Case No. 132527

In the Supreme Court of Illinois

HUSKY TRANS, INC., an Illinois corporation, and HUSKY TRUCK REPAIR, INC., an Illinois corporation,

Plaintiffs-Appellants,

v.

THE VILLAGE OF BARRINGTON HILLS, an Illinois municipality,

Defendant-Appellee.

On Appeal from the Appellate Court of Illinois,
First Judicial District, Case No. 1-24-1346.
There on Appeal from the Circuit Court of Cook County, Illinois,
County Department, Chancery Division, Case No. 2024-CH-01302,
The Honorable Thaddeus L. Wilson, Presiding.

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NATURE OF THE ACTION

This action concerns the Village of Barrington Hills' attempt to forcibly annex by ordinance unincorporated land belonging to plaintiffs. Plaintiffs sued to prevent the annexation because the Village failed to comply with the strict limitations the General Assembly placed on municipalities' disfavored forcible annexation power under the Illinois Municipal Code. The Village acknowledged that its annexation attempt did not meet the statutory requirements, but argued its non-compliance was excusable. The circuit court rejected the Village's arguments and entered summary judgment for plaintiffs, finding the Village's annexation ordinance violated the Municipal Code and was thus void *ab initio*. The appellate court reversed, holding that the Village's admitted violation was excused under the doctrine of *de minimis non curat lex*. This Court subsequently granted leave to appeal.

ISSUE PRESENTED FOR REVIEW

Whether the appellate court erred in reversing the circuit court and granting summary judgment for the Village by applying the *de minimis* doctrine to excuse the Village's admitted violation of the "wholly bounded" requirement for forcible annexations imposed by 65 ILCS 5/7–1–13(a).

JURISDICTIONAL STATEMENT

On September 29, 2025, the appellate court issued an unpublished order reversing the circuit court's judgment and granting summary judgment for the Village. A025, ¶ 29. On October 17, plaintiffs timely filed a petition for rehearing, which included an alternative request for publication under

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Supreme Court Rule 23(f). *See* Ill. S. Ct. R. 367(a). The appellate court denied the petition on October 21. Plaintiffs timely filed a petition for leave to appeal on November 25, pursuant to Supreme Court Rule 315, and the Court allowed the petition on January 28, 2026. This Court thus has jurisdiction to hear this appeal pursuant to Rule 315. Ill. S. Ct. R. 315(b).

STATUTE INVOLVED

At issue in this appeal is Section 7–1–13(a) of the Illinois Municipal Code, which provides in relevant part:

> Whenever any unincorporated territory containing 60 acres or less, is wholly bounded by . . . one or more municipalities and a forest preserve district or park district, . . . that territory may be annexed by any municipality by which it is bounded in whole or in part, by the passage of an ordinance to that effect after notice is given as provided in subsection (b) of this Section.

65 ILCS 5/7–1–13(a).

STATEMENT OF FACTS

I. Forcible annexation under the Municipal Code

Land within a county that falls outside the corporate limits of any municipality is known as "unincorporated territory." *See* 65 ILCS 5/7–1–1, 7–1–8, 7–1–13. If a municipality wants to annex (that is, extend its borders to include) adjoining unincorporated territory, the Illinois Municipal Code provides several ways it can do so. Annexation allows a municipality to, among other things, levy taxes on owners of property within the previously unincorporated territory and restrict owners' use of their land through zoning, building codes, and other local land-use regulations.

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Because annexation allows municipalities to exercise considerable regulatory power, its use is subject to certain limitations. Chief among them is the "fundamental" principle that "a municipality has no power to extend its boundaries unless and except in the manner authorized by the legislature so to do." *City of E. St. Louis v. Touchette*, 14 Ill. 2d 243, 249 (1958). "[A]nnexation statutes are usually construed liberally in favor of the public," *People ex rel. Vill. of Northbrook v. Vill. of Glenview*, 194 Ill. App. 3d 560, 565 (1st Dist. 1989), and a municipality seeking to annex land "must strictly comply with statutory requirements," *In re Pet. to Annex Certain Territory to Vill. of N. Barrington*, 144 Ill. 2d 353, 361-62 (1991). "The burden of proving strict compliance with the statute rests with the party asserting the validity of the annexation . . . ." *People ex rel. City of Leland Grove v. City of Springfield*, 193 Ill. App. 3d 1022, 1035 (4th Dist. 1990); *People ex rel. Marre v. Countryside Sanitary Dist.*, 5 Ill. App. 3d 747, 751 (1st Dist. 1972).

Annexation typically occurs with the consent of the owners of unincorporated land. *Northbrook*, 194 Ill. App. 3d at 565. In fact, all but one method of annexation available under the Municipal Code requires either "the approval of a certain percentage of owners and electors residing in the unincorporated territory proposed for annexation," *id.* (citing 65 ILCS 5/7–1–2, 7–1–5, 7–1–8, 7–1–11, 7–1–12), or at least a judicial process in which property owners have the right to object, *see, e.g.*, 65 ILCS 5/7–1–2, 7–1–3, 7–1–4, 7–1–5, 7–1–6, 7–1–7.

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At issue here is the only method by which a municipality may annex unincorporated territory without the consent or participation of property owners: involuntary or "forcible" annexation under Section 7–1–13 of the Municipal Code. 65 ILCS 5/7–1–13. This extraordinary method of "compulsory incorporation is not favored" because "[t]here is strong public policy that the land owners of the property to be annexed have the ultimate decision." *Northbrook*, 194 Ill. App. 3d at 565; *see People ex rel. T-Mobile USA, Inc. v. Vill. of Hawthorn Woods*, 2012 IL App (2d) 110192, ¶ 28 (highlighting the general rule that a municipality must "strictly comply" with the Municipal Code in applying Section 7–1–13).

The Municipal Code imposes these limitations and requirements because "the legislature devised and intended section 7–1–13 to be a mechanism whereby relatively small, unincorporated parcels, left over after the incorporation of surrounding property, could be easily annexed by a contiguous municipality." *Vill. of Mundelein v. Vill. of Long Grove*, 219 Ill. App. 3d 853, 867 (2d Dist. 1991). It is, in other words, intended to be used only to clean up little bits of unincorporated land fully surrounded by or "sandwiched" between municipalities. *Id.* For annexation proposals that exceed 60 acres—like the 129 acres at issue here—a municipality must engage with the landowners and utilize one of the Municipal Code's other annexation provisions.

A municipality's failure to strictly comply with the requirements of

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Section 7–1–13, including an attempt to forcibly annex unincorporated territory exceeding the 60-acre limit or not wholly bounded by certain statutorily specified land types, renders its annexation ordinance void *ab initio*. *See T-Mobile*, 2012 IL App (2d) 110192, ¶¶ 28, 50; *People ex rel. Vill. of Forest View v. Vill. of Lyons*, 218 Ill. App. 3d 159, 164 (1st Dist. 1991).

II. Factual background

A. Husky and its property

Plaintiff Husky Trans, Inc. is a licensed and Department of Transportation registered trucking company that operates a freight hauling business. C139; *see* C470. Plaintiff Husky Truck Repair, Inc. is an affiliate of Husky Trans that provides truck maintenance and repair services.[1] C139; *see* C471. Husky Trans owns two parcels of real property in northwestern Cook County: 545 Penny Road (formerly 28W705 Penny Road) and 15 Old Sutton Road (formerly Route 59 at 190 Penny Road) (collectively, the "Husky Property"). C470. The parcels lie in unincorporated Cook County. *See* C57, C97.

Husky and its predecessors have used the Husky Property for a number of economically productive commercial purposes, including a restaurant and pub, a landscaping business, a tree nursery, and storage of related materials and equipment. C479-80. At the time of the events of this case, the Husky Property was improved with several structures used for different purposes, including a three-story building (the former Penny Road Pub), a farmhouse, a

[1] Plaintiffs refer to themselves collectively as "Husky" for ease of reading.

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double-wide trailer, a single trailer, a barn, and a storage container. C22-23. The Husky Property's caretaker lived in the farmhouse, the single trailer functioned as corporate housing for employees of Husky Truck Repair and their family members, and a family of two leased the double-wide trailer. C479-80.

B. The Subject Property and the Village's plans to restrict its use

Defendant the Village of Barrington Hills is located in the northwest corner of Cook County. Approximately 129 acres of contiguous unincorporated land is located adjacent to, and to the east and south of, the Village's boundaries. *See* C634, C637. In December 2023, the Village's Board of Trustees began publicly discussing the potential annexation by the Village of certain portions of this unincorporated land, including the 44.52 acres the Village ultimately attempted to annex here (the "Subject Property"), which included the Husky Property. C473-74. The Village's Director of Administration "reported that there has been a continued request for the annexation in and around the Penny Road Pub." C43, C473-74. Specifically, a resident of the Village had been advocating for annexation and distributed a flyer decrying the use of the land for business and commercial purposes. C46; *see* C474-75. The flyer advocated for the Village to forcibly annex the territory to preserve its "rural and scenic" nature. C46.

The 129-acre parcel of contiguous unincorporated territory, of which the Subject Property is a part, is located between the Village, South Barrington, Hoffman Estates, and the forest preserve. *See* C634, C637. This size exceeds

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by a factor of two the 60-acre limit the General Assembly placed on forcible annexations. 65 ILCS 5/7–1–13(a). As part of that larger parcel, the Subject Property is bounded by approximately 84.5 acres of unincorporated land in two places, where a railroad right-of-way crosses the boundary of the Subject Property and continues north and south of the boundary. C197-98, C488-90. Approximately 111 feet of the northeastern boundary and approximately 140 feet of the southern boundary of the Subject Property directly adjoin this unincorporated land. *Id.*, C522-23. This is undisputed, although the Village (and the appellate court) rounded down its estimates of these boundaries by as much as 25%. C160; *see* A013-14, A016-17, A019, A020, A021-22, ¶¶ 1, 9, 10, 14, 17, 20.

Several maps appear in the record. The one reproduced on the next page shows the Subject Property (outlined in yellow dashed line), some of the adjoining unincorporated land (shaded in pink), and adjacent portions of the Village, South Barrington, and the Cook County Forest Preserve. C76. The map on the page after that zooms out, showing the entire 129-acre unincorporated area, including the Subject Property and the Husky Property. C634.

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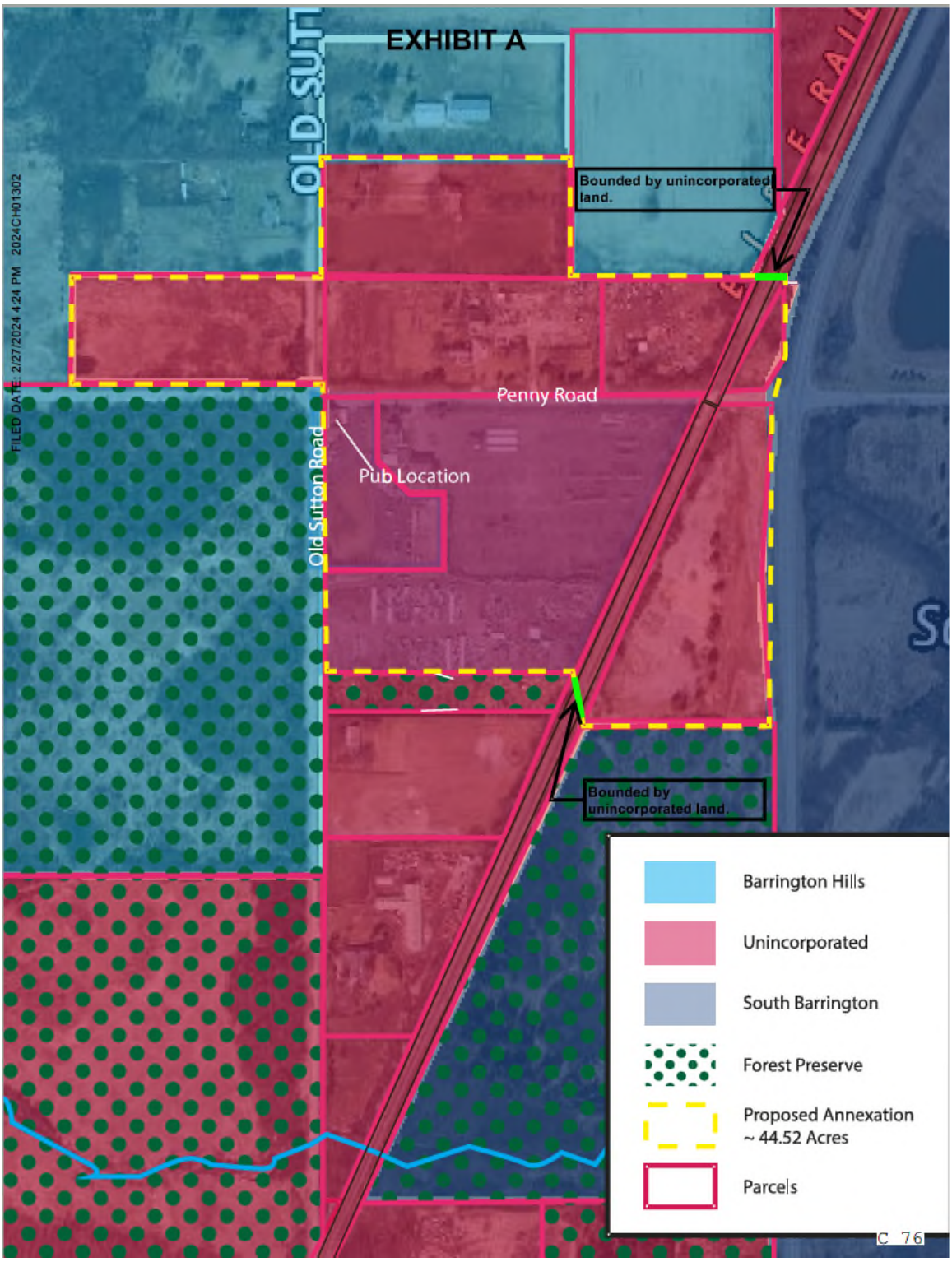

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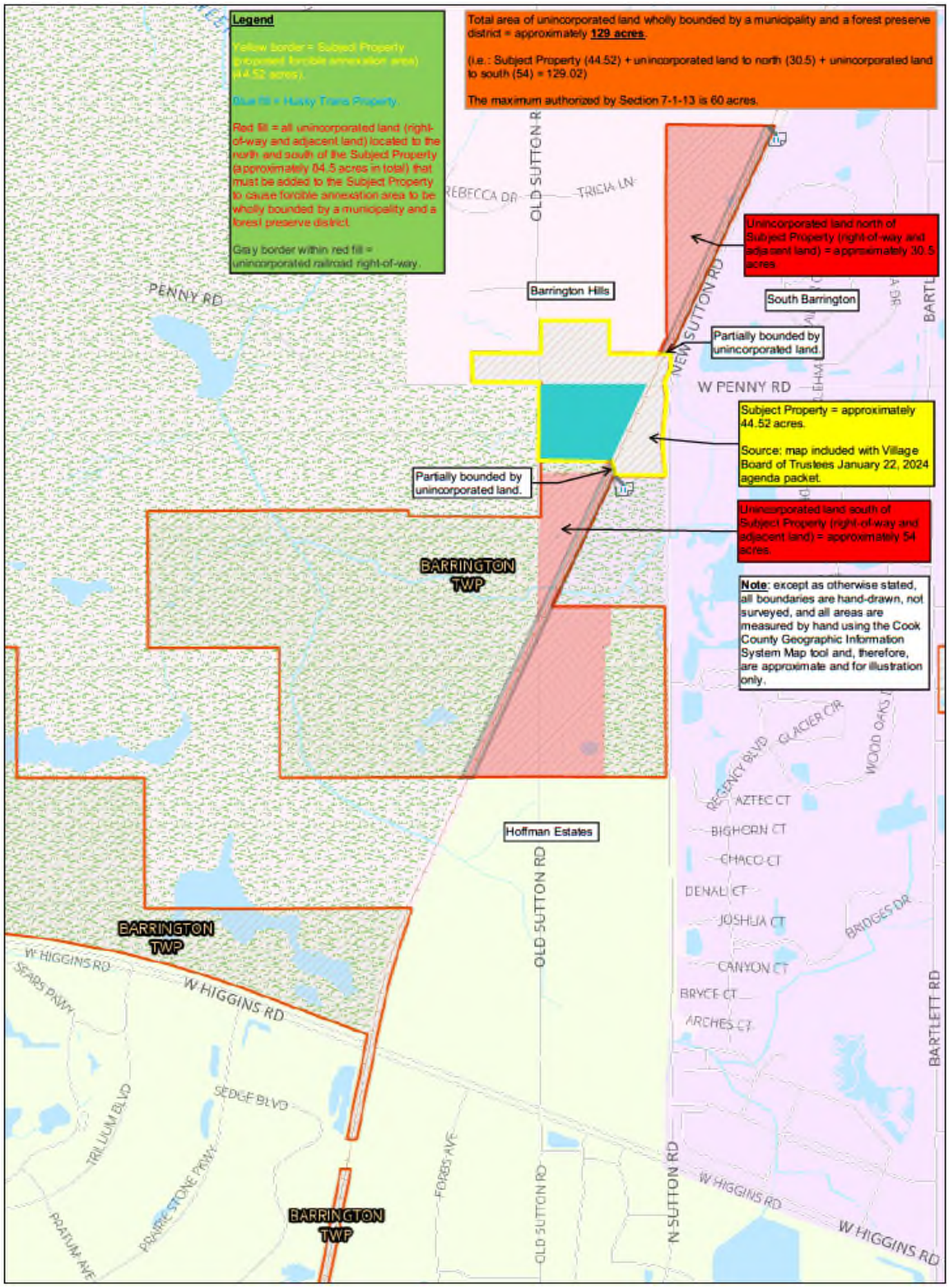

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The Village rejected from the outset any discussion with Husky and the other property owners to negotiate a voluntary annexation of the Subject Property and instead chose to move forward with forcible annexation. C473-74. The Board of Trustees discussed at its January 2024 meeting the potential annexation of a larger assemblage of unincorporated property, including the Subject Property and a triangular set of adjoining unincorporated properties to the south (shown in the second map above). C476-77; *see* C634. But when these connected properties were considered together with the Subject Property, they far exceeded the 60-acre limit for forcible annexation imposed by Section 7–1–13(a) of the Municipal Code. *See* C634.

The Board of Trustees thus hatched a plan to avoid the 60-acre statutory limit by forcibly annexing this larger assemblage of property in phases. The Village would first annex the Subject Property, then annex the other connected properties to the south at a later date, and then rezone both groups of properties to restrict their use—all without seeking the consent or input of the property owners or resorting to judicial processes. Vill. of Barrington Hills, *Jan. 22, 2024 Bd. meeting audio* at 29:30-29:45 (last visited February 28, 2026).[2] The Village's counsel admitted during the Board of Trustees' January 2024 meeting that this is "what the Village really wanted to do" by beginning

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[2] *Available at* https://vbhil.granicus.com/Mediaplayer.php?view_id=1&clip_id=492. A court "may take judicial notice of the information on a government website." *Edward Sims Jr. Trust v. Henry Cty. Bd. of Review*, 2020 IL App (3d) 190397, ¶ 26 n.6; *see also Kopnick v. JL Woode Mgmt. Co., LLC*, 2017 IL App (1st) 1502054, ¶ 26.

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with the forcible annexation of the Subject Property. *Id.* The first phase of this plan moved forward at the Board of Trustees' February 2024 meeting. *See* C57. The problem, as discussed below, is that staying under Section 7–1–13(a)'s 60-acre limit here necessitated violating its "wholly bounded" requirement.

C. Husky learns of the Village's plans to restrict the use of its property and offers a compromise, which the Village rejects

On February 15, 2024, Husky received a letter from the Village (the "Annexation Notice") stating that its Board of Trustees would consider "and potentially vote on the annexation of [the Subject Property] currently located in unincorporated Cook County," at a meeting scheduled for February 26. *Id.*; *see* C469. An attachment to the letter explained that the Subject Properties would all "be rezoned to the R1 Single Family Residence District zoning classification" following annexation and incorporation into the Village. C58; *see* C477-78. This is the Village's most restrictive zoning classification. *See* Barrington Hills Vill. Code § 5–5–2 (2021) (listing permitted uses of land zoned R1). The Husky Property was and is zoned "R-1" under the Cook County Zoning Ordinance. C484. Despite the similar names ("R-1" and "R1"), the permitted uses of land zoned R1 under the Village's zoning ordinance are much more limited than those permitted by the County's R-1 designation. *Compare* Cook Cty. Zoning Ordinance, § 4.1.3 (2019), *with* Barrington Hills Vill. Code § 5–5–2.

Husky analyzed the Village's R1 zoning classification and its building code, both of which would immediately apply to the Husky Property if the

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proposed annexation succeeded. Husky discovered that these restrictions would prohibit it and its employees from using and occupying the Husky Property until that property was brought into compliance with the Village's restrictive zoning and building regulations—or incur violations resulting in daily monetary penalties and a potential stop order or other action by the Village. That would require Husky to alter the Husky Property to bring its buildings into compliance with the Village's regulations, which would have significant costs.

The new zoning classification would also prohibit Husky from engaging in nearly all types of commercial or business activity on the Husky Property. Barrington Hills Vill. Code § 5–5–2. Developing the Husky Property with single-family dwellings (virtually the only permissible use under the Village's R1 zoning designation) would also be cost prohibitive, as no existing water or sewer infrastructure serves the property. *See* C66-67. Husky thus determined that annexation by the Village would render the property all but useless and result in a substantial loss in value. *Id.*, *see* C194.

Husky's attorneys sent a letter to the Village's counsel on the same day it received the Annexation Notice. C70. The letter said that the proposed annexation would be invalid because it would not satisfy the requirements of Section 7–1–13 of the Municipal Code. *Id.* Husky explained that the Subject Property was not wholly bounded by one or more municipalities and a forest preserve district because it was bordered by unincorporated land in two places.

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C71-72. The letter also discussed the Village's failure to provide proper notice as required under the statute. C73.

Husky proposed in the letter a settlement: it would consent to annexation in return for assurances regarding the Husky Property's zoning. Husky explained that it had recently entered into a contract to sell the Husky Property to a purchaser who intended to use it for a paintball recreational facility. C74. But if the annexation occurred, "the purchaser would not purchase the Property, the market of prospective purchasers of the Property would significantly contract, and the value of the Property would substantially decline." *Id.* Husky therefore proposed entering into an annexation agreement with the Village that would include provisions requiring the Board of Trustees to rezone the Husky Property to allow its use as a paintball recreational facility and "other commercially reasonable uses." *Id.*

The Village refused. At its February 26 meeting, the Board of Trustees passed the proposed ordinance discussed in the Annexation Notice ("Annexation Ordinance"). C492. The Annexation Ordinance had an effective date of March 8, 2024. *Id.* It incorrectly asserted that the Subject Property is "wholly bounded by the Village, the Village of South Barrington and property owned by the Forest Preserve District of Cook County" and that the annexation was authorized by Section 7–1–13 of the Municipal Code. C97; *see* C492. Again, it is uncontested that the Subject Property is actually bounded by unincorporated land in multiple places. C488-90.

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III. Procedural history

A. Proceedings in the circuit court

On February 27, 2024, Husky filed a single-count, verified complaint in the Chancery Division of the Circuit Court of Cook County, seeking an injunction to stop the Village from forcibly annexing the Husky Property and a declaration that the Village lacked authority to do so due to its failure to comply with Section 7–1–13 of the Municipal Code. C15. Husky then filed an emergency motion for a temporary restraining order to preserve the status quo while the parties litigated. C106. The Village filed a full response. C156.

The circuit court granted Husky's motion and issued a temporary restraining order, finding, among other things, that the annexation would irreparably harm Husky because it would "likely lose the pending real estate sale agreement with Paintball Explosion Partners should the annexation proceed," further noting that the Husky Property's "current use (without determining here whether such is lawful) may very well be in violation of the Village of Barrington Hill's zoning laws." C328.

After Husky amended its complaint to add a count seeking writs of *quo warranto*, the parties engaged in motion practice and eventually filed cross-motions for summary judgment. C322-23, C514, C539; *see* C185.[3] In ruling on

[3] Husky contacted the Illinois Attorney General and the Cook County State's Attorney, requesting they initiate a *quo warranto* action upon the Village's adoption of the Annexation Ordinance to determine whether the Village had legal authority to forcibly annex the Subject Property. C275-85. Both declined, allowing Husky to pursue a *quo warranto* action itself under

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those motions, the court found as a preliminary matter that Husky's claim seeking a declaratory judgment and injunctive relief was properly before the court, but its claim seeking writs of *quo warranto* was unripe. A005-06. This was because Husky challenged the Annexation Ordinance and obtained a temporary restraining order before it went into effect, and the Village had not yet exercised control over Husky's property. A006.[4]

In finding for Husky on the merits, the court highlighted the Village's admission that "there are two 100-foot segments where the annexed area is bounded by unincorporated Cook County" and found that, as a result, the Subject Property was not "wholly bounded." A006-08. The court rejected as legally unsupported the Village's argument that the failure to satisfy the "wholly bounded" requirement of Section 7–1–13 of the Municipal Code should be excused due to the supposedly unique nature of railroad rights-of-way. A008-09. The court also rejected the Village's argument that it should ignore as *de minimis* the sections of unincorporated land bordering the Subject Property. A009-11.

The circuit court rejected Husky's alternative argument that the Village

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735 ILCS 5/18–102. C176, C273-74, C472, C499. The court granted this request on March 5, 2024. C322.

[4] The court noted that the relief it granted "would be identical, if it is later determined that the case should have been a *quo warranto* action instead of a declaratory judgment action." A005. And at the end of the order, the court found: "To the extent that Count II for Quo Warranto was the appropriate cause of action, this Court enters judgment and grants the same relief thereto." A012.

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failed to provide Husky with sufficient notice of the annexation under the statute. A011-12. But the court noted that the issue of service ultimately was "not material in the instant case because the Court finds that the Annexation Ordinance passed by the Village is improper as the area is not wholly bounded as required by statute." A012.

The court thus granted Husky's motion for summary judgment, denied the Village's cross-motion for summary judgment, issued a declaration that the Annexation Ordinance was "null and void and has no legal effect," issued a permanent injunction prohibiting the Village "from taking any actions to effectuate, perfect or enforce" the Annexation Ordinance, and entered judgment in Husky's favor. *Id.* The Village appealed. A026.

B. Proceedings in the appellate court

The appellate court reversed and directly granted summary judgment to the Village. A025, ¶ 30. In doing so, it adopted the Village's factually inaccurate characterization that the two places where the Subject Property abuts unincorporated land consist only of "two, small, 100-foot sections." A013-14, A016-17, A019, A020, A021-22, ¶¶ 1, 9, 10, 14, 17, 20. The court did not consider: (1) the large tracts of unincorporated land located immediately north and south of the Subject Property; (2) that the Subject Property and that abutting unincorporated land are a single contiguous tract of unincorporated land equaling approximately 129 acres; (3) the Village's decision to carve up and annex in stages this contiguous tract of land to avoid the Municipal Code's 60-acre limit; and (4) the true length of the boundaries between the Subject

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Property and adjacent unincorporated land. Nor did the appellate court acknowledge this Court's mandate that the annexation provisions of the Municipal Code require strict compliance, the Village's burden to prove its strict compliance with those provisions, or the strong public policy considerations disfavoring forcible annexation.

The appellate court instead applied the *de minimis* doctrine to hold that "[i]nvalidating the Village's annexation of just such a small parcel solely on the basis of the two insignificant gaps in its boundary created by the existence of the railroad right-of-way that transverses it would directly contravene th[e] legislative purpose" of the statute that "relatively small, unincorporated parcels, left over after the incorporation of surrounding property, could be easily annexed by a contiguous municipality." A022, ¶ 21 (citation omitted). The court continued: "in practical terms, it would stymie the elimination of all unincorporated land within Cook County, which was explicitly recommended by the county's Task Force, with the focus being on the involuntary annexation of unincorporated parcels under 60 acres." A022-23, ¶ 21.

After the appellate court issued its decision, Husky immediately sought a stay from the appellate court to preserve the status quo while they prepared a petition for rehearing. The court denied that motion. On October 17, 2025, plaintiffs timely filed a petition for rehearing, which included an alternative request for publication under Supreme Court Rule 23(f). *See* Ill. S. Ct. R. 367(a). The appellate court denied the petition on October 21, 2025. Husky

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then filed a petition for leave to appeal, which this Court granted.

ARGUMENT

The appellate court erred in applying the *de minimis* doctrine to excuse the Village's admitted violation of Section 7–1–13(a)'s "wholly bounded" requirement because that doctrine has no home in the legislature's strict statutory scheme for forcible annexation. The statute's plain language, which is the paramount consideration to this issue of statutory interpretation, provides no basis for finding otherwise. Section 7–1–13(a)'s purpose, the statute's broader structure, this Court's precedent considering the *de minimis* doctrine in the context of the Municipal Code generally, and related legislative history all support this conclusion.

Even if the Court finds the *de minimis* doctrine might apply in some limited cases to excuse a municipality's violation of 7–1–13(a)'s "wholly bounded" requirement, it should not apply the doctrine here. This is because, among other reasons, the appellate court's contrary assessment conflicts with prior authority in both the sheer amount of the Subject Property's border that is not "wholly bounded" and, as importantly, the lack of mistake or inadvertence by the Village in its violation of the statute here. Municipalities that knowingly violate statutory requirements in hopes that the violation will later be judicially excused or overlooked should—at the very least—receive less leeway from courts than municipalities that make honest, minor mistakes.

The Court should also reject the Village's novel argument that railroad rights-of-way occupy a heretofore unrecognized special status under Illinois

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forcible annexation law that would excuse the statutory violation here. The legislature's decision to specifically address railroad rights-of-way in other annexation provisions, combined with the total absence of any such exception in Section 7–1–13(a)(e), confirms that the legislature did not intend railroad rights-of-way to be disregarded for purposes of the "wholly bounded" requirement at issue in this case.

Finally, public policy militates against applying a *de minimis* exception here. There is no discernible limiting principle to the Village's argument. Accepting it would undermine the statute's "wholly bounded" requirement and its 60-acre limit by allowing municipalities to strategically annex, in pieces, unincorporated land they could not annex in a single ordinance—an outcome this Court has previously rejected as unacceptable. It would also misguide trial courts and threaten property owners across Illinois by permitting local governments to arbitrarily annex land without owners' consent and without adhering to the statutory safeguards the legislature specifically designed to prevent the abuse of forcible annexation power.

I. Standard of review

Summary judgment is warranted where no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. 735 ILCS 5/2–1005(c). Because the parties filed cross-motions for summary judgment, they conceded that no material questions of fact exist and that "only a question of law was involved." *Best Buy Stores, L.P. v. Dep't of Revenue*, 2020 IL App (1st) 191680, ¶ 12. A reviewing court's "order reversing a trial court's

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order granting summary judgment is reviewed *de novo*." *Wilkins v. Williams*, 2013 IL 114310, ¶ 12. This appeal also presents questions of statutory interpretation, which this Court considers *de novo*. *Id.* ¶ 13.

II. The parties agree that the Subject Property is not "wholly bounded" as required by Section 7–1–13(a)

The two requirements at issue here are the 60-acre limit and the "wholly bounded" requirement, both imposed by Section 7–1–13(a) of the Municipal Code. This Court has long described these as "conditions precedent" to a municipality's exercise of authority to forcibly annex land. *People ex rel. Universal Oil Prods. Co. v. Vill. of Lyons*, 400 Ill. 82, 86 (1948).[5] The former provides that only "unincorporated territory containing 60 acres or less" may be forcibly annexed. 65 ILCS 5/7–1–13(a). The latter requires that only territory that is wholly bounded by one of several enumerated combinations of land types is eligible for forcible annexation. *Id.* The sole combination at issue here is "one or more municipalities and a forest preserve district or park district." 65 ILCS 5/7–1–13(a)(e). If unincorporated territory makes up part of the territorial border of land that a municipality seeks to annex, then the area is not "wholly bounded." Failure to satisfy either the 60-acre limit or the "wholly bounded" requirement renders a municipality's annexation ordinance void *ab initio*. *T-Mobile USA*, 2012 IL App (2d) 110192, ¶¶ 28, 50; *Vill. of Forest*

[5] This case involved the Revised Cities and Villages Act, which was a predecessor to the modern Municipal Code. Courts regularly cite to cases interpreting the prior statute in interpreting the Municipal Code's analogue provisions.

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View, 218 Ill. App. 3d at 164.

The Village made two important concessions below. First, the Village admitted that a railroad right-of-way creates "two approximately 100-foot gaps" of unincorporated territory on the borders of the Subject Property. Def.'s App. Ct. Br. at 9. Second, it admitted that as a result of these adjoining unincorporated territories, the Subject Property "is not 'wholly bounded' by 'one or more municipalities and a forest preserve district'" under Section 7–1–13(a) of the Municipal Code. *Id.* The only question, then, is whether that admitted violation is excused by the *de minimis* doctrine. It is not.

III. The Court should hold that Section 7–1–13(a) of the Municipal Code is not subject to a *de minimis* exception

This Court has not had occasion to consider whether the *de minimis* doctrine may be applied to any annexation provision of the Illinois Municipal Code, including the forcible annexation provision at issue here. Husky respectfully suggests that the Court should resolve this question of statutory construction by holding that the *de minimis* doctrine cannot excuse noncompliance with the guardrails the General Assembly placed around forcible annexation power.

A. The *de minimis* doctrine and its interplay with statutory construction

The appellate court below excused the Village's violation of Section 7–1–13's "wholly bounded" requirement under the common-law doctrine of *de minimis non curat lex*, or, "[t]he law does not concern itself with trifles." *People ex rel. Dep't of Pub. Health v. Wiley*, 218 Ill. 2d 207, 225 & n.3 (2006). This

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refers to a fact or thing "so insignificant that a court may overlook it in deciding an issue or case." "*De Minimis*," *Black's Law Dictionary* (12th ed. 2024). When a party argues that a statutory violation should be excused under the *de minimis* doctrine, it raises an issue of statutory construction. *People v. Howard*, 228 Ill. 2d 428, 437-38 (2008).

The "primary goal of statutory construction, to which all other rules are subordinate, is to ascertain and give effect to the intention of the legislature," and a statute's plain language serves as the best evidence of this. *Jackson v. Bd. of Election Comm'rs*, 2012 IL 111928, ¶ 48. Courts thus look to a statute's plain language to see if it provides any "basis for the imposition of a *de minimis* exception," mindful of the interpretive principles that "where the language of the statute is clear and unambiguous, we must apply it as written, without resort to extrinsic aids to statutory construction," and courts "should not depart from the language of the statute by reading into it exceptions, limitations or conditions that conflict with the intent of the legislature." *Howard*, 228 Ill. 2d at 438 (cleaned up). Thus, by providing detail and exactness in statutory provisions, the General Assembly may preclude application of a general common-law principle like the *de minimis* doctrine.

