by Representative Pritchard."

Pritchard - 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 show that Representatives Gordon-Booth and Mautino are excused today."

Speaker Lang: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. Please let the record show that Representative Cavaletto and Representative Stewart have excused absences today. Thank you."

Speaker Lang: "Mr. Clerk, please take the record. There are 114 House Members present, we do have a quorum. The Chair recognizes Representative Wallace. Representative Wallace."

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

Speaker Lang: "Please proceed."

Wallace: "Well, good afternoon to the House. I am asking that everyone please welcome Isaiah Shelton, my son, as an honorary Page today. And..."

Speaker Lang: "Welcome Isaiah."

Wallace: "...and as this is Women's History Month, I think it is extremely important for us to think about the working families in our nation, particularly in our state. I think that I would like to share that, were it not for child care subsidies, I would not have completed my doctoral degree. I would not have

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been able to work as a single mom. And I just think we need to recognize that working families are the backbone of our state and many of those families look just like mine, single female head of household with beautiful children. Thank you."

Speaker Lang: "Thank you, Representative. Representative McAsey."

McAsey: "Thank you, Mr. Speaker, Members of the House. I, too, rise on a point of personal privilege."

Speaker Lang: "Go right ahead."

McAsey: "Thank you very much. Members of the House, will you please join me in welcoming some students from the Wilco Area Career Center located in my district. They are behind me in the gallery standing. They are accompanied today by Julia Ann Oglesby, the Assistant Principal of Students. And we have students who are involved in both the health services, the CNA program as well as the Criminal Justice program at Wilco. They, along with many students from all over the state, have tables down in the Capitol rotunda and are sharing with Members the importance of career in technical education. So, please join me in welcoming them to the Capitol. Thank you."

Speaker Lang: "Welcome aboard. Glad you're here with us. Mr. Morrison."

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

Speaker Lang: "Please go right ahead."

Morrison: "Would also like to welcome my honorary Page today, Keagan Dooley. He is a freshman student at Bradley University. Welcome, Keagan."

Speaker Lang: "Welcome, Keagan. Thanks for being with us. Mr. Walsh."

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Walsh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First off, happy St. Patrick's Day to everybody. I hope everybody's enjoying their Irish heritage today. But I rise on a point of personal privilege."

Speaker Lang: "Proceed, Sir."

Walsh: "I'd like to take this time to introduce from my home district Joliet Township High School District 204 West and Central Campus are down here showing us their talent in many different areas, down in the rotunda. If you get a chance, stop by and see what they do. It's very, very impressive. But I'd like to take this time to welcome them to Springfield."

Speaker Lang: "Welcome to Springfield. Mr. Sullivan is recognized."

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

Speaker Lang: "Go right ahead."

Sullivan: "So, tonight we will celebrate the Sullivan Caucus to begin Irish Week because we do need an entire week to celebrate. We will have the 13th annual Sullivan Caucus party starting at 5:00, 5 to 9, at Julia's Kitchen. Come and go as you please. We don't charge to come to the party, of course, but we do pass a hat and this year our charity will be the Governor's Mansion Association. We'll have some good Irish music and I believe the Boat Drink Caucus is going to play towards the latter half of the evening. Thank you."

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

Meier: "Point of personal privilege."

Speaker Lang: "Please proceed."

Meier: "I'd like to welcome Judy Grooner and her niece, Katie Champion from Texas. Judy is from Nashville, Illinois. She is

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a parent of one of our Murray residents and has been a very strong supporter of taking care of our mentally disabled. Thank you."

Speaker Lang: "Welcome to Springfield. Thank you. Mr. Cabello."

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

Speaker Lang: "Go right on."

Cabello: "Ladies and Gentlemen, if you would help me welcome two people from Machesney Park in our gallery today. We have trustee Aaron Wilson and a Dartmouth attendee, Abraham Herrera. Welcome to Springfield, gentlemen."

Speaker Lang: "Thank you, guys. Thanks for being here. Mr. Harris."

Harris, D.: "Well, the top of the afternoon to you, Mr. Speaker. And I just want to..."

Speaker Lang: "Wow."

Harris, D.: "...I just want to say you're looking mighty fine up there in the Speaker's podium today."

Speaker Lang: "That's it?"

Harris, D.: "That's it, Sir."

Speaker Lang: "That's all you got? Mr. Demmer."

Demmer: "Mr. Speaker, a point of personal privilege."

Speaker Lang: "Proceed, Sir."

Demmer: "I'd like to offer congratulations today to a manufacturing plant in my district. Nippon Sharyo rail car manufacturer is located in Rochelle. If you've ridden a Metra train in the past several years, chances are you were riding on one of their trains. Today they're celebrating their one

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thousandth car that rolls off the line there. Just congratulations to them back in the district today."

Speaker Lang: "Thank you, Sir and congratulations. Mr. Leitch."

Leitch: "Mr. Speaker, where's Joe? I've been looking all over this place for the corned beef sandwiches and I've yet to find them. Does the Chair have any insight when Joe Lyons will show up with the corned beef sandwiches?"

Speaker Lang: "Well, that's not the only reason we miss him around here, Sir."