These principles are not mere suggestions. This Court applies them rigorously. For example, in *Howard*, the Court applied these rules before holding that "the plain language of the official misconduct statute [720 ILCS 5/33–3(c)] provides no basis for the imposition of a *de minimis* exception,"

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refusing to "carve it out on [the Court's] own initiative." *Id.* at 437-38, 439. The defendant asserted that holding so "will result in the overzealous prosecution of undeserving defendants," but the Court dismissed this "policy argument" as essentially saying "that the official misconduct statute would be improved by the addition of a *de minimis* exception." *Id.* at 438, 439. While the Court was not "unsympathetic" to the defendant's argument, it firmly held "that it is the legislature that must decide whether the official misconduct statute would benefit from a *de minimis* exception." *Id.* at 439. The Court even stated its belief "that the proper scope of the official misconduct statute is an issue ripe for legislative review" and "strongly suggest[ed] that the parameters of the statute be addressed in that forum," but ultimately deferred that determination to the legislature. *Id.*

This Court's decision in *People ex rel. Department of Public Health v. Wiley*, 218 Ill. 2d 207 (2006), provides illuminating contrast. The Department of Public Health in that case sued a physician under the Family Practice Residency Act for breach of medical school scholarship contracts. *Id.* at 210. The department resisted the physician's contention that any breach by her was *de minimis* by arguing that "the defense of *de minimis non curat lex* is not available in this case because common law contract defenses may not be applied to contracts whose terms are established by the Act, rather than through negotiations conducted by the parties." *Id.* at 225. The department pointed to federal court decisions discussing a similar federal scholarship

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program and holding that "because the contractual terms and conditions imposed upon a federal scholarship recipient arise from statutory directives, rather than negotiations, common law contract principles are inapplicable" and "[i]nstead, the governing principle is statutory intent." *Id.*

This Court agreed with the premise of this argument, noting that the contracts at issue expressly incorporated the Family Practice Residency Act into their terms. *Id.* at 226. However, the Court noted that the statute (in contrast to the "detailed scheme set forth in the statutes governing the [analogous federal] program") did not specify what the terms or conditions of the scholarship contract must be—including the two specific contractual obligations the department had sued over. Because those two requirements were not imposed by the General Assembly, the Court concluded that "ordinary contract principles apply to them and that Wiley may raise the doctrine of *de minimis non curat lex*." *Id. Howard* and *Wiley* both show that whether the *de minimis* doctrine applies to a statutory provision is a matter of statutory construction. And where, as here, the legislature does not leave room for the application of the *de minimis* doctrine, this Court respects that choice.

B. The plain language of Section 7–1–13(a) is unambiguous and provides no basis for a *de minimis* exception

It is axiomatic that where a statute's "language is clear and unambiguous, courts may not read into it exceptions that the legislature did not express." *In re J.L.*, 236 Ill. 2d 329, 340 (2010). No party in this case has ever argued that any portion of Section 7–1–13(a) is ambiguous. And it is

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undisputed that Section 7–1–13(a)'s text does not contain a *de minimis* exception. In fact, "*de minimis*" does not appear anywhere in Article 7 of the Municipal Code (which includes the annexation provisions, in Division 1). Husky respectfully suggests that the General Assembly's decision not to include such an exception here should be given due deference.

Two other choices by the legislature evident in the statutory text reinforce this conclusion. First, the level of detail provided by the General Assembly in fashioning the "wholly bounded" requirement indicates that it did not intend a silent *de minimis* exception. The first sentence of Section 7–1–13(a) provides in full:

> Whenever any unincorporated territory containing 60 acres or less, is wholly bounded by (a) one or more municipalities, (b) one or more municipalities and a creek in a county with a population of 400,000 or more, or one or more municipalities and a river or lake in any county, (c) one or more municipalities and the Illinois State boundary, (d) except as provided in item (h) of this subsection (a), one or more municipalities and property owned by the State of Illinois, except highway right-of-way owned in fee by the State, (e) one or more municipalities and a forest preserve district or park district, (f) if the territory is a triangular parcel of less than 10 acres, one or more municipalities and an interstate highway owned in fee by the State and bounded by a frontage road, (g) one or more municipalities in a county with a population of more than 800,000 inhabitants and less than 2,000,000 inhabitants and either a railroad or operating property, as defined in the Property Tax Code (35 ILCS 200/11-70), being immediately adjacent to, but exclusive of that railroad property, (h) one or more municipalities located within a county with a population of more than 800,000 inhabitants and less than 2,000,000 inhabitants and property owned by the State, including without limitation a highway right-of-way owned in fee by the State, or (i) one or more municipalities and property on which a federally funded research facility in excess of 2,000 acres is located, that territory may be annexed by any municipality by

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> which it is bounded in whole or in part, by the passage of an ordinance to that effect after notice is given as provided in subsection (b) of this Section.

65 ILCS 5/7–1–13(a). This painstaking detail reflects considerable deliberation and forethought. The logic of *Wiley* suggests that when the General Assembly goes into this level of detail explaining what is allowed, the statutory language should be understood to exclude application of general common-law workarounds like the *de minimis* doctrine. 218 Ill. 2d at 225–26.

Second, and relatedly, the General Assembly included several specific exceptions in Section 7–1–13(a), and the *de minimis* exception is not among them. "It is established in statutory construction that the expression of certain exceptions in a statute will be construed as an exclusion of all others." *State v. Mikusch*, 138 Ill. 2d 242, 250 (1990). Section 7–1–13(a) contains several exceptions including, but not limited to:

- "Land or property that is used for agricultural purposes or to produce agricultural goods shall not be annexed pursuant to item (g)."
- "Nothing in this Section shall subject any railroad property to the zoning or jurisdiction of any municipality annexing the property under this Section."
- "Nothing in this Section shall be construed as permitting a municipality to annex territory of a forest preserve district in a county with a population of 3,000,000 or more without obtaining the consent of the district pursuant to Section 8.3 of the Cook County Forest Preserve District Act . . . ."
- "[N]or shall anything in this Section be construed as permitting a municipality to annex territory owned by a park district without obtaining the consent of the district pursuant to Section 8-1.1 of the Park District Code."

65 ILCS 5/7–1–13(a). "Here, the legislature provided a detailed list of

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exceptions and the list did not include" a *de minimis* exception. *Mikusch*, 138 Ill. 2d at 250. This provides further evidence that the General Assembly did not intend one. *Id.*

The plain language of Section 7–1–13(a) thus "provides no basis for the imposition of a *de minimis* exception." *Howard*, 228 Ill. 2d at 438-39. The Court need go no further than this to reverse the appellate court's judgment.

C. The intent of the General Assembly—and no other body or entity—is the focus of this inquiry

Although the question whether the *de minimis* doctrine applies to Section 7–1–13(a) is a matter of state law and statutory construction, the appellate court based its decision in significant part on county policy, which is legally irrelevant. At the Village's urging, the appellate court repeatedly relied on a 2012 Cook County task force recommendation that unincorporated areas be annexed to conserve county financial resources, even though annexation is a matter of state—not local or county—law and policy. The court said the task force "expressed the county's long-term aspirational goal as the elimination of all unincorporated land within it and recommended that the immediate goal be encouraging municipalities to annex unincorporated parcels, with a specific focus on parcels under 60 acres, *i.e.*, those subject to involuntary annexation under the Municipal Code." A016-17, ¶ 10. The court accepted the Village's argument that it should rely on this county recommendation to support application of the *de minimis* doctrine and excuse the Village's violation of the Municipal Code. A016-17, A22-23, A025, ¶¶ 10, 21, 22, 26. It appears the court

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reasoned, without explicitly saying, that if Cook County did not want unincorporated land, and the Village was willing to annex it, there would be no harm in allowing the forcible annexation.

The appellate court found that "in practical terms," enforcing the statutory requirement "would stymie the elimination of all unincorporated land within Cook County, which was explicitly recommended by the county's Task Force, with the focus being on the involuntary annexation of unincorporated parcels under 60 acres." A022-23, ¶ 21. The court noted that "had the Village not included the railroad line within its annexed territory, neither the Village in the west nor South Barrington in the east could have subsequently forcibly annexed it," and that "would have resulted in the creation of a small pocket of unincorporated railroad tracks, something neither the legislature nor Cook County intended." A023, ¶ 22. And the court concluded that "the annexation furthered both the legislative purpose and the recommendations of the county's Task Force by eliminating a small pocket of unincorporated territory remaining in Cook County." A025, ¶ 26.

Respectfully, this was inarguably legal error. The appellate court not only elevated the Village's desires over Husky's statutory rights, but looked to the wrong source of authority when doing so. Annexation is governed by state statutes and "annexation proceedings are within the unique province of the legislature." *Northbrook*, 194 Ill. App. 3d at 566. The "primary goal of statutory construction, to which all other rules are subordinate, is to ascertain and give

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effect to the intention of the legislature." *Jackson*, 2012 IL 111928, ¶ 48. Here, that is the General Assembly, not a county task force. The intent of a county and its task force is, as a matter of law, irrelevant to the interpretation of the annexation statute. As discussed below, there are other annexation options available to accomplish the county's goals—options that do not violate Husky's statutory rights or the legislature's plain intent.

D. Other tools and sources support this interpretation

"When the statutory language is clear, no resort is necessary to other tools of construction" or sources. *Cinkus v. Vill. of Stickney Mun. Officers Electoral Bd.*, 228 Ill. 2d 200, 217 (2008), *as modified* (Apr. 23, 2008); *Dineen v. City of Chicago*, 125 Ill. 2d 248, 259 (1988). Only where "the meaning of a statute is ambiguous" may "courts may look beyond the statutory language and consider the purpose of the law, the evils it was intended to remedy, and the legislative history of the statute." *Cinkus*, 228 Ill. 2d at 217. Again, no party in this case has argued that any provision of Section 7–1–13(a) is ambiguous. In any event, looking to the purpose, structure, precedential history, and legislative history of the Municipal Code's annexation provisions provides further support for precluding the adoption of a *de minimis* exception and reading it into the statute.

1. The purpose of the statute

Guidance from the courts on interpreting the annexation provisions of the Municipal Code generally—as well as the forcible annexation provision specifically—support this interpretation. This Court has made clear that "a

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municipality has *no power* to extend its boundaries unless and except in the manner authorized by the legislature so to do." *Touchette*, 14 Ill. 2d at 249 (emphasis added). And forcible annexation in particular is an extraordinary procedure, standing in stark contrast to other forms of annexation requiring either landowners' acquiescence or at least judicial process. For this reason, a municipality seeking to annex land "must *strictly comply* with statutory requirements," *N. Barrington*, 144 Ill. 2d at 361 (emphasis added). Indeed, this Court has characterized the 60-acre and "wholly bounded" requirements as "conditions precedent" to forcible annexation. *Universal Oil*, 400 Ill. at 86.

Citing a treatise on Municipal Corporations, the appellate court has applied additional rules in line with these directives. For instance, "annexation statutes are usually construed liberally in favor of the public." *Northbrook*, 194 Ill. App. 3d at 565 (citing 2 E. McQuillin, *Municipal Corporations* § 7.14 at 422 (1988)). Further, "compulsory incorporation is not favored, and therefore the question of annexation is usually referred to the inhabitants," and relatedly, "[t]here is strong public policy that the land owners of the property to be annexed have the ultimate decision." *Id.* (citing 1 E. McQuillin, *Municipal Corporations* § 3.16; 2 E. McQuillin, *Municipal Corporations* § 7.16 at 435). Beyond that, "[t]he burden of proving strict compliance with the statute rests with the party asserting the validity of the annexation." *Leland Grove*, 193 Ill. App. 3d at 1035; *Marre*, 5 Ill. App. 3d at 751. Finally, the appellate court has specifically found that "the legislature devised and intended section 7–1–13 to

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be a mechanism whereby relatively small, unincorporated parcels, left over after the incorporation of surrounding property, could be easily annexed by a contiguous municipality." *Mundelein*, 219 Ill. App. 3d at 867.

Although these interpretive principles are fundamental to understanding the Municipal Code's annexation provisions, the appellate court refused to grapple with them. Perhaps most importantly, the appellate court did not acknowledge that "strict[ ]" compliance with the statute is required, *N. Barrington*, 144 Ill. 2d at 361-62, or that the Village has the burden to prove it strictly complied with the "conditions precedent" to annexation stated in Section 7–1–13, *Leland Grove*, 193 Ill. App. 3d at 1035; *see Universal Oil*, 400 Ill. at 86. Nor did the appellate court recognize that public policy "strong[ly]" disfavors forcible annexation. *Northbrook*, 194 Ill. App. 3d at 565.

All of these rules counsel against reading a *de minimis* exception into Section 7–1–13(a). If "strict" compliance means anything, it is that a court may not disregard a clear statutory precondition to annexation as a mere inconvenience simply because it considers the deviation minor or impractical. Where strict compliance is required, "[e]xpedience is no substitute for compliance." *People v. Johnson*, 207 Ill. App. 3d 122, 124, 125 (1990).

2. The broader structure of the Municipal Code and its annexation provisions

The structure of the Municipal Code buttresses the conclusion that no *de minimis* exception should be read into Section 7–1–13(a). Notably, the General Assembly codified a *de minimis* exception in a provision of Article 8 of

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the Municipal Code, which covers finance. Section 8–11–2.5 addresses municipal tax revenue and related requests for information. 65 ILCS 5/8–11–2.5. Subsection (e–20) authorizes a court to penalize a public utility for either "caus[ing] a material delay in providing information properly requested" or "omitt[ing] a material portion of information properly requested." 65 ILCS 5/8–11–2.5(e–20)(1). Subsection (e–20) also contains the following exception: "No penalty shall be assessed by the Department [of Revenue] pursuant to this subsection if the Department finds that a delay or omission was immaterial or *de minimis*." 65 ILCS 5/8–11–2.5(e–20)(2) (emphasis added).

"[W]here the legislature has employed a term in one place and excluded it in another, it should not be implied where excluded." *J.L.*, 236 Ill. 2d at 341 (citation omitted). The General Assembly knew how to include a *de minimis* exception in the Municipal Code when it intended to do so. Because the General Assembly did so in Section 8–11–2.5(e–20), it is "inappropriate to infer the legislature intended such an exception" in Section 7–1–13(a) where none appears. *Id.*

Returning to the annexation provisions of the Municipal Code, they provide other mechanisms for a municipality seeking to annex unincorporated land, which militates against relaxing Section 7–1–13(a)'s strict requirements by reading in a *de minimis* exception. These other options simply require property owner consent or significant additional due process protections.

For example, one alternative that gives the Village a lawful path

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forward here is the court-supervised process under Section 7–1–2, which permits a municipality to initiate annexation proceedings by enacting an ordinance expressing its desire to annex described territory and filing it with the circuit court—but which requires the court to fix a hearing date and submit the question of annexation to the electors of the unincorporated territory or to the corporate authorities, as the case may be. 65 ILCS 5/7–1–2(a). Critically, no tract of land in excess of 10 acres may be included in such a municipality-initiated ordinance without the express consent of the owner of the tract (with exceptions). *Id.*

Once the circuit court finds the petition or ordinance valid, it enters an order describing the territory to be annexed and directs that the question of annexation be submitted to the corporate authorities of the annexing municipality or to the electors of the unincorporated territory for final action. 65 ILCS 5/7–1–7(a). If the court finds an annexation ordinance valid, it shall enter an order directing submission of the question to the electors of the unincorporated territory at an election conducted in accordance with the general election law, and if a majority of those casting ballots favor annexation, the described territory becomes part of the annexing municipality. *Id.*

The Municipal Code thus provides other methods of annexation that the Village had available to it but deliberately chose not to use here. Had the Village approached Husky and the other landowners at the outset, they could have participated in this process together and negotiated over specifics, like

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zoning classifications upon annexation, which Husky nonetheless attempted to do. *See* 65 ILCS 5/11–15.1–1 (authorizing "[t]he corporate authorities of any municipality [to] enter into an annexation agreement with one or more of the owners of record of land in unincorporated territory"). The Village chose forcible annexation instead, even though it knew the annexation would not comply with Section 7–1–13(a).

These annexation provisions, when viewed together, reflect a considered legislative judgment and scheme: the more ambitious a municipality's annexation plans, the more process is due to the property owners and residents who will be affected. The lack of a *de minimis* exception to the forcible annexation provision squares with that intent. The judicial creation of such an exception does not.

3. This Court's prior decisions considering the Municipal Code and the *de minimis* doctrine

This Court has applied the *de minimis* doctrine to the Municipal Code in just two other—very narrow—contexts materially different from the annexation provision at issue here. In fact, both involve sidewalks. The first is objections to special tax assessments. Over a century ago, in *City of Chicago v. Wilshire*, 238 Ill. 317 (1909), the Court considered a challenge to a special assessment levied under the Local Improvement Act of 1897[6] "for the purpose of constructing a cement sidewalk," where the total assessment for the street

[6] The modern analogue appears in Article 9 of the Municipal Code. *See* 65 ILCS 5/9–2–55; *George D. Hardin, Inc. v. Vill. of Mount Prospect*, 99 Ill. 2d 96, 98 (1983).

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improvement was over $27,000 and the portion against the objecting property owners was over $1,200. *Id.* at 318. The property owners objected only to a portion of that assessment amounting to less than $5. *Id.* Because "[t]his amount [wa]s so small in proportion to the cost of the entire improvement and of the appellants' share of the cost of said improvement," the Court applied the *de minimis* doctrine and affirmed the trial court's decision overruling these objections. *Id.* at 319; *see also Chi. Consol. Traction Co. v. Vill. of Oak Park*, 225 Ill. 9, 13 (1906) (similarly rejecting as "too trifling" an objection to a $2.45 share of the $27.30 cost of constructing 39 feet of curb and gutter "improperly included in the improvement" where the total estimated cost of the improvement was $19,310, of which $1,646.85 was assessed against the objector).

Yet even in that narrow, finance-driven context, the Court recognized limits on the use of the *de minimis* doctrine when a municipality overstepped the substantive bounds of the invoked statutory authority. In *People ex rel. Raymond v. Field*, 197 Ill. 568 (1902), the Court addressed a village ordinance adopted under a sidewalk-construction statute that required abutting owners to pay for not only a five-foot cement sidewalk but also grading and seeding two-foot grass plots on each side of the walk for the full length of the improvement. *Id.* at 570. The ordinance did this despite the fact that the sidewalk statute did not "authorize the improvement of streets in any other way than by the construction of sidewalks." *Id.* at 571.

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The village argued that the grass-plot requirement was merely incidental and, in any event, too minor to warrant judicial intervention. *Id.* This Court squarely rejected application of the *de minimis* doctrine to excuse the overreach, holding instead that the grass plots were ornamental, beyond the scope of "sidewalk" work authorized by the statute, and therefore rendered the special tax void. *Id.* In other words, once the municipality strayed outside the chosen statutory vehicle, the defect was one of power, not of degree, and the Court refused to employ the *de minimis* doctrine to expand the statute's reach.[7]

The other context in which the Court has applied the *de minimis* doctrine to the Municipal Code is to answer another uncommonly narrow question: whether a slight unevenness between adjoining sidewalk slabs is serious enough to expose a municipality to negligence liability for a pedestrian's fall. *Monson v. City of Danville*, 2018 IL 122486, ¶ 42. The fact intensive, totality-of-the-circumstances inquiry, where courts weigh factors such as the height differential between adjoining concrete slabs, the volume of pedestrian traffic, and whether the defect was located in a commercial or

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[7] The Court also noted that Article 9 of the Cities and Villages Act (the modern Municipal Code's predecessor) did authorize municipalities to make broader local improvements by special assessments, but made clear that these powers "cannot be invoked in aid of the authority given by the sidewalk statute." *Id.* The Court concluded: "If the village desired to improve the street in connection with the construction of the sidewalk, it should have proceeded under the powers conferred upon it by article 9 of the city and village act, and not under the sidewalk statute." *Id.*

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residential area, is emblematic of its distinguishable tort-law context. Calibrating the degree of harm to a private plaintiff based on fact-specific circumstances stands in stark contrast to the annexation context here, where the question is not one of degree but of power: whether a municipality acted within the bounds of the authority the legislature actually conferred upon it.

The history of the Court's treatment of the *de minimis* doctrine when considering municipal power shows that it can apply—at most—in unique and uniquely low-stakes contexts, such as to dismiss a dispute over $5 or an inch of rise in a sidewalk slab. Where, however, a municipality has acted in excess of the power actually conferred upon it by statute, the Court has expressly refused to apply the *de minimis* doctrine. *See Field*, 197 Ill. at 570-71. And the situation here is anything but low-stakes. As the appellate court's decision demonstrates, adopting an inherently indefinable *de minimis* doctrine in this context would all but eviscerate the legislature's intended limitations on municipal power to forcibly annex land, thereby expanding municipal power at the expense of the rights of property owners in unincorporated territories across Illinois. For Husky, that would mean crippling its ability to use its own land and severely diminishing the value of that land.

4. Legislative history

Related legislative history provides additional support for finding that Section 7–1–13(a) should not be subject to a *de minimis* exception. Although the parties have not found any legislative history on the exact and original provision at issue, when considering other bills or amendments involving the

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potential expansion of forcible annexation, legislators have been more than reluctant, and expressed concern about a municipality annexing land without the consent and approval of property owners.

For instance, in 2010, the General Assembly considered House Bill 1629, which would have, among other things, added a Section 7–1–13.5 to the Municipal Code, allowing the City of Rockford to annex parcels of unincorporated territory over 60 acres in area under certain circumstances. A028-29[8]; *see* A082-92,[9] A217-21.[10] This proposal was met with stiff opposition. A092 (Stmt. of Rep. Bellock, commenting during the discussion that "this seems to be so controversial about annexation of people who don't give their permission"), A218 (Stmt. of Rep. Eddy, referring to the "considerable" and "significant opposition to allowing a city the power to forcibly annex certain parcels of land"), A220 (Stmt. of Rep. Durkin, pressing the bill's sponsor about the procedure for forcible annexation, confirming whether it would require the approval of the individuals living on the property, and asking if objections from said individuals would stop the process of annexation).

Legislators also expressed concern over the size of property to be annexed, cautioning against opening the door to expand the statute's 60-acre limit on forcible annexations:

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8 House Bill 1629, 96th Gen. Assem., Reg. Sess. (Ill. 2010) (amended by H.B. 1629, 96th Gen. Assem., Reg. Sess., House Floor Am. No. 2 (Feb. 25, 2010)).

9 96th Ill. Gen. Assem., House Tr. dated Mar. 16, 2010.

10 96th Ill. Gen. Assem., House Tr. dated Mar. 25, 2010.

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> Fortner: [T]hese types of annexations usually take place with a very small number of small lots that are wholly surrounded. . . .
>
> Jefferson: It's not one big parcel, it's numerous small parcels.
>
> Fortner: It's a number of small parcels, but the total area is very large . . . is that correct?
>
> Jefferson: Yes.
>
> Fortner: The . . . I guess my concern here is that . . . normally municipalities in seeking to annex islets, it happens in municipalities all the time that they have surrounded islands. Generally, and I would say what should continue to be our state policy, is that is restricted to those islands that are under 60 acres in size. In this case we're dealing with islands some of which would be substantially larger than 60 acres. . . . I think that still opens the door to a number of other municipalities who would also then be seeking this same authority from this Body and this Amendment would take us on a path that I think takes us to a policy that would not be beneficial.

A086-87 (Stmts. of Reps. Fortner & Jefferson). The strong opposition to this bill included legislators referring to it as a "land grab" and characterizing the motivations behind it as the City of Rockford "hurting for money" and just "seeking to add to their tax base." A088-89 (Stmt. of Rep. Wait), A221 (Stmt. of Rep. Durkin). Legislators were unmoved by the fact that the mayor of Rockford "along with the majority of the . . . city council members asked for this legislation to be passed so that they can start to incorporate some unincorporated areas that have been within the city limits, but unincorporated for at least the last 10 years." A218 (Stmt. of Rep. Jefferson).

House Bill 1629 was not passed, and the proposed Section 7–1–13.5 did

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not become a part of the Municipal Code. *See* A226 (Stmt. of Speaker Mautino). These concerns expressed by legislators while debating a bill that implicated forcible annexation further indicate that the General Assembly would not approve of Section 7–1–13(a) being made subject to a *de minimis* exception.

***

Because Section 7–1–13(a)'s plain language is unambiguous—and no party in this appeal has argued otherwise—the Court should decline to insert a *de minimis* exception where none appears. Beyond that, the purpose, structure, and history of the Municipal Code and caselaw interpreting it all speak with one voice, and firmly support this conclusion.

IV. If Section 7–1–13(a) is subject to a *de minimis* exception, the appellate court erred by applying it here

Even if the Court does read a *de minimis* exception into Section 7–1–13(a), it should hold that the circuit court correctly found that such an exception does not apply in this case, and reverse the appellate court's contrary conclusion.

A. The decision below represents a fundamental departure from prior lower court decisions considering the *de minimis* doctrine in the context of municipal annexation

Unlike this Court, the appellate court has, on two prior occasions more than half a century ago, applied the *de minimis* doctrine to forcible annexations under the Municipal Code. Those decisions were all but dormant until the appellate court's decision here, which sharply departed from more recent authority in *Village of Mundelein v. Village of Long Grove*, 219 Ill. App. 3d 853

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(2d Dist. 1991), and other decisions addressing municipal knowledge and intent.

1. The appellate court has previously explained how easily the *de minimis* doctrine can be manipulated to undermine the statutory scheme

In *Mundelein*, the Village of Long Grove adopted an ordinance forcibly annexing 56.7 acres of unincorporated land bounded on all sides by municipalities, except for a 210-foot segment along the southern boundary. *Id.* at 856-57. As here, the annexation area included a portion of a right-of-way that intersected and continued through and past the annexation area's boundary. Long Grove omitted 4.0048 acres of unincorporated right-of-way from the annexation, as depicted below (the red shaded area denotes the excluded unincorporated land that the *Mundelein* court labeled as the "omitted parcel"):

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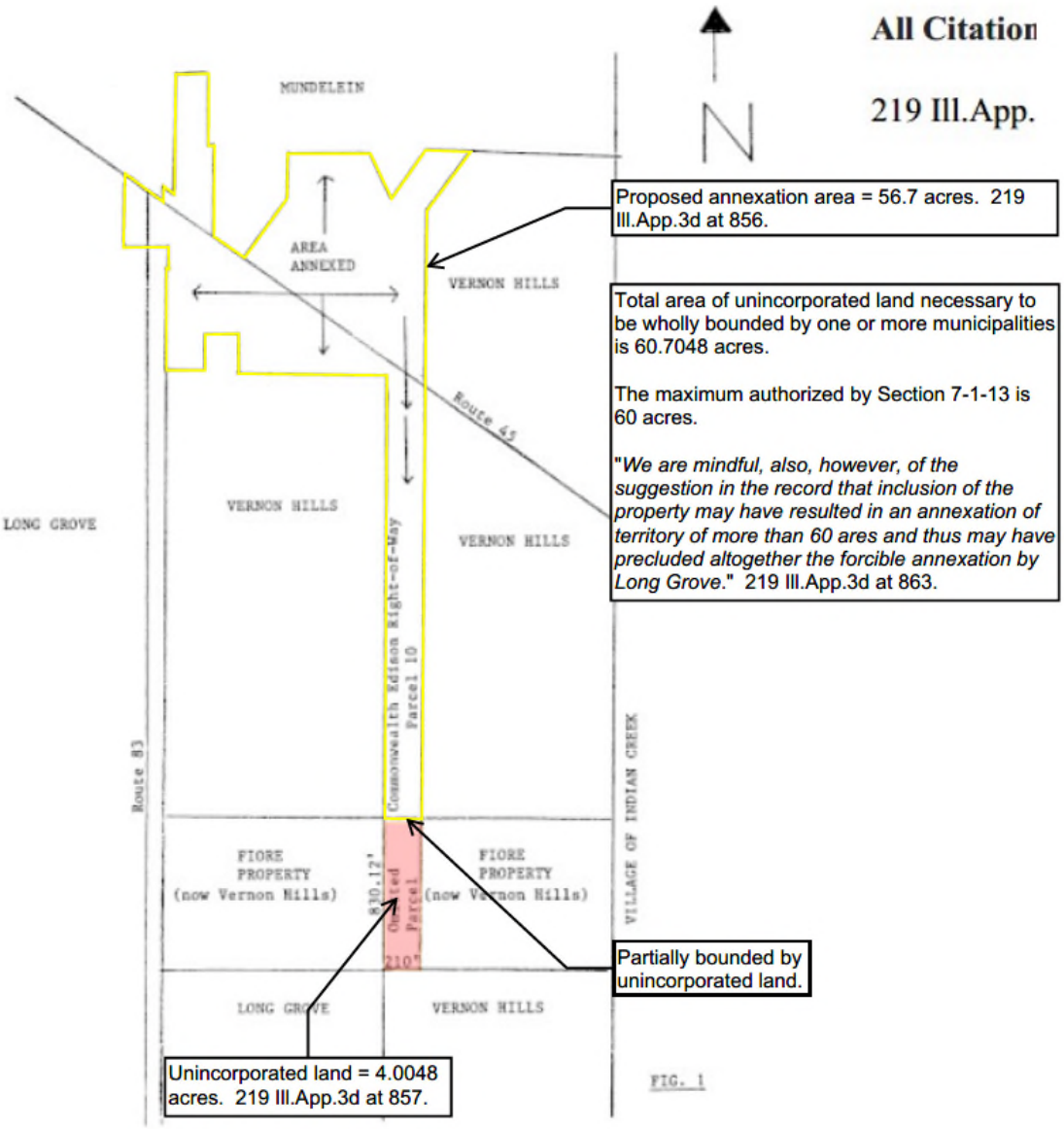

Id. If Long Grove had also annexed the omitted parcel, the annexation area would have exceeded Section 7–1–13(a)'s 60-acre limit. *Id.* at 856-57, 863.

The appellate court held that the omitted parcel adjacent to the annexation area's boundary violated the "wholly bounded" requirement. *Id.* at 867. It also rejected Long Grove's argument that the section of unincorporated land on the border of the annexation area was "*de minimis*." *Id.* at 866-67.

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The reviewing court explained that "[i]mplicit in the 'wholly bounded' language used by the legislature is the intent that such annexations should swallow up *all of the unincorporated land* sandwiched in amongst already existing municipalities." *Id.* at 867 (emphasis added). "[T]he 'wholly bounded' language serves [this] distinct purpose and should be given full effect." *Id.*; *see id.* at 863 (finding that Section 7–1–13(a) "plainly calls for the inclusion of all adjacent unincorporated areas in an involuntary annexation" and "exclusion of such areas is contrary to the purpose of the statute"); *see also W. Suburban Bank v. City of Chicago*, 366 Ill. App. 3d 1137, 1145 (2d Dist. 2006) (noting that *Mundelein* stands for the proposition that "territory sought to be annexed under Section 7–1–13 must be bounded *on all sides* as called for by the statute, and any ordinance annexing territory not so bounded is a nullity and of no legal effect" (emphasis added)). If such land could not be forcibly annexed within the "wholly bounded" and 60-acre restrictions, then forcible annexation was simply the wrong vehicle for acquiring the land.

The appellate court's decision here directly conflicts with *Mundelein* in that the two districts' differing treatments of the *de minimis* doctrine cannot be reconciled. In this case, the Village sought to annex roughly 44.5 acres of unincorporated land that sits within a larger, approximately 129-acre block of unincorporated territory bordered by multiple municipalities and a forest preserve. To stay under Section 7–1–13(a)'s 60-acre limit, the Village intentionally carved out the Subject Property from the larger contiguous

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unincorporated territory, with the result that two sections of the border totaling about 251 feet directly abut unincorporated land, with many acres of unincorporated land on either side of those artificial borders.

In *Mundelein*, as here, a municipality attempted to evade Section 7–1–13(a)'s 60-acre limit by simply omitting from its annexing ordinance unincorporated territory, including a right-of-way, in violation of the "wholly bounded" requirement. And there, as here, the trial court saw through this attempt and rejected it as an improper end-around the strict limitations the legislature placed on municipal power to forcibly annex territory. What the *Mundelein* court recognized, and the appellate court decision here ignores, is that the "wholly bounded" and 60-acre restrictions are complementary and cannot in this context be divorced. This is a critical point.

The panel below attempted to distinguish *Mundelein* on two grounds. First, it said the Village did not "gerrymander the borders of the territory to create a slender corridor with a break that included only a portion of the right-of-way, ultimately resulting in the creation, rather than the elimination, of an island of unincorporated property." A025, ¶ 26. The record directly contradicts this assertion. The Village's plan all along was to annex 129 acres of unincorporated territory located between the Village, South Barrington, Hoffman Estates, and the forest preserve. C57, C476-77; *see* C634; *Bd. meeting audio* at 29:30-29:45. However, it recognized that doing so in a single annexation would violate Section 7–1–13's 60-acre limit twice over. *Id.* So the

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Village decided to forcibly annex this larger assemblage of property in phases, recognizing that staying under the 60-acre limit would require violating the "wholly bounded" requirement. *Id.*

This Court has said "it is axiomatic that a party cannot circumvent the purpose of the [annexation] statute by doing indirectly what he cannot do directly." *In re Pet. of Vill. of Kildeer to Annex Certain Territory*, 124 Ill. 2d 533, 547 (1988); *accord Chi. Title Land Trust Co. v. Cty. of Will*, 2018 IL App (3d) 160713, ¶ 34 (noting this Court has "stressed" the importance of this point of law). The *Mundelein* court recognized that annexing only a portion of unincorporated territory, thereby leaving adjacent sections of unincorporated land along the boundary of the annexation area in order to avoid the 60-acre limit, violates the "wholly bounded" requirement and is inconsistent with the purpose of Section 7–1–13. 219 Ill. App. 3d at 867. Even if the *de minimis* doctrine could hypothetically be applied to forcible annexations, as the appellate court in *Mundelein* explained, statutory violations that undermine the substantive purpose of a statute are inherently material, not *de minimis.* A seemingly small failure to comply with one statutory requirement cannot be used to manufacture compliance with another.

That is nonetheless exactly what the Village did here by "gerrymander[ing] the borders" of the Subject Property to stay under the 60-acre limit. A025, ¶ 26. What *Mundelein* recognized, and the appellate court below missed, is the broader principle that municipalities may not use

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"subterfuge" or otherwise "manipulate the annexation statute in ways the legislature never intended" to forcibly annex property. *Chi. Title*, 2018 IL App (3d) 160713, ¶ 34 (cleaned up) (quoting *In re Pet. to Annex Certain Real Estate to City of Joliet*, 144 Ill. 2d 284, 292 (1991)). In *Chicago Title*, for instance, the court rejected the Village of Bolingbrook's forcible annexation attempt when it entered into a "sham" voluntary annexation agreement with an adjacent property owner exclusively for the purpose of creating contiguous boundaries to satisfy the "wholly bounded" requirement and forcibly annex the plaintiff's property. *Id.* ¶¶ 34-42. In doing so, the court emphasized that "Illinois courts have repeatedly and consistently considered evidence of subterfuge in determining the validity of a particular annexation," citing (among other cases) this Court's decisions in *Joliet*, 144 Ill. 2d 284, and *Kildeer*, 124 Ill. 2d 533. *Id.* ¶ 34.