Leitch: "That's true."

Speaker Lang: "I'll see if I can get him to call you."

Leitch: "Thank you."

Speaker Lang: "Sure. On page 6 of the Calendar, under the Order of House Bills-Third Reading, there appears House Bill 133. Mr. Thapedi. Out of the record. House Bill 1337, Mr. Drury. Out of the record. House Bill 1361, Mr. Turner. Please read the Bill."

Clerk Hollman: "House Bill 1361, a Bill for an Act concerning housing. Third Reading of this House Bill."

Speaker Lang: "Mr. Turner."

Turner: "Thank you, Mr. Speaker. This Bill deals with the... it amends the Rental Housing Support Program Act, and it does three things. Well, first of all, the program provides funding to help stabilize real estate values, subsidize rent, allow for rental assistance, and otherwise help localities address the needs of decent, affordable and permanent rental housing. The Amendment will provide... will provide a definition for 'annual receipts' to mean revenue derived from the rental housing support program state surcharge from July 1 to June

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30. This will require the Illinois Housing Development Authority to distribute proceeds from the program solely from the annual receipts on deposit in the program fund and not from any other source or funded by the Authority, as opposed to all amounts held in the program fund. This will require the Authority to perform annual reconciliations of all distributions made in connection with the program and then allow for the offset of future distributions to balance the geographic distribution requirements of that. I'd appreciate the support of the Body."

Speaker Lang: "There being no one wishing to debate, 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? McDermed, Nekritz, Tabares. Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1404, Mr. Costello. Please read the Bill."

Clerk Hollman: "House Bill 1404, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lang: "Mr. Costello."

Costello: "Thank you, Mr. Speaker, Members of the Body. House Bill 1404 increases the restrictions that a demonstrator may protest at a funeral or a memorial service. It increases the restriction from 30 minutes to 1 hour and it also increases the distance from 300 feet to 1 thousand feet. A first offense would be a Class C misdemeanor. Currently, the second offense is a Class 4 Felony. I've agreed to work with the Senate and change that to a Class A misdemeanor, but I would like to

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pass this Bill as it is right now and amend it when it's in the Senate. I ask for your 'yes' vote."

Speaker Lang: "Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "Thank you. Representative Costello, did you run this Bill last Session, as well?"

Costello: "Ron, I've run this in the 97th, the 98th and in this General Assembly. So, it is passed the Body with, I believe, only 1 'no' vote in both General Assemblies."

Sandack: "And what... just procedurally, what happens? Is it just not getting called in the Senate?"

Costello: "So... so, I think the issue was that a second offense was a felony. So, that's been the... the issue in the Senate. You know, I ran it, as I told you right now, where it's a Class 4 Felony, currently. I'm going to work with the Senate to make that a... the second offense a Class A misdemeanor and then bring it back to the House."

Sandack: "Thank you, Jerry. I think it's a good Bill and I obviously urge all to support it."

Costello: "Thank you, Ron."

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? Switches are right there where we left them last week, Members. Leader Currie. Please take the record. On this question, there are 111 voting 'yes' and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Chair recognizes Mr. Hoffman."

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Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A point of personal privilege. I have with me Marcus King.. If I could have everybody's attention. Marcus is the son of Barbara Staples King, who is right up there in the gallery. You all know Barbara from being around the General Assembly. Marcus is seven years old. He is the winner of the Governor French spelling bee. He is one of 32 finalists in the 'Post-Dispatch' Spelling Bee, and he's the youngest in history of the 'St. Louis Post-Dispatch' Spelling Bee to make it to the fifth round out of 11 rounds. Let's give Marcus a round of applause."

Speaker Lang: "Congratulations, Marcus. Spell Hoffman. Mr. Phillips."

Phillips: "Yes, point of personal privilege."

Speaker Lang: "Proceed please, Sir."

Phillips: "In the House with me today from Charleston, Illinois, if they'll stand.. come on, guys, don't be shy.. from Charleston, Illinois, from the Eastern Illinois Education for Employment Systems Health Occupations, which my sons and family went through this program also and became certified nurses' assistants. A couple of these two guys in the red suits, one wants to be a doctor and one wants to be a physician's assistant. It's a great program. They're in the... at the Capitol Building today. And I just want to recognize Sam White, Sam Gupta and their teacher Margarret Blair. And there's Corben White; another teacher Olivia Hartenstine, Mikel Welton and Sally Shawyer, also another teacher. If you'd give them a... please round of applause. Thank you very much."

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Speaker Lang: "Welcome to Springfield. Happy you're here with us today. House Bill 1417, Mr. Mitchell. Please read the Bill."

Clerk Hollman: "House Bill 1417, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lang: "Mr. Mitchell."

Mitchell, C.: "Thank you, Mr. Speaker. This, I'd argue, is basically a cleanup Bill really dealing with something in a more efficient way that happens already. So, right now, for example, in Cook County the Cook County State's Attorney files in every case a motion to request payment for potential... potentially from defendants who have just been defended by a public defender. Now, what this Bill would say is that should actually be a service performed by the Public Defender's Office, who's going to be more often able to assess whether or not it's reasonable for the defendant to pay a portion of their legal services. This would not happen by fiat as I said in committee. This would happen only through a hearing as it happens right now, but it makes significantly more sense for the public defender to be doing this than the state's attorney. I look forward to any questions, but ask for an 'aye' vote."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Sponsor yields."

Franks: "Representative, I'm... I'm just learning of this for the first time."

Mitchell, C.: "Sure."

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Franks: "So, I'm trying to understand it a little bit. I notice that the opponents are the Cook County Public Defender and the Illinois Public Defender Association."

Mitchell, C.: "Yeah."

Franks: "Why would they be opposed to this Bill?"

Mitchell, C.: "So... so, what they presented in committee, Representative Franks, it basically was there's a feeling... and I'm quoting them. I want to be clear 'cause it's not something I necessarily agree with... that people already are suspicious of public defenders and would somehow be more suspicious that they were being, I guess, used for profit or something like that if the public defender were, at the end of it, asking the court to return fees that they were able to pay. Now, the problem with that is right now what's happening is the state's attorney effectively is filing a motion on this in every single case. They've been successful in less than one percent of cases because they can't assess how many hours a public defender has spent on a case outside of court, for example. So, it just makes more sense for the public defender to be doing this and again, it wouldn't happen automatically as it has to happen right now. It'd have to go through a hearing process and it wouldn't be happening primarily for indigent people. It'd be happening in the case of, not an I bond, but somebody who had paid bond to get out of jail, for example."

Franks: "So, right now, a state's attorney on his or her own motion could ask the court to have the defendant pay fees."

Mitchell, C.: "So, right... so, right now, the state's attorney, for example, in Cook County is filing this motion every single

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time a case like this comes up, which doesn't make a lot of sense 'cause they're not being terribly successful. So, it just... it just makes sense for the defender... the public defender to be doing this."

Franks: "But you all... but you're not precluding the state's attorney from still motioning this if he... if the defense doesn't do it, there is giving both sides the ability..."

Mitchell, C.: "That's right."

Franks: "...to do it. And there's no mandate to do this."

Mitchell, C.: "No."

Franks: "It's permissive, correct?"

Mitchell, C.: "It's permissive. It gives them... it gives authority to the body that should be, frankly, doing it already."

Franks: "It seems to make sense then."

Mitchell, C.: "I would hope so."

Franks: "Thank you."

Mitchell, C.: "Thank you."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Lang: "Gentleman yields."

Flowers: "And Mr. Speaker, I can't hear. Can you lower, please?"

Speaker Lang: "Ladies and Gentlemen, Representative Flowers is absolutely correct. It's a little noisy in the chamber today. We can't blame all the noise on Representative Sandack, but if we could just settle down and let... and let Representative Flowers ask her questions. Please proceed."

Flowers: "Representative, I'm sorry. I did not get your... your analysis of what this Bill actually does. Can you..."

Mitchell, C.: "Yeah."

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Flowers: "...please define it again, please?"

Mitchell, C.: "Yeah, I sure can. So... so, I'll kind of run through it, again. So..."

Flowers: "Slowly, please."

Mitchell, C.: "I will run through it as slowly as I possibly can. So, it provides that court-appointed attorneys may... and Representative Franks is exactly right... may petition not must but may petition the trial court for attorney's fees following the disposition of a case. Now, what's happening right now, Representative Flowers, is that the state's attorney just by routinization is filing these motions in every single case that is a state's attorney against a public defender. There were, I think, 62 thousand of them or so since... I think, during 2014, less than one percent of them were granted. Now, part of the reason they were not is because the state's attorney can't properly assess the hours of time that are being spent outside of court by a public defender on the case. And again, this is a hearing process. There would be a hearing to determine whether or not this person is capable of actually paying court fees and assuming they find that there are, they would be ordered to do so to the court."

Flowers: "Well, let me just ask this. The defendant must pay to the Clerk of the Court. Now, that is if he or she is found guilty?"

Mitchell, C.: "That is to be... that is to be if... if at the end of a... at the end of the case, once the case position has been decided, if it is determined that this person is able to pay some portion, it could be, you know, \$40 per hour for court time, it's capped by statute, whatever portion that is, they

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would be asked to pay that because public defenders get salaries too and it helps finance the court."

Flowers: "Well, let me ask this. If this person's not able to pay, then what?"

Mitchell, C.: "So, they're... they're... so, the... to be clear, Representative, in order to be found that they can pay, there is a hearing process. They would have been adjudicated to have ability to pay. So, if the person can't pay at all, then it wouldn't happen, which is why, for example, the state's attorney filed 62 thousand of these in 2014 and less than one percent of them were granted. Most times people are indigent and can't pay. This would say if a person is able to pay some portion, they would be able to say... the public defender would be able to file a motion to get them to pay."

Flowers: "If the state's attorney filed 62 thousand of these cases and only one percent was able to pay, is this really in the best interest? How much does it cost for each one of these hearings? Are we costing the state more to find out if these indigent people are indigent and obviously, from the accountability of your numbers, it's obvious that most of them cannot afford to pay?"