The appellate court here also attempted to distinguish *Mundelein* by asserting that "[i]n the present case, the two insignificant gaps created by the railroad right-of-way, which allow the railroad to exit the territory and then continue in both directions, are by no means comparable to the entirety of the southern border in [*Mundelein*]." A025, ¶ 26. Again, the record directly contradicts this assertion. In *Mundelein*, 210 feet of the border of the property to be annexed abutted unincorporated land, "constitut[ing] less than 1.5% of the perimeter of the total annexation." 219 Ill. App. 3d at 860, 865. Here, two portions of the Subject Property's border totaling approximately 251 feet—

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repeatedly misstated as totaling 200 feet by the Village and the appellate court—meet other unincorporated land. C488-90, C522-23; *see* A013-14, A016-17, A019, A020, A021-22, ¶¶ 1, 9, 10, 14, 17, 20. Even using that inaccurately low figure, the appellate court acknowledged that "4.7 percent of the total perimeter of the [Subject Property's] border" touches other unincorporated land. A021, ¶ 20.

Thus, the border of incorporated land here is longer in real distance than in *Mundelein*, and over *three times* the percentage of the total perimeter. While the *de miminis* doctrine cannot be reduced to a "mathematical formula," *see Monson*, 2018 IL 122486, ¶ 43, these figures show that the appellate court's decision to apply the doctrine here cannot be reconciled with the court's refusal to do so in *Mundelein*, much less with the authority requiring strict adherence to the limits on municipal annexation power. Perhaps more importantly, *Mundelein* demonstrates why applying the *de minimis* doctrine to avoid even one statutory restriction quickly results in a sham undermining the entire statutory scheme and the legislature's intent to severely restrict the forcible annexation power.

2. The appellate court's decision conflicts with the broader body of lower court caselaw addressing this issue

Rather than follow *Mundelein* and the guidance from this Court it drew upon, the appellate court below instead relied on *People ex rel. Chicago Title & Trust Co. v. City of Des Plaines*, 76 Ill. App. 2d 243 (1st Dist. 1966). But that case, as well as others discussed below, are distinguishable because of the

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difference between inadvertence on the part of a municipality (which courts have been much more willing to excuse) and intentional violation of the Municipal Code, which is what happened here. Even if the *de minimis* doctrine could hypothetically be applied to forcible annexations, the Court should not endorse its abuse by rewarding municipalities that use it to intentionally evade statutory restrictions on their forcible annexation power.

In *Des Plaines*, the city "inadvertently omitted" unincorporated land from a forcible annexation under the mistaken impression that it had previously annexed the omitted land, similar to a scrivener's error. *Id.* at 249; *see also Mundelein*, 219 Ill. App. 3d at 866. The territory was completely encircled by the city except for a 49-foot section of the border where it met unincorporated property, amounting to 0.8% of the total boundary between the city and the proposed annexation. *Des Plaines*, 76 Ill. App. 2d at 249. The court found the section of unincorporated land to be trivial and insufficient to defeat the annexation ordinance at issue. *Id.*

Des Plaines does not control here for the same reasons the court in *Mundelein* found it unconvincing. First, there was a forfeiture problem. The court in *Des Plaines* "pointed out that the plaintiff did not appear to contend that the [section of unincorporated territory on the border of the land to be annexed] alone prevented the property from being 'wholly bounded.'" 219 Ill. App. 3d at 866. "In fact, the primary issue in the case was whether the city could annex a railroad right-of-way which lay between the city and one of four

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sides of the property to be annexed." *Id.* The *Mundelein* court thus found that the discussion of *de minimis* error was essentially *dicta* in *Des Plaines* and, therefore, did not control. 219 Ill. App. 3d at 866; *see also Des Plaines*, 76 Ill. App. 3d at 249 ("Plaintiff does not appear to contend that this gap alone . . . keeps the property from being 'wholly bounded,' as required by the statute"). In contrast, the plaintiffs in *Mundelein* directed the court's "full attention to the effect of the gap in Long Grove's annexation boundary." *Mundelein*, 219 Ill. App. 3d at 866. Husky has similarly raised the "wholly bounded" requirement early and often in this case and for good reason—it prohibits the Village from forcibly annexing the Subject Property as a matter of law.

Second, as the court in *Mundelein* also observed, the section of unincorporated territory bordering the annexed land in *Des Plaines* was "*inadvertently* omitted in the course of the city's annexation of other territory adjoining the southern boundary of the property" in question. *Id.* at 866 (emphasis added). "In other words, it appears the city intended to annex an island of property which it thought was already encompassed within itself." *Id.* By contrast, in *Mundelein*, the Village of Long Grove deliberately excluded the omitted parcel to stay under the 60-acre limit—just like the Village did here. *Id.* at 861, 866. This was not a minor mistake or a clerical error, but a deliberate attempt to evade an important restriction the General Assembly placed on the power of forcible annexation. The *Mundelein* court held for this reason that Long Grove "should be held to the requirements set forth in the

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statute for including unincorporated property in its involuntary annexation." *Id.* at 864. Respectfully, the appellate court's decision in *Mundelein* represents the better reasoned rule of law and should be adopted here. Rewarding intentional statutory violations by local governments can only produce perverse incentives and chaotic ends.

B. There is no justification for special treatment of railroad rights-of-way for purposes of applying the "wholly bounded" requirement here

The Village argued below, and will likely argue again, that railroad rights-of-way have special status under Illinois annexation laws, citing to sections of the Municipal Code that are not at issue. Def.'s App. Ct. Br. at 17–19. But none of these provisions require or even suggest disregarding railroad rights-of-way for purposes of the "wholly bounded" requirement of Section 7–1–13(a)(e), which—again—is the only subsection under which the Village sought to forcibly annex the Subject Property.

The Village's own authority makes this point fairly clear. As the appellate court in *Des Plaines* said, "[t]he existence of a specific exception for railroad rights of way in" Section 7–1–2 of the Municipal Code, "coupled with the absence of such an exception in the other annexation provisions . . . makes it evident that it was *not* the intention of the legislature to exempt railroad rights of way in general from the annexation laws." 76 Ill. App. 2d at 247 (emphasis added). This is, of course, consistent with the rule of construction that "'an express statutory requirement here, contrasted with statutory silence there, shows an intent to confine the requirement to the specified instance.'"

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People v. Grever, 353 Ill. App. 3d 736, 758 (2d Dist. 2004) (quoting *Field v. Mans,* 516 U.S. 59, 67 (1995)), *aff'd in part and rev'd in part on other grounds*, 222 Ill. 2d 321 (2006); *see J.L.*, 236 Ill. 2d at 341.

Next, Section 7–1–1 requires, among other things, that unincorporated territory be "contiguous to a municipality" to be eligible for any form of annexation. 65 ILCS 5/7–1–1. This section provides exceptions, including that territory may be considered contiguous when separated by a railroad right-of-way. *Id.* But this only serves to demonstrate that the Subject Property is part of the contiguous unincorporated parcels to the north and south of it totaling 129 acres, and thus illustrates the impropriety of the Village's attempt to evade the 60-acre limit. The Village cannot forcibly annex all of the unincorporated territory without violating the 60-acre limit, and it cannot evade the 60-acre limit by violating the "wholly bounded" requirement.

Further, Section 7–1–2 provides another method of annexation that the Village chose not to use here—seemingly because it requires court supervision and the consent of certain owners of and electors residing in the territory to be annexed. 65 ILCS 5/7–1–2(a). This provision requires the consent of the owners of any land tract larger than 10 acres unless the tract is, among other things, "bounded on at least 3 sides by lands subdivided into lots or blocks." *Id.* However, section 7–1–2(a) clarifies that a tract of land is considered bounded by subdivided land even "if it is actually separated from the subdivision only by the right-of-way of a railroad." *Id.* For the reasons discussed above, this too

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only serves to illustrate the impropriety of the Village's actions. Attempting to graft this language from a separate section of the Municipal Code providing a different method for annexation that the Village chose not to use here has nothing to do with Section 7–1–13(a)'s "wholly bounded" requirement and thus does nothing to advance the Village's cause—just the opposite.

Finally, subsection (g) of Section 7–1–13(a) permits the forcible annexation of unincorporated land located in "a county with a population of more than 800,000 inhabitants and less than 2,000,000 inhabitants" that is wholly bounded by one or more municipalities and a "railroad or operating property." 65 ILCS 5/7–1–13(a)(g). Under subsection (g), a railroad right-of-way can function similarly to that of other annexation boundaries (*e.g.*, forest preserves (subsection 7–1–13(a)(e)), creeks (subsection 7–1–13(a)(b)), etc.). But that is *only* true if it is located in a county with a population of more than 800,000 inhabitants and fewer than 2 million inhabitants. It is undisputed that this is a definition only DuPage County fits. 65 ILCS 5/7–1–13(a)(g); *see also* U.S. Census Bureau, QuickFacts: DuPage County, Illinois, https://www.census.gov/quickfacts/fact/table/dupagecountyillinois/PST045224 (last visited Feb. 25, 2026); *see supra* n.2 (addressing judicial notice).

The Subject Property is located in Cook County, which has a population of over 5.1 million. U.S. Census Bureau, QuickFacts: Cook County, Illinois, https://www.census.gov/quickfacts/fact/table/cookcountyillinois/PST045223 (last visited Feb. 25, 2026). That the General Assembly made a singular

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exception for DuPage County only serves to highlight the absence of a similar carve out for Cook County. In other words, Section 7–1–13(a)(g) shows that the legislature knows how to single out railroad rights-of-way for special treatment when it wants to do so. The fact that the legislature did not do so for Section 7–1–13(a)(e) demonstrates why, to the extent railroad rights-of-way have any potential relevance, it is only to show that Husky is right and the Village is wrong. *Grever*, 353 Ill. App. 3d at 758; *see J.L.*, 236 Ill. 2d at 341.

The Village's own authority undermines its position on this point as well. The *Des Plaines* decision (on which the Village has relied so heavily for other parts of its argument) explained that unincorporated railroad rights-of-way must be taken into account in determining whether a forcible annexation satisfies the "wholly bounded" requirement. The municipality in that case forcibly annexed land consisting of the plaintiff's property and an unincorporated railroad right-of-way. 76 Ill. App. 2d at 245. The trial court held that the plaintiff's property "was not wholly bounded by the defendant municipality as the statute required" because the city lacked authority to annex a railroad right-of-way. *Id.* at 245. This caused the plaintiff's property to be partially bounded by unincorporated land (*i.e.,* the right-of-way), in violation of the "wholly bounded" requirement. *Id.* Unlike here, there was no additional connected unincorporated territory on the other side of the railroad right-of-way.

The appellate court reversed, holding that the city had the power to

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annex a railroad right-of-way and, therefore, the property was wholly bounded and the city's forcible annexation was valid. *Id.* at 249, 251. If the Village is correct that a railroad right-of-way is simply disregarded for purposes of the "wholly bounded" requirement, the *Des Plaines* court would not have considered whether municipalities have the power to annex railroad rights-of-way. That issue was only relevant because the property would not have been wholly bounded if the city lacked the power to annex the railroad right-of-way.

The *Des Plaines* court found that "Section 7–1–13, which governs the annexation in the instant case . . . refers to 'any unincorporated territory' again *without* setting aside any particular type of property for special treatment. The apparent intention of the legislature was that any territory otherwise meeting the requirements of the section may be annexed." *Id.* at 247 (emphasis added) (quoting Section 7–1–13 of the Cities and Villages Act, which used the same language—"any unincorporated territory"—as Section 7–1–13 of the Municipal Code to refer to the type of land that may be annexed if it satisfies the "wholly bounded" requirement and the 60-acre limit).

The *Des Plaines* court further noted that although Section 7–1–2 created a specific exception for railroads for certain types of annexations not applicable here, "[t]he existence of a specific exception for railroad rights of way in Section 7–1–2, coupled with the absence of such an exception in the other annexation provisions . . . makes it evident that it was *not* the intention of the legislature to exempt railroad rights of way in general from the annexation laws." *Id.* at

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247 (emphasis added). And, as discussed above, the legislature's decision to specifically address railroad rights-of-way in Sections 7–1–1 and 7–1–13(a)(g), combined with the absence of any exception for railroad rights-of-way for the "wholly bounded" requirement in Section 7–1–13(a)(e), shows that the legislature did not intend railroad rights-of-way to be disregarded for purposes of applying the "wholly bounded" requirement. The absence of such an exception in the relevant statutory provision should not be read as evidence of its existence. *J.L.*, 236 Ill. 2d at 341; *Grever*, 353 Ill. App. 3d at 758.

C. Public policy considerations militate against applying the *de minimis* doctrine in this case

Lastly, as a matter of policy, the Village's argument that its non-compliance with the strict limitations placed on forcible annexation should be excused as *de minimis* lacks any discernable limiting principle. The Village's heavy reliance on *Des Plaines* illustrates the point. Putting aside for the sake of argument all the other reasons discussed above as to why *Des Plaines* is readily distinguishable and highly unique, the territory there at issue comprised of a few dozen feet, and there was no additional unincorporated land adjoining it. Here, there are many acres of connected and unincorporated territory immediately to the north and south of the Subject Property. And while the land connecting those territories is "only" several hundred feet, it is still many multiples the size of the territory at issue in *Des Plaines*, even without accounting for the additional, connected unincorporated territories.

This raises an unavoidable question: how much is too much for forcible

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annexation under the Village and the appellate court's interpretation of Section 7–1–13(a)? Throughout this litigation, the Village has not said, but essentially invited the courts to apply an undefined standard, or at least say the attempted annexation here is not excessive. The circuit court rejected that argument, but the appellate court accepted it without placing any apparent limit on its application. As discussed above, however, the legislature has already set the standard, codified in Section 7–1–13(a). As courts before have made clear, that limitation should be strictly construed and respected.

The Village should not be permitted to intentionally disregard the "wholly bounded" requirement or the 60-acre requirement merely because it cannot otherwise forcibly annex the Subject Property and does not wish to annex it through the voluntary or other non-forcible annexation processes available under other sections of the Municipal Code. If the Village insists on attempting to annex the Subject Property, it must do so in a manner consistent with the law, the legislature's intent, and Husky's due process rights. Any other outcome threatens property owners in unincorporated territories across Illinois by allowing local governments to annex land without the owners' consent and without adhering to statutory requirements specifically designed by the legislature to prevent the abuse of the forcible annexation power. That is a problem not just for landholders, but for anyone concerned with the importance of local governments adhering to the restrictions placed on their power by the state.

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CONCLUSION

The *de minimis* doctrine exists to keep courts from wasting time on disputes that do not matter. This dispute matters. At stake is whether a private landowner can be stripped of control over its property, and subjected without consent or judicial process to zoning codes, tax levies, and regulatory authority based on an annexation ordinance that all agree violates the governing statute. The legislature, understanding well the extraordinary power of forcible annexation and the need to closely cabin its use, deliberately chose to place strict limits on its availability and exercise. The question for this Court is whether it will enforce those restrictions or endorse the Village's roadmap for municipalities to circumvent them and thereby undermine the entire statutory scheme.

Husky respectfully suggests that Section 7–1–13(a) means what it says. Forcible annexation may be accomplished only under certain narrow circumstances that are not satisfied here. That provision provides no basis to read in a *de minimis* exception, nor do other tools of statutory construction—just the opposite. And even if the doctrine were found to apply in some exceptional instances of inadvertence or mistake, the Village's intentional violation of the statute distinguishes this case and provides strong public policy reasons against applying the *de minimis* doctrine here.

The fact that the Village rejected the idea of negotiating a voluntary annexation in favor of forcible annexation is a problem solely of its own making. That choice was the Village's to make. Having now made it, the Village

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should not be heard to enlist this Court's help in undermining the legislature's intent by forgiving ill-considered judgment and haste. Rejecting the Village's arguments would not foreclose municipal growth or, by the same token, undermine the *ordered* absorption of unincorporated territory. It would simply confirm that if a municipality insists on attempting to annex property, it must do so in a manner consistent with the law and respectful of property owners' rights.

WHEREFORE, and for the reasons stated herein, Plaintiffs-Appellants Husky Trans, Inc. and Husky Truck Repair, Inc. respectfully request that the Court reverse the judgment of the appellate court, reinstate the circuit court's judgment, and grant any and all other relief it deems appropriate.

Date: March 4, 2026

Respectfully submitted,

HUSKY TRANS, INC. and
HUSKY TRUCK REPAIR, INC.,
Plaintiffs-Appellants,

By: */s/ Jonathan B. Amarilio*
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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 14,151 words.

Date: March 4, 2026

/s/ Jonathan B. Amarilio

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Case No. 132527

In the Supreme Court of Illinois

HUSKY TRANS, INC., an Illinois corporation, and HUSKY TRUCK REPAIR, INC., an Illinois corporation,

Plaintiffs-Appellants,

v.

THE VILLAGE OF BARRINGTON HILLS, an Illinois municipality,

Defendant-Appellee.

On Appeal from the Appellate Court of Illinois,
First Judicial District, Case No. 1-24-1346.
There on Appeal from the Circuit Court of Cook County, Illinois,
County Department, Chancery Division, Case No. 2024-CH-01302
The Honorable Thaddeus L. Wilson, Judge Presiding.

NOTICE OF FILING

TO: See Attached Certificate of Service

PLEASE TAKE NOTICE that on the **4th day of March, 2026**, we caused to be filed (*submitted electronically*) with the Supreme Court of Illinois, ***Appellants' Brief,*** a copy of which is hereby served upon you.

Dated: March 4, 2026

Respectfully submitted,

HUSKY TRANS, INC. and HUSKY TRUCK REPAIR, INC., Plaintiffs-Appellants,

By: */s/ Jonathan B. Amarilio*
One of their Attorneys

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CERTIFICATE OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Code of Civil Procedure, and Ill. S. Ct. R. 12 hereby certifies and affirms that the statements set forth in this instrument are true and correct, and that a true and accurate copy of this ***Notice of Filing*** and ***Appellants' Brief***, were served upon the following parties of record via electronic mail, or upon acceptance of the Court, on March 4, 2026:

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The Honorable Thaddeus L. Wilson, Presiding.

APPENDIX TO APPELLANTS' BRIEF

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

HUSKY TRANS, INC. an Illinois Corporation, HUSKY TRUCK REPAIR, INC., an Illinois Corporation,	)	Case No. 2024 CH 01302
Plaintiffs,	)	Cross-Motions for Summary Judgment
v.	)	Calendar 1
THE VILLAGE OF BARRINGTON HILLS, an Illinois municipality,	)	Hon. Thaddeus L. Wilson Judge Presiding
Defendants.	)	

ORDER

THIS MATTER comes before the Court on Cross-Motions for Summary Judgment. Having heard oral argument and reviewed the pleadings and applicable law, the Court finds as follows.

I. Factual Background

Husky Trans owns two pieces of property in unincorporated Cook County. One property is at 15 Old Sutton Road, Barrington Hills, Illinois, and the other is at 545 Penny Road, Barrington Hills, Illinois. At a December 19, 2023, meeting, the Village of Barrington Hills' Board of Trustees discussed the possible annexation of Plaintiff's properties and other nearby properties in unincorporated Cook County into the Village of Barrington Hills. On February 26, 2024, the Board of the Village of Barrington Hills approved Ordinance No. 24 and voted in favor of annexing the proposed area, including Plaintiff's property. The proposed effective date of the ordinance was 12:01 a.m. on March 8, 2024.

On February 27, 2024, Husky filed a Complaint seeking injunctive relief and declaratory judgment. Soon after, Husky filed an emergency motion for a temporary restraining order to enjoin

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the annexation. In an order dated March 6, 2024, this Court granted Husky's Motion and entered a TRO staying the effectuation of the annexation, pending a ruling by this Court. Husky then sought to amend its complaint to add a quo warranto claim, alternatively to its declaratory judgment claim.

II. Legal Standard

Summary judgment is proper when "the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." 735 ILCS 5/2-1005(c). When evaluating a motion for summary judgment, a circuit court must view the record in the light most favorable to the nonmoving party. *Home Ins. Co. v. Cincinnati Ins. Co*., 213 Ill. 2d 307, 315 (2004). "Summary judgment is a drastic means of disposing of litigation. .," *Berlin v. Sarah Bush Lincoln Health Center,* 179 Ill. 2d 1, 7 (1997), and, therefore, "should be granted only when the right of the moving party is clear and free from doubt." *Thompson v. Gordon*, 241 Ill. 2d 428, 438 (2011).

III. Analysis

A. Quo Warranto Versus Declaratory Judgment

Plaintiffs and Defendant are at issue on whether both Counts I and II are properly before the Court or only Count II. In Count I, the Plaintiffs assert a claim for declaratory judgment. In Count II, they assert a quo warranto action.

The "proper remedy for questioning an annexation which *has been accomplished* is *quo warranto*." *Edgewood Park No. 2 v. Homeowners Assn. v. Countryside Sanitation Dist.*, 42 Ill. 2d 241 (1969). While this is true, the Court notes that the Annexation Ordinance at issue here has yet to be effectuated and therefore Plaintiffs' claim for declaratory judgment is appropriately before the Court.

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A *quo warranto* proceeding cannot be brought when, as here, the territory in question has not yet been annexed and defendants have not yet exercised control over it at the time the plaintiffs' suit is filed. *Ralston Purina Co. v. Wood Dale*, 132 Ill. App. 2d 262,265 (2nd Dist. 1971). Prior to the completion of annexation, the lawfulness of that annexation may be challenged through a complaint for injunctive relief. *Id*. Here, Plaintiff filed suit on February 27, 2024, which is prior to the annexation being effectuated and the Village taking control over the subject property. While the Village indeed voted to approve the Annexation Ordinance at its February 26, 2024, meeting, the Annexation Ordinance proscribed an effective date of 12:01 a.m. on March 8, 2024. Thus, by including a future effective date, the Village clearly manifested its intention not to exercise control over the subject properties until March 8, 2024.

This Court entered a TRO on March 5, 2024, which stopped the Village from enforcing the Annexation Ordinance and exercising control over the "to be annexed" properties pending the resolution of this case. Therefore, Count I, a claim for declaratory judgment is properly before the Court and any *quo warranto* action is premature as the Annexation Ordinance has not been effectuated. Further, while the Court finds that the claim for declaratory judgment is properly before the Court, the requested relief by the Court would be identical, if it is later determined that the case should have been a *quo warranto* action instead of a declaratory judgment action.

B. Wholly Bounded

According to Plaintiffs, in adopting the Annexation Ordinance, the Village violated Section 7-1-13 of the Code as the subject property is not "wholly bounded" as required by the statute. Plaintiffs assert that the subject property boundary has unincorporated land in two places, at a 111-feet segment of the northeastern boundary and a 140-feet segment of the southern boundary, where a railroad right-of-way crosses and continues north and south of the boundaries of the Subject

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Property. Plaintiffs believe the plain language of Section 7-1-13(a) requires that the Subject Property be completely surrounded by one or more municipalities and a forest preserve district and not surrounded on any part of the property boundary by unincorporated land. According to Plaintiffs, the Village did not comply with the requirements of Section 7-1-13.

In support of their motion and in opposition to the Plaintiffs' motion, the Village asserts that the annexation is valid under Section 7-1-13. According to the Village, while they admit that as a result of the railroad right of way, there are two 100-foot segments where the annexed area is bounded by unincorporated Cook County, the territory is not wholly bounded. While acknowledging this, the Village believes that a railroad right of way is accorded special status under Illinois annexation law.

In adopting the Annexation Ordinance, the Village invoked 7-1-13 of the Code. Section 7-1-13 authorizes a municipality to adopt an ordinance forcibly annexing "any unincorporated territory containing 60 acres or less" that is "wholly bounded by" by, among other things, "one or more municipalities and a forest preserve district" if the annexing municipality is one of the municipalities that bounds the unincorporated territory. 65 ILCS 5/7-1-13(a).

The Village argues that Illinois law routinely treats railroad right of ways differently with respect to annexations. For example, the Village asserts that Illinois law provides that contiguity may be established for annexation, even where the land to be annexed is separated from the municipality by railroad right of way. *See* 65 ILCS 5/7-1-1. Furthermore, the Village argues that a railroad right of way is considered a border for court-controlled annexation of territory, pursuant to 65 ILCS 5/7-1-2. Additionally, the Village asserts, in Section 7-1-13, that the Illinois legislature has determined that in some counties, a railroad right of way can be used to establish the "wholly bounded" requirement. *See* 65 ILCS 5/7-l-13(g). The Village believes Illinois routinely treats

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railroad right aways differently in terms of annexations; therefore, considering its treatment, the annexation should be considered proper under Section 7-1-13 as the Annexation Ordinance is stopped from being wholly bound only by the railroad right of way.

The Court believes that the Villages' arguments relating to railroad right of ways and their treatment are unavailing and run afoul of Section 7-1-13. In the context of Section 7-1-13, under which the Village derived its authority for the annexation order, the statute does not give a railroad right of way different treatment, nor does it mention the railroad right away having the ability to preclude or defeat the wholly bound requirement outlined in the statute. If the legislature intended to have unincorporated railroad rights-of-way treated differently under the statute, it would have said so in the statute.

Under a different statute, the Illinois legislature has allowed for a railroad right away to be treated differently. For example, contiguity may be established for annexation, even where the land to be annexed is separated from the municipality by railroad right of way in 65 ILCS 5/7-1-1. Additionally, a railroad right of way is considered a border for court-controlled annexation of territory under 65 ILCS 5/7-1-2. If the Illinois legislature intended to treat railroad right of way differently under Section 7-1-13, it could have said so, as it did for other provisions.

Moreover, courts have found that the legislature's not including language relating to a railroad right away was intentional. The existence of a specific exception for railroad rights-of-way in section 7-1-2, coupled with the absence of such an exception in the other annexation provisions, *where platting is not a requirement*, makes it evident that it was not the intention of the legislature to exempt railroad rights-of-way in general from the annexation laws. *People ex rel. Chicago Title & Trust Co. v. Des Plaines*, 76 Ill. App. 2d 243, 247 (1st Dist. 1966). As such, under

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the plain language of Section 7-1-13, a railroad right of way does not prevent the need for the wholly bounded requirement.

Next, the Village argues that although there are gaps for the proposed area to be annexed, under Illinois law, the railroad right away gaps are de minimus. Therefore, the annexation should be found to be proper under Section 7-1-13.

According to the Village, the Court in *People ex rel. Chicago Title & Trust Co. v. City of Des Plaines,* 76 Ill. App. 2d 243, 222 (1st Dist. 1966), held that a gap of 9-feet, which equaled eight-tenths of 1 % of the total boundary between the city and the proposed annexation, was trivial, and not sufficient to defeat the "wholly bounded" requirement of the Section 7-1-13. The Village asserts that allowing annexation independent of the *de minimus* gap upholds the legislative reasoning behind Section 7-1-13.

In support of their motion and in opposition to the Village's motion, the Plaintiffs assert that the controlling law supports that the *de minimis* argument does not apply to the instant case as the Village's decision to annex only a portion of the unincorporated railroad right of way but leave as unannexed the unincorporated right-of-way was not an inadvertent mistake. Instead, the Village intentionally annexed in that manner to fall within the 60-acre requirement.

In support of their position, Plaintiffs cite *Village of Mundelein v. Village of Long Grove, 219 Ill. App. 3d 853* (2nd Dist. 1991). In *Mundelein*, the plaintiff, the Village of Mundelein, challenged an annexation by the defendant, the Village of Long Grove, through a complaint in quo warranto. The Village of Long Grove adopted an ordinance to annex 56 acres of unincorporated land bounded on all sides by other municipalities except for a 210-foot segment along the southern boundary of the proposed annexation area. If the Village of Long Grove had included that segment

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of unincorporated right-of-way in the annexation area, the annexation area would have violated the 60-acre requirement. The court in Mundelein stated:

> The "wholly bounded" language of the section reflected an acknowledgement by the legislature that unincorporated islands of property existed and provided for the ultimate absorption of such areas into a municipality. Implicit in the "wholly bounded" language used by the legislature is the intent that such annexations should swallow up all of the unincorporated land sandwiched in amongst already existing municipalities. Thus, it appears the "wholly bounded" language serves a distinct purpose and should be given full effect. Accordingly, under the circumstances of this case, we decline to disregard the lack of compliance with the statute on the de minimis grounds urged by *Long Grove. Village of Mundelein v. Village of Long Grove*, 219 Ill. App. 3d 853, 867 (2nd Dist. 1991).

Additionally, the court in *Mundelein* also addressed the City of *Des Plaines* case heavily relied upon by the Village. The court in *Mundelein* stated:

> *"*We perceive that, in and of itself, the gap in this case is not significantly greater, in terms of the ratio of gap to overall boundary, than that in the *City of Des Plaines*. However, we do find it significant that, as noted by the court, the 49 feet in *City of Des Plaines* were inadvertently omitted in the course of the city's annexation of other territory adjoining the southern boundary of the property in question. *Village of Mundelein v. Village of Long Grove*, 219 Ill. App. 3d 853, 866 (2nd Dist. 1991).

In the instant case, the gap was not caused by an inadvertent error. In the January 22, 2024, Board meeting, it was stated: "It fits within the confines of what the law allows for forcible annexation – proposed annexation is 44.52 acres – the law allows you to do up to 60 acres and so … the full of it is just a little over 60 acres if we include the railroad property, which we have to." Following *Mudelein*, the intentional action by the Village is insufficient to invoke the de minimis exception utilized in *Des Plaines* as it was not the result of an inadvertent error.

Furthermore, while the Village relies upon *Des Plaines*, the case is too factually distinct to control. The question in Des Plaines was whether railroad rights-of-way may be annexed under the statute. *People ex rel. Chicago Title & Trust Co. v. Des Plaines*, 76 Ill. App. 2d 243, 246 (1st

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Dist. 1966). The question in the instant case is whether the railroad obviates the wholly bound requirement of Section 7-1-13 and whether the omitted portion of the annex is *de minimis*.

The Court finds that the *Village of Mundelein v. Village of Long Grov*e is more analogous to the case at hand and thus controls. The court in *Mundelein* highlighted the importance of the wholly bound requirement by stating that it appears the "wholly bounded" language serves a distinct purpose and should be given full effect. *Village of Mundelein v. Village of Long Grove,* 219 Ill. App. 3d 853, 867 (2nd Dist. 1991). Therefore, as both parties concede that the annexed area in the instant case is not wholly bounded, there is no issue finding that the annexation does not comply with Section 7-1-13.

C. Notice

Plaintiffs also argue that the Village failed to serve notice of the annexation in violation of Section 7-1-13. According to Husky, they did not receive notice of the proposed annexation until February 15, 2024, which was 11 days before the February 26, 2024 passage of the Annexation Ordinance. In relevant part, Section 7-1-13(b) of the Code requires that an annexing municipality to “serve written notice, either in person or, at a minimum, by certified mail, on the taxpayer of record of the proposed annexed territory as appears from the authentic tax records of the county” “not less than 15 days before the passage of the annexation ordinance.” 65 ILCS 5/7-1-13(b).

The Illinois Supreme Court has previously held that "service of notice by mailing is perfected when the notice is deposited in the mail .... [T]he Act does not condition the effectiveness of notice upon receipt of the return receipt signed by the addressee, and this court will not rewrite the Act to create this requirement." *People ex rel. Devine v. 30,700.00 United States Currency*, 199 Ill. 2d 142 (2002). Although the Court in *Devine* addressed notice in the context of the Drug Asset Forfeiture Procedure Act, the reasoning is still applicable. In the instant case, Section 7-1-

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13 is silent on the issue of whether service is effectuated upon receipt or dispatch. If the legislature intended it to be so, that requirement should have been clearly written therein.

Further, the Court believes that the Plaintiffs were not harmed. They still had 11 days' notice of the proposed annexation and an opportunity to be heard. Moreover, the issue of service under Section 7-1-13 is not material in the instant case because the Court finds that the Annexation Ordinance passed by the Village is improper as the area is not wholly bounded as required by statute.

IV. Conclusion

Based on the above discussion, the Court finds, the Village of Barrington Hills lacked authority to forcibly annex the Husky Properties because the property is not "wholly bounded" as required by Section 7-1-13(a).

IT IS HEREBY ORDERED:

1. Plaintiffs' Cross-Motion for Summary Judgment is **GRANTED**.
2. Defendant's Cross Motion for Summary Judgment is **DENIED**.
3. Judgment is entered against Defendant and in favor of Plaintiffs on Count I of their Amended Complaint. To the extent that Count II for Quo Warranto was the appropriate cause of action, this Court enters judgment and grants the same relief thereto.
4. Annexation Ordinance No. 24 is declared null and void and has no legal effect.
5. The Village is permanently enjoined from taking any actions to effectuate, perfect or enforce Annexation Ordinance No. 24.
6. This matter is disposed.

ENTERED
Judge Thaddeus L. Wilson – 1976
June 12, 2024
IRIS Y. MARTINEZ
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

ENTERED: 1976

Hon. Thaddeus L. Wilson
Circuit Court of Cook County

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2025 IL App (1st) 241346-U

FIRST DIVISION
September 29, 2025

No. 1-24-1346

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

HUSKY TRANS, INC., an Illinois corporation, and HUSKY TRUCK REPAIR, INC., an Illinois corporation, Plaintiffs-Appellees, v. THE VILLAGE OF BARRINGTON HILLS, an Illinois municipality, Defendant-Appellant.	)	Appeal from the Circuit Court of Cook County, Chancery Division. No. 2024 CH 01302 Honorable Thaddeus L. Wilson, Judge Presiding.

PRESIDING JUSTICE FITZGERALD SMITH delivered the judgment of the court.
Justices Howse and Lavin concurred in the judgment.

ORDER

¶ 1 This cause of action stems from an attempt by the defendant, the Village of Barrington (the Village) to forcibly annex, by ordinance, territory in unincorporated Cook County (the territory), which includes properties owned by the plaintiff, Husky Trans, Inc. and used by its affiliate, the plaintiff, Husky Repair Truck, Inc. (collectively Husky). Following the Village's adoption of the ordinance annexing the territory, Husky filed a lawsuit arguing that annexation was invalid

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because the territory was not "wholly bounded" by "one or more municipalities and a forest preserve district or a park district," as is required under section 7-1-13(a)(e) of the Illinois Municipal Code (Municipal Code) pursuant to which the Village proceeded with the annexation. See 65 ILCS 5/7-1-13(a)(e) (West 2022). After the parties filed cross-motions for summary judgment, the circuit court granted judgment in favor of Husky and against the Village, finding that annexation was improper because the territory was not "wholly bounded" as is required under the statute. The sole issue raised in this appeal is whether the annexation ordinance is valid under section 7-1-13(a)(e) of the Municipal Code (*Id*.) where, in two, small, 100-foot sections, the territory borders unincorporated Cook County because of a railroad right-of-way, which permits a railroad line to run north-south through the eastern edge of the territory. For the following reasons, we find that annexation was proper and, therefore, reverse the circuit court's grant of summary judgment in favor of Husky and enter summary judgment in favor of the Village.