Mitchell, C.: "So, here's... here's the thing, Representative. This is happening right now. This has been happening for a number of years. And the problem is right now you've got a state's attorney that was just in an adversarial relationship with the person who is potentially being asked to pay being the one who is automatically filing the motion, because by statute we're supposed to do so. This would say let's ask the person who's spent all this time with the person, who has defended

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them, who has a better idea of their ability to pay would be the person who would actually file for that in the case that they believe the person has the ability to pay. So, we're putting it from the hands of somebody who was adversarial into the hands of somebody who has just defended this person. It just makes sense."

Flowers: "Thank you, Representative."

Mitchell, C.: "Thank you."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you. Will the... Thank you, Mr. Speaker. Will the Sponsor yield for a few questions?"

Speaker Lang: "Of course."

Sandack: "Representative Mitchell, just to clarify. The process of going to a hearing for reimbursement already occurs?"

Mitchell, C.: "Yes, it does."

Sandack: "And it occurs on the state's attorneys' motion right now."

Mitchell, C.: "That's right."

Sandack: "And that state's attorney is adverse from the person who may be required to pay some or all back in reimbursement."

Mitchell, C.: "That's correct, Representative."

Sandack: "Your... your Bill simply puts the onus on the person who represented the defendant in the first instance."

Mitchell, C.: "Just as it happens in the private sector. Yes, Sir."

Sandack: "Thank you."

Speaker Lang: "Representative Ammons."

Ammons: "Will the Gentleman yield?"

Speaker Lang: "Gentleman yields."

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Ammons: "I just want to clarify. If a person who is a defendant in a case qualifies for a public defender, wouldn't that automatically qualify them for a waiver of other fees and services?"

Mitchell, C.: "No. So... so, I forget the exact appointment process, but it does not always... not everybody who gets a public defender is indigent. That is most commonly the case."

Ammons: "Okay."

Mitchell, C.: "So, all this Bill would say, in cases where that's not the case, the public defender themselves could make the determination of the time they spent out of court, the time they spent in court to see if this person is able to... to... pay a portion of their services."

Ammons: "And is there a... a criteria that they have to use currently..."

Mitchell, C.: "I'm sorry, Representative, speak up."

Ammons: "Is there a criteria that they currently have to use to determine a person's ability to pay?"

Mitchell, C.: "So... so, there is. Theoretically, the challenge is because the public defender's not the one doing this right now, the state's attorney is literally filing them every single time on the off chance that they might be able to recover some revenue for the court. So, this would change that and say, let's make sure the public defender follows the current criteria but also because of their objective knowledge of the client, having worked with them understanding that their hours and their time spent and the client's personal finances, they would then have the ability to file for that hearing."

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Ammons: "I have to just ask the Gentleman just to consider in this that there may be, and I believe that there are, instances where a person who is assigned a public defender have to attend so many other sessions in or... as part of their requirements from the court to pay fees and fines at other community-based services, I think this will create a hardship on the communities that's already experiencing a hardship."

Mitchell, C.: "So, I... I don't know if that was a question or if you were done, but the..."

Ammons: "Well, I just..."

Mitchell, C.: "...what I would say is this is a process that is happening already. It's already happening by routinization by the states' attorney. This is saying, let's put it in the hands of the people who are most going to know what a client's ability to pay is, if they have any and in many cases they won't, but let's make sure that it's not the person who's just an adversarial relationship just prosecuting this person, but the person whom they just defended. This is exactly how it gets done if the person doesn't have court-appointed counsel and has a private attorney."

Ammons: "I guess in my case in my county, you know, public defenders are very much overworked already, and they have so many cases that they can barely adjudicate themselves. And so, putting this additional responsibility in the hands of the public defender, I just question our ability in Champaign County to be able to carry that out. And so, I'm concerned about that and couldn't support it at this point, but I appreciate what you're trying to do."

Mitchell, C.: "Thank you, Representative."

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Speaker Lang: "Representative Davis."

Davis, M.: "Mr. Speaker, will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Davis, M.: "Representative Mitchell, maybe you said so already
and I missed it."

Mitchell, C.: "Sure."

Davis, M.: "Why is the public defender opposed to your
legislation?"

Mitchell, C.: "So, what was presented in committee,
Representative, was and again, I can't quote exactly because
it was bizarre, was public defenders are already somehow
viewed negatively by the people who use them and doing this
would make them somehow more negatively viewed. I did not
understand their objection and I don't think other Members of
the committee did as well. Representative Sandack actually
asked the question about this as well and I don't think we
got a clear answer."

Davis, M.: "Well, the purpose..."

Mitchell, C.: "And they didn't, for the record, talk to me about
it in advance so."

Davis, M.: "The public defender is assigned to a criminal case
when the person being charged cannot afford to pay for an
attorney. Is that correct?"

Mitchell, C.: "That is not always correct, as I just responded to
Representative Ammons. That is usually the case and so, again,
this is not a situ... this Bill would not require someone to
pay fees. It would say that the public defender who currently...
the state's attorney is currently doing this... would be in
charge of filing for a hearing to recover any fees a person

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was able to pay, if they were able to. And the public defender having just defended them, would be the person who would know if that were true."

Davis, M.: "Who would make the determination that a hearing should be held? Who would make that determination?"

Mitchell, C.: "That would be... that would be... that would be... the public defender would be the one making the determination of whether or not there is cause for a hearing at all. And in most cases, there probably won't be."

Davis, M.: "So, the public defender would be required to do something that he's opposed to doing according to your legislation? He's opposed..."

Mitchell, C.: "The public defender would be asked to take responsibility for a process from which he is currently already benefiting but is being done by somebody who is adversarial to his own client. It just makes sense."

Davis, M.: "Well, it appears to make sense, but it appears to me that it's going to add an additional burden on our already overburdened courts. As you know..."

Mitchell, C.: "So, the reason I like..."

Davis, M.: "No, no. Excuse me, Sir."

Mitchell, C.: "Yes, Ma'am. Yes, Ma'am."

Davis, M.: "Sometimes court cases take years to be heard. So, now we have another additional objection or objective for the court and that's to hear these financial issues in reference to, perhaps, an indigent inmate... former inmate who's indigent. So, it's kind of like, in my opinion, a waste of time. And I know you have the very best of intentions, but Representative, I would like very much for you to rework your

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Bill, get the support of the public defenders, who are basically underpaid and overworked. They're underpaid and overworked and we know this. So, to add another burden on them, just seems a bit unfair. And I'm going to have to oppose your Bill at this time, Representative; however, I do believe there may be a small amount of merit in what you're trying to do, but this Bill just doesn't quite get there. Thank you."

Mitchell, C.: "Thank you."

Speaker Lang: "Representative Cassidy."

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

Speaker Lang: "Sponsor yields."

Cassidy: "I want to make sure I understand clearly."

Mitchell, C.: "Yeah."

Cassidy: "These hearings happen almost automatically now..."

Mitchell, C.: "Yes."

Cassidy: "...in every case because the state's attorney automatically files this motion?"

Mitchell, C.: "That's correct, Representative."

Cassidy: "And under this Bill, if it were to become law, it would become the option of the public defender to choose whether or not to file the motion for this hearing that is already happening in every case with very low outcome."

Mitchell, C.: "That's correct."

Cassidy: "And so, the outcome of passage of this Bill would very likely be far fewer of these hearings being held."

Mitchell, C.: "With... Yes. I'd reiterate that. That's exactly what it would be."

Cassidy: "And so, by passing this Bill and giving the public defender the option of choosing whether or not to file for

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this hearing on ability to pay, we actually are lessening the burden on the court system, lessening the burden on both the... the... both of the categories of public servants, who serve in the criminal justice system..."

Mitchell, C.: "That's correct, Representative."

Cassidy: "...and potentially putting these defendants through one fewer court case."

Mitchell, C.: "That's correct, Representative."

Cassidy: "So, to the Bill. This is actually a pro public defender Bill, a pro indigent defendant Bill and a pro efficiency in our criminal justice system Bill. I urge an 'aye' vote."

Speaker Lang: "Mr. Guzzardi."

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

Speaker Lang: "Sponsor yields."

Guzzardi: "Representative Mitchell, just a couple of quick questions. First of all, if none of these hearings are held, if a hearing is not held, do the... does anyone pay or it just defaults to no..."

Mitchell, C.: "Generally, no."

Guzzardi: "Okay. And then, as it pertains to the opposition of the public defenders, have you spoken with them since your Bill was in committee and asked them what they were opposed to and why they were..."

Mitchell, C.: "Yeah. I... I offered to speak with them after committee, they left, so I didn't pursue it."

Guzzardi: "Okay. And then a final question just pertaining to what Representative Cassidy just said. Is it your understanding that if this Bill should pass the state's attorneys would no longer be filing these motions?"

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Mitchell, C.: "That... that... they would still have the option to do so, but this is an initiative of the State's Attorney's Office precisely because they don't feel it's a position they should be in."

Guzzardi: "So, I guess it's possible to imagine that a public defender's concern is that the burden is shifting from the State's Attorney's Office to their office."

Mitchell, C.: "Well, I mean, I can imagine them thinking that, Representative, but the challenge is they are the people who have just defended this person, have the most knowledge intimately of their finance or ability to pay. In most cases, they're not going to have the ability to pay, but they would then be the ones making the determination. And as Representative Cassidy said, likely that's going to result in far fewer filings. The state's attorney is effectively doing these pro forma right now."

Guzzardi: "Thank you, Representative Mitchell."

Mitchell, C.: "Thank you."

Speaker Lang: "Mr. Mitchell to close."

Mitchell, C.: "Well, thank you for the vigorous debate. I think Representative Cassidy reiterated most of my points. So, I'll just say this is actually a Bill that'll be very good for the public defenders, good for our court system and likely put most indigent folks through one less filing and one less hearing after having already endured a run-in with our system. So, I think it's a very good Bill. And I urge an 'aye' vote. 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

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voted who wish? Have all voted who wish? Feigenholtz. Please take the record. On this question, there are 106 voting 'yes', 5 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Leader Currie for a point."

Currie: "Thank you. Point of personal privilege. I have with me from the great 25th District two Pages for a day. They are Henry Meltzer Cassel and his sister, Amanda. Their parents, Peter and Danielle are sitting in the gallery. Please show them a strong Springfield welcome."