¶ 2 I. BACKGROUND

¶ 3 The record before us reveals the following undisputed facts and procedural history. Husky owns and/or uses two parcels of real property in unincorporated Cook County, located at 15 Old Sutton Road, and 545 Penny Road (hereinafter the Husky property). On December 19, 2023, the Village's Board of Trustees (the Board) discussed the possible annexation of the Husky property and other nearby properties in unincorporated Cook County into the Village. On February 9, 2024, the Village sent an annexation notice to Husky, informing it that on February 26, 2024, the Board would consider and vote on an ordinance to annex the Husky property to the Village. The notice also provided that, upon adoption of the annexation ordinance, the Husky property would be "rezoned to R1 Single Family Resident District." Husky received the annexation notice on February 15, 2024.

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¶ 4 Immediately upon its receipt, Husky's counsel sent a letter to the Village objecting to the forcible annexation of the Husky property. The letter asserted that under section 7-1-13(a)(e) of the Municipal Code (65 ILCS 5/7-1-13(a)(e) (West 2022)), the territory earmarked for annexation was not "wholly bounded" by one or more municipalities and a forest preserve or park district, but rather partially bordered a railroad right-of-way. The letter then stated that Husky would agree to the annexation of the Husky property if, upon annexation, the Village allowed the property to be used as a recreational paintball facility or some other commercially viable use. The letter explained that in October 2023, Husky had entered into a contract to sell the Husky property to Paintball Explosion Partners, L.L.C. for use as a recreational paintball facility and that under the Village's R1 Single Family Residence District zoning, referred to in the Village's notice of annexation, this use would not be permitted.

¶ 5 On February 26, 2024, the Board voted to approve Ordinance No. 24 forcibly annexing the territory, including the Husky property, to the Village. The proposed effective date of the ordinance was 12:01 a.m. on March 8, 2024.

¶ 6 On February 27, 2024, Husky filed a one count complaint for injunctive relief and declaratory judgment. Therein, Husky asserted that the Village lacked authority to annex the Husky property because: (1) the territory was not "wholly bounded" by one or more municipalities or a forest preserve or park district as is required by section 7-1-13(a)(e) of the Municipal Code pursuant to which the Village had proceeded with annexation (65 ILCS 5/7-1-13(a)(e) (West 2022)); and (2) the Village had failed to provide Husky with timely notice of its intent to annex (65 ILCS 5/7-1-13(b) (West 2022)).

¶ 7 On March 1, 2024, Husky also filed an emergency motion for a temporary restraining order (TRO) to enjoin the annexation. The circuit court granted the TRO staying the annexation pending

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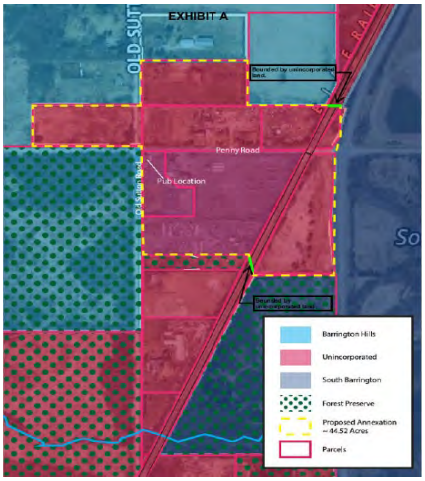
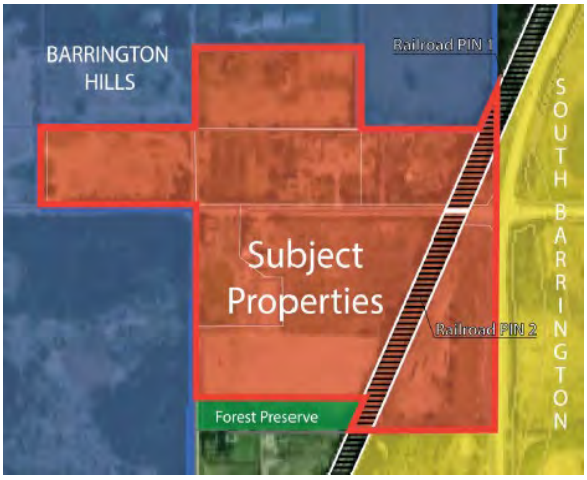
a ruling on the merits of Husky's complaint.

¶ 8 On March 5, 2024, Husky filed an amended complaint adding an alternative *quo warranto* claim (735 ILCS 5/18-101 (West 2022)), which is the proper remedy for testing the legality of the proceedings by which territory has been annexed to a municipality.[1] The *quo warranto* claim challenged the validity of the annexation ordinance on the same basis articulated in Husky's injunctive relief and declaratory judgment action (735 ILCS 5/2-701 (West 2022)).

¶ 9 The parties subsequently filed cross-motions for summary judgment disputing the validity of the annexation ordinance. In doing so, the parties agreed that because a railway line passes north-south through the territory, in two 100-foot sections, where the railroad exits the territory and continues in both directions, the territory's border is comprised of the width of the railway line, which is unincorporated property. The parties further agreed that the territory is otherwise bounded in the north by the Village, in the west and south by a forest preserve and in the east by the Village of South Barrington, as reflected by the images below:





¶ 10 In their respective cross-motions for summary judgment, the parties solely disputed the

[1] After the Village adopted the annexation ordinance, Husky contacted both the Illinois Attorney General and the Cook County State's Attorney asking that they initiate a *quo warranto* action to determine whether the Village had legal authority to annex the territory. Both declined, allowing Husky to pursue a *quo warranto* action itself. See 35 ILCS 5/18-102 (West 2022).

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impact of the two 100-foot sections created by the railway right-of-way on the Village's annexation. Husky argued that these two gaps resulted in the territory not being "wholly bounded" by one or more municipalities and a forest preserve or park district as is required under section 7-1-13(a)(e) of the Municipal Code. 65 ILCS 5/7-1-13(a)(e) (West 2022). The Village, on the other hand, asserted that railway rights-of-way have always been treated differently for purposes of annexation, and that regardless, the two minor gaps in the boundary were *de minimis* and, as such, alone could not invalidate annexation. In support, the Village cited the April 2012 findings of the Unincorporated Cook County Task Force (Task Force), which made recommendations regarding annexation of unincorporated areas within the county based on a study that revealed that providing services to such areas strained Cook County's financial resources. The Task Force expressed the county's long-term aspirational goal as the elimination of all unincorporated land within it and recommended that the immediate goal be encouraging municipalities to annex unincorporated parcels, with a specific focus on parcels under 60 acres, *i.e.*, those subject to involuntary annexation under the Municipal Code. See www.cookcountyil.gove/news/taks-force-reccomends-eventual-elimination-unincorporated-cook.

¶ 11 On June 12, 2024, the circuit court granted summary judgment in Husky's favor, and against the Village. In doing so, the court first noted that Husky's *quo warranto* claim was unripe because the TRO enjoining annexation was entered before the annexation ordinance went into effect and before the Village could exercise control over the Husky property. The court therefore addressed the merits of Husky's claim in the context of its injunctive relief and declaratory judgment action.[2] In this respect, the court held that annexation was improper because the two

[2] The court, however, noted that the relief granted "would be identical" even if it were to consider the merits under the *quo warranto* claim.

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gaps created by the railway right-of-way resulted in the territory failing to meet the requirement of being "wholly bounded" by a municipality or a forest preserve or park district, as is required by the plain language of section 7-1-13(a)(e) of the Municipal Code (65 ILCS 5/7-1-13(a)(e) (West 2022). In doing so, the court rejected the Village's contention that these two segments should be ignored either as *de minimis* or because of the unique nature of railroad rights-of-way. The court therefore declared the annexation ordinance "null and void" and issued a permanent injunction prohibiting the Village "from taking any actions to effectuate, perfect or enforce" the annexation ordinance.[3] The Village now appeals from the circuit court's grant of summary judgment in favor of Husky.

¶ 12 II. ANALYSIS

¶ 13 Summary judgment is proper when the pleadings, depositions, and admissions on file, together with any affidavits, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. See *Pielet v. Pielet*, 2012 IL 112064, ¶ 29; *Morris v. Margulis*, 197 Ill. 2d 28, 35 (2001). Where, as here, the parties file cross-motions for summary judgment, they agree that only a question of law is involved and "invite the court to decide the issues based on the record." *Pielet*, 2012 IL 112064, ¶ 28; accord *Bremer v. City of Rockford*, 2016 IL 119889, ¶ 20; see also *Rock Island Boatworks, Inc. v. Rib Holding Co.*, 2017 IL App (3d) 150709, ¶ 94 (the filing of cross-motions for summary judgment concedes the absence of genuine issues of material fact). Our review of the circuit court's summary judgment

[3] We note that in granting summary judgment in favor of Husky, the circuit court rejected Husky's alternative argument that the ordinance was invalid because the Village had failed to provide Husky with sufficient notice of the annexation. See 65 ILCS 6/7-1-13(b) (West 2022). The court, however, stated that that this issue was immaterial in light of its holding that the territory was not "wholly bounded." See 65 ILCS 6/7-1-13(a) (West 2022). On appeal, Husky abandons the notice argument and therefore forfeits review of this issue for purposes of appeal. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (points not argued in an appellant's brief are forfeited); see also *Olson v. Ferrara Candy Co*., 2025 IL App (1st) 241126, ¶ 57 (holding that the plaintiff forfeits an issue for review by not raising it on appeal).

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rulings is *de novo*. See *Bremer*, 2016 IL 119889, ¶ 20; accord *Pielet*, 2012 IL 112064, ¶ 30.

¶ 14 In this appeal, the parties solely dispute the validity of the Village's annexation ordinance forcibly annexing the Husky property pursuant to section 7-1-13(a)(e) of the Municipal Code. 65 ILCS 5/7-1-13(a)(e) (West 2022). As before the circuit court, the parties agree that the existence of a railway line, which runs north-south along the eastern edge of the territory, creates two 100-foot sections in the railway right-of-way where the territory is bounded by unincorporated Cook County instead of a municipality, forest preserve, or park district as required under section 7-1-13(a)(e) of the Municipal Code (65 ILCS 5/7-1-13(a)(e) (West 2022)). They dispute, however, whether the existence of these two gaps alone is sufficient to invalidate the annexation ordinance under the statute. For the following reasons, we find that it is not.

¶ 15 When construing a statute, our primary objective is to ascertain and give effect to the legislature's intent, keeping in mind that the best and most reliable indicator of that intent is the statutory language itself, given its plain and ordinary meaning. *People v. Perez*, 2014 IL 115927, ¶ 9; see also *People v. Lloyd*, 2013 IL 11350, ¶ 25. The statute must be viewed as a whole, and the words are to be construed in light of other statutory provisions. See *Perez*, 2014 IL 115927, ¶ 9. Significantly, we "may consider the reason for the law, the problems sought to be remedied, the purposes to be achieved, and the consequences of construing the statute one way or another." *Id*. Finally, we presume that the legislature "did not intend absurdity, inconvenience or injustice." *Id*.

¶ 16 The Illinois "legislature alone, has the authority to allow or require the alteration of municipal boundaries." *People ex rel. Graf v. Village of Lake Bluff*, 206 Ill. 2d 541, 553-54 (2003). To that effect, the Municipal Code provides various methods by which municipalities may annex adjoining unincorporated land, thereby including that land within its municipal borders. See 65 ILCS 5/7-1-1 (West 2022) ("Any territory that is not within the corporate limits of any

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municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article.") Section 7-1-13(a) of the Municipal Code permits involuntary annexation of territories that are: (1) under 60 acres; and (2) "wholly bounded" by the municipality or one of nine specified land types. 65 ILCS 6/7-1-13(a) (West 2022). Relevant here, subsection (a)(e) provides that:

> "[w]henever any unincorporated territory containing 60 acres or less, is wholly bounded by *** (e) one or more municipalities and a forest preserve district or park district *** that territory may be annexed by a municipality by which it is bounded in whole or in part, by the passage of an ordinance to that affect[.]" 65 ILCS 6/7-1-13(a)(e) (West 2022).

¶ 17 On appeal, Husky asserts that under the plain language of this subsection, the annexation ordinance is invalid because the territory is not "wholly bounded" by a municipality or a forest preserve or park district but, instead, borders unincorporated Cook County in two 100-foot sections along the railroad right-of-way. The Village, on the other hand, argues that because the annexation ordinance comports with the intent of the statute, under the *de minimis* doctrine, the two small, and unavoidable, gaps created by the railroad right-of-way, cannot, alone, invalidate the annexation. We agree.

¶ 18 The *de minimis* doctrine, which stems from the Latin maxim *de minimis non curat lex* and translates to "the law does not concern itself with trifles" (Black's Law Dictionary 443 (7th ed. 1999), "retains force in Illinois." *People v. Durham*, 391 Ill. App. 3d 1100, 1103 (2009). This doctrine is wholly applicable in the instant case. The purpose behind the doctrine is to place outside the scope of legal relief the sorts of "injuries" that are so small that they " 'must be accepted as the price of living in society rather than made a federal case out of.' " *Pacini v. Regopoulos*, 281 Ill. App. 3d 274, 280 (1996) (quoting *Swick v. City of Chicago*, 11 F.3d 85, 87

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(7th Cir. 1993)); see also *Durham*, 391 Ill. App. 3d at 1103; *Smith Oil and Refining Co. v. Department of Finance*, 371 Ill. 405, 408-09 (1930); *Freese v. Glos*, 248 Ill. 280, 284-85 (1910)). In other words, the law will disregard legal actions based on technicalities whose impact is negligible. *Id*.

¶ 19 In this respect, we find the decision in *People ex rel. Chicago Title & Trust Co. v. City of Des Plaines*, 76 Ill. App. 2d 243, 249 (1966), to be instructive. In that case, the City of Des Plaines forcibly annexed territory, including a railway right-of-way, pursuant to section 7-1-13 of the Municipal Code. The annexed territory was completely encircled by the city except for a 49-foot gap in the southern boundary of the property where it met unincorporated land. *Id*. The gap equaled "eight tenths of one percent of the boundary between [the territory] in question and the municipality." *Id*. Invoking the *de minimis* doctrine, the appellate court held that the gap was trivial and, therefore, insufficient to defeat the "wholly bounded" requirement of the statute. *Id*. at 249-50.

¶ 20 Just as in *Des Plaines*, the territory here is entirely surrounded by two municipalities and a forest preserve, except for two small gaps created by the railroad right-of way, where the railroad leaves the territory. These two gaps, which are comprised of the width of the railroad, are each only 100 feet wide, and together represent only 4.7 percent of the total perimeter of the territory's border. As such, just as in *Des Plaines*, they, too, are inconsequential and insufficient to defeat the "wholly bounded" requirement of the statue, so as to invalidate the annexation ordinance. See *Des Plaines*, 76 Ill. App. 2d at 249-50; see also *People v. Knapp*, 28 Ill. 2d 239, 244-45 (1963) (applying the *de minimis doctrine* to hold that an annexation petition by the City of Crest Hill was not fatally defective for including a strip of property about 250 feet long, which had already been incorporated by the city of Joliet, even though the statute allowed for only

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unincorporated property to be included); *People ex rel. Village of Northbrook v. City of Highland Park*, 35 Ill. App. 3d 435, 442 (1976) (invoking the *de minimis* doctrine to hold that the Village of Northbrook's forcible annexation was not invalidated by the fact that the annexed territory included a 33-foot strip of road that had previously been annexed by Highland Park, and was subsequently eliminated from the annexation by the circuit court); see also *West Suburban Bank v. City of Chicago*, 366 Ill. App. 3d 1137, 1141-43 (2006) (rejecting the plaintiff's argument that pursuant to the plain language of section 7-1-13, the City's forcible annexation of 62.75 acres of territory was invalid because it exceeded the maximum 60 acres permitted under the statute where the additional acreage stemmed from a highway right-of-way, whose annexation was required by operation of law).

¶ 21 Our conclusion further comports and is in direct line with the legislative purpose behind forcible annexation. As our courts have previously held, "the legislature devised and intended section 7-1-13 [of the Municipal Code] as a mechanism whereby relatively small, unincorporated parcels, left over after the incorporation of surrounding property, could be easily annexed by a contiguous municipality." *Village of Mundelein v. Village of Long Grove*, 219 Ill. App. 3d 853, 867 (1991) ("[i]implicit in the 'wholly bounded' language used by the legislature is the intent that such annexations should swallow up all of the unincorporated land sandwiched in amongst already existing municipalities."); *Spaulding School District No. 58 v. City of Waukegan*, 18 Ill. 2d 526, 529 (1960) (noting that the purpose of the forcible annexation statute is to permit unincorporated islands of property to be absorbed by contiguous municipalities). Invalidating the Village's annexation of just such a small parcel solely on the basis of the two insignificant gaps in its boundary created by the existence of the railroad right-of-way that transverses it would directly contravene that legislative purpose. What is more, in practical terms, it would stymie the

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elimination of all unincorporated land within Cook County, which was explicitly recommended by the county's Task Force, with the focus being on the involuntary annexation of unincorporated parcels under 60 acres. See www.cookcountyil.gove/news/taks-force-reccomends-eventual-elimination-unincorporated-cook.

¶ 22 In this respect, we find germane that, in this particular circumstance, to comport with the intent of section 7-1-13, the Village had to incorporate the railroad within its territory, inevitably creating the two gaps equal to the width of the railway line in its border. Under section 7-1-13, for purposes of forcible annexation of territories in Cook County, a railway line cannot bound a territory. *But see* 65 ILCS 5-7-1-13(a)(g) (in some circumstances, permitting a railroad to be used to establish the "wholly bounded" requirement for certain smaller counties). Accordingly, had the Village not included the railroad line within its annexed territory, neither the Village in the west nor South Barrington in the east could have subsequently forcibly annexed it. This would have resulted in the creation of a small pocket of unincorporated railroad tracks, something neither the legislature nor Cook County intended.

¶ 23 In coming to this conclusion, we have considered the decision in *Long Grove*, 219 Ill. App. 3d 853, cited by Husky in an attempt to discourage us from applying the *de minimis* doctrine, and find it inapposite.

¶ 24 In that case, the court was asked to consider a dispute between two municipalities, the Village of Long Grove and the Village of Mundelein, both of which simultaneously attempted to annex the same territory (Mundelein through voluntary and Long Grove through involuntary annexation). *Id*. at 856. Mundelein, joined by the Village of Vernon Hills and Commonwealth Edison (Edison), objected to Long Grove's forcible annexation of the territory, accomplished pursuant to section 7-1-13, which, at that time, provided, in pertinent part, that " '[w]henever any

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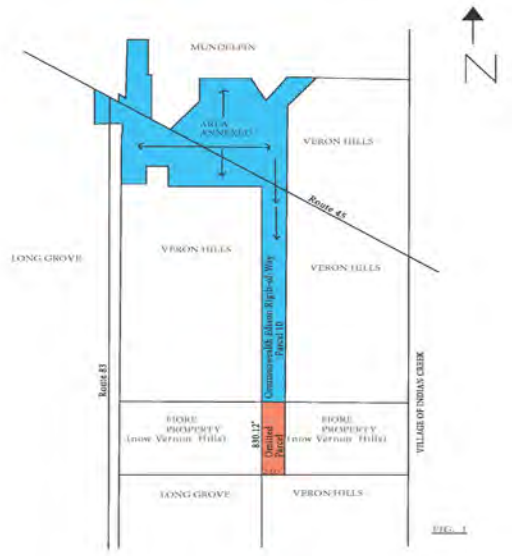
unincorporated territory containing 60 acres or less, is wholly bounded by (a) one or more municipalities[,]' " the territory " 'may be annexed by any municipality by which it is bounded in whole or in part.' " *Id*. at 860 (quoting Ill. Rev. Stat. 1987, ch. 24, par. 7-1-13). With one exception, the disputed annexed territory, which included a large section of Edison's right-of-way, was surrounded by Long Grove, Mundelein, and Vernon Hills. *Id*. at 857. The exception was a 210-foot-wide section where the territory bounded the remainder of Edison's right-of-way, which Long Grove had intentionally excluded from its annexation. *Id*. The non-annexed portion of that right-of-way extended 830 feet and consisted of 4.0048 acres. *Id*. The following depiction of the annexed area at issue in *Long Grove* shows the gap in the boundary (*Id*.):



¶ 25 On appeal, Long Grove argued, *inter alia*, that under the *de minimis* doctrine, the court should disregard the 210-foot-wide section of the territory that bounded the remainder of Edison's right-of way (which was unincorporated) because it constituted less than 1.5 percent of the total perimeter of the territory. *Id*. at 865. In refusing to apply the *de minimis* doctrine, the appellate court, among other things, acknowledged the decision in *Des Plaines*, but found that unlike in that case, the gap here comprised the entire southern edge of the territory. *Id*. 865-67. Furthermore, the

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court found that Long Grove's intentional exclusion of a small portion of Edison's right-of-way contravened the purpose of the statute, which was to include all adjacent unincorporated areas in the involuntary annexation and "swallow up all of the unincorporated land sandwiched in amongst already exiting municipalities." *Id*. at 863, 866-67. As the court held, Edison's right-of-way "consisted of less than five acres[,]" such that it "would have been easy enough for [Long Grove] to include in its annexation." *Id*. at 863.

¶ 26 In the present case, the two insignificant gaps created by the railroad right-of-way, which allow the railroad to exit the territory and then continue in both directions, are by no means comparable to the entirety of the southern border in *Long Grove*. Nor did the Village in the instant case gerrymander the borders of the territory to create a slender corridor with a break that included only a portion of the right-of-way, ultimately resulting in the creation, rather than the elimination, of an island of unincorporated property. Instead, as already discussed above, here, the annexation furthered both the legislative purpose and the recommendations of the county's Task Force by eliminating a small pocket of unincorporated territory remaining in Cook County.

¶ 27 For these reasons, we find that the gaps created by the railroad right-of-way are *de minimis* and that the circuit court erred in invalidating the Village's annexation ordinance.

¶ 28 III. CONCLUSION

¶ 29 We therefore reverse the circuit court's grant of summary judgment in favor of Husky and enter summary judgment in favor of the Village.

¶ 30 Reversed; summary judgment entered in favor of the Village.

SUBMITTED - 36939704 - Patricia Braun - 3/4/2026 1:39 PM

FILED
6/27/2024 11:49 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2024CH01302
Calendar, 1
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FILED DATE: 6/27/2024 11:49 AM 2024CH01302

APPEAL TO THE APPELLATE COURT – FIRST DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

HUSKY TRANS, INC., an Illinois corporation, HUSKY TRUCK REPAIR, INC., an Illinois corporation,	)	
Plaintiffs-Appellees,	)	Case No. 2024 CH 01302
vs.	)	
THE VILLAGE OF BARRINGTON HILLS, an Illinois Municipality,	)	
Defendant-Appellant	)	

DEFENDANT-APPELLANT'S NOTICE OF APPEAL

Defendant-Appellant, the Village of Barrington Hills, by and through its attorneys, Bond, Dickson & Conway, and pursuant to Illinois Supreme Court Rules 301 and 303, hereby appeals from the Order of the Circuit Court, dated June 12, 2024, wherein the Court entered judgment in favor of Plaintiff-Appellees Husky Trans, Inc. and Husky Truck Repair, Inc. and against the Defendant-Appellant Village of Barrington Hills, declaring Village of Barrington Hills Annexation Ordinance No. 24 null and void, and enjoining the Village from taking any actions to effectuate, perfect or enforce the Annexation Ordinance. The Defendant-Appellant Village of Barrington Hills prays that the Court reverse the decision of the Circuit Court, and to remand the Case for further proceedings.

Respectfully submitted,

The Village of Barrington Hills

By: *__/s/ Mary E. Dickson (electronic signature)*
Mary E. Dickson, one its Attorneys

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Rep. Charles E. Jefferson

Filed: 2/25/2010

09600HB1629ham002 LRB096 05197 RLJ 37640 a

AMENDMENT TO HOUSE BILL 1629

AMENDMENT NO. _____. Amend House Bill 1629 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding Section 18-184.10 as follows:

(35 ILCS 200/18-184.10 new)

Sec. 18-184.10. Abatement for newly annexed property. If property is annexed by the City of Rockford under Section 7-1-13.5 of the Illinois Municipal Code, then (i) in the first taxable year after the property is annexed, the county clerk shall abate 75% of the property taxes imposed on that property by the municipality, (ii) in the second taxable year after the property is annexed, the county clerk shall abate 50% of the property taxes imposed on that property by the municipality, and (iii) in the third taxable year after the property is annexed, the county clerk shall abate 25% of the property taxes

imposed on that property by the municipality.

Section 10. The Illinois Municipal Code is amended by adding Section 7-1-13.5 as follows:

(65 ILCS 5/7-1-13.5 new)

Sec. 7-1-13.5. Annexation by the City of Rockford; tax abatement. If unincorporated territory, excluding single parcels of property in excess of 60 acres located within the territory, is wholly bounded by the City of Rockford, has been so bounded for at least 10 years, and no petition for incorporation has been filed for the territory, then the territory may be annexed by the City of Rockford. The City of Rockford must annex the property by ordinance. Within 30 days after the passage of the annexation ordinance, a copy of the ordinance and an accurate map of the territory annexed must be filed with the recorder and county clerk of the county in which the annexed territory is located.

If property is annexed by the City of Rockford pursuant to this Section, then the taxes of the municipality shall be abated on that property for the first 3 years as provided in Section 18-184.10 of the Property Tax Code.

Section 99. Effective date. This Act takes effect upon becoming law.".

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Speaker Mautino: "The hour of 12:30 having arrived, I'd like to call the House of Representatives to order. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and rise for the invocation and Pledge of Allegiance. We shall be led in prayer today by Pastor Steve Rigdon, who is with Tapestry, a church for all people in Champaign, Illinois. Pastor Rigdon is the guest of Representative Rose. Pastor Rigdon."

Pastor Rigdon: "Thank you. Would you bow with me in prayer? Heavenly Father, we take this moment together to acknowledge You as our creator, redeemer and Lord. To seek Your aid on behalf of these Representatives of the State of Illinois, elected by the people, but called and appointed by You, Lord, to govern justly. Father, I ask You this day that You would give them wisdom to make the right decisions, courage to do the right thing even if it's costly and patience and understanding with each other as they work together. And Lord, give them mercy for those who are unable to represent themselves and their own interests, to help those who most need their help. Lord, I pray for their families while they're away serving others. Protect and keep them and guard their hearts over these Leaders from the temptations that often befall them as they're away from home. And Lord, I pray for the hearts and souls of these political leaders. Keep them humble as they walk in places of power. Keep them pure and guard their integrity while many succumb to diverse temptations. And renew their commitment to act as servants rather than lords. Encourage their hearts, Lord, the hearts of those

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who may be discouraged or are tempted to become cynical or give in or give up. For as Your word says, Lord, 'Do you not know or have you not heard that the Lord is the everlasting God, the creator of the ends of the earth. He will not grow tired or weary and his understanding no one can fathom, for He gives strength to the weary and increases the power of the weak. Even youths grow tired and weary and young men stumble or fall, but those who hope in the Lord will renew their strength. They will soar on the wings like eagles, they will run and not grow weary, they will walk and not faint.' Oh Lord, strengthen those who are here today to give their best as they govern this great state. In Jesus' precious name we play… pray, Amen."

Speaker Mautino: "We'll be led in the Pledge today by Representative Careen Gordon."

Gordon, C. - 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 Mautino: "Roll Call for Attendance. Mr. Clerk, take the record. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect the excused absence of Representative Nekritz."

Speaker Mautino: "Representative Bost."

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

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Speaker Mautino: "113 Representatives having answered the roll, a quorum is present. And we're prepared to do the business. Mr. Clerk."

Clerk Mahoney: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules reports the following committee action taken on March 15, 2010: approved for floor consideration is Amendment #1 to House Bill 3693, Amendment #4 to House Bill 4711, Amendment #1 to House Bill 4936, Amendment #2 to House Bill 4990, Amendment #1 to House Bill 5113, Amendment #2 to House Bill 5691, Amendment #1 to House Bill 5713, Amendment #1 to House Bill 5846, Amendment #1 to House Bill 4… correction 5996… House Bill 5996, Amendment 1, Amendment #1 to House Bill 6141, Amendment #1 to House Bill 6148, Amendment #2 to House Bill 6151, Amendment #2 to House Bill 6257 and Amendment #1 to House Resolution 693; and approved for consideration, refer to the Order of Second Reading is House Bill 1470."

Speaker Mautino: "The Gentleman from Menard, Representative Brauer, is seeking recognition."

Brauer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it's my pleasure to introduce to you, Miss Haley Freedom… Freeman, the 2010 Miss Illinois County Fair from Menard County. Haley is a… Haley's the first young lady from Menard County to reach this status. She is also the daughter of Zach and Lori Freeman of Athens. She's a 2008 graduate of Athens High School and is a sophomore at Bradley, double majoring in health sciences. Please give her another warm hand of… to be in Springfield."

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Speaker Mautino: "Welcome to the House of Representatives. The Gentleman from Cook, Representative Burns."

Burns: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise on a point of personal privilege."

Speaker Mautino: "State your point."

Burns: "With me today are folks from the Federation for Community Schools in Reavis Elementary School, which is in the 26th Representative District. We've got parents and school coordinators and children. I'd like them to stand and be recognized and welcome to Springfield."

Speaker Mautino: "Welcome to Springfield. The Gentleman from Winnebago, Representative Sacia."

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

Speaker Mautino: "State your point."

Sacia: "I'd like to acknowledge the Eastland FFA from Lanark, Illinois. Their director, Mr. Stan Toepfer, joins us every year and with him is Shelby Corey, Jordon Price, William Murphy, Renee Palmer, Kailyne Palmer, Jacey Strohecker, Justin Santacruz and Dan Schoeninger. Would you please make them feel welcome. They're right back up here, our FFA."

Speaker Mautino: "Welcome to Springfield. The Gentleman from Champaign, Representative Rose."

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

Speaker Mautino: "State your point, Sir."

Rose: "Mr. Speaker, I'm very honored today on behalf of Representative Black to have in the gallery behind me Miss Amie Burke and if she would stand. Amie is the State FFA

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President, she's 18 years old, and is the President for '09 and '10. She's from Oakwood, which is in Representative Black's district. Her advisors are Darcy Nekolny and I probably butchered that, so I apologize, and Joel Gehrig. She's the daughter of Debbie Burke and Virgil Burke. She served as Section 18 president and reporter and was a three-year Chapter President. Her SAEs include nursery operations, specialty animal entrepreneurship. Her favorite CDE is Job Interview and her favorite FFA activity is serving as a delegate to the national convention. She plans to attend a four-year college and major in agricultural education and also sign language interpretation and communication. So, if we could please recognize Amie and thank her for her service to the FFA."

Speaker Mautino: "The Gentleman from Iroquois, Representative Cultra."

Cultra: "Point of personal privilege."

Speaker Mautino: "State your point, Sir."

Cultra: "Joe Lyons, I'd just like to thank you for the delicious corned beef sandwiches."

Speaker Mautino: "The Gentleman from Cook, Representative Joyce."

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

Speaker Mautino: "State your point."

Joyce: "Ladies and Gentleman of the House, Mr. Speaker, I'd… it gives me great honor to introduce the newest member of the House of Representatives, from the 36th District replacing

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Representative Jim Brosnahan, is Mike Carberry. Mike Carberry."

Speaker Mautino: "The Chair would like to recognize Representative Carberry."

Carberry: "Thanks so much for the warm welcome with all of you I've meet already and I look forward to meeting the rest of you soon. Thanks, again, very much."

Speaker Mautino: "Welcome, Representative Carberry. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the order of Agreed Resolutions is House Resolution 1012, offered by Representative Chapa LaVia. House Resolution 1013, offered by Representative Durkin and House Resolution 1016, offered by Representative Madigan."

Speaker Mautino: "The Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you, Mr. Speaker. Mr. Speaker, under House Rule 18(g), I have filed the proper paperwork and I move to discharge House Bill 6086 from the House Rules Committee. Under House Rule 54(a)(2), as you know all Motions are assigned Standard Debate status, I wish to debate my Motion. Upon conclusion of the debate I ask for a recorded vote on the Motion to Discharge. Under Rule 49, Article IV, Section 8(c) of the Illinois Constitution, any vote shall be by recorded vote whenever five Representatives shall so request. There are at least five Members on my side of the aisle that wish for a recorded vote on the Motion to Discharge the measure from House Rules Committee."

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Speaker Mautino: "Mr. Clerk… Representative Currie moves adoption of the Agreed Resolutions. All in favor say 'yes'; opposed 'no'. The 'yeses' have it. And Agreed Resolutions are adopted. Representative Eddy, you have three Motions that you have filed. Which Bill would you like to direct your Motion to, Sir?"

Eddy: "Mr. Speaker, it's House Bill 6086. 6086. I think the board had 6026, but 6086."

Eddy: "Is it necessary to restate my Motion or…"

Speaker Mautino: "Rep…"

Eddy: "Okay. Thank you."

Speaker Mautino: "No, I just… between the three pieces of paper I needed to find which one you were acting on. Representative Currie."

Currie: "Thank you very much, Speaker. I object to the Motion."

Speaker Mautino: "Mr. Eddy, the Motion requires unanimous consent. There has been an objection, therefore the Motion fails."

Eddy: "Mr. Speaker, I rise to a point of order. Specifically, requested a Roll Call vote on my Motion pursuant to rights granted in the House Rules and the Illinois Constitution. This breach of rules should be corrected immediately with a Roll Call vote on my Motion to Discharge. And Mr. Speaker, if I could, I just want to very, very quickly discuss the… the aspects of 6086 that make perfect sense and I'm not sure why anyone would object to bringing this out, discussing and debating it. This is a Bill that would certainly revitalize our sagging economy and I think you

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would agree that it's vital that we encourage economic growth and investment throughout our state. House Bill 6086 would create an additional 50 enterprise zones that would offer tax advantages and incentives to businesses located within those zone boundaries. Mr. Speaker, Illinois does not stand a chance of becoming a business friendly state if we do nothing to foster economic growth and attract new business to our state. Enterprise zones are among Illinois' most important and effective tools to stimulate economic growth and neighborhood revitalization. The enterprise zone program is overseen and supervised at the state level by DCEO, but its ultimate success depends on the level of localized commitment and participation. I urge you, Mr. Speaker, to immediately discharge House Bill 6086 from Rules Committee, so that we can pass legislation that begins to send a message that Illinois is open for business, we're job friendly and we're ready to turn this economy around and there's no better way to do it than to start with House Bill 6086."

Speaker Mautino: "Mr… the Motion has been defeated and therefore has… has failed. Do you have any other Motion you'd like to make?"

Eddy: "Okay my Motion is to overrule the Chair and the recorded Roll Call vote on that Motion."

Speaker Mautino: "The question is, 'Shall the Chair be sustained?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 69 voting 'yes', 44 voting 'no', 0 voting

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'present', the Chair is sustained. Representative Stephens."

Stephens: "Point of personal privilege."

Speaker Mautino: "State your point, Sir."