Speaker Lang: "Happy you're here with us. Welcome. Mr. Ford."

Ford: "Thank you, Mr. Speaker. I would like the record to reflect that I intended to vote 'green', 'yes', for 1404, House Bill 1404."

Speaker Lang: "The record will reflect your intentions. The next Bill is House Bill 1566, Mr. Drury. Out of the record. Now, House Bill 2495, Mr. Yingling. Please read the Bill."

Clerk Hollman: "House Bill 2495, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Lang: "Mr. Yingling."

Yingling: "Okay. House Bill 2495, is an idea that came out of the task force on advanced materials recycling. What it does is it adds to the existing law that DCEO should develop a logo for composting and then promote it to the public. I'm happy to answer any questions. And I would encourage a lot of 'green' votes in honor of St. Patrick's Day."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Sponsor yields."

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Franks: "May I ask why you chose the Department of Commerce and Economic Opportunity to be involved in this?"

Yingling: "Hey, I know it's your favorite department."

Franks: "I'm just..."

Yingling: "That's why."

Franks: "Well, I appreciate that. But I'm not sure, you know, they're going to feel the luck of the Irish. I'm not so sure that they're still going to be around, so maybe you ought to have an Amendment that would say in case of their hopefully imminent demise that someone else might be able to pick up the slack. So, maybe what you can have like an alternative just in case they die and I hope they do."

Yingling: "Thank you, Representative."

Franks: "All right. Thank you."

Speaker Lang: "Sounds violent. Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "Sam, I... my notes indicate an opponent being IMA. Are they still opposed?"

Yingling: "Right. I spoke with IMA. IMA's opposition was with the existing law itself, the underlying law, which designates that DCEO put together a logo for recycling and then promote that. So, if you remember, I don't know, 10, 15 years ago when the chasing arrows came out that's what the underlying... or the existing law does. This adds compostables to that. I did talk to them. They did say they were opposed but kind of lightly, I guess."

Sandack: "So, it's basically a standing opposition to the original underlying Bill..."

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Yingling: "And that..."

Sandack: "...and that your Bill doesn't really add any new opposition, it just continues it."

Yingling: "That is correct."

Sandack: "Thank you."

Speaker Lang: "Mr. Yingling to close."

Yingling: "Let's light up the board green for St. Paddy's Day."

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? Breen, Gabel, Pritchard, Sims, Wheeler. Mr. Breen. Please take the record. On this question, there are 112 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Chair recognizes Leader Riley."

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

Speaker Lang: "Please proceed."

Riley: "You know, the work of local governments is never done from my perspective. And coming down here, getting involved in some meetings, there's a very important person I'd like to introduce, give her a Springfield round of applause. In the rear of the chamber, we have Will County Board Member and Forest Preserve District of Will County President, Suzanne Hart, Suzanne."

Speaker Lang: "Hello, welcome. House Bill 2515, Representative Cloonen. Please proceed. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 2515, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lang: "Representative Cloonen."

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Cloonen: "Thank you, Mr. Speaker. House Bill 2515 is an initiative of the Illinois Farm Bureau and the Secretary of State. It does three things. It's cleanup language with the Secretary of State with the Class... the plates for Class C and D trucks to give them the option of the mileage plate. It also puts the state in line with the federal regulations in the fact that exempt covered farm vehicles and their operators from the requirements of the commercial driver's license and the medical examiner's certificate. 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? Ammons, Wehrli. Representative Ammons. Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2744, Mr. Andersson. Please read the Bill."

Clerk Hollman: "House Bill 2744, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lang: "Mr. Andersson."

Andersson: "Thank you, Mr. Speaker. House Bill 2744 clarifies an ambiguity in the state statute on municipal boundary line agreements. It will ensure that once a boundary line agreement is established between two municipalities; thereafter, if one of those two subsequently enters into a boundary line agreement with a third municipality, the third municipality boundary line agreement will not... will not invalidate the first boundary line agreement. It will promote or will reduce sublessive litigation and promote smart growth on our

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communities. I'm happy to answer any questions. I would ask for your support."

Speaker Lang: "There being no debate, 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? Mr. Franks, Mr. Sommer. Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Congratulations, Representative. House Bill 2814, Representative Nekritz. Please read the Bill."

Clerk Hollman: "House Bill 2814, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lang: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. House Bill 2814 states the... that a mortgage is enforceable in Illinois regardless of whether the person issuing the... the mortgagor is licensed in Illinois. We have remedies for failure to license in Illinois through the Department of Financial and Professional Regulation, but that is... and that's the remedy that should remain. This is to clarify that the... a change that resulted from an Appellate Court case. So, I'd ask for your support."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Sponsor yields."

Franks: "Representative, I'm not sure what we're accomplishing here. Right now, we have an Illinois Licensure Act that mandates that one be licensed to give a mortgage, correct?"

Nekritz: "Correct."

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Franks: "So, this Bill would say that if you weren't licensed that the mortgage would still stand?"

Nekritz: "Correct."

Franks: "Why would we do that?"

Nekritz: "Well, it's a matter of certainty in the marketplace actually, because if the... you know, the mortgage is a record and if someone is... a title company or some other lienholder is relying on that, they ought to be able to rely on that public record and not have to go behind it and figure out whether they're... whether that individual's licensed. And again, we have the Department of Financial and Professional Regulation to enforce those, to impose a fine, do whatever the remedy is there, but someone borrowed the money and someone owes the money and we ought to be able to still enforce that."

Franks: "But this would not alleviate any penalties for someone who would sell or create a mortgage in Illinois who is not licensed to do so."

Nekritz: "That's correct. No, it does not impact any of that."

Franks: "All right. So, this is just to make sure that commerce still goes on."

Nekritz: "Correct."

Franks: "But that individual who didn't get licensed and didn't follow the law will still be punished."

Nekritz: "Correct."

Franks: "Okay. Thank you."

Nekritz: "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

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voted who wish? Have all voted who wish? Acevedo, Reaves-Harris. Please take the record, Mr. Clerk. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we're returning to page 2 in the Calendar, House Bills-Second Reading. Listen for your name, be prepared and let's move through these. House Bill 95, Mr. Thapedi. Please read the Bill."

Clerk Hollman: "House Bill 95, a Bill for an Act concerning civil law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 107, Representative Flowers. Out of the record, Mr. Clerk. House Bill 169, Mr. Dunkin. Out of the record. House Bill 218, Representative Cassidy. Out of the record. House Bill 313, Mr. Phelps. Please read the Bill."

Clerk Hollman: "House Bill 313, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Moving to page 4 of the Calendar, there appears House Bill 1362, Representative McAsey. Please read the Bill."

Clerk Hollman: "House Bill 1362, a Bill for an Act concerning safety. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 1372, Representative Mussman. Out of the record. House Bill 1376, Mr. Arroyo. Mr.

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Arroyo. Out of the record. House Bill 1377, Mr. Drury. Please read the Bill."

Clerk Hollman: "House Bill 1377, a Bill for an Act concerning transportation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 1407, Mr. Bennett. You wish to move your Bill to Third? Nice signal, Sir. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 1407, a Bill for an Act concerning regulation. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 1446, Representative Nekritz. Representative Nekritz. Please read the Bill."

Clerk Hollman: "House Bill 1446, a Bill for an Act concerning transportation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 1489, Mr. Ford. Please read the Bill."

Clerk Hollman: "House Bill 1489, a Bill for an Act concerning election. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 1496, Mr. McAuliffe. Please read the Bill."

Clerk Hollman: "House Bill 1496, a Bill for an Act concerning regulation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

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Speaker Lang: "Third Reading. House Bill 1531, Representative Kelly Burke. Please read the Bill."

Clerk Hollman: "House Bill 1531, a Bill for an Act concerning civil law. This Bill was read a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 2459, Mr. Sandack. Please read the Bill."

Clerk Hollman: "House Bill 2459, a Bill for an Act concerning local government. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 2483, Representative Chapa LaVia. Please read the Bill."

Clerk Hollman: "House Bill 2483, a Bill for an Act concerning public aid. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 2497, Mr. Ford. Please read the Bill."

Clerk Hollman: "House Bill 2497, a Bill for an Act concerning... concerning public aid. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. A fiscal note has been requested at this time but not filed."

Speaker Lang: "Please hold the Bill on the Order of Second Reading. House Bill 2503, Representative Mayfield. Out of the record. House Bill 2569, Mr. Tryon. Out of the record. House Bill 2628, Representative Fine. Please read the Bill."

Clerk Hollman: "House Bill 2628, a Bill for an Act concerning civil law. Second Reading of this House Bill. Amendment #1

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was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 2640, Representative Cassidy. Please read the Bill."

Clerk Hollman: "House Bill 2640, a Bill for an Act concerning civil law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 2641, Representative Cassidy. Please read the Bill."

Clerk Hollman: "House Bill 2641, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Continuing down the Order of Cassidy, 2642, Representative Cassidy. Please read the Bill."

Clerk Hollman: "House Bill 2642, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 2643, Representative Cassidy. Please read the Bill."

Clerk Hollman: "House Bill 2643, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 2644, Representative Cassidy. Please read the Bill."

Clerk Hollman: "House Bill 2644, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

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Speaker Lang: "Third Reading. House Bill 2645, Representative Cassidy. Please read the Bill."

Clerk Hollman: "House Bill 2645, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Mr. Clerk, please hold that Bill on the Order of Second Reading. House Bill 2658, Mr. Davidsmeyer. Out of the record. House Bill 2697, Leader Currie. Leader Currie. It's 2797. I was in error. Please read the Bill."

Clerk Hollman: "House Bill 2797, a Bill for an Act concerning government. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 2807, Mr. Mitchell. Christian Mitchell. Out of the record. House Bill 2824, Mr. Pritchard. Please read the Bill."

Clerk Hollman: "House Bill 2824, a Bill for an Act concerning State Government. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Returning to page 3 of the Calendar, House Bill 299, Representative Barbara Wheeler. Please read the Bill."

Clerk Hollman: "House Bill 299, a Bill for an Act concerning local government. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Wheeler, has been approved for consideration."