Stephens: "Mr. Speaker, I know it's early in the day, but that last Bill is so important. In my district alone, my little hometown of Greenville, 500… 500 union construction jobs await news about what we're going to do with our enterprise zones. Sending them a message that we're going to let them expire is exactly… exactly how we got in the mess we're in today in Illinois. We keep chasing good jobs away from Illinois. These jobs are going to go to Missouri. Five hundred construction jobs, $234 million investment in downstate Illinois is nothing to sneeze at, a hundred and sixty jobs, averaging sixty-five to eighty-five thousand dollars a year are of a permanent nature, spinoff industries of untold millions of dollars. All because you want to play politics and don't want to give the business tools to the business and community leaders that they need. Greenville cries out, please… please help us. And the Democrat Party says, no… no, not this year. No. We don't really mean jobs. We don't mean jobs, we mean, oh, another social program maybe. Maybe the President wants to talk to me about health care. I'll give you health care. Give my people jobs, they'll buy their health care."

Speaker Mautino: "The Gentleman from Madison, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. To the Gentleman's comments. I would just like to say a couple of things. It's amazing

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to me… amazing to me that you are now standing up on the side of working families and unions and good paying jobs when look at your voting record with the AFL-CIO; when you vote against prevailing wage, when you vote against jobs for people, when you vote against safety in the workplace. I'm glad finally you've joined us in caring about good paying jobs for working people."

Speaker Mautino: "The Gentleman from Champaign, Representative Rose is seeking recognition."

Rose: "Thank you, Mr. Speaker. Under House Rule 18(g), I move for discharge of House Bill 4095 from the Rules Committee. Under the applicable House Rule 54(a)(2), all Motions are assigned Standard Debate status and I wish to debate my Motion. Upon conclusion of that debate I ask for a recorded vote on the Motion to Discharge. Under Rule 49 in Article IV, Section 8(c) of the Illinois Constitution, any vote shall be recorded whenever five Representatives so shall request. There's more than that raising their hands, Mr. Speaker. And therefore, I wish a recorded vote on my Motion to Discharge House Bill 4095 from the Rules Committee."

Speaker Mautino: "Representative Rose, could you restate the Bill number? I couldn't hear over the commotion in the House. Members of the House…"

Rose: "House Bill 4095."

Speaker Mautino: "Representative Currie."

Currie: "I object to the Gentleman's Motion."

Speaker Mautino: "The Motion requires unanimous consent. There has been an objection and therefore, the Motion fails."

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Rose: "Thank you, Mr. Speaker, I rise to a point of order. We specifically requested a Roll Call vote on the Motion pursuant to the rights granted in the House Rules and more importantly on the… under the Illinois Constitution. We request that a Roll Call vote on my Motion be taken. And Mr. Speaker, absent that, under House Rule 57(a) I would move to appeal the ruling of the Chair."

Speaker Mautino: "The Chair has ruled that the… that your Motion has failed since it does require unanimous consent and there has been an objection. So, we will act on your Motion to sustain the Chair. And the question is, 'Shall the Chair… Representative Rose."

Rose: "Thank you, Mr. Speaker. I ask that before we take the vote, I think it's important that people know what exactly they're voting on. This would bring accrual accounting to the Illinois General Assembly into the state budget. It's amazing to me that the Illinois Comptroller's Office has to adhere to generally accepted accounting practices and principles and yearly uses accrual accounting in issuing its documents, but we don't have to do the same thing. We shouldn't need a law in place forcing lawmakers to spend money that we don't have, Ladies and Gentlemen. The time has come, no more gimmicks, no more accounting tricks. A budget that is based on the amount of revenue available and takes into account overspending from the previous year is what we need to do. This brings clarity, it brings transparency. Ladies and Gentlemen, it brings generally accepted accounting practices. We ought to all be for that. The people of Illinois deserve to know what is in

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our budget and not in our budget. I don't know why we would be against that. And so with that, I would again renew my Motion for a vote, Mr. Speaker."

Speaker Mautino: "Under the Rules of the House, the maker of the Motion is entitled to two minutes and there's two minutes allowed for a response. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. We have been very generous with our interpretation of how much time people get to speak on these Motions. But I think I… it's important to remind the Members of this chamber that to talk on the Motion should be the Motion about sustaining the Chair, not the issues that are in the underlying Bill you were concerned about. And I would have to say I think that we have bent over backwards to give you opportunities to share with us the rhetoric that you worked on so hard over the weekend and someone typed up so you can read it to us on the House Floor. But this is a gentle reminder that you should be talking about the Motion of sustaining the Chair, not the underlying substance of the Bill. So, I think we'd get a lot more work done this week and next if we pay more attention to what the Rules actually say and comport ourselves accordingly. Thank you, Speaker and Members of the House."

Speaker Mautino: "Under the Rules of the House, the Gentleman from Champaign will receive one minute to close."

Rose: "Thank you, Mr. Speaker. To the Lady's points, I find it amazing that the Majority does not want to talk a balanced budget. She doesn't want to talk about a balanced budget. Why is that? Maybe because in seven years of complete

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Democratic control of the State of Illinois we haven't had one balanced budget. Now, if the Lady wants to dispute whether I've actually read the State Constitution, in fact, I have. I've read it several times. I wonder sometime, whether anyone in the Majority has ever read the State Constitution. Thank you, Mr. Speaker."

Speaker Mautino: "The question is, 'Shall the House… shall the Chair be sustained?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 69 voting 'yes', 44 voting 'no, 0 voting 'present', the Chair is sustained. Representative Flowers."

Flowers: "Thank you, Mr. Speaker. I would like the House to please welcome Calumet Perspective High School. Would you please give them a hand."

Speaker Mautino: "Welcome to the House of Representatives. Representative Phelps is seeking recognition."

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

Speaker Mautino: "State your point."

Phelps: "Actually, I have two. First, I want to… to my left to welcome the Harden County FFA to Springfield. And the second, I'd like for you all to join me in wishing my seatmate, Dan Reitz, a happy birthday. Forty years old, 40 years old."

Speaker Mautino: "Welcome to Springfield and happy birthday. The Gentleman from Crawford, Representative Eddy."

Eddy: "Mr. Speaker, under House Rule 18(g), I move to discharge House Bill 5812 from House Rules Committee. Under House

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Rule 54(a)(2), all Motions are assigned Standard Debate status and I wish to debate my Motion. Upon the conclusion of the debate I ask for a recorded vote on the Motion to Discharge. Under Rule 49, Article IV, Section 8(c) of the Illinois Constitution, any vote shall be by record vote whenever five Representatives shall so request. There are at least five Members on my side of the aisle that wish for a recorded vote on the Motion to Discharge the measure from the House Rules Committee. In the spirit of job creation, I move for the discharge of House Bill 5812."

Speaker Mautino: "The Gentleman has moved that the House discharge House Bill 5812. On that Motion, Representative Currie."

Currie: "Thank you very much, Speaker. I object to the Motion."

Speaker Mautino: "The Motion requires unanimous consent. There has been an objection and so the Motion fails. Representative Eddy."

Eddy: "Mr. Speaker, I rise now to a point of order. We specifically requested a Roll Call vote on my Motion pursuant to rights granted in the House Rules and the Illinois Constitution. This breach of rules should be corrected immediately with a Roll Call vote on my Motion to Discharge. And Mr. Speaker, if I might just say, we are not going to sit down, we are not going to be quiet when it comes to creating jobs and economic development in this state. We have been called do nothing. We, today, are proposing Bills for job growth and real economic development in this state. And to the Gentleman from

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Madison, you can't protect jobs you don't have. And if you're not willing to help create them, you're not going to be able to… to worry about protecting them. Ladies and Gentlemen, during the past 10 years over 727 thousand people have left our state to look for better opportunities elsewhere. People are leaving for better opportunities because Illinois is unfriendly to business. We need to turn that around. House Bill 5812 is a good start. This Bill allows employers to receive a tax credit for all employees who participate in educational, vocational training. And to the… to the Majority Leader's point, you're voting on a Motion to Discharge a job creation Bill. That's the Motion. You're voting on a Motion that would allow us to debate on the House Floor the fact that Illinois is not moving in the right direction when it comes to jobs and job creation. The results of continuing education yield a more knowledgeable and experienced employee data… or base and a business friendly environment. Mr. Speaker, we know House Bill 5812 is not a cure all to all business problems, but it is a start. And if we're going to turn this state around, we're going to do it with job growth, Mr. Speaker. The key to solving our state's financial crisis is to get people working again. Mr. Speaker, reinstating the training expense credit will provide employers with a reason to hire and train more people. Right now our employers are hurting; they're looking for ways to cut expenses. By providing them with this credit, we can give them the financial incentive to hire new employees and turn this around. This, Ladies and

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Gentlemen, is a Motion to Discharge a Bill that can create economic development. You're voting for the future of jobs in the State of Illinois. Mr. Speaker, I ask for a recorded vote to overrule the Chair."

Speaker Mautino: "The Gentleman has moved and the question is, 'Shall the Chair be sustained?' The Gentleman has had his two minutes to state his point. And we will accept two minutes in response. The Gentleman from Jackson, Representative Bost, are you speaking in response?"

Bost: "Thank you, Mr. Speaker. So far on the three Motions that have been made, which are Bills that would be brought to this floor to deal with issues that we face here in the State of Illinois, the response from your side of the aisle is obviously we've talked… we talk too much. And obviously from the other comment that we don't care about the working men and women of the State of Illinois, really now? After seven years how do you care for the working men and women of the State of Illinois? Seven hundred and fifty thousand jobs out of this state. How do you think those working men and women feel? Huh? And then you sit over there and you just say, okay, well, this isn't really a vote on these issues. Well, really? Tell that to your constituents. 'Cause it's getting old. You sit there and tell us, oh no, no, we… we just want you to show up and vote when we want you to vote. Don't talk on the issue. Because we care for the working men and women. How about the working men and women's children that we've left in debt to the tune of about $130 billion, does that feel good? I'm sorry that you all have done that to my grandkids. And you have done

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it. You've been in control, not us. You… your side of the aisle and you're showing it again today. You're sitting here and shoving these things and keeping them back and not allowing us to vote on them, not allowing us to work on them. And why? Because you… you, the Democrat side of the aisle, the Democrats in the State of Illinois are in control. Yeah, see the mess you've got us into. And you can't blame it on anybody else no matter how hard you try. Not… no matter how hard you try. We're deeper in debt; we're out of control. You get certain prime candidates up there. Let me see, one that holds a knife to his girlfriend's throat, but you throw him out. Is that the way you think it's right to handle government or just look over here and tell us to shut up and not talk? Well, we're getting tired of it. We're getting tired of being stifled in committees. We're getting tired of having this all shoved down our throats. My constituents are worth just as much as yours. And we want the opportunity to debate these Bills. And I know good and well that many of you…"

Speaker Mautino: "Representative Eddy, you have one minute to close."

Eddy: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, let's… let's talk about the process and what we're doing here. I think the Majority Leader is correct, I'm going to speak to the Motion. The Motion before you is… is whether or not we will overrule the Majority Leader and allow a vote to come to the House Floor. It's very simple. Last week the Governor talked about jobs, he talked about the importance of getting the economy turned around. Why

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are we afraid to bring a Bill out to the House Floor that has a potential to create jobs. All I'm asking you to do is to bring the Bill out for a debate. If you want to vote against the Bill once it's on the House Floor, obviously you can vote against the Bill. Override the Chair. Let's get moving on… on the most important issue in the state to the men and women of this state and that's job creation."

Speaker Mautino: "And the question is, 'Shall the Chair be sustained?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Burns, Flowers, do you wish to be recorded? Mr. Clerk, take the record. 69 voting 'yes', 44 voting 'no', 0 voting 'present'. The Chair is sustained. Representative Reitz."

Reitz: "Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Mautino: "Yes, Sir. State your inquiry."

Reitz: "Do we all have to yell today?"

Speaker Mautino: "It… it is your birthday. So, you can choose."

Reitz: "I'd rather not yell, though, but I… I'd just like to… I know Representative Cultra, they said thank Joe Lyons for the great sandwiches. We'd like to thank him again and also welcome all of the 4-H groups in the gallery to Springfield."

Speaker Mautino: "And also a special thank you to the… to the 4-H groups for the lunches for the Representatives. The Gentleman from Crawford, Representative Eddy."

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Eddy: "Thank you… thank you once again, Mr. Speaker. Under House Rule 18(g), I move for the discharge of House Bill 6626 from the House Rules Committee. Under House Rule 54(a)(2), all Motions are assigned Standard Debate status and I wish to debate my Motion. Upon conclusion of the debate, I ask for a recorded vote on the Motion to Discharge. And under Rule 49, Article IV, Section 8(c) of the Illinois Constitution, any vote shall be by record vote whenever five Representatives shall so request. There are at least five Members on my side that wish for a recorded vote on the Motion to Discharge the measure from the House Rules Committee."

Speaker Mautino: "The Motion has been made. And on that Motion, the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker, for this opportunity to object to the Motion."

Speaker Mautino: "Representative Eddy…"

Eddy: "Thank you, Mr. Speaker."

Speaker Mautino: "…the Motion requires a unanimous consent. There's been an objection and the Motion is declared lost."

Eddy: "I… I noticed that. Mr. Speaker, though I rise to a point of order. And by the way, I… I wasn't shocked. We did specifically request a Roll Call vote on my Motion, though, pursuant to rights granted in House Rules and the Illinois Constitution. This breach of the Rules should be corrected immediately with a Roll Call vote on my Motion to Discharge. And… and if I could, Mr. Speaker, the Bill in question, House Bill 6626, as… as you know last week you heard, again, from our Governor about his agenda for the

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coming year. He suggested a number of proposals that… that are not going to be pleasant for the residents of Illinois, we understand that. Those folks depend on state services, not going to be pleasant for taxpayers. He… he asked taxpayers to foot the Bill for what has become a fiscally incompetent State Government. But what this Body did for Governor Quinn, if you'll remember, was to give him the courtesy of an extra month to prepare his remarks. And all we're asking for today in this Motion to Discharge this Bill is to debate the same courtesy to the people of Illinois in order to allow them a full week to look at just how and where we plan to spend their hard earned tax dollars. House Bill 6626 would simply require any budget appropriation to be posted on the state web site for seven days prior to any vote. One week of sunshine. This is certainly not a controversial proposal. And with all of the talk of increased transparency, Mr. Speaker, I can't imagine a better place to be completely transparent than legislation that will result in the spendings of tens of billions of dollars being transparent to the citizens for seven days. Doesn't cost a dime, it's completely straightforward. And as long as we're… we're doing our jobs correctly and state funds are being spent responsibly there is absolutely no reason that we can't make this requirement a transparent one for the people of this state. I don't know if you've noticed, Mr. Speaker, but the citizens of Illinois are not trustful of State Government right now and I personally don't blame them. This isn't our money, Mr. Speaker, these funds belong to the people of

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Illinois. And I think we owe them the common courtesy to review just how their money is going to be spent. Mr. Speaker, I move to override the Majority Leader."

Speaker Mautino: "The Lady from Grundy, Representative Careen Gordon is seeking recognition."

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

Speaker Mautino: "State your point."

Gordon, C.: "Ladies and Gentlemen of the House, if I could have your attention on a lighter note. I've been… had the privilege of introducing this FFA chapter each year that I have been a Member of this chamber and if they could stand up, please, over on the corner to my right. The Seneca FFA Chapter has the number one program of activities in the state for 15 years in a row. They are located in both… Seneca is located in both LaSalle and Grundy counties, which is my district as well as Mr. Speaker, Frank Mautino's district. If we could please represent this number one chapter in the state and welcome them to Springfield, I would truly appreciate it. Thank you very, very much."

Speaker Mautino: "Welcome to Springfield. The Gentleman from Jasper, Representative Reis is seeking recognition."

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

Speaker Mautino: "State your point, Sir."

Reis: "You know the hypocrisy in this room never ceases to amaze me. You guys want to talk about jobs, you got a Jobs Task Force that will do nothing. You talk about… you talk about doing measures to bring home jobs and you do every

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Bill possible that kills jobs. The Gentleman from St. Clair, I bet you got a perfect record for job killing measures in this chamber. It's pathetic. You come in here and talk about jobs and then look at your record. But I have another point of hypocrisy. Say, we're supposed to have notes that we're supposed to read, well, these notes were written a long time ago. And I quote, 'two people of 118 elected to this chamber determined to kill a Bill, to table it, to make it impossible for the Bill to have any kind of hearing in any other forum in this Assembly.' So, two out of 118 to kill a Bill, doesn't seem like a fair and open practice to me. Doesn't seem like a fair and open procedure. Doesn't seem like there is any real opportunity for full participation. It's by the… Representative Currie, February 9, 1995. You remember what it's like to be in the Minority. It was outrageous that two people could kill a Bill, make it impossible to have the Bill have any kind of hearing. Well, Representative, only one thing worse than having two people kill a Bill and that's one. What are you so afraid of to vote on these? Vote them up, vote them down, but let the people have a hearing on these Bills. You want to talk about job creation, you want to talk about transparency, you want to talk about open government. Vote up or down on these Bills."

Speaker Mautino: "Representative Eddy to close."

Eddy: "Thank you. Thank you, Mr. Speaker. Mr. Speaker, look, this is pretty simple. As you know, in the last couple of weeks we have been accused of having no ideas, do nothing, no… no input, that we… we don’t bring ideas forward for

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this Body to consider. The fact of the matter is, the ideas we bring forward aren't even allowed the common courtesy of floor debate. Why in the world would we not look another direction? Do you have to look very far as to whether or not we've been successful in this state with our policies over the last seven years except to see where we are? Ladies and Gentlemen, we have to do something. What about jobs? What about transparency? This Bill is about transparency. Mr. Speaker, under House Rule 57(a), I move to appeal the ruling of the Chair and there be a recorded vote on my Motion."

Speaker Mautino: "And the question is, 'Shall the Chair be sustained?' All in favor vote 'yes', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 69 voting 'yes', 44 voting 'no', 0 voting 'present', the Chair is sustained. The Gentleman from Winnebago, Representative Sacia is seeking recognition."

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

Speaker Mautino: "State your point, Sir."

Sacia: "Mr. Speaker, back on February the 1st, Representative Cavaletto introduced House Bill 5199. Two Members from the other side of the aisle, Representatives Careen Gordon and Lisa Dugan joined on board because it's an Illinois Income Tax Bill that increases the jobs tax credit for a trade or business located in an enterprise zone to $2,500 for each eligible employee hired to work in that enterprise zone. Very commonsense legislation, supported on both sides of the aisle. It was re-referred to Rules and Mr. Speaker,

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under House Rule 18(g), I move for the discharge of House Bill 5199 from the House Rules Committee. Under House Rule 54(a)(2), all Motions are assigned Standard Debate status and I wish to debate my Motion. Upon the conclusion of the debate I ask for a recorded vote on the Motion to Discharge. Under Rule 49 in Article IV, Section 8(c) of the Illinois Constitution, any vote shall be by record vote whenever five Representatives shall so request. There are at least five Members on my side that wish for a recorded vote on the Motion to Discharge the measure from the House Rules Committee. I await your response, Sir."

Speaker Mautino: "The Gentleman has moved to discharge House Bill 5199 from the Rules Committee. On that question, the Lady from Cook, Majority Leader Currie."

Currie: "Thank you, Speaker. You are very generous with your opportunities today and I do appreciate it. And I'm happy once more to object to the Motion."

Speaker Mautino: "Mr. Sacia, the Motion you made requires unanimous consent. There's been an objection and so the Motion is declared lost."

Sacia: "Mr. Speaker, under House Rule 57(a) I move to appeal the ruling of the Chair that there be no recorded vote to discharge House Bill 5199 from the House Rules Committee. And I ask for a recorded vote."

Speaker Mautino: "Are you… Mr. Sacia, are you asking whether the Chair be overruled?"

Sacia: "I am… I am, Sir."

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Speaker Mautino: "Okay. In your final statement you had mentioned discharge. So, the Motion you are making is to overrule the Chair?"

Sacia: "Is to overrule the Chair, yes, Sir. Thank you."

Speaker Mautino: "On the Motion, the Gentleman from McHenry, Representative Tryon."

Tryon: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would hope everybody would join to rise to overrule the Chair here so we could actually have a debate on a jobs Bill. Representative Hoffman says he was glad to see us talking about jobs. Where were we when we were talking about prevailing wage? Well, you know what, this isn't a state that's just about union jobs, it's about all jobs. What good is it to be the highest paid union worker in the unemployment line because that's what we've got. Twenty percent of our union workers are unemployed and we can't talk about having a Bill debated that's going to help attract business to our state? We got a request, we got a Bill out here to do a sales tux… Sales Tax Adjusted Revenue Bond over in St. Clair County or Madison County to try to help promote the construction of a… of a business that could employ several hundred jobs. And you know what, right across the border they have that law. They have the ability to do that. We need these types of tools here so we can attract jobs. You have an opportunity now here to debate this and you're going to say no. And everybody's going to be 69, 44, just like it was before. Because I don't know, why don't you vote once just to say let's put the Motion up, let's debate it. There's nothing wrong with

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this Bill. It's got good bipartisan support, let's hear it. Why should the Rules Committee have the say on what we're going to debate? Give it a fair chance. Everybody in this state wants a fiscally secure state, they want a job. They're worried, they're scared. You go back, you go to your districts and you can see it in their faces and we're down here not debating good jobs Bill? Stand up, have some guts. Vote for jobs. Vote to override the Speaker's ruling. Let's get the debate started."

Speaker Mautino: "There's been a Motion, 'Shall the Chair be sustained?' Mr. Sacia, would you like one minute to close?"

Sacia: "Yes, I would. And I thank Representative Tryon for his comments. Again, Ladies and Gentlemen, this is very much a bipartisan issue. As I pointed out, Representative Gordon, Representative Dugan, two very highly respected Members on your side of the aisle advocated for this. It will encourage growth and provide badly needed new jobs to our state. And… and it's just such a significant piece of legislation that it's beneficial to the entire state, both Parties, all folks in this great state. And I ask for your support. Thank you."

Speaker Mautino: "Question is, 'Shall the Chair be sustained?' All in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 69 voting 'yes', 44 voting 'no', 0 voting 'present', the Motion… the Chair is sustained. Mr. Clerk, on Second Reading of the House appears House Bill 5824, Representative Bost. Read the Bill."

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Clerk Mahoney: "House Bill 5824, a Bill for an Act concerning education. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. The Gentleman from Winnebago, Representative Sacia, you're seeking recognition?"

Sacia: "Mr. Speaker, ahead of the previous Bill I did have my light on and I wanted to make a comment. A point of personal privilege, please?"

Speaker Mautino: "State your point, Sir."

Sacia: "Back on 3/3, introduced by Representative Darlene Senger, was House Bill 6625. A very important Bill, Ladies and Gentlemen, one we all agreed to a year ago. And synopsizing, the General Assembly Compensation Act requires Members of the General Assembly to forfeit 12 days of compensation in fiscal 2011 and we did it in 2010. It certainly stands in line with a state that is in a critical financial issue. And Mr. Speaker, under House Rule 18(g), I move for the discharge of House Bill 6625 from House Rules. Under House Rule 54(a)(2), all Motions are assigned Standard Debate status and I wish to debate my Motion. Upon the conclusion of the debate I ask for a recorded vote on the Motion to Discharge. Under Rule 49 in Article IV, Section 8(c) of the Illinois Constitution, any vote shall be by record vote whenever five Representatives shall so request. There are at least five Members on my side that wish for a recorded vote on the Motion to Discharge the measure from the House Rules Committee."

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Speaker Mautino: "The Gentleman has moved the House discharge from committee House Bill 6625. And on that question, the Lady from Cook, Majority Leader Currie."

Currie: "Thank you, Speaker. First, I have an inquiry of the Chair. Would this be Representative Sacia's top priority? As you know, we are moving down our priority list this week and I thought the idea was that everybody should have an equal opportunity to call the Bills that are very important to them. So, this is perhaps Mr. Sacia's second priority and perhaps he's done for the week when we are done with this? 'Cause it seems to me that there is a question whether we have to listen to all the Motions before we even begin to hear priority Bills. So, you may want to inquire of that of the Sponsor of this Motion whether we count this as his second priority and then, of course, he can tell us his third. But in the meantime while we find the answer to that question, I will object to the Motion."

Speaker Mautino: "Mr. Sacia, the Motion requires unanimous consent, there has been objection so the Motion is lost."

Sacia: "I… I heard the Lady's objection. And I will happily make it a priority Bill if that will have her recognize it with a little more understanding. Would she remove her objection if it is my number one priority?"

Speaker Mautino: "The Lady from Cook."

Currie: "Thank you, Speaker. I'm not sure it's his choice, whether it's his priority. He's taking up a lot of our time with what seems to be his second priority and I will, whatever he does, continue to object. But I would suggest that perhaps we ought to make sure that Motions like this

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in the future count against the Sponsor's priority list. Otherwise, the whole point of giving everybody a fair shot is totally destroyed, is off the table."

Speaker Mautino: "The Motion has been made and has failed for objection. Mr. Sacia."

Sacia: "Thank you, Mr. Speaker. The Lady insinuated that someone else has made a determination whether or not this should be my priority. Nobody tells me what I'm going to introduce, Representative Currie. It is my decision. And I ask that it be debated and released from Rules."

Speaker Mautino: "On the Motion, the Gentleman from Bond, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. The Majority Leader suggested, rather directly, that we have now a list that we provide to her of our priorities. So, I have not given her a list. I will provide the appropriate list within the hour and included in that list, Majority Leader, will be three of the Bills that for some reason Democrats don't want to discuss. So, I… I take you as a woman of your word and we will… we will put those three Bills on the Calendar and we will begin that debate, I suppose, as early as this afternoon if… the Majority Leader can make that happen. We know that. And I know it… as a woman of her word, she'll let me provide that list and… and honor it. There still is a sense of honor in this chamber, isn't there?"

Speaker Mautino: "Mr. Clerk, on Second Reading appears House Bill 5330. Representative Beiser. Out of the record. House Bill 5334, Representative Berrios. Out of the

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record. Representative Lyons… Representative Lyons is seeking recognition."

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

Speaker Mautino: "Sir, state your point."

Lyons: "Ladies and Gentlemen, it's my privilege to announce in the gallery above the Democrats over on the right side of the chamber, to my right, we have my friend Valery Gallagher and the Hemophilia Federation… Foundation of Illinois. March is Hemophilia Awareness Month. Please give them a warm welcome and thanks for coming down, folks."

Speaker Mautino: "Representative Sacia."

Sacia: "Mr. Speaker, under House Rule 57(a) I move to rule… I move to appeal the ruling of the Chair on House Bill 6625. And I ask for a recorded vote."

Speaker Mautino: "Representative Sacia, there's currently no Motion on the table. Intervening business has taken place. At the appropriate time, you did not make a Motion. And so, that Motion would be out of order."

Sacia: "I did make such a Motion, Sir. At the outset, I said I move for the discharge of House Bill 6625 from the House Rules Committee. Is that not correct?"

Speaker Mautino: "That… that Motion failed. And then you did not…"

Sacia: "So, we're gonna play a little…"

Speaker Mautino: "…make the follow-up…"

Sacia: "…administrative game now…"

Speaker Mautino: "…follow-up Motion, Sir."

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Sacia: "…and tell me to shut up and sit down, right? You won't give me a recorded vote, is that correct? Do I understand I don't get a recorded vote on this? I don't believe you'd do that, Representative."

Speaker Mautino: "Representative Eddy."

Eddy: "Thank you, Mr. Speaker. I think what you're suggesting is that Representative Sacia should start over with his Motion. And he has every right to do that under the Rules of the House. So, perhaps if Representative Sacia began from the top. We were trying to… to get a recorded vote, business took place in between. I understand what you're saying. So, perhaps Representative Sacia should start from the top on that and go through his Motion? If the… if the Chair… he has that right as a Member, I believe?"

Speaker Mautino: "He would… he would need to refile his Motion in order… and then go through the proper motions."

Eddy: "I think that… I think that has occurred. And… and I think he should be extended the courtesy of a vote on his Motion. If that takes going back through the Motion, I think, Mr. Speaker, you're a fair man. He did not get his vote. Allow him that courtesy."

Speaker Mautino: "In order to do it properly, let's please start over from the top."

Eddy: "Thank you, Mr. Speaker."

Speaker Mautino: "Once again with feeling, the Gentleman from Winnebago is recognized for a Motion."

Sacia: "Thank you, Mr. Speaker. And I truly appreciate your indulgence. You honor… you are an honorable man. Mr. Speaker, under House Rule 18(g), I move for the discharge

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of House Bill 6625 from the House Rules Committee. Under House Rule 54(a)(2), all Motions are assigned Standard Debate status and I wish to debate my Motion. Upon the conclusion of the debate I ask for a recorded vote on the Motion to Discharge. Under Rule 49 in Article IV, Section 8(c) of the Illinois Constitution, any vote shall by record vote whenever five Representatives shall so request. There are at least… at least five Members on my side that wish for a recorded vote on the Motion to Discharge the measure from the House Rules Committee."

Speaker Mautino: "The Motion has been received as filed. We have a Motion to Discharge committee House Bill 6625. And on that Motion, the Lady from Cook."

Currie: "Just as on the earlier Motion, Speaker, I object."

Speaker Mautino: "There has been an objection. This Motion requires unanimous consent. Therefore, it's declared failed. Mr. Sacia for a Motion."

Sacia: "Mr. Speaker, under House Rule 57(a) I move to appeal the ruling of the Chair."

Speaker Mautino: "Thank you. The Gentleman has moved to appeal the ruling of the Chair. And on that question, the Gentleman from Bond, Representative Stephens."

Stephens: "Mr. Speaker, on a point of personal privilege."

Speaker Mautino: "State your point, Sir."

Stephens: "I would… I would request, Mr. Speaker, if we could have the Body's attention. One of your staff, a certain Mr. Steve Brown, does not have speaking privileges in this chamber and for him to stand virtually face to face with Representative Sacia in a mocking manner is the least… the

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least polite thing that I can think of anyone doing. For it to be on your staff and for you to stand there and allow it means that you don't mind that a Member of this General Assembly is mocked. Mr. Brown was rude and unattractive. I demand his apology directly to Representative Sacia and I hope that you will put him on a shorter leash. I am tired of his personal theatrics. This chamber belongs to the people, not to Mr. Brown."

Speaker Mautino: "The Gentleman from Winnebago, Representative Sacia to close."

Sacia: "I ask for a recorded vote, Mr. Speaker."

Speaker Mautino: "Question is, 'Shall the Chair be sustained?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 69 voting 'yes', 44 voting 'no', 0 voting 'present', the Chair is sustained. Ladies and Gentlemen, it's the intention of the Chair to go to Bills on Second Reading. Representative Acevedo is seeking recognition."

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

Speaker Mautino: "State your point."

Acevedo: "I'd like for all of my colleagues to help welcome a group of individuals down here with the Federation for Community Schools and they're from the Little Village Community, Enlace is right up here. Welcome to Springfield."

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Speaker Mautino: "Welcome to Springfield. The intent of the Chair is to go to Second Readings. On Second Reading appears House Bill 4723, Representative Brady. Read the Bill."

Clerk Mahoney: "House Bill 4723, a Bill for an Act concerning revenue. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative… Representative Burke, on Second Reading appears House Bill 4801. Read the Bill."

Clerk Mahoney: "House Bill 4801, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Brauer, on Second Reading is House Bill 5688. Read the Bill."

Clerk Mahoney: "House Bill 5688, a Bill for an Act concerning State Government. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. House Bill 5699, Representative Cultra. This Bill is on Second Reading. Do you wish to move this Bill? Out of the record. House Bill 5863, Representative Eddy. Do you wish… do you wish to move the Bill? Representative Eddy."

Eddy: "Thank you, Mr. Speaker. Clearly, there are individuals on our side of the aisle who are trying to work within their rights as Members of the House to have Motions heard. The Motions have been filed, the individuals are waiting. They're… they're elected Representatives just like on your

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side of the aisle. I… I would hope that you would provide Representative Tryon the courtesy of his Motion. He's filed that Motion and I appreciate the fact that we're trying to get to Second Readings and, yes, please move my Bill to Third. But please recognize Representative Tryon. He's within his rights to speak, he's filed the proper Motion. Give him the respect he deserves as an elected official in the State of Illinois."

Speaker Mautino: "Representative Eddy, do you wish to move the Bill from Second to Third? Yes? Read the Bill."

Clerk Mahoney: "House Bill 5863, a Bill for an Act concerning education. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. It is the Chair's intent to go to Motions after a bit. Currently, I'm on the business of getting all Members, both sides of the aisle, Bills moved from Second to Third so we may prepare for the work of the House. Representative Colvin, House Bill 4871. Out of the record. Representative Currie, House Bill 5813. Read the Bill."

Clerk Mahoney: "House Bill 5813, a Bill for an Act concerning aging. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Davis, Monique, House Bill 4664. Would you like to move the Bill? Representative Davis? Out of the record. House Bill 4933, Representative Fritchey. Out of the record. Representative Golar on House Bill 5836. Representative Golar, would you

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like to move this Bill? Out of the record. Rep… Representative Osmond, House Bill 4877. Would you like to move this Bill? Out of the record. Representative Pihos, House Bill 5011. Would you like to move this Bill. Sandy? Read the Bill."

Clerk Mahoney: "House Bill 5011, a Bill for an Act concerning finance. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Pritchard. Read the Bill. House Bill 5025."

Clerk Mahoney: "House Bill 5025, a Bill for an Act concerning finance. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Ramey, House Bill 5489. Representative Ramey. Read the Bill."

Clerk Mahoney: "House Bill 5489, a Bill for an Act concerning orders of protection. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Leader Cross."

Cross: "Thank you, Mr. Speaker. An inquiry of the Chair. I, unfortunately, had to leave for a minute. I know there were a couple of Members on our side of the aisle with their hands up and lights on and filed a Motion or several Motions to discharge Bills from committee. I… we'd like to proceed on those. I… I know the Majority Leader would rather we not, but I think we have every right to pursue those. They're significant Bills, they're substantive

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Bills and we'd like to move forward on those right now. What's the intention of the Chair on that?"

Speaker Mautino: "Yes. Leader Cross, as I had said while you were out of the chamber, the… the intention of the Chair is to come back to this order. But, currently it's the wish of the Chair to move Members' Bills from Second to Third so that all Members may get their Bills in position for action. But, I've…"

Cross: "Mr. Speaker…"

Speaker Mautino: "…I've told the Members I will go ahead and…"

Cross: "All right. Let me ask you this."

Speaker Mautino: "…move to that order once we get through that list."

Cross: "We… we have every right to move forward on these. It's the prerogative of the Members to, on a point of personal privilege, to move on a Motion to Discharge. We can stay later today if the concern is that we can't move Bills from Second to Third 'cause we don't have enough time. We've been leaving relatively early most every day. We are ready and willing and able to sit here as long as it takes to move Bills from Second to Third, but first, if a Member stands up and wishes to be heard on a Motion he or she should have every right to move forward on that and then we'll proceed to Second or Thirds at the appropriate time. And if that means we have to stay a little later, we are willing and ready to stay a little later, but we would like to move forward now. I know Representative Tryon has his light on. We'd like to move forward on his Bills and then followed by Representative Chapin. These are important

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Bills, they're not Bills that we take lightly. One of the Bills I know Representative Rose has deals with redistricting. Every major newspaper in the State of Illinois has advocated for a different way to do redistricting in the State of Illinois. The State Senate, across the chamber… across the building, even on the Democrat side has acknowledged that we need to do redistricting differently. So, I'm curious why we can't move forward right now with our Motions when a Member stands up?"