Speaker Lang: "Representative Wheeler."

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Wheeler, B.: "Thank you, Mr. Speaker. This Amendment clarifies that the court security officers not hired through the Merit Commission will not be disciplined through the Merit co... Merit Commission. I ask for an 'aye'... Is it a voice vote or..."

Speaker Lang: "Those in favor of the Amendment will say 'yes'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk."

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

Speaker Lang: "Third Reading. House Bill 397, Mr. Welch. Please read the Bill."

Clerk Hollman: "House Bill 397, a Bill for an Act concerning education. This Bill was read a second time on a previous day. Amendment #1 was adopted previously. No further Amendments have been approved for consideration. And no Motions are filed."

Welch: "Thank you."

Speaker Lang: "Chair recognizes Mr. Welch."

Welch: "Thank you, Mr. Speaker. I'd like to withdraw Amendment 2 on that Bill and then move it to Third Reading."

Speaker Lang: "Sir, Amendment 2 is in Rules. You don't need to withdraw it. Third Reading, Mr. Clerk."

Welch: "Thank you."

Speaker Lang: "Sorry. There are notes filed, Mr. Clerk. Please read the notes."

Clerk Hollman: "A judicial note... Hold on. A judicial note for House Amendment #1 has just been filed."

Speaker Lang: "All right. So, this Bill is still on the Order of Second Reading since a note has been filed. Mr. Sandack withdraws his comments at this time. Mr. Bennett, your light

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is on. Is that left over from earlier? Thank you, Sir. Mr. Sandack, your light is still on. Did you wish to speak, Sir?"

Sandack: "Just to bother you."

Speaker Lang: "Thank you. On page 8 in... on page 8 of the Calendar, under Motions in Writing, there appear two Motions by Mr. Kay to table Bills, House Bill 2806, House Bill 2928. Is there leave of the Body? Leave is granted and both Bills are tabled. The Chair recognizes Mr. Butler."

Butler: "Mr... Mr. Speaker, a point of personal privilege, please."

Speaker Lang: "Go right ahead, Sir."

Butler: "Thank you, Mr. Speaker. Today I'd like to recognize some friends we have in the gallery. With the Illinois Beef Association, we have many members of the leadership including President Alan Adams and Vice President Mike Martz. I would invite all my colleagues out to the pork and beef soiree this evening at the State House Inn. Thank you to the beef folks for all you're doing for being here today."

Speaker Lang: "Thank you very much, Sir. Leader Currie, Agreed Resolutions."

Clerk Hollman: "Agreed Resolutions."

Speaker Lang: "The Clerk."

Clerk Hollman: "House Resolution 276, offered by Representative Butler. House Resolution 277, offered by Representative Bryant. House Resolution 278, offered by Representative Gordon-Booth. House Resolution 279, offered by Representative Gordon-Booth. House Resolution 280, offered by Representative Anthony. House Resolution 281, offered by Representative Evans. House Resolution 282, offered by Representative Feigenholtz."

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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. Ladies and Gentlemen, please pay attention to the Clerk. Mr. Clerk, committee announcements."

Clerk Hollman: "The following committees were canceled for this afternoon. Transportation: Regulation, Roads & Bridges was canceled this afternoon. Health Care Availability and Accessibility was also canceled. Meeting after Session is Appropriations-Elementary & Secondary Education in C-1, Agriculture & Conservation in D-1, Insurance in Room 114, Juvenile Justice & System-Involved Youth in 115. Meeting at 3:00 is Cities & Villages in 122, Consumer Protection C-1, Environment in 413, Financial Institutions in 114, Judiciary-Criminal in D-1. And meeting at 4:00 is Substance Abuse in Room 114."

Speaker Lang: "Ladies and Gentlemen, an important announcement from the Chair. Can the Chair have your attention? The deadline to file Amendments to be heard in committee before the committee deadline is 3 p.m. Monday, March 23; 3 p.m. Monday, March 23, which means at 3:01 p.m. on Monday, March 23, your Amendment will be moot. And now, leaving perfunctory time for the Clerk, Leader Currie moves that the House stand adjourned 'til Wednesday, March 18 at the hour of 1 p.m. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the House stands adjourned 'til Wednesday, March 18 at the hour of 1 p.m."

Clerk Hollman: "House Perfunctory Session will come to order. Committee Report. Representative Barbara Flynn Currie,

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Chairperson from the Committee on Rules reports the following committee action taken on March 16, 2015: recommends be adopted for the floor is Floor Amendment #2 to House Bill 341, Floor Amendment #2 to House Bill 2543, Floor Amendment #1 to House Resolution 236. Introduction of Resolutions. House Resolution 275, offered by Representative Franks. House Resolution 283, offered by Representative Demmer. House Resolution 284, offered by Representative Bellock. House Resolution 285, offered by Representative Turner. House Joint Resolution 52, offered by Representative Burke, Kelly. House Joint Resolution 53, offered by Representative Drury. House Joint Resolution 54, offered by Representative Kay. House Joint Resolution 55, offered by Representative Gordon-Booth. House Joint Resolution 56, offered by Representative Jackson. These are referred to the Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."