Speaker Mautino: "Thank you, Sir. The…"

Cross: "No, I asked… I'm asking a question. Why can we not move forward right now with our Motions?"

Speaker Mautino: "And I'm responding. The Chair has the ability to set the agenda for the day. And I have, as I said, every intention and will go back and deal with all of the Motions at the appropriate time. However, the order that we're on now is moving from Second to Third."

Cross: "Well, Mr. Speaker we're going to go to caucus. And we'll… we'll be back in a little later, we'll get to you when we can. And then we'll see what other Motions we have ready to go."

Speaker Mautino: "Yes, Leader Cross and that is… that is absolutely within your right. Do you have any idea how much time you'll need for the caucus?"

Cross: "No, I don't right now, but I'll let you know. Thank you very much."

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Speaker Mautino: "For the Members of the House, the House will be at recess until the hour of 2:30. The House will be in order. The Gentleman from McHenry, Representative Tryon."

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

Speaker Mautino: "State your point, Sir."

Tryon: "Thank you. In January, I filed House Bill 5212. According to the request from the Speaker's Office I made numerous attempts by e-mailing, asking that this be discharged from the Rules Committee. And therefore, under House Rule 18(g) I move for the discharge of House Bill 5212 from the House Rules Committee. And under House Rule 54(a)(2) all Motions are assigned to Standard Debate status and I wish to debate this Motion. Upon conclusion of the debate, I'm asking for a recorded vote on the Motion to Discharge. And under Rule 49, Article IV, Section 8(c) of the Illinois Constitution any vote shall be recorded… a recorded vote whenever there is five Representatives who so request. And I believe there are five Representatives on my side of the aisle who are going to make that request and, therefore, I request that this Motion be discharged from the Rules Committee."

Speaker Mautino: "The Gentleman has moved to discharge from committee House Bill 5212. The Gentleman from Cook, Representative Lang."

Lang: "I object."

Speaker Mautino: "The Motion requires unanimous consent. There's been an objection and the Chair would declare the Motion fails. Representative Tryon."

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Tryon: "I rise to a point of order because we specifically requested that a Roll Call be made and that that vote be recorded and I had five Members on my side of the aisle make that with me."

Speaker Mautino: "The Motion required unanimous consent. There was an objection, so your Motion has failed. Further Motions?"

Tryon: "Well, the… well, I move to appeal the ruling of the Chair if you're going to declare a 'no' vote. And…"

Speaker Mautino: "The Gentleman has moved to appeal the ruling of the Chair. Mr. Tryon."

Tryon: "I would just like to say the importance of what we're about to do here. We are $13 billion in debt. We've heard it from the Commercial Club, we've heard it from about every major newspaper in the state. COGFA gives us the number 13.6 billion. The Governor's Office of Management and Budget gives us 13 billion. And you know what, what is the true debt of the… of the state? In addition to that, we have $82 billion of unfunded pension liability, $22 billion of bonds that have been sold, another $32 billion of bonds that have been issued. We have $25 thousand of debt for every household in this state. And what this Bill will do is require that the General Assembly adopt an accrual base financial statement that gives every Representative here a true financial picture of what the state's finances are prior to a vote on the budget. Now, how is that a bad thing? How is it a bad thing to say before we vote on a budget that's going to create a $13 billion deficit, we shouldn't have the right to know where

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we are? In addition to that, on page 147 of the Comptroller's Consolidated Annual Financial Report he says in his report that the General Assembly did not pass a balanced budget last year. Our Constitution requires that we have a balanced budget. We don't have a balanced budget and as Members we don't even get the opportunity to know what the true financial position of the state is. Once again, this is something we should all be able to agree on. Every county board in this state files a resolution to accept the financial condition from their auditor's report, every county. Every municipality does this. State Government doesn't do it. I hope that you will move to override the ruling of the Chair so that we can get this Bill discharged from the committee, get it heard, make this a law, so that each one of us gets to vote on a budget knowing what the financial position of the state…"

Speaker Mautino: "The Gentleman has made his Motion, the question is, 'Shall the Chair be sustained?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk… Representative Hannig, do you wish to be recorded? Take the record. 68 voting 'yes', 44 voting 'no', 0 voting 'present', the Chair is sustained. It's now the intention of the Chair to go to Bills on Second Reading. We'll be calling Democrat and Republican Bills. Mr. Tryon, you are seeking recognition?"

Tryon: "I am seeking recognition under my rights to rise for a point of personal privilege. And I'm also going to make a Motion under House Rule 18(g) to move for the discharge of

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House Bill 5008 from the Rules Committee. Under the House Rule 54(a)(2), all Motions are assigned Standard Debate status; therefore, I wish to debate this Motion. Upon the conclusion of the debate, I'm asking that we have a recorded vote on the Motion to Discharge. Under Rule 49 in Article IV, Section 8(c) of the Illinois Constitution, any vote shall be a record vote whenever five Representatives so request and I believe there are five Members on my side of the aisle that are requesting to have this vote. Therefore, I move that this Motion be discharged from the Rules Committee."

Speaker Mautino: "Representative, as I indicated we are moving to Second Readings. I will not be… acknowledging that Motion."

Tryon: "Okay. I… I do have a point of inquiry then…"

Speaker Mautino: "At this time, the Chair…"

Tryon: "…and I agree that while you can set the motions of the order of the day, this has nothing to do with the order of the day. And I'm making a point of personal privilege. And when I'm recognized as a point of personal privilege and I make a… Motion, I believe I have the right to make that Motion and you have to… you have to hear that Motion."

Speaker Mautino: "The Chair will now move to the Order of Second Readings. And on the order of Second Readings, Mr. Clerk. Representative Bradley, House Bill 5765. Would you like to move this Bill? Read the Bill."

Clerk Mahoney: "House Bill 5765, a Bill for an Act concerning public aid. Second Reading of this House Bill. No Amendments. No Motions filed."

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Speaker Mautino: "Third Reading. On Second Reading, House Bill 5191, Representative Fortner. Out of the record. Representative Kosel, on Second Reading appears House Bill 5483. Representative Kosel, do you wish to move this Bill? Out of the record. Representative Harris, House Bill 5085. Out of the record. The Gentleman from DuPage, Representative Reboletti, you're recognized."

Reboletti: "A point of parliamentary inquiry."

Speaker Mautino: "State your point, Sir."

Reboletti: "I'm trying to find out from Mr. Ellis if the point of… of procedure here is that when I make an inquiry or Mr. Tryon makes an inquiry, a point of personal privilege, if that trumps anything else here as far as the order of the day and the order of… of what's on the Calendar? It does, according to my interpretation. I'm asking for Mr. Ellis's interpretation."

Speaker Mautino: "Representative Reboletti, under Rule 31 the Speaker determines the Order of Business for the day."

Reboletti: "This is not… Speaker, this is not a point of business, Speaker."

Speaker Mautino: "Un… the Gentleman from Champaign, Representative Rose."

Rose: "Thank you, Mr. Speaker. I move to discharge House Joint Resolution Constitutional Amendment #56 from the House Rules Committee. As you know, under House Rule 54(a)(2) all Motions are to be assigned Standard Debate status and therefore, I wish to debate my Motion. At the conclusion of the debate, I wish for and request a recorded vote on the Motion to Discharge. Under Rule 49(a), in

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Article IV, Section 8(c) of the Constitution any vote shall be recorded by vote whenever five Representatives so request. There are at least five people on my side of the aisle so making such a request, Mr. Speaker. House Joint Resolution Constitutional Amendment 56 is exactly what is needed to stop what happened here today. It is the Fair Map Amendment, which has been endorsed by every major newspaper in the State of Illinois. It is the Fair Map Amendment, which has been endorsed by virtually every good government in the State of Illinois. It is the Fair Map Amendment that's been endorsed by the League of Women Voters, the Illinois Chamber of Commerce and the Illinois Farm Bureau and a whole host of people who want their democracy back in the State of Illinois. What happened here today is exactly why we need the Fair Map Amendment. Mr. Speaker, I respectfully request that House Joint Resolution Constitutional Amendment #56 be discharged from Rules."

Speaker Mautino: "The Gentleman has… place the Motion on the Board… moved that House Joint Resolution Constitutional Amendment 56 be discharged from Rules. This requires unanimous consent. Representative Currie on the Motion."

Currie: "Thank you, Speaker. I object to the Motion."

Speaker Mautino: "Hold, please. Mr. Clerk, would you correct the board, please. House Joint Resolution Constitutional Amendment 56. The board is now correct. As you've heard the Gentleman's Motion, the Lady from Cook is recognized. Representative Currie."

Currie: "Thank you, Speaker. I still object to the Motion."

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Speaker Mautino: "There has been an objection. This Motion requires unanimous consent; therefore, the Motion is declared lost. Representative Rose."

Rose: "Mr. Speaker, I rose to a point of order on that. We specifically requested a Roll Call, Mr. Speaker, on my Motion. And pursuant to the House… pursuant to the House Rules and the Illinois Constitution, this is a breach that must be corrected, Mr. Speaker. Therefore, under the applicable House Rule 57(a), I move to appeal your ruling, Mr. Speaker, and go to a discharge to… to not discharge House Joint Resolution Constitutional Amendment 56. As you know, this Amendment is exactly what is needed in this state, exactly what is needed in this state. And while not asked, this would be my top priority to restore democracy to the people of Illinois. Thank you, Mr. Speaker."

Speaker Mautino: "The Gentleman has moved to appeal the ruling of the Chair under the House Rules. He is allowed two minutes which he has had to make his statement. Anyone in opposition may speak for two minutes. Representative Lang."

Lang: "Thank you, Mr. Speaker. Representative Currie certainly is in her rights to object to the Gentleman's Motion. Let me tell you what I object to, I object to making a Motion cloaked by a point of personal privilege. When you look at Rule 31 of the House, Rule 31 of the House clearly gives the Speaker the power to set the agenda. But even in the absence of the Speaker setting the agenda, out of the 23 items that we could be doing on the floor, the 23 different Orders of Business, item 20… item 20 out of 23 is Motions

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to Discharge Committee. Cloaking a Motion to Discharge Committee over and over and over again within a Motion… a point of personal privilege is certainly beyond any Rule of the House. I would ask that the Chair begin to rule these Motions out of order, which they are. Additionally, Mr. Speaker, when a Rule says that it requires unanimous consent and somebody stands up and objects, to then appeal the ruling of the Chair is a ridiculous place to go. It's a waste of our time, a waste of your time, a waste of the taxpayers' time. Even if the Gentleman's Motion was well-founded and even if it was a good Bill and even if we all agreed to it, it's out of order as soon as one Member declares their objection to the Motion. Additionally, Mr. Speaker, I'm getting a little tired of people speaking to the Bill when the Motion is shall the Chair be sustained. That's what they ought to be speaking to. It is completely out of order. The Motion was out of order, you recognizing them was out of order. This debate is out…"

Speaker Mautino: "Representative Rose, you will receive under the House Rules one minute to close."

Rose: "Thank you, Mr. Speaker. I will simply say, what are you all afraid of? You don't want the citizens of Illinois to take back their democracy? Members… Members, forget Leadership. Members, this is your right to stand up for your constituents. These Bills are your right to stand up for your constituents. You don't agree with it, fine, vote 'no', but at least take the vote. Every one of these today, whether it was budget transparency, the Fair Map Amendment, any of them, it's your right to represent your

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constituents. You've just given that up. Last week we had 10 or 15 of you… 10 or 15 of you were joining with us on these. What happened to you? This is your rights as Members to represent your constituents. Do the right thing, take back the State of Illinois, overrule the ruling of the Chair and let's have a vote on the Fair Map."

Speaker Mautino: "Question is, 'Shall the Chair be sustained?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 68 voting 'yes', 45 voting 'no', 0 voting 'present', the Chair is sustained. The Gentleman from McHenry, Representative Tryon.

Tryon: "Thank you, Mr. Speaker. I rise to a point of personal privilege."

Speaker Mautino: "Representative Tryon."

Tryon: "Thank you, Mr. Speaker. I rise under a point of personal privilege and under House Rule 18(g), not House Rule 31, I move for a discharge of House Bill 3948 from the Rules Committee. Under House Rule 54(a)(2) all Motions are assigned Standard Debate status and I wish to debate my Motion. Upon the conclusion of this debate, I ask for a recorded vote on the Motion to Discharge. Under Rule 49 of Article IV, Section 8(c) of the Illinois Constitution, any vote shall be a recorded vote whenever five Representatives of this House shall so request and I believe there are five Representatives on my side of the aisle. Therefore, I move the Motion to Discharge from the Rules Committee."

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Speaker Mautino: "This is a point of order, but not a point of personal privilege. I will recognize you for that and the Gentleman has made a Motion that House Bill 3948 be discharged committee. This requires unanimous consent. On that Motion, Representative Currie."

Currie: "Thank you, Speaker. I object to the Motion."

Speaker Mautino: "This Motion requires unanimous consent. There has been objection and therefore, the Motion fails. Representative Tryon."

Tryon: "Mr. Speaker, I would like to appeal the ruling of the Chair and ask for… that we override the Chair. I think this is a very important piece of legislation. This is legislation that would repeal the sales tax increase in Cook County and in this economic times, we have heard from people in Cook County, all over the county, about the higher sales tax. The fact that the cities in Cook County have even had debates about trying to withdraw from Cook County because it's affecting their sales tax base. I would hope that at least on this Motion we could come to an agreement since we already did half of this. That we… we could appeal this one and… and send it back for… at least have a debate on this House Floor about it. Therefore, I am overruling… I'm requesting that we overrule your decision."

Speaker Mautino: "The Gentleman has made a Motion. On that Motion, Representative Hoffman."

Hoffman: "Yes, Mr. Speaker, I would just like to address what's going on here. I have been lucky enough to have been in the Illinois General Assembly since 1991. We've seen this

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before, I believe it was '93 and '94. Frank was here, and I'll get to '95. '93 and '94 stall tactics… and you're within your right to do it… you're within your right to do it. At that time, '93 and '94 we were at fault. We were at fault in that we, as the Majority Party, weren't calling your Bills. In '95 you took over the Majority, we did what you were doing as a result of you not calling our Bills. The difference is, is that we both have Bills, both sides of the aisle have Bills to move that are Second Reading, they're on Third Reading. You made your point, you can make more points tomorrow, but I would just suggest that in the orderly fashion of things that we, as Members, begin to move the Bills on both sides of the aisle. Make your points, let's get through it and let's move the Bills so we can help the people of our districts and the people of Illinois."

Speaker Mautino: "Representative Tryon to close."

Tryon: "Mr. Speaker, Ladies and Gentlemen of the House, it's our right to come here and debate Bills. It's our right to file Bills. Each one of these Bills has significant merit. This Rules Committee that just bottles it up and doesn't let it be heard, it's time that we rethink that process. When our Bill deadline passed last week, I only have the Bill that day. So, I have to come here today and do this. I have one more of these. I'll hope you'll accommodate these so I don't have to come back tomorrow, but let me have a fair chance to get these on the floor for debate so they can move through the process. Let these Bills have a chance to have a fair two weeks to be moved. Let these

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Bills have the same process that those Bills have if they're good enough to be heard. How can you be against commonsense legislation like this? One, we've already passed half of this already. Let's finish the job. Two, the other Bills are about good government, so let's let one or two of these get heard in the next two weeks. That's all I'm asking. All I'm asking. Don't bottle all my Bills up in the Rules Committee. This is wrong."

Speaker Mautino: "Question is, 'Shall the Chair be sustained?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 68 voting 'yes', 45 voting 'no', 0 voting 'present', the Chair is sustained. Back to Seconds and Thirds. It is the intent of the Chair that I go to all Members' Bills on the Orders of Second and Third Reading. On Second Reading of the Calendar we have House Bill 4933, Representative Fritchey. Read the Bill."

Clerk Mahoney: "House Bill 4933, a Bill for an Act concerning financial regulation. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative McAuliffe, House Bill 5996. Out of the record. Representative Bill Mitchell, House Bill 4663. Out of the record. Representative Reboletti, House Bill 5149. Read the Bill."

Clerk Mahoney: "House Bill 5149, a Bill for an Act concerning public employee benefits. Second Reading of this House Bill. No Amendments. No Motions filed."

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Speaker Mautino: "Third Reading. Representative Reis, House Bill 4608. Read the Bill."

Clerk Mahoney: "House Bill 4608, a Bill for an Act concerning education. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Representative William Davis, 5289. Excuse me. On… House Bill 4608, Third Reading. House Bill 5289. Out of the record. Representative Dunkin, House Bill 5281. Out of the record. House Bill 6112, Representative Flider. Read the Bill."

Clerk Mahoney: "House Bill 6112, a Bill for an Act concerning employment has been read a second time previously. No Amendments. All notes have been filed."

Speaker Mautino: "Third Reading. House Bill 4991, Representative Ford. Representative Ford. Read the Bill."

Clerk Mahoney: "House Bill 4991, a Bill for an Act concerning state employment. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. House Bill 3998, Representative Careen Gordon. Representative Gordon. Read the Bill."

Clerk Mahoney: "House Bill 3998, 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 filed."

Speaker Mautino: "Third Reading. House Bill 5900, Representative Jehan Gordon. Representative Gordon. Out

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of the record. Representative Hamos, House Bill 5976. Read the Bill."

Clerk Mahoney: "House Bill 5976, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. House Bill 4672, Representative Harris. Read the Bill."

Clerk Mahoney: "House Bill 4672, a Bill for an Act concerning education. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Hernandez, House Bill 5501. Read the Bill."

Clerk Mahoney: "House Bill 5501, a Bill for an Act concerning hunger. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Hoffman, 5064. Read the Bill."

Clerk Mahoney: "House Bill 5064, a Bill for an Act concerning gaming. Second Reading of this House Bill. Amendments 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Holbrook, 4985. Read the Bill."

Clerk Mahoney: "House Bill 4985, a Bill for an Act concerning electronic records. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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Speaker Mautino: "Third Reading. Representative Howard, 5399. Out of the record. Representative Jackson, House Bill 5065. Representative Jackson. Read the Bill."

Clerk Mahoney: "House Bill 5065, a Bill for an Act concerning finance. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Jefferson, House Bill 1629. Representative Jefferson. Out of the record. Clerk, House Bill 1629, Representative Jefferson, read the Bill."

Clerk Mahoney: "House Bill 1629, a Bill for an Act concerning local government. Second Reading of this House Bill. Floor Amendment… Floor Amendment #2, offered by Representative Jefferson, has been approved for consideration."

Speaker Mautino: "Third Reading. Representative… On the Amendment, Representative Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the General Assembly. The Amendment simply makes this exclusive to Rockford. Amendment #2 makes it exclusive to Rockford."

Speaker Mautino: "The Gentleman moves adoption of Floor Amendment #2. Representative Eddy on the Amendment."

Eddy: "Thank you… thank you, Mr. Speaker. Representative, could you once again state what the intent of this Amendment is? Describe it for us? How does it change the underlying Bill?"

Jefferson: "Amendment #2… House Amendment #2 is a city initiative to annex unincorporated land to Rockford. And this makes it exclusive to Rockford."

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Eddy: "Well, according to our analysis it provides for the forcible annexation of territory within the City of Rockford. Is that the intent of the Amendment to allow for the annexation of territory within the City of Rockford?"

Jefferson: "Unincorporated areas that haven't been annexed into the city for at least 10 years, yes."

Eddy: "So, are there certain parameters or rules regarding what territory can be annexed? Does it have to be contiguous? Does it have to be a certain size? Are there any other… are there any other requirements?"

Jefferson: "It has to be a certain size."

Eddy: "What… an acre? Can they… can they go pick up an acre here, a football field there, seven acres? How… how large of parcels… what are the requirements?"

Jefferson: "I want to say 60 acres."

Eddy: "So, that's the… it has to be larger than 60 acres in order for the…"

Jefferson: "At least 60 acres."

Eddy: "…at least 60?"

Jefferson: "Yes."

Eddy: "So, what's the purpose? Why is this necessary for Rockford to be able to… to forcibly annex parcels of 60 acres or more? Representative, I… the question was, what is the purpose? Why is this necessary?"

Jefferson: "Simply because we've got unincorporated areas that have not been part of the city for at least 10 years. And what they're saying is that we need to… because of the safety issue more than anything else we need to annex these

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unincorporated areas into the city so that they can begin to receive city services."

Eddy: "So, right now the city can do this on parcels under 60 acres and you're trying to extend that over 60 acres. And I… Ladies and Gentlemen, to the Amendment. Actually, I… I don't see why it's necessary. I don't think the Representative has given us specific reasons as to why it would be necessary for the City of Rockford to be able to… to have some kind of forcible annexation power of 60 acres or more. Mr. Speaker, I would request a Roll Call vote on the Amendment and I would urge Members to vote 'no'."

Speaker Mautino: "I've acknowledged the request. There will be a Roll Call Amendment… a Roll Call vote on that Amendment. Representative Reboletti on the Amendment."

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

Speaker Mautino: "Indicates that he will."

Reboletti: "Representative, how many people live in… in that affected area? What if… if you describe the type of… of property that's there? Is it commercial, retail, is it mixed, residential?"

Jefferson: "They have different populations, depending on the areas that have been incorporated."

Reboletti: "Would you… is there a thousand people there? Is there… do you know?"

Jefferson: "In some cases there might be a couple of hundred, in other cases there might be a hundred. It… it, you know, it has no specific amount. It's just unincorporated areas that have not been annexed to the city for at least 10 years."

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Reboletti: "Are… are these… are the citizens that live in this affected area, are they supportive of forced annexation? I have unincorporated areas in my communities that do not want to be a part of the municipalities that they border. So, I want to make sure that we're not forcing somebody against their will into the City of Rockford."

Jefferson: "I appreciate that, Representative. You know this is an initiative of the City of Rockford. And oftentimes, I think we allow municipalities to tell us what's good for them. The City of Rockford is simply saying this is something that they want to happen in the City of Rockford, not anything to do with your municipality or anyone else's municipality. So, at this point… you know, the mayor comes and says, this is something that they want to do for the City of Rockford. I don't think it's anyone else's concern outside of the City of Rockford to be objective to this."

Reboletti: "Well, I… I guess that goes to the heart of the question, Representative. Is… do the people that live outside of Rockford want to become Rockford citizens? They're usually is… there's a petition process if they want to do that. And I was wondering what the history of… of that petition process was, if there was one?"

Jefferson: "There is going to a petition process. This only allows them to be able to do this. They will have to go back to the people, and still through an ordinance or whatever it is they do, to ask permission from the people to do this after this legislation passes."

Reboletti: "Thank you, Representative."

Jefferson: "You're welcome."

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Speaker Mautino: "Further discussion? The Gentleman from DuPage, Representative Fortner on the Amendment."

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

Speaker Mautino: "Indicates he will."

Fortner: "Representative, it strikes me that this is an unusual circumstance. This is a parcel greater than 60 acres is that correct, that Rockford is seeking to annex?"

Jefferson: "No. Up to."

Fortner: "Up to? As I'm reading this, so… so this is still a parcel less than 60 acres? Is…"

Jefferson: "Yes."

Fortner: "The way I read the Bill it looks like it's affecting a parcel in excess of 60 acres. It… it… this looks likes it's a very big tract of land that's surrounded by Rockford, not a small… these types of annexations usually take place with a very small number of small lots that are wholly surrounded. This looks like it deals with a… an area that's much, much larger the way I read the Bill. And I just want to…"

Jefferson: "It's not one big parcel, it's numerous small parcels."

Fortner: "It's a number of small parcels, but the total area is very large is… is what it looks like. Is that… is that correct?"

Jefferson: "Yes."

Fortner: "The… I guess my concern here is that… To the Bill… to the Amendment, sorry, to the Amendment. The… normally municipalities seeking to annex islets, it happens in municipalities all the time that they have surrounded

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islands. Generally, and I would say what should continue to be our state policy, is that is restricted to those islands that are under 60 acres in size. In this case we're dealing with islands some of which would be substantially larger than 60 acres. And even though I can see the Representative's tried to provide some relief to the owners through a short transitional period of tax abatement, I think that… and even though it only is written right now for the City of Rockford, I think that still opens the door to a number of other municipalities who would also then be seeking this same authority from this Body and this Amendment would take us on a path that I think takes us to a policy that would not be beneficial. And I would urge that we do not accept this Amendment."

Speaker Mautino: "Further discussion? The Gentleman from Cook, Representative Joyce on the Amendment."

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

Speaker Mautino: "Indicates that he will."

Joyce: "Representative Jefferson, I, too, have read this Amendment and I think I disagree with the previous speakers. Is your attempt here to try to create a separate abatement with regards to the 60 acres for those properties that are under 60 acres and those properties that are over 60 acres?"

Jefferson: "That is the intent of the City of Rockford."

Joyce: "And… and that's… Ladies and Gentlemen, if you look at the Amendment it calls for two separate sets of abatements; one that is for 60 acres or under and one for that is under… in excess of 60 acres. And so, I think the City of

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Rockford has come to us to try to allow them some help in some very difficult financial times for all of our communities. And I would think that the discretion that each of us over the years has asked for our fellow Members when it comes to our hometowns should apply here. And I think that an 'aye' vote is probably in order despite the confusion that's been created on this conversation on this Bill. This would allow for folks that are in residential properties to have abatements once they are annexed and for commercial properties to possibly be developed to have abatements. And I think it's very specific, I think it's very clear. And I think that the same professional courtesy has been extended to probably everyone in this chamber as long as they've been serving here, when it comes to their hometowns and to their districts. I would urge an 'aye' vote."

Speaker Mautino: "Further discussion? The Gentleman from Boone, Representative Wait."

Wait: "Thank you. Would the speaker yield?"

Speaker Mautino: "He indicates he will."

Wait: "Chuck, is this the great land grab Bill for the City of Rockford that we killed in the city and municipality because the people did not want it? And we were able to kill it, but then you took it to a different committee? And then most of this area that you want to grab and put into Rockford is in my district and my people do not want to be forced to be annexed to Rockford, is that true?"

Jefferson: "No. This is not the Bill that was killed, this Bill is very much alive, Representative."

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Wait: "Yes. But it was the same Bill though, isn't it? The same… it's the same purpose, to force people to be annexed who do not want to be annexed. In fact, I understand Zeke Giorgi for 20, 30 years has been down here trying to do this. Even the great Zeke Giorgi was trying to do this. Are you trying to do something that even Zeke Giorgi could not do?"

Jefferson: "I'm not competing… I'm not competing against Zeke Giorgi, Representative."

Wait: "Well… to the Bill. Ladies and Gentlemen of the House, this is strictly a land grab Bill by the City of Rockford. They're hurting for money like every municipality, but if this is to through for Rockford, this could also happen to your community. These people do not want to be annexed to Rockford. This would move the… the limits from 60 acres. They want to annex between five and six hundred acres, 10 times what we currently have. That would be like taking in a whole nother community. Would you like to have them come down there and force your community into this? I would hope when this comes up on Third Reading or on the Amendment that you would vote 'no' and kill this land grab by the City of Rockford. Thank you."

Speaker Mautino: "Further discussion? The Gentleman from Winnebago, Representative Winters."

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

Speaker Mautino: "Indicates that he will."

Winters: "Representative Jefferson, I believe Representative Joyce asked you a question. I wasn't sure that the question was phrased or the understanding was to the… to

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the General Assembly. This deals with parcels of greater than 60 acres, is that not the case?"

Jefferson: "It excludes single parcels over 60 acres."

Winters: "It does not. If you read the Bill, this is exclusively designed…"

Jefferson: "We're looking at the Bill, Representative."

Winters: "…for parcels exceeding 60 acres. The language, if you read it, is for parcels larger than 60 acres. You've misread the Bill."

Jefferson: "Well, Representative, I'm looking at the Bill here. And the Bill reads, it excludes single parcels of property in excess of 60 acres located within the territory that's wholly bounded by the City of Rockford. It's meant so bounded by for at least 10 years and no petition for incorporation has been filed. These parcels have been out there for 10 years."

Winters: "The… the question I have is, we have… we have a real… there are two different ways to read this. Could you pull this out of the record until we could… we can talk without the time pressure…"

Jefferson: "Representative…"

Winters: "…of the clocks?"

Jefferson: "Representative, I appreciate that. You know, we have been dealing with this situation, I think the former Representative, Representative Wait said that probably since the days of Zeke Giorgi. So, nothing has changed since then. We're trying to incorporate these unincorporated areas into the City of Rockford. This is a

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safety issue more than anything. You know, these people are without fire, without police…"

Winters: "Representative, I hate to break in… that's not the question I was trying to deal with."

Jefferson: "…without ambulance. No."

Winters: "We have an… we have an issue on the interpretation of how the language is… is written in the Bill. I would appreciate it if you could call it out or pull it out of the record until we can determine whether this is for under or over 60. If it's in fact… if it in fact limits it to parcels under 60 acres they already have that right. They already have the right to forcibly annex under 60 acres."

Jefferson: "Representative, with much respect to you, this is simply adopting the Amendment. We're going to Third Reading. So, we've got plenty of time, Representative, for debate from this point on. So, it's not like we're passing this on to the Senate today. We're just adopting the Amendment and moving it from Second to Third. So, from that point I'd be happy to talk to you about any concerns that you might have, but we're moving it from Second to Third Reading."

Winters: "I take your point. I… we will discuss this further before Third Reading. Thank you."

Jefferson: "Thank you, Representative."

Speaker Mautino: "Further discussion? The Lady from DuPage, Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Mautino: "He indicates that he will."

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Bellock: "I wanted to ask since this seems to be so controversial about annexation of people who don't give their permission, was the Illinois Municipal League opposed to this Amendment #2?"

Jefferson: "Not… not to my knowledge, no."

Bellock: "Have they taken a position on the Bill… on the Amendment?"

Jefferson: "I haven't seen a position if they have."

Bellock: "But it is annexation by a municipality of people who do not want to be annexed? Their permission has not been given."

Jefferson: "It's… the permission, I don't know at this point if it's been asked. This is the city's right, they feel, to be able to do this."

Bellock: "It would be forced annexation without the permission of the people who own the property?"

Jefferson: "Excuse me, Representative, I've just been informed that the Municipal League was in favor of this."

Bellock: "Of Amendment #2?"

Jefferson: "Yes."

Bellock: "Thank you. But just the second question… thank you, Representative Jefferson… was, it is forced annexation of people who have not given their permission on the property?"

Jefferson: "Absolutely, Representative. You know you are always going to have people that disagree with progress, but after progress takes place they realize that it's better for them than what they were."

Bellock: "Thank you for your comments."

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Jefferson: "So, yes."

Speaker Lang: Representative Tryon, are you speaking on the Amendment? The Gentleman does not wish to speak. Representative Lang in the Chair. Representative Jefferson to close. Representative Jefferson to close."

Jefferson: "Thank you, Mr. Speaker. Like I said before, all this Amendment does is makes it exclusive to Rockford. With what we're doing with the annexation, we're offering fire protection, police protection, ambulance service, snow removal, septic systems, library services, street cleaning, garbage pickup, city water, on and on and on. And this is an initiative of the City of Rockford. I would ask for your support on adopting this Amendment."

Speaker Lang: "A Roll Call vote has been requested. Those in favor shall vote 'yes'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Crespo. The Clerk will take the record. On this question, 57 voting 'yes', 55 voting 'no' and the Amendment is adopted. Mr. Clerk."

Clerk Mahoney: "No further Amendments. However, notes have been requested and not yet filed."

Speaker Lang: "The Bill will be held on the Order of Second Reading. On the Order of Second Reading appears House Bill 4818, Representative Sacia. Mr. Sacia. Please read the Bill."

Clerk Mahoney: "House Bill 4818, a Bill for an Act concerning local government. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

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Speaker Lang: "Third Reading. On the Order of Second Reading appears House Bill 4936, Representative Jakobsson. Out of the record. On the Order of Third… Second Reading appears House Bill 57… 5057, Representative Joyce. Mr. Joyce. Out of the record. On the Order of Second Reading appears House Bill 4975, Representative Saviano. Out of the record. On the Order of Second Reading appears House Bill 5749, Representative Schmitz. Out of the record. On the Order of Second Reading appears House Bill 5802, Representative Senger. Please read the Bill."

Clerk Mahoney: "House Bill 5802, a Bill for an Act concerning job creation. Second Reading of this House Bill. No Amendments. However, notes have been requested and not yet filed."

Speaker Lang: "The Bill will be held on the Order of Second Reading. On the Order of Second Reading, House Bill 5799, Representative Sullivan. Mr. Sullivan."

Sullivan: "Mr. Speaker, I have an inquiry of the Chair. Is it possible for me to give up my time to Representative Tryon at this point?"

Speaker Lang: "Not at this point, Sir."

Sullivan: "Oh, okay. One… one moment please about the Bill."

Lang: "Mr. Sullivan, do you want to move your Bill to Third Reading or not, Sir?"

Sullivan: "I have to look at it 'cause I can't quite remember at this point."

Speaker Lang: "We'll come back to you, Sir."

Sullivan: "Oh, here it is."

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Speaker Lang: "Next Bill… if you're ready? Are you ready, Sir? Out of the record. Next Bill is House Bill 5372 on the Order of Second Reading, Representative Lyons. Mr. Lyons. Out of the record. House Bill 6094 on the Order of Second Reading, Representative McAsey. Representative McAsey. Out of the record. House Bill 5021 on the Order of Second Reading, Representative McGuire. Out of the record. Oh, I'm sorry. I missed you, Representative. Please read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5021, a Bill for an Act making appropriations has been read a second time, previously. No Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 5419 on the Order of Second Reading, Representative Mell. Representative Mell. Please read the Bill."

Clerk Mahoney: "House Bill 5419, a Bill for an Act concerning health. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 5538 on the Order of Second Reading, Representative Mendoza. Please read the Bill."

Clerk Mahoney: "House Bill 5538, a Bill for an Act concerning State Government. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 5623, Representative Watson, on the Order of Second Reading. Mr. Watson. Out of the record. House Bill 5972 on the Order of Second

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Reading, Representative Winters. Mr. Winters. Out of the record. On the Order of Second Reading, House Bill 4975, Representative Saviano. Please read the Bill."

Clerk Mahoney: "House Bill 4975, a Bill for an Act concerning State Government. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. Mr. Clerk, House Bill 5623 on the Order of Second Reading, Representative Watson. Please read the Bill."

Clerk Mahoney: "House Bill 5623, a Bill for an Act concerning revenue. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. All Motions filed."

Speaker Lang: "Third Reading. Mr. Clerk, on House Bill 5623 replace that Bill to the Order of Second Reading. House Bill 4858 on the Order of Second Reading, Representative Phelps. Please read the Bill."

Clerk Mahoney: "House Bill 4858, a Bill for an Act concerning identification cards. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 5224 on the Order of Second Reading, Representative Reitz. Mr. Reitz. Out of the record. House Bill 5448 on the Order of Second Reading, Representative Riley. Please read the Bill."

Clerk Mahoney: "House Bill 5448, a Bill for an Act concerning child support. Second Reading of this House Bill. Amendment #1 was adopted in committee. A Floor Amendment

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has been referred to the Rules Committee, but not approved for consideration. No Motions filed."

Speaker Lang: "Do you wish to move the Bill with the… without that Amendment, Representative? Gentleman wants to move the Bill. Third Reading. House Bill 4917, Representative Sente. I'm sorry. It's 4817, Representative Sente. Out of the record. House Bill 4984 on the Order of Second Reading, Representative Smith. Please read the Bill."

Clerk Mahoney: "House Bill 4984, a Bill for an Act concerning education. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 5409 on the Order of Second Reading, Representative Thapedi. Out of the record. House Bill 4847 on the Order of Second Reading, Representative Turner. Out of the record. House Bill 4959 on the Order of Second Reading, Representative Walker. Out of the record. House Bill 4909 on the Order of Second Reading, Representative Washington. Read the Bill, please."

Clerk Mahoney: "House Bill 4909, a Bill for an Act concerning aging. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Lang: "Third Reading. On the Order of Second Reading House Bill 5525, Representative Yarbrough. Representative Yarbrough. Out of the record. House Bill 4788 on the Order of Second Reading, Representative Zalewski. Please read the Bill."

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Clerk Mahoney: "House Bill 4788, a Bill for an Act concerning the public employee benefits. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Lang: "Third Reading. Members, we're moving to Third Reading Bills. Third Reading Bills. First one, on page 26 of the Calendar House Bill 6148, Representative Biggins. Please read the Bill. Mr. Biggins, I'm told there's an Amendment filed on your Bill."

Biggins: "Yes, there is, Mr. Speaker. And I would like to ask the Amendment be adopted."

Speaker Lang: "Do you move the… do you want to move this back to the Order of Second Reading, Sir?"

Biggins: "Yes, we have to do that. Right, do that."

Speaker Lang: "All right. Mr. Clerk, please put this Bill on the Order of Second Reading. Mr. Biggins, we'll get back to you. Next, House Bill 5764 on Third Reading on page 24 of the Calendar, Representative Bradley. Out of the record. On page 26 of the Calendar appears House Bill 6262, Representative Cole. Representative Cole. Do you wish to move the Bill, Representative Cole?"

Cole: "It's on… it's on Third, Mr. Speaker? I ask to call the Bill."

Speaker Lang: "The Bill is on Third Reading. Are you ready to proceed?"

Cole: "Yes, Sir."

Speaker Lang: "Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 6262, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Lang: "Representative Cole."

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Cole: "Thank you, Mr. Speaker. House Bill 6262 amends the State Officials and Employee Ethics Act. Under this Act, currently, public service announcements on behalf of a state agency by a State Representative, a State Senator or a Constitutional Officer cannot appear on broadcast TV or radio, printed commercial newspaper or a printed commercial magazine. This Bill amends the Ethics Act adding billboard or electronic message board to the number of… to the places where a state employee cannot use their image or their voice or their name on these billboards. Be happy to answer… I ask for an 'aye' vote."

Speaker Lang: "Lady's moved for the passage of House Bill 6262. This Bill is on Short Debate. The timer will be in play. The Chair recognizes Representative Fritchey. Mr. Fritchey."

Fritchey: "Just so I under… so I understand, you're simply trying to take the existing ban from static, which is all the billboards, to the electronic billboards, correct?"

Cole: "Correct. Currently, billboards are within the Ethics Act. Electronic billboards such as the video billboards would also be part of the Bill."

Fritchey: "Why do you believe that an electronic billboard isn't covered under the definition of billboard?"

Cole: "Because it's more of a video."

Fritchey: "It's… it's a…"

Cole: "…as a TV would be."

Fritchey: "They're… they're… they're not regulated like TV sets are; they're regulated like billboards are. For land use purposes by municipalities, et cetera, they're regulated… I

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mean, they're billboards. I'm not… I'm not saying that this is a bad idea, I'm saying it's a redundant idea. This is already done. Electronic billboards are billboards. They are… they are treated as such under the law. And I do believe they're covered under the Act already."

Cole: "Representative, I think it would make it more clear that these electronic billboards are also… fall under the Ethics Act. And this Bill, it just… just for reference, this Bill has passed the House and the Senate several times. This is not the first time…"

Fritchey: "Oh, there… there's a lot of things that have passed…"

Cole: "…we've had it go through."

Fritchey: "…there's a lot of things that have passed this chamber several times that never should have. But at the… at the end of the day, I mean, here, and if we want to… you know, if we want to throw more statutes on the books and we're going to put more Amendments in there, that's fine. Billboards are covered. This is already the law of the land. I'm not trying to take issue with you. I'm just simply trying to point out, you know, we don't pay attention to what we do sometimes. Folks, we've done this. Thank you."

Speaker Lang: "Representative Cole to close."

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

Speaker Lang: "Lady moves for passage of House Bill 6262. Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take

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the record. On this question, 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 24 of the Calendar appears House Bill 5783, Third Reading, Representative Burns. Out of the record. House Bill 6132, Representative Fortner. Please read the Bill."

Clerk Mahoney: "House Bill 6132, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Lang: "Mr. Fortner."

Fortner: "Thank you, Mr. Speaker, Members of the House. House Bill 6132 will clarify that honey whether on the comb or off the comb in its natural state is a raw agricultural commodity and should be treated as such in terms of regulations, not subject to the stricter regulations that one would expect for processed food. I'd be happy to answer any questions."

Speaker Lang: "There being no debate, those in favor vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', 1 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4780, Representative Chapa LaVia. Out of the record. House Bill 6267, Representative Hatcher. Please read the Bill."

Clerk Mahoney: "House Bill 6267, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lang: "Representative Hatcher."

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Hatcher: "Thank you, Speaker. The legislation that's before the House today covers what I hope may be a big step going forward for an open and more transparent approach to our fiscal approach to legislation in this state. This sets specific guidelines whenever the Comptroller's report should be made public to both the Legislators and the public."

Speaker Lang: "Lady moves for the passage of House Bill 6267. And there being no debate, those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Coladipietro, Representative Colvin, Representative Ramey. Mr. Clerk, 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. House Bill 5012, Representative Collins. Out of the record. House Bill 4627, Representative Kosel. Representative Kosel. Please read the Bill."

Clerk Mahoney: "House Bill 4627, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lang: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker. Years ago the county treasurer and the county collector were slated to take office at a different time than the rest of the, excuse me, township officials. The township assessor takes office in January after being elected in April. This leaves him with an eight month lame-duck period. This Bill would shorten that lame-duck period, not for the sitting assessor, but for the

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assessor after that. So, it would not affect anyone now. It would eliminate very, very bad public policy of having someone with an eight-month lame-duck period. There has been quite a few people who have told me horror stories about what can happen during this eight-month period. And I would ask for your support on this Bill."

Speaker Lang: "Lady moves for the passage of the Bill. The Chair recognizes Representative Biggins. Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. I rise in objection to this Bill. The Assessors Association is against the Bill. And I don't know of a single assessor, except the one that's in this chamber, that's for this Bill in Illinois. And it's a bad policy… public policy to start changing the tax lien date or assessment lien date for purposes of valuing real estate does not coincide with the terms of office of the assessors who are elected currently in spring and have to wait until January, I understand that. But the taxing of property for governmental purposes, which is what this is, is not to be started in the middle of May. It's supposed to be started before… around January 1. You're going to put all the taxing bodies at a disadvantage that are due to receive these moneys, any moneys. And there's very little groundswell for the Bill. Mr. Speaker, can I ask a question of the Sponsor?"

Speaker Lang: "Sponsor yields."

Biggins: "Yes, Representative, does… are there any supporters for this Bill?"

Kosel: "Yes, there's quite a few people who are supporting it, including many, many local newspaper editorial boards,

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local citizens. And I have received positive comments from many assessors across the state, saying that this Bill made absolutely perfect sense in the good old days when assessment was kept in paper and pencil and in your head, but now any assessor worth… worth his salt can absolutely take over in the middle of someone's terms because it's… it's done in so much more contemporary form than it ever has been before. This is just a plain good government Bill. No one needs to have an eight-month lame-duck period."

Biggins: "Well, do you want to finish your comments or can I ask another question?"

Speaker Lang: "You completed your questions, Mr. Biggins?"

Biggins: "Yeah. I have a…"

Speaker Lang: "Mr. Sullivan."

Biggins: "…I have a letter…"

Speaker Lang: "Oh, I apologize, Mr. Sullivan. Please proceed, the timer is on, Sir."

Biggins: "Oh, thank you. Thank you, Mr. Speaker. I do have a letter from the Will County Assessor's Association, I think they're unanimously opposed to the Bill. I believe the Sponsor lives in Will County. Other than that, everybody's for it she said. Okay. That's all."

Speaker Lang: "Mr. Sullivan."

Sullivan: "Thank you… thank you, Mr. Speaker. Ladies and Gentlemen, this Bill affects what I do when I'm not down here. As you can see, I am a Sponsor of this Bill. You will hear many assessors that are opposed to this; that is somewhat of a turf war that's going on. They don't want to

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change what affects their… their job. They will say that you do not want to change the assessor qualifications in the middle of an assessment cycle. What happens is January 1, technically, the assessment cycle begins and if you change it to the middle of May that it will be undue pressure for an assessor to complete their work. I completely disagree with them, quite frankly. And… and I'll give you a couple reasons why. First off, the Department of Revenue when they give us our data by which we do our assessments, they do not even transmit the data to us until April. So, the reality is you're only talking about a month lag time by which you can start your… start your work. Second, and Representative Kosel actually said it the best, in the past when you're doing paper to pencil to do your assessments it took awhile to do those assessments. Nowadays with computer assisted mass appraisal programs you could do this much faster, much quicker and much more accurately. Second, assessors are one of the few people that have to have continuing education to even run and they have to have a certification called a CIAO to even run in the first place. So, the idea that you can't do your job when you start in May should have no bearing because you should already know how to do your job 'cause you have to take classes to do it. So, hopefully you understood what I meant by that. But it… it… it's fairly straightforward. Here are the problems, you have assessors that have a lame dunk… lame-duck period from April to January. We see problems after problems after

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problems where they spend down their budget and leave nothing for the few months before the new fiscal year…"

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Lady yields."

Franks: "Representative, would this Bill put the assessors in-line with other elected officials such as township supervisors and clerks? And they would…"

Kosel: "Yes, it would."

Franks: "…and they would take… What you're basically saying is they would take office when the rest of the township officers take office?"

Kosel: "That is correct. All township officers under this Bill would take office at the same time."

Franks: "Okay. So, right now assessors for some reason are not being treated like other township officials?"

Kosel: "They are not. Assessors and collectors both take office eight months after their collected, allowing for all kinds of things to happen during that eight-month period."

Franks: "To the Bill. I want to… I want to commend the Sponsor for bringing this forward. There's no rational reason for the assessors not to be treated like the other township officials. Once someone is a lame-duck or… or loses an election or determines not to run again, they don't have quite the incentive as someone who has just won that seat. And to have that person there for an additional eight months is unnecessary and also it's unproductive. What we have here is a way to really, across the board, make it more equal for all of those who are elected to office. We

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should shorten these lame-duck periods. Think of in our positions if we lose an election in November, we're out of here in January. Can you imagine the… the mischief we can cause if we got to stay through the next Legislative Session. We need people who are committed. And this is one way to tighten up government, to make it more accountable and we should all be voting 'yes'."

Speaker Lang: "Mr. Sullivan, since I forgot to put Mr. Franks' timer on I'm gonna let you finish your remarks, Sir. But I would ask all Members to be brief."

Sullivan: "Thank… thank you, Mr. Chairman. I have one more point and it's actually the most important point. When an assessor fails to do their job because they choose not to, they don't bring on new property for tax purposes. When they don't do that, that hurts every taxing body out there by not doing their job. So, if you want to continue that practice, don't vote for this Bill. If you want to streamline what goes on and… and not allow the problems that go on, please vote for this."

Speaker Lang: "Representative Hamos."

Hamos: "Ladies and Gentlemen, to the Bill. I'm standing in strong support of this Bill as well. In Evanston Township we had this exact situation. We worked very hard to defeat the incumbent, all of the Democratic elected officials got behind a new reform… reformer minded assessor candidate. She won and now we are stuck for eight months with somebody we didn't want that we worked very hard to defeat. This is a very long lame-duck period for somebody that we elected, that the voters strongly elected to be out of office. And

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all kinds of things happen during this very long period. It makes no sense. And I really strongly sup… urge you to vote 'aye'."

Speaker Lang: "Representative Verschoore."

Verschoore: "Thank you, Mr. Chairman. I'll be very brief. All of the assessors in my county… in two of my counties, Mercer and Rock Island are against this. And I have a letter in my hand from Kelli Lord who is President of the Will County Assessor's Association and that's… I'm assum… I think that is the county that the Bill presenter's from and they're in opposition to this. If it's such a good thing, why are they in such opposition? That's all I have. Thank you."

Speaker Lang: "Representative Kosel to close."

Kosel: "Thank you very much. This is… this is a great good government vote. This is… this is something that will make a difference, this is something that is great for the people of… of the State of Illinois. And I can show you just stacks and stacks of newspaper articles that come out of just one assessor in… in my district. Maybe the assessors aren't for it, but I will tell you the people are. It's something we need to do. First of all, I also want to let you know that… that assessors in Cook County don't assess property. So… so, this does not… the arguments that we are hearing do not affect the assessors in Cook County because they don't actually assess and in the City of Chicago there actually are no assessors. So, I would ask for your vote. A great good government vote, a

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great vote for tightening something that has been wrong for years."

Speaker Lang: "Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Bellock, Brauer, Mitchell, Winters. Mr. Clerk, please take the record. On this question, there are 80 voting 'yes', 29 voting 'no', 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 6257, Representative DeLuca. Are you ready to proceed on your Bill, Mr. DeLuca? Please read the Bill."

Clerk Mahoney: "House Bill 6257, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lang: "Mr. DeLuca, I understand there's an Amendment filed on this Bill. Would you like it moved back to Second so we can do the Amendment on another day?"

DeLuca: "No, we're holding off on Amendment #2."

Speaker Lang: "Say that again, Sir?"

DeLuca: "We're holding off on Amendment #2."

Speaker Lang: "So, you move to table that Amendment?"

DeLuca: "We're withdrawing it."

Speaker Lang: "With… hold, please. All right. Mr. Clerk, please read the Bill. The Bill's read a third time already, so the Chair recognizes Mr. DeLuca."

DeLuca: "And we're holding on… we're tabling Amendment #2?"

Speaker Lang: "You're… you're fine… you don't even have to that, Sir."

DeLuca: "Okay."

Speaker Lang: "Just proceed with your Bill."

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DeLuca: "Okay. Thank you, Mr. Speaker. This is what is also known as the Crime Free Housing Legislation. Last year we passed it out of the House, it was Bill 1783, which licensed and regulated landlords. Well, we made some changes. And what this does is this requires in all leases to have language that the commission of any felony or Class A misdemeanor under the laws would void the lease. It's current state… it's current State Law and all this does is require that that language is included in the leases. Be happy to answer any questions."

Speaker Lang: "Mr. Eddy."

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

Speaker Lang: "Gentleman yields."

Eddy: "Representative, the original… the underlying Bill and of course that's all we have because you didn't go with the Amendment, but is there opposition to the legislation as presented?"

DeLuca: "I believe the Housing Action Illinois and Sergeant Shriver National Center are opposed."

Eddy: "Well, what about the Illinois Association of Realtors?"

DeLuca: "They are proponents. They are supporting it with Amendment #1."

Eddy: "Okay. So, the… Amendment #1 was adopted, that removed the opposition of the Realtors Association."

DeLuca: "Yes."

Eddy: "It did not remove the opposition of Housing Action Illinois and it did not remove the opposition of Chicagoland Apartment Association. Amendment #2, which you

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did not choose to attach, was that an effort to remove the rest of the opposition?"

DeLuca: "No, it was not an effort to remove because the opposition, as it stands right now, is opposed to the State Law. They're not necessarily opposed to this legislation. They're opposed to the State Law as it stands right now."

Eddy: "Okay. So, the significant opponent that was removed by the Amendment that you did adopt was the Association of Realtors, they are now proponents with the Amendment?"

DeLuca: "With the Amendment #1, yes."

Eddy: "Okay. And that was adopted. Thank you."

Speaker Lang: "Mr. DeLuca to close."

DeLuca: "I ask for your 'yes' vote."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Winters. Mr. Clerk, please take the record. On this question, there are 107 voting 'yes', 0 voting 'no'. And this Bill, sorry… 105 voting 'yes', 7 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 6271, Representative Mathias. Out of the record. House Bill 6… 5956, Representative Dugan. Please read the Bill."

Clerk Mahoney: "House Bill 5956, a Bill for an Act concerning employment. Third Reading of this House Bill."

Speaker Lang: "Representative Dugan."

Dugan: "Thank you, Speaker. House Bill 5956 addresses an issue that has to do with firefighters killed in the line of

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duty. And what it does is it amends the Line of Duty Compensation Act as we did last year with House Bill 22 for veterans. It just adds firefighters in the line of duty as far as the Compensation Act. And I'll answer any questions."

Speaker Lang: "The Lady moves for the passage of the Bill. There being no debate, those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Golar. Mr. Clerk, please take the record. On this question, 113 voting 'yes' and 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Howard on a point of personal privilege. Chair recognizes Representative Howard on a point of personal privilege."

Howard: "Thank you very much, Mr. Speaker. As everyone knows March is Women's History Month. And in accordance with that, I'm going to talk about a person who is from Illinois or who was from Illinois and who we are very proud of. Her name is Marita Bonner. She was born in 1898 and she passed away in 1971. Ms. Bonner was educated in Brookline, Massachusetts, public schools and Radcliffe College. She published short stories and essays from 1924 through 1941. These books were published regarding issues of race, gender, and class. Her characters struggled to develop in the face of social limitations. Her 1925 essay, 'On being Young, A Woman and Colored', which dealt with racism, sexism and poverty, is an example of her social commentary. Ms. Bonner moved to Chicago with her husband, William Almy

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Occomy in 1930 where they raised three children and where she also taught school. After she joined the Christian Science Church in 1941, she no longer published. However, six new stories were found in her notebooks after she died in 1971. A collection of her work was published in 1987 as Frye Street and Environs: The Collected Works of Marita Bonner. Thank you very much, my colleagues, for your indulgence."

Speaker Lang: "Thank you, Representative Howard. The Chair recognizes the Clerk for committee announcements."

Clerk Mahoney: "Committee announcements. Two cancellations on the committee schedule. The Labor Committee that was to meet in Room 118 immediately after Session has been canceled. Labor is canceled. Tomorrow the 9 a.m. Revenue Committee has been canceled as well. For tomorrow, Revenue is canceled. The following committees will meet immediately following Session: Judiciary I-Civil Law will meet in Room 114, Renewable Energy in Room C-1, State Government Administration in Room D-1, Vehicle Safety in Room 122B, Adoption Reform in Room 413 Stratton, Counties & Townships in Room 115. At 4:45 p.m. today Youth & Family will meet in Room 413 Stratton and Judiciary-Criminal Law, Jud II will meet in Room 122B."

Speaker Lang: "Now, Representative Burke moves that the House stand adjourned until tomorrow, Wednesday, March 17 at 10 a.m. Those in favor vote 'yes'; opposed 'no'. The… and the Motion carries. And the House is adjourned."

Clerk Mahoney: "One further cancellation. Today the Counties & Townships meeting in Room 115 has been canceled. Counties

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& Townships is now canceled as well. House Perfunctory Session will come to order. Committee Reports. Representative Howard, Chairperson from the Committee on Judiciary II-Criminal Law reports the following committee action taken on March 16, 2010: recommends be adopted is Floor Amendment #1 to House Bill 6390 and Floor Amendment #1 to House Bill 6459. Representative D'Amico, Chairperson from the Committee on Vehicles & Safety reports the following committee action taken on March 16, 2010: recommends be adopted Floor Amendment #1 to House Bill 6094 and Floor Amendment #1 to House Bill 6177. Representative Harris, Chairperson from the Committee on Youth & Family reports the following committee action taken on March 16, 2010: recommends be adopted is Floor Amendment #2 to House Bill 1826. Representative Graham, Chairperson from the Committee on Renewable Energy reports the following committee action taken on March 16, 2010: recommends be adopted is Floor Amendment #1 to House Bill 1470. Representative Franks, Chairperson from the Committee on State Government Administration reports the following committee action taken on March 16, 2010: recommends be adopted is Floor Amendment #2 to House Bill 5483. Representative Fritchey, Chairperson from the Committee on Judiciary I-Civil Law reports the following committee action taken on March 16, 2010: do pass Short Debate is House Joint Resolution Constitutional Amendment 57. Introduction and Reading of House Bills-First Reading. House Bill 6835, offered by Representative Madigan, a Bill for an Act concerning appropriations. House Bill 6836,

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offered by Representative Franks, a Bill for an Act concerning health care. House Bill 6837, offered by Representative Smith, a Bill for an Act making appropriations. Introduction and Reading of Senate Bills-First Reading. Senate Bill 2488, offered by Representative Brauer, a Bill for an Act concerning criminal law. Senate Bill 2490, offered by Representative Tryon, a Bill for an Act concerning safety. Senate Bill 2541, offered by Representative Mathias, a Bill for an Act concerning professional regulation. Senate Bill 2578, offered by Representative Sacia, a Bill for an Act concerning criminal law. Senate Bill 2635, offered by Representative Reitz, a Bill for an Act concerning professional regulation. Senate Bill 2638, offered by Representative Black, a Bill for an Act concerning elections. Senate Bill 2798, offered by Representative Lyons, a Bill for an Act concerning transportation. Senate Bill 2819, offered by Representative Osmond, a Bill for an Act concerning insurance. Senate Bill 2824, offered by Representative Franks, a Bill for an Act concerning criminal law. Senate Bill 3004, offered by Representative Osmond, a Bill for an Act concerning insurance. Senate Bill 3022, offered by Representative Burke, a Bill for an Act concerning public employee benefits. Senate Bill 3025, offered by Representative Fritchey, a Bill for an Act concerning professional regulation. Senate Bill 3061, offered by Representative Miller, a Bill for an Act concerning professional regulation. Senate Bill 3070, offered by Representative Franks, a Bill for an Act

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concerning safety. Senate Bill 3158, offered by Representative Lang, a Bill for an Act concerning hunger. Senate Bill 3162, offered by Representative Lang, a Bill for an Act concerning public employee benefits. Senate Bill 3169, offered by Representative Froehlich, a Bill for an Act concerning State Government. Senate Bill 3173, offered by Representative Turner, a Bill for an Act concerning criminal law. Senate Bill 3214, offered by Representative McGuire, a Bill for an Act concerning local government. Senate Bill 3265, offered by Representative Zalewski, a Bill for an Act in relation to taxes. Senate Bill 3293, offered by Representative Sacia, a Bill for an Act concerning sex offenders. Senate Bill 3347, offered by Representative May, a Bill for an Act concerning safety. Senate Bill 3386, offered by Representative Gordon, Careen, a Bill for an Act concerning civil law. Senate Bill 3388, offered by Representative Verschoore, a Bill for an Act concerning regulation. Senate Bill 3405, offered by Representative McCarthy, a Bill for an Act concerning public employee benefits. Senate Bill 3418, offered by Representative Saviano, a Bill for an Act concerning professional regulation. Senate Bill 3421, offered by Representative Osterman, a Bill for an Act concerning firearms. Senate Bill 3433, offered by Representative Sacia, a Bill for an Act concerning the transfer of real property. Senate Bill 3467, offered by Representative Graham, a Bill for an Act concerning criminal law. Senate Bill 3478, offered by Representative Winters, a Bill for an Act concerning local government. Senate Bill 3483, offered

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by Representative Bost, a Bill for an Act concerning education. Senate Bill 3543, offered by Representative Gordon, Jehan, a Bill for an Act concerning children. Senate Bill 3552, offered by Representative Phelps, a Bill for an Act concerning revenue. Senate Bill 3584, offered by Representative Fritchey, a Bill for an Act concerning business. Senate Bill 3587, offered by Representative Pritchard, a Bill for an Act concerning finance. Senate Bill 3590, offered by Representative Sente, a Bill for an Act concerning State Government. Senate Bill 3608, offered by Representative McAulifffe, a Bill for an Act concerning education. Senate Bill 3635, offered by Representative Chapa LaVia, a Bill for an Act concerning education. Senate Bill 3655, offered by Representative Currie, a Bill for an Act concerning finance. Senate Bill 3684, offered by Representative Mendoza, a Bill for an Act concerning criminal law. Senate Bill 3708, offered by Representative Gordon, Jehan, a Bill for an Act concerning State Government. Senate Bill 3710, offered by Representative Currie, a Bill for an Act concerning revenue. Senate Bill 3721, offered by Representative Brauer, a Bill for an Act concerning safety. Senate Bill 3734, offered by Representative Turner, a Bill for an Act concerning criminal law. Senate Bill 3738, offered by Representative Lyons, a Bill for an Act concerning foreclosure. Senate Bill 3739, offered by Representative Lyons, a Bill for an Act concerning civil law. Senate Bill 3745, offered by Representative Pritchard, a Bill for an Act concerning aging. Senate Bill 3747, offered by Representative

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Fritchey, a Bill for an Act concerning real property. Senate Bill 3763, offered by Representative Beiser, a Bill for an Act concerning transportation. Senate Bill 3780, offered by Representative Golar, a Bill for an Act concerning State Government. And Senate Bill 3815, offered by Representative Currie, a Bill for an Act concerning public aid. There being no further business, the House Perfunctory Session will stand adjourned."

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Speaker Mautino: "The hour of 10:00 having arrived, the House shall be in order. 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. We shall be led in prayer today by Pastor Steve Ziegler who is with First United Methodist and Congregational Church of West Chicago in West Chicago, Illinois. Pastor Ziegler is a guest of Representative Fortner. Pastor Ziegler."

Pastor Ziegler: "Would you all please… please, as you are led by the Lord, be in an attitude of prayer. Oh God, You created all that is in heaven and earth. You made us male and female, and have given us dominion over that earth. In Your wisdom You allow us to choose right from wrong, good from evil. Through our dominion over the earth and our free will we have chosen self-governance. The women and men gathered in this place this morning have been elected by Your people, the people of God, to speak and act on their behalf, on Your behalf. We pray that You will make Your presence know to them this day and every day, that You will guide them in the decisions they make. It is the prayer of the people of God that their decisions will be in the best interests of the trust You have placed in us to hold dominion over all Your creation on this earth. It is the prayer of the people of God that our work, honor, and glorify You. And we thank You for Your gracious gift of creation and ask that You continue to create and recreate in us the wisdom to make right choices and the passion to live life to the fullest without limiting the ability of

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others to live life in the same way. Make us Your humble servants, we pray, Amen."

Speaker Mautino: "We'll be led in the Pledge of Allegiance today by Representative Sacia."

Sacia – 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 Mautino: "Roll Call for Attendance. Representative Bost."

Bost: "Good morning, Mr. Speaker. Thank you. Let the record reflect that Representative Stephens is excused on the Republican side of the aisle today."

Speaker Mautino: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Representative Hannig would be excused on our side today, Sir."

Speaker Mautino: "Mr. Clerk, take the record. 115 Members answering the roll, a quorum is present. And the House is prepared to do its work. Mr. Clerk."

Clerk Mahoney: "Committee Reports. Representative Lang, Chairperson from the Committee on Rules reports the following committee action taken on March 25, 2010: approved for floor consideration is Amendment #3 to House Bill 4779. Representative Reitz, Chairperson from the Committee on Health Care Licenses reports the following committee action taken on March 25, 2010: do pass as amended Short Debate is House Bill 4935. Representative Dugan, Chairperson from the Committee on State Government Administration reports the following committee action taken

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on March 25, 2010: recommends be adopted is Floor Amendment #1 to House Bill 5590, Floor Amendment #2 to House Bill 6416, and House Resolution 1020. Representative Monique Davis, Chairperson from the Committee on Insurance reports the following committee action taken on March 25, 2010: recommends be adopted is Floor Amendment #2 to House Bill 5630, Floor Amendment #3 to Senate Bill 660. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on March 25, 2010: recommends be adopted is Floor Amendment #2 to House Bill 6241, Floor Amendments 2, 3, 4, and 5 to Senate Bill 642. Representative Golar, Chairperson from the Committee on Medicaid Reform, Family & Children Services reports the following committee action taken on March 25, 2010: recommends be adopted is Floor Amendment #1 to House Bill 5242. Representative Rita, Chairperson from the Committee on Business & Occupational Licenses reports the following committee action taken on March 25, 2010: recommends be adopted Floor Amendment #2 and 3 to House Bill 56… correction… Floor Amendments 2 and 3 to House Bill 5868 and Floor Amendment #1 to House Bill 6420. Representative D'Amico, Chairperson from the Committee on Vehicles & Safety reports the following committee action taken on March 25, 2010: recommends be adopted is Floor Amendment #1 to House Bill 5675. Representative Howard, Chairperson from the Committee on Judiciary-Criminal Law reports the following committee action taken on March 25, 2010: recommends be adopted is Floor Amendment #1 to House Bill 4598 and House… Floor

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Amendment #4 to House Bill 6234. Representative Collins, Chairperson from the Committee on Public Utilities reports the following committee action taken on March 25, 2010: recommends be adopted is Floor Amendment #2 to House Bill 5879. Referred to the House Committee on Rules is House Resolution 1057, offered by Representative Bellock; House Resolution 1058, offered by Representative Fritchey; House Resolution 1061, offered by Representative Franks; House Resolution 1063, offered by Representative Dugan and House Joint Resolution 113, offered by Representative Eddy."

Speaker Mautino: "On Supplemental Calendar #1 appears House Bill 4935, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4935, a Bill for an Act concerning professional regulation. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Black, on the Calendar appears House Bill 6241 on Second Reading. Read the Bill."

Clerk Mahoney: "House Bill 6241, a Bill for an Act concerning revenue. This Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been approved for consideration."

Speaker Mautino: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill's been worked on for about 4 years and it tries to clarify, I think it does, in

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fact, clarify what is eligible for the privilege tax as opposed to what will be eligible for real estate tax. Everybody from the county assessors to PTAB to county clerks, county treasurers, Mobile Home Owners Association have all been involved in these discussions. What this Bill does is to make it very clear that a manufactured home in a mobile home park is subject to the privilege tax, which is 30 cents a square foot. After five years it goes down to 7 cents a square foot and one of the advantages under this Bill for senior citizens, once that what I grew up calling a mobile home or a trailer, after that value is down to $18 thousand, the senior will not even pay the 7 cents per square foot which could save them a considerable amount of money. On the other hand, a modular home, which is a stick built home built in a factory, delivered and installed on your footing, will be considered as real estate and would be taxed accordingly. The mortgage bankers also weighed in on this Bill. They prefer to have this definition because they cannot make real estate loans on what traditionally have been mobile homes. So, I think after many years of work and getting all the people together, we have a Bill that clarifies with the Department of Revenue and the assessors and the Property Tax Appeal Board, what kind of dwelling is eligible for the privilege tax and what kind of dwelling will now be eligible for the real estate tax. And I'd be more than happy to answer any questions that you have."

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Speaker Mautino: "The Gentleman has moved adoption of Floor Amendment 2 to House Bill 6241. And on that question, Representative Sacia."

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

Speaker Mautino: "He indicates that he will."

Sacia: "Representative Black, I applaud your legislation and being an individual who resides in I… I'm trying to determine the latest terminology, but I reside in a mobile home park here in Springfield, having made a significant purchase several years ago in the sum of $1 thousand dollars for a quality dwelling. And… and as I approach the status that some refer to as senior status, how will this affect me in a 12 X 60 mobile home?"

Black: "Representative, to the best of my knowledge, if… if you have your senior citizen status and the mobile home or manufactured home that you live in is worth less than… I misspoke… it's worth less than $8 thousand, you will not even pay the privilege tax on that home anymore. You will have no… no personal property tax for lack of a better word on that dwelling."

Sacia: "Representative… Representative Black, my home is worth considerably more than $8 thousand. I just shared with you what I paid for it, in fact it would be for sale for a significant amount over that, but thank you for your answer."

Black: "In… in your case, you would pay, once you'd live there five years, you'd pay 7 cents a square foot."

Speaker Mautino: "Further discussion? The Gentleman from Lake, Representative Sullivan."

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Sullivan: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentleman, this Bill for the assessment industry is a significant piece of legislation. A lot of the problems that people have with their assessments is when one assessor follows one set of rules and another assessor follows a different set of rules. What we're doing is telling assessors, or guiding assessors to how we're going to assess these types of properties. And so with that, it's a very significant piece of legislation. It will streamline what we do in our process in regards to these homes. And I want to thank the Sponsor for working diligently over the years to come up with an agreed Bill. Thank you."

Speaker Mautino: "The Gentleman has moved adoption of Floor Amendment #2. All in favor say 'yes'; opposed 'no'. The 'yeses' have it and the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading, and read the Bill a third time."

Clerk Mahoney: "House Bill 6241, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Mautino: "Take this Bill out of the record. Mr. Clerk, page 15 of the Calendar is House Bill 4781. Representative Colvin. Read the Bill."

Clerk Mahoney: "House Bill 4781, a Bill for an Act concerning debt settlement. Third Reading."

Speaker Mautino: "The Gentleman from Cook Representative Colvin."

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Colvin: "Thank you, Mr. Speaker. House Bill… I have for your consideration this morning House Bill 4781, which is the State of Illinois's attempt to regulate and bring some regulation to a growing industry, not only in Illinois but in the United States of America. It deals with the businesses of debt settlement, companies who do business with Illinois consumers and people around the country in an attempt to help them resolve outstanding personal debt. What we've found in many of these companies, and not all but many of these companies, quite frankly, is anything but that settlement. Oftentimes, people contract with these firms in an attempt to help resolve their debt. Unfortunately, their success rate hasn't been all what we had hoped for. Now, while they make no guarantees that they will be able to resolve anyone's debt, what… the real troubling problem, with regard to that settlement, is quite frankly, some of their fee structures and what they will contractually agree to accomplish. We've put together a comprehensive Bill, in an exhaustive fashion, to address some of those concerns that exist with respect to debt settlement. One of our main goals was to codify and deal with the issue of how these companies are paid and how they are dealt with in a contractual basis with their clients and potential clients. The Bill makes several provisions, several very important provisions. It allows debt settlement companies to charge their customers a maximum of 15 percent of the savings from which they agreed to settle debt of the debt they actually settle. It provides that secretary of the Department of Financial and Professional

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Regulation will set application fees for debt settlement providers by rule. It also allows debt settlement providers to charge a onetime enrollment fee of $50. It provides for a surety bond to be issued for performance of such duties as laid out in their contractual agreement with their customers. It provides a number of other provisions I'd be happy to discuss in questions and answers. I know there'll be questions. I'll be happy to answer any questions that any Members may have."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4781. And on that question, the Gentleman from Lake, Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. To the Bill. I rise reluctantly to oppose this legislation. Certainly, the Sponsor's done a tremendous job in trying to bring all parties to the table to get an agreed Bill, and he's done a tremendous job getting a large majority of this Bill drafted correctly to end some of the abuses that have taken place, but there is still significant opposition to this and it has to do with how these companies can make a living. And that is the crux of… of what I would like to talk about briefly. You heard from the Sponsor that they can have a $50 registration fee and the back end make 15 percent of the savings. What that does is force these companies to work for free, in essence, before they may or may not make any money. So, imagine if you were any type of business out there and you were required to perform a service without any money up front. If you're a lawyer, you couldn't have any contingency fees. If you're a

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builder, you'd have to buy all the supplies yourself, build that house and then get paid. This the first time that I realized that we are going to legislate a business model. Imagine that, Ladies and Gentlemen, we're going to legislate a business model. I think that is just inherently unfair to an industry that, well, the Representative has done a very good job to bring needed reform, and the industry embraces that reform, you just cannot ask them to try and work and not get paid. No business can capitalize itself to, in essence, run a contract to save people money for 36 months. They have salaries they have to pay; they have buildings they have to furnish, and lighting that they have to pay for. There's lots of expenses. You're in essences, at the end of the day, going to drive these businesses out of… out of Illinois."

Speaker Mautino: "Give the Gentleman another minute. Now, this Bill is on Short Debate. There are a number of speakers requesting to speak on the issue. Please give them some additional time."

Sullivan: "Can we move this off of Short Debate, on to Standard Debate, please?"

Speaker Mautino: "Yes, we can."

Sullivan: "Thank you. The other issue that we have here besides whether they can get paid or not get paid is surety bonds. We've had a discussion earlier with Representative Sente's issue in regard to whether we will have surety bonds or not. This Bill treats everybody the same way, whether you're a smaller company or a larger company,

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you're going to have pay a surety bond at the same rate. So, once again, inherently, this is unfair to a lot of the people that are in this industry. Now, I realize that this is a very new and expanding industry and we don't have a lot of rules in place, and that's why we want to do this, but, at the end of the day, this Bill will just simply drive jobs out of the State of Illinois. We really actually don't need this job… this Bill. You can have a one sentence Amendment that basically says debt settlement companies are hereby declared illegal in the State of Illinois. That is the true intention of the Attorney General's Office in regard to this industry. Imagine that. What other industry… what other industry do we want to drive out of the State of Illinois. One person in one elected statewide office can unilaterally decide we don't like you. The doors to Illinois are closed. We don't want your jobs. Is that the message that we want to send out to the world, to the rest of the United States? We don't like you; we have one person that doesn't like you, so please leave. That's what this Bill does, Ladies and Gentlemen. This is an absolute jobs killer. I would hope that we can realize that and vote 'no'. Thank you."

Speaker Mautino: "The Bill is on Standard Debate. The Gentleman from Vermilion is seeking recognition, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. In all due respect to the previous Speaker, I've lived a little longer than he has and have been in constituent service a little longer than he has. I

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rise in strong support of this Bill. My office staff probably deals with 10 of these complaints every month. Ladies and Gentlemen, you've all seen the television ads. Contact us, we'll settle your credit card debt: contact us; we'll get you out of debt: contact us, we'll solve all of your debt problems. Then when you contact them, let me show you what they can do because they are not regulated in the State of Illinois. Let's say that you owe $15 thousand in credit card debt, not unusual to see today. If you sign a contract with 99 percent of these companies, that company will charge you $3 thousand in up-front fees before they even begin to deal with your credit card debt. Many of them then tell the consumer, I've had people in my district office, they tell the consumer just stop paying your bills. Just stop paying; we'll take care of it. Well, if you don't have an agreement with your creditor or your credit card company, then your credit score is ruined. You can't do that. You can't just stop paying on these bills. These companies are in business for one reason and one reason only, and that is to make money off the misfortune of someone who has gone into debt, which is not difficult to do in these difficult times. And yes, they will try and help you get out of this debt, but the up-front fee could be far more money than you could possibly pay, so you're further in debt. You know… these companies are operating very, very close to the line of… and there are a few, a few, who are certified as consumer credit counselors and that list is available from the Illinois Attorney General. Now, I had someone from the industry in my office and he

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was very upset with me that I was going to support this Bill and he said, well Representative, you're putting your fellow Illinoisans out of work. I don't want to put any of my fellow Illinoisans out of work. My district has one of the highest unemployment rates in the state, but if you look at where these companies are chartered and incorporated, 99.4 percent of these companies are not chartered or regulated by the State of Illinois. Most of them come from Texas, Florida and California and I have a file cabinet full of constituents who have tried to get their debts taken care of by some of these companies and they end up further in debt. They end up having wages garnisheed, not to pay off the debt that they wanted to get out of, but by the company who is supposed to get them out of debt. You just can't have a Wild West environment when you get to these things. Like my colleague, I don't like regulations on business. My family's been in a small business environment for 80 years, but we have all kinds of regulations on the family business. We have to have licenses, we have to have audits, we have to do all kinds of things to make sure that what we do is in accordance with the law and the Building Codes. And those laws weed out the bad people in the business, hopefully. This is a good Bill. It's a good consumer protection Bill. It's aimed at companies that are taking advantage of Illinois consumers, not aimed at putting Illinois companies out of business or Illinoisans out of work. Because as I said, almost 100 percent of these companies are chartered in California, Texas and Florida. And I can give you file

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after file of my constituents who say they didn't do what they said they were going to do. They promised me everything. I ended up not only still owing $15 thousand on my credit card debt, but then I ended up owing them 3 or 4 thousand dollars for services rendered which they didn't render. I didn't… I didn't get my debt reduced at all. It's a good Bill. I hope you can vote 'yes'."

Speaker Mautino: "Further discussion? The Gentleman from DuPage, Representative Reboletti. Out of the record. Representative Lang, the Gentleman from Cook.

Lang: "Thank you, Mr…"

Speaker Mautino: "Further discussion?"

Lang: "Thank you, Mr. Speaker. I rise in support of the Bill. This has been worked through very carefully and Mr. Black made some very important comments on the Bill and he's totally correct. Many of these companies will say to the consumer stop paying your bill and they do that because they have been charging based on the person's total debt rather than the amount of money they actually saved the people. This Bill will put a cap on fees and put a… cap on the fees and base the fees on what these companies actually save the consumer, not what their total debt is. What they've been doing has been inappropriate and unfair. There is a place for these companies. I'm glad the Bill doesn't go far enough as to abolish them or make it more difficult for them to do their work because they do provide a valuable service to some of our constituents. However, some of these companies have run amuck, certainly not all of them, but to the extent that some have, we need to rein

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in some of the bad practices and this Bill will go a long way toward doing that. I recommend your 'aye' vote."

Speaker Mautino: "Further discussion? The Gentleman from Cook, Representative Zalewski."

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

Speaker Mautino: "Indicates he will."

Zalewski: "Representative, there… does this Bill apply to the companies that advertise that they'll be able to reduce your tax burden to the IRS?"

Colvin: "It's an element of the business. Certainly, we're talking about companies that contact Illinois consumers with the promise that they will reduce their debt burden. I have seen those ads where those companies specifically speak to reducing one's tax burden, but what we're going on… what we're doing here is targeting the debt settlement companies with respect to many and the vast majority of these cases personal consumer debt, where people have gotten in over their heads and contact these companies to deal with consumer debt."

Zalewski: "But it's your understanding that under the definitions in the Act that a company that represents itself that can lower your burden…"

Colvin: "Yes. Yes."

Zalewski: "…to the IRS is covered."

Colvin: "To your point, yes. Correct."

Zalewski: "Thank you… thank you, Representative."

Speaker Mautino: "Our final speaker will be Representative Yarbrough."

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

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Speaker Mautino: "He indicates that he will."

Yarbrough: "Representative, I want to thank you for the hard work that you put forth on this Bill as well. To the Bill, Mr. Speaker. I was actually carrying a very similar Bill for the Treasurer's Office and for the Treasurer's Office and the Attorney General's Office to come together and put this Bill forth, I would also want to acknowledge them as well. And ask my colleagues for an 'aye' vote. Thank you."

Speaker Mautino: "Representative Colvin to close."

Colvin: "Thank you, Mr. Speaker. I want to thank my colleagues who spoke so well in defense of this piece of this legislation. Representative Black and Representative Lang, as a result of their years of experience and knowledge, I think did a very good job articulating what we were trying to accomplish on the behalf of the Illinois consumer. This is a very good consumer protection Bill. It has a lot of fixes to a lot of abuses that we've experienced here in the State of Illinois. I want to thank our Attorney General, Lisa Madigan, and our State Treasurer, Alexi Giannoulias, for coming together in a collaborative fashion, to come up with one good consumer protection Bill. Their offices and their staffs have worked very hard to put together what, I think, is a very good piece of legislation that goes a long way to regulate and curb the abuses that we've seen. And the abuses are real. Our Attorney General is suing seven companies, seven, not several, but seven different debt collection companies that have harmed Illinois consumers. These are not frivolous lawsuits. They're very real and

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they're asking for very real damages for people who have been harmed by these companies. I appreciate the people who came to committee. Real Illinois citizens who testified and put their business, 'in the street' and told about their enormous debt, how they contacted these companies out of desperation, only to end up in worse shape than when they first made those phone calls. There was an issue brought up about surety bonds. Well, anyone who performs a professional service for you is required to have a surety bond in the State of Illinois. It's standard business procedure. There's nothing new or radical about asking someone to guarantee their work with a performance bond, which is what a surety bond really is. Having said that, I again I just want to thank all those individuals who worked on this. We spent an awful lot of time and effort putting this together. And I'd appreciate an 'aye' vote. Thank you."

Speaker Mautino: "The Gentleman moves passage of House Bill 4781. On that question, all in favor vote ‘yes’; opposed vote ‘no’. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Golar, Fritchey, do you wish to be recorded? Mr. Clerk, take the record. 106 voting ‘yes’, 9 voting ‘no’, 0 voting ‘present’, House Bill 4781 is declared passed. Mr. Clerk, page 27 of the Calendar is House Resolution 858. Representative May. Read the… read the Resolution."

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Clerk Mahoney: "House Resolution 858 designates the week of March 21 to the 27, 2010 as Pediatric Cancer Survivorship Week in the State of Illinois."

Speaker Mautino: "Representative May."

May: "Thank you Speaker, Ladies and Gentlemen of the House. I bring together a very important Resolution this morning for pediatric cancer awareness, and I'd like to ask in the gallery all of the kids from the Children's Oncology Services, Inc. to arise at this time. This is a salute to these brave children. We have twenty of them who are ages 12 to 15. Their are long-term survivors of cancer and leukemia. There stories are very compelling and I know many of them came to your offices to tell you. From ages 1 and 5 and 6 and 10, they were flown by helicopter to Children's Memorial Hospital. They've undergone radiation. They've undergone chemotherapy. They've undergone blood transfusions. They've undergone surgeries, and they have a very optimistic outlook on life. They are here as a learning experience because they will have health care issues for the rest of their life. They are learning how to advocate and to work with the legislature and other public policy officials to advocate for services that they will need. They are very, very brave children. They're here with volunteers, Penny Yoselle and Jeff Farkas, and I'd like to especially mention Jack Trapani who's, I believe, 12 from Deerfield, who is my constituent. But they've come to visit you and tell you their story. So, we are designating this week as Pediatric Cancer Awareness Week. There are great cure rates, 900 people ages 16-44

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are survivors of pediatric cancer and we are grateful for that, but they have long-term medical, financial, psychosocial and neural cognitive problems that will be them… be with them for the rest of their lives. As they talk to me, and as they talk to you, they said can't we just find a pill so we don't have to go under these radical treatments for our cancer? While they're grateful to be alive, they have gone under some incredible treatment protocols. We are hoping that they will lead long and productive lives. So, whether they become a Philadelphia lawyer, a Chicago doctor, a New York stockbroker, or a scientist, I hope that one of them, or all of us can work with them so that we dis… discover a cure for cancer. I ask you to join me in passing Resolution 858 for Pediatric Cancer Awareness Week. Thank you very much."

Speaker Mautino: "The Lady moves adoption of House Resolution 858. All in favor say 'yes'; opposed 'no'. The 'yeses' have it. The Resolution is adopted. Congratulations, welcome to Springfield. It's the Chair's intention to go to Bills on Second Reading. Mr. Clerk, on the Calendar page… Representative Reitz, page 13 of the Calendar is House Bill 6420. Read the Bill."

Clerk Mahoney: "House Bill 6420, a Bill for an Act concerning regulation. Second Reading. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

Speaker Mautino: "Representative Reitz on Floor Amendment #1."

Reitz: "Thank you, Mr. Speaker. This is an initiative of the Department of Professional Regulation. We're trying to

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clarify and put a few more stringent requirements in for funeral directors and at need funerals. And I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman moves adoption of Floor Amendment #1. No one seeking recognition, all in favor say 'yes'; opposed 'no'. The 'yeses' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Reitz, on Second Reading, you have House Bill 5224. Read the Bill."

Clerk Mahoney: "House bill 5224 has been read a second time, previously. Floor Amendment #1 has been approved for consideration."

Speaker Mautino: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. On this Bill, we have taken out the penalties that we had in for radon protection. We're just trying to get… raise the awareness on radon."

Speaker Mautino: "Representative Reitz has moved adoption of Floor Amendment #1. No one seeking recognition, all in favor say 'yes'; opposed 'no'. The 'yeses' have it. The Amendment is adopted. Further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. As long you're standing, Representative Reitz, House Bill 5991 is on the Calendar. Read the Bill."

Clerk Mahoney: "House Bill 5991, a Bill for an Act concerning regulation. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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Speaker Mautino: "Third Reading. Representative Bassi, House Bill 5596 on Second Reading. Read the Bill."

Clerk Mahoney: "House Bill 5596, a Bill for an Act concerning education. Second Reading of this House Bill. No Committee Amendments. A Floor Amendment was referred to the Rules Committee and not yet reported out. No Motions filed."

Speaker Mautino: "Representative Bassi."

Bassi: "Mr. Speaker, I think it has to go to committee first?"

Speaker Mautino: "You're correct. The Amendment is posted for committee today."

Bassi: "Thank you."

Speaker Mautino: "Representative Kosel, House Bill 5631 is on Second. Do you wish to move this Bill to Third? Representative Kosel."

Kosel: "The Amendment is still in Rules."

Speaker Mautino: "Representative Moffitt, House Bill 5590. Read the Bill."

Clerk Mahoney: "House Bill 5590, a Bill for an Act concerning transportation. Second Reading. Floor Amendment #1 has been approved for consideration."

Speaker Mautino: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. Floor Amendment #1 becomes the Bill and it would establish licenses plates for the retired fire chiefs. This is a proposal by the Illinois Fire Chiefs Association and I would move for its adoption."

Speaker Mautino: "Gentleman moves adoption of Floor Amendment #1. No one seeking recognition, all in favor say 'yes';

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opposed say 'no'. The 'yeses' have it. The Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Reboletti, on Second Reading is House Bill 5019. Would you like to move this Bill to Third Reading? Read the Bill."

Clerk Mahoney: "House Bill 5019, a Bill for an Act concerning criminal law. Second Reading. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Reboletti, House Bill 5381 appears on the Calendar. Would you like to move this Bill to Third Reading? Read the Bill."

Clerk Mahoney: "House Bill 5381 has been read a second time, previously. Amendment #1 was adopted on the floor of the House. No Motions filed."

Speaker Mautino: "Third Reading. And read the Bill a third time. Representative Reboletti."

Clerk Mahoney: "House Bill 5381, a Bill for an Act concerning courts. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from DuPage, Representative Reboletti."

Reboletti: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill's an initiative of my Circuit Clerk, Chris Kachiroubas, the Circuit Clerk of DuPage County. What this Bill would seek to do is to allow case participants to receive notice via e-mail instead of U.S. mail. It would be able to save your circuit clerks in your counties thousands of dollars is instead of having to use postage and paper and labor, they would be able to use e-

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mail as an alternative. And the Amendment that we adopted yesterday would allow the people who are case participants to only enter into this notice in a voluntary fashion. So, if they chose not to participate via e-mail, they would be able to continue getting notice via U.S. mail. I'd move for its passage and would entertain any questions."

Speaker Mautino: "The Gentleman moves passage of House Bill 5381. And on that, question the Lady from Grundy, Representative Gordon."

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

Speaker Mautino: "He indicates he will."

Gordon, C.: "Thank you. Representative Reboletti, I understand you adopted the Amendment. People are going to enter into this voluntarily, but there's no guarantee that this notice couldn't go into a spam mailbox or into a trash mailbox. Is that correct?"

Reboletti: "Well, I guess it could. It's the same way as U.S. mail. We have to rely that there's probably some level of inefficiency and probably not 100 percent, but neither is U.S. mail."

Gordon, C.: "Right. And so, potentially a warrant could be issued for someone's arrest based upon notice going into a spam e-mail box. Is that correct?"

Reboletti: "I would find it highly unlikely that people would take e-mail for traffic tickets, which I think this is more or less aimed at."

Gordon, C.: "Okay. Is it possible?"

Reboletti: "Anything's possible, Representative."

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Gordon, C.: "All right. So, to the Bill, Ladies and Gentlemen. While I'm all for saving money and I'm all for cutting down on… on paper mail and saving trees, and I understand what the Representative is doing. I think this is a dangerous step while moving forward with notice for court dates going into electronic mailboxes for things that could result in lawsuits, result in people's freedom, result in things that could be shut down. While they enter into it voluntarily, people who may lose on foreclosures could go into all sorts of things that they may not necessarily know about. And I think this is a dangerous step that we're not quite ready for. So, while I appreciate the Representative's intentions, I don't necessarily think this is a step in the right direction. And I would request a 'no' vote. Thank you."

Speaker Mautino: "Representative Reboletti to close."

Reboletti: "While I appreciate the gentle Lady's comments, but nowadays most folks are doing most of their business online. This is a natural progression of that and I would urge an 'aye' vote. Thank you."

Speaker Mautino: "The Gentleman has moved passage of House Bill 5381. All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 113 voting 'yes', 2 voting 'no', 0 voting 'present', House Bill 5381 is declared passed. Representative Turner on Second Reading is House Bill 4847. Would you like to move this Bill? Read the Bill."

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Clerk Mahoney: "House Bill 4847, a Bill for an Act concerning courts. Second Reading. No Amendments. No Motions filed."

Speaker Mautino: "The Gentleman from Cook. Third Reading. Representative Turner, on the Calendar is House Bill 6038. Would you like to move this Bill to Third Reading? Read the Bill."

Clerk Mahoney: "House Bill 6038, a Bill for an Act concerning revenue. Second Reading. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Turner, House Bill 5007. Would you like to move this Bill to Third Reading? Read the Bill."

Clerk Mahoney: "House Bill 5007, a Bill for an Act concerning State Government. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Zalewski, House Bill 4931 is on Third Reading. Read the Bill."

Clerk Mahoney: "House Bill 49…"

Speaker Mautino: "Mr. Clerk, out of the record. House Bill 6416. Read the Bill."

Clerk Mahoney: "House Bill 6416, a Bill for an Act concerning regulation. Second Reading. Floor Amendment #1 on the Bill lost. Floor Amendment #2 has been approved for consideration, offered by Representative Zalewski."

Speaker Mautino: "Representative Zalewski on Floor Amendment #2."

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Zalewski: "Thank you, Mr. Speaker. Floor Amendment #2 becomes the Bill. It is a technical upgrade of the state's explosive statutes. It's a piece of legislation on behalf of the Department of Natural Resources."

Speaker Mautino: "The Gentleman moves adoption of Floor Amendment #2. No one seeking recognition, all in favor say 'yes'; opposed 'no'. The 'yeses' have it. The Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Rose, House Bill 5124. Read the Bill."

Clerk Mahoney: "House Bill 5124, a Bill for an Act concerning State Government. Second Reading. Floor Amendment #1 has been approved for consideration."

Speaker Mautino: "Representative Rose on Floor Amendment #1."

Rose: "Thank you, Mr. Speaker. Floor Amendment #1 is the culmination of six weeks of discussions. All the agencies are neutral. And basically it would provide for Human Services, HFS and a number of other organizations to begin looking and to come up with a way to eliminate redundancy and with a goal of focusing, developing, in coordinated and nonredundant processes to provide an enhanced quality effective and efficient oversight of grant recipients and with an eye toward patient safety and quality treatment. They're to report back to us by January 1 with recommendations."

Speaker Mautino: "The Gentleman has moved adoption of Floor Amendment #1. On that question, the Gentleman from Vermilion, Representative Black."

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Black: "Will the Gentleman yield for a question that has nothing to do the Amendment because I don't understand the Amendment at all?"

Speaker Mautino: "He says he'd be delighted."

Black: "All right. Representative Rose."

Rose: "Representative Black."

Black: "You and I are good Illini fans and you told me that we would probably be in the finals of the NIT in New York, and I had already booked a nonrefundable ticket. What happened?"

Rose: "Yeah. I think there are a lot of people scratching their head this morning, Representative Black, trying to figure out what happened."

Black: "Well, my trip to New York won't go in waste. I can watch Dayton play Great Creek, or whatever it is. What a fine turn of events this is."

Rose: "Yeah."

Speaker Mautino: "No one else seeking recognition. The Gentleman moves adoption of Floor Amendment #1 to House Bill 5124. All in favor say 'yes'; opposed say 'no'. The 'yeses' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Mahoney: "No further Amendments. All notes have been filed."

Speaker Mautino: "Third Reading. Representative Thapedi, on the Calendar is House Bill 5409. Read the Bill."

Clerk Mahoney: "House Bill 5409, a Bill for an Act concerning insurance. Second Reading. Floor Amendment #1, offered by

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Representative Thapedi, has been approved for consideration."

Speaker Mautino: "Representative Thapedi on Floor Amendment #1."

Thapedi: "Thank you, Mr. Speaker. Essentially, Floor Amendment #1 resolves an issue that we had in committee. It's a collaborative effort between the industry as well as the realtors, the attorneys, the banks. And we're asking for its adoption and to move forward to Third Reading."

Speaker Mautino: "Gentleman moves adoption of Floor Amendment #1 to House Bill 5409. All in favor say 'yes; opposed 'no'. The 'yeses' have it. And the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Thapedi, on the Calendar is House Bill 1545. Would you like to move this Bill to Third Reading? Representative Mendoza, House Bill 5772 appears on the Calendar. Would you like to move this Bill? Read the Bill."

Clerk Mahoney: "House Bill 5772 has been read a second time, previously. Floor Amendments 2 and 3, both offered by Representative Mendoza, have been approved for consideration."

Speaker Mautino: "Representative Mendoza on Floor Amendment 2."

Mendoza: "Thank you, Mr. Speaker. Floor Amendment #2 becomes the Bill. And it requires that when a person goes to purchase a puppy or cat at either a pet store or an animal shelter that certain information be displayed either on or near the cage. That would include the retail price of the

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dog or cat, including any additional fees or charges, the breed, age, date of birth, sex, and color of the dog or cat, details of inoculations or medical treatments that the animals have received while under the possession of the owner… of the operator, I should say. This information would be updated…"

Speaker Mautino: "Representative Mendoza, would… there is an Amendment 3 on this Bill."

Mendoza: "This is the Amendment. This is…"

Speaker Mautino: "Okay. You're speaking to Amendment 2."

Mendoza: "Oh, I'm sorry."

Speaker Mautino: "Would you like to withdraw Amendment 2 and speak to Amendment 3?"

Mendoza: "Please table Amendment 2 and move to Amendment 3, yes."

Speaker Mautino: "Withdraw Amendment 2. Place Amendment 3 on the board. Representative Mendoza on Amendment 3."

Mendoza: "All right. So, what I had said earlier goes for Amendment #3. The name and business, address of both the dog or cat breeder and the facility where the dog or cat was born, the number of animals bred at that particular location, any known citations or fines issued to the pet store operator within the previous five years by the Illinois Department of Agriculture. As well as any known citations or fines issued to the breeder within the last five years prior of the pet shop operator taking possession of the dog or cat by the USDA respective State Department of Agriculture, any known congenital or hereditary diseases of the parents of the dog or cat or the parents other

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offspring. And if eligible for registration with Pedigree Registry, then the name and registration numbers of the sire and dam, and the address of the Pedigree Registry where the sire and dam are registered. Also, if the dog or cat was returned by a customer, then we'd want to know the date and reason for the return. The total number of puppies or kittens that were born at the breeder's facility in the prior calendar year, the licensees policy regarding any guarantees, warranties, refunds, or returns, the pet shop operator's license number issued by the Illinois Department of Agriculture. And you know the impetus behind this Bill obviously being that I think it's very important that consumers make the best informed choice about their purchase or adoption prior to falling in love with the puppy or the cat. I would ask for your favorable consideration. Thank you, Mr. Speaker."

Speaker Mautino: "The Lady has moved adoption of Floor Amendment #3. And on that question the Gentleman from Champaign, Representative Rose."

Rose: "Thanks. Will the Lady yield?"

Speaker Mautino: "Indicates she will."

Rose: "Representative, our analysis indicates that HSUS is in favor of this Bill. Who is HSUS?"

Mendoza: "The Humane Society of the Untied States."

Rose: "Ahh. The Humane Society of the United States is in favor. Our analysis also indicates there's a group whose name is Happiness Pets is opposed. Why would happy pets be opposed to your Bill, Representative?"

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Mendoza: "Happiness Is Pets is a private pet store and they do not feel that it's important to provide consumers with the information that I believe is important for them prior to their purchase."

Rose: "So, happy pets are opposed to your Bill?"

Mendoza: "It's Happiness Is Pets."

Rose: "Happiness… Happiness Is Pets."

Mendoza: "I… yes, I believe happiness is healthy pets, and…"

Rose: "Happiness is healthy pets."

Mendoza: "…well-informed decisions, yes."

Rose: "Happiness is healthy pets. Very good, but nonetheless, Happy Pets are opposed?"

Mendoza: "The pet store Happiness Is Pets is opposed, not happy pets."

Rose: "Outstanding. Outstanding. Thank you, Representative for enlightening on who is for and against this and I think the Humane Society of the United States might want to get a different acronym. Thank you."

Speaker Mautino: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you, Mr. Speaker. That wasn't a growl. I have a sinus problem. Representative, I find this Amendment very interesting. If… first of all, I don't think this Amendment's going to hunt. The dog might, but I don't think the Amendment will. Now, if I understand this and I go buy a dog, I've got to find a… on this dog's cage, I've got to have the breed, the age, the date of birth, the sex, not that I can tell by looking, the color of the dog or cat, the retail price of the dog or cat or the adoption

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fee. I've got to have the details of any inoculation or medical treatment that the dog or cat received and all this information. I married a woman 48 years ago and I didn't have any of that information. And as I recall, as I recall, I met her at Happiness Pets and they wouldn't let me bring her back. So, it's worked out very well. You know, I… Representative, you and I talked about this and I don't want to harass you, dogs have been a part of my life. I've been very lucky that dogs have shared their life with me for 55 years. And I… if you… I think it was Harry Truman that said if you're in politics and you don't have a dog, you're missing out, because that dog is the only person that is always happy to see me. And I can't wait to get home tomorrow because I'll guarantee you, the woman I married 48 years ago, and I had none of this information, will not meet me at the door and whine and… and run around, but the dog will. But you know, I don't know if you're old enough, do you remember the Buster Brown Show?"

Mendoza: "I do not."

Black: "It was on television years ago. For those of you who do, how many of you remember the Buster Brown Show? It was on television when I was a young lad."

Mendoza: "That would be three people."

Black: "It… Touché, Representative. But the Buster Brown Show was sponsored by Buster Brown Shoes, and… and there was a dog on the ad and the dog's information wasn't available, but maybe if some of you could join me in that song. It kind of went like this, it said Hi ya kids, hi ya, hi ya, that's my dog Ty, he lives in a shoe, I'm Buster Brown look

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for me in there, too. Hey. And you know what, I used to buy Buster Brown shoes, still do if I can find them, but there's none of this information on the shoe. I don't know if this shoe is male or female, what inoculation its had. All I know is I bought it at a thrift store that Dan Burke rec… suggested to me in Chicago. I mean, where else can you get a pair of good wing-tip shoes for $22."

Mendoza: "It's been endorsed by Representative Burke…"

Black: "Oh, well, of course."

Mendoza: "…I think it's good to go."

Black: "I mean, he's the guy who sent me to Old Navy to get a tailored suit and to Maxwell Street to get these shoes. Maxwell Street was before your time. Representative, I'm sure the Amendment will be adopted and I'm sure you're serious about this Bill, but I just want you to know that I do have some concerns about this Bill. And again, I've been fortunate to have wonderful dogs for a long, long time. Most of my dogs come from a shelter. Now, if I go to a shelter, does all this information have to be…"

Mendoza: "Yes. Shelters are primarily doing this already, so they're in support of this legislation. The difference between what we are asking the pet stores to disclose and the shelters is obviously in terms of who the breeder is, because the shelters are not going to have access to that information. But pretty much everything else is something that they're already posting on the cage…"

Black: "Okay. Well…"

Mendoza: "…which is why it's not. If a non-for-profit can do it, it's…"

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Black: "I have a great deal of faith in you Representative…"

Mendoza: "…certainly easier for a for-profit to do it."

Black: "…but I knew when I came down here years and years ago, and I could tell then, and it's more… it's becoming more clear to me now, this place is going to the dogs."

Speaker Mautino: "The Lady has moved adoption of Floor Amendment #3. And no one else seeking recognition, all in favor say 'yes'; opposed 'no'. The 'yeses' have it and the barks. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Winters, you have House Bill 5603. Would you like to move this Bill to Third Reading? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5603, a Bill for an Act concerning revenue. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been approved for consideration."

Speaker Mautino: "Representative Winters on Floor Amendment #1."

Winters: "Thank you, Mr. Speaker. Amendment 1 to 5603 allows for reimbursement in a case of a forced annexation into a municipality. You would prorate the municipal taxes paid in the first year, only in the case of the forced annexation. And I would move its adoption."

Speaker Mautino: "No one seeking recognition, the question is 'Shall the Amendment be adopted?' All in favor say 'yes'; opposed 'no'. The 'yeses' have it. And the Amendment is adopted. Mr. Clerk, any further Amendments?"

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Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Representative Crespo, House Bill 64… Mr. Clerk, would you move that Bill to Third Reading. Mr. Crespo, House Bill 6419. Read the Bill."

Clerk Mahoney: "House Bill 6419, a Bill for an Act concerning regulation. Second Reading. Floor Amendment #1 on this Bill lost. Floor Amendment #2 has been approved for consideration."

Speaker Mautino: "Representative Crespo on Floor Amendment #2."

Crespo: "Thank you, Speaker. Amendment #2 becomes the Bill. This is an initiative of Community School District 300 in Carpentersville, District 20 in Hanover Park, District 23 in Prospect Heights. And the Bill allows two or more school districts to form an agency by inter-governmental agreement to provide electrical energy from renewable energy sources."

Speaker Mautino: "The Gentleman moves adoption of Floor Amendment #2. No one seeking recognition, all in favor say 'yes'; opposed say 'no'. The 'yeses' have it. And the Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Golar, House Bill 6177. Out of the record. Representative Golar, House Bill 3631 is on Second. Would you like to move this to Third? Read the Bill."

Clerk Mahoney: "House Bill 3631 has been read a second time, previously. Floor Amendment #2 has been adopted to the Bill. All notes have been filed."

Speaker Mautino: "Third Reading. Read the Bill."

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Clerk Mahoney: "House Bill 3631, a Bill for an Act concerning employment. Third Reading."

Speaker Mautino: "Representative Golar on House Bill 3631."

Golar: "Thank you, Mr. Speaker. The Amendment… House Amendment #2 becomes the Bill. It's Community Youth Employment Act. It increases the number of youth participants… technical changes from 30 to 100. It lengthens the program time period from six to eight weeks. It increases the maximum number of meaningful hours worked. This is an initiative of DCEO. It will provide 5 thousand jobs for the State of Illinois. It will be a RFP process. The… it is subject to appropriations; however, DCEO has filled out paperwork for this to be a competitive grant, federal grant. And we are waiting that… I have talked to Aaron DeWeese and he will keep me informed of the progress of the competitive grant. I'll be happy to answer any questions."

Speaker Mautino: "The Lady has moved passage of House Bill 3631. And on that question, the Gentleman from Jasper, Representative Reis."

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

Speaker Mautino: "She indicates that she will."

Reis: "Representative, I appreciate all the hard work that you do on behalf of… of youth in Illinois and… but I have to ask, what are these… what are these youth going to be doing on these summer jobs?"

Golar: "Well, each program will be allotted a 100 youth based on the grant process. It will be similar to the Boys and Girls Clubs, Teen REACH, and so forth. And they will be doing… they have a maximum amount of hours that they have

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to work. And those kinds of programs, safety net programs, for many of these youth will be available, and of course it's for 501(C)(3)s."

Reis: "And what age… what age groups does this cover?"

Golar: "This is from 14 to 21, Representative."

Reis: "And it's just for the summer or will it go into the…"

Golar: "It is for… it is a summer employment program that will be extended for six to eight weeks."

Reis: "And our analysis says it's subject to appropriation. What do you think that the cost or the expectation of the Obama money, the free Obama money is going to provide?"

Golar: "Well, it will… they gave me an estimate. When it was 2500, it was like a 2 million and with the 5 thousand; it will probably be like $7 million."

Reis: "And is this only for the City of Chicago, or is this statewide?"

Golar: "It is for the State of Illinois, 5 thousand jobs."

Reis: "To the Bill. Five thousand jobs with free Obama money that we're getting and the United States is broke. I don't understand sometimes what DCEO does. We're not providing jobs; we're losing people. With all due respect, Representative, I just… I'm going to continue to listen to the debate here. I just don't see how we're providing… we're creating a job that no value is being brought back in like a manufacturing job…"

Speaker Mautino: "Grant the Gentleman another minute. Please bring your remarks to a close."

Reis: "…where we're creating wealth or anything like that. I just… these are very tough times and I just don't see this

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as a good expenditure of state or federal dollars. Thank you."

Speaker Mautino: "Further discussion? Representative Osterman."

Osterman: "Will the Sponsor yield?"

Speaker Mautino: "Indicates she will."

Osterman: "So, Rep… Representative, this is going to be for high school age, a little over high school age kids, to work in the community in the summer time?"

Golar: "That is correct."

Osterman: "And this will… you're going to work, I'm assuming, with either non-profit organizations or community organizations to come up with ideas for work?"

Golar: "Correct."

Osterman: "And this is going to take a large group, what's the number… the amount of kids that we're talking about for youth?"

Golar: "Five thousand youth."

Osterman: "Five thousand kids. To the Bill. Ladies and Gentlemen, when we have a tough economy, that affects families throughout our state. And it affects youth, and when there are youth that cannot get part-time summer jobs, that puts a burden on the family to deal with those needs. We are instilling in our youth when they have a summer job, working values, and going to work on time, and how to get a job, how to keep a job, and how to prepare themselves for the work environment. That's something that this Body should support. I also want to stress that in the summertime, in some parts of our state, there's a great

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deal of violence. And getting young people off of our streets and working for a non-profit, working for a community group, working for an employer, is a worthwhile endeavor that will get them out of harm's way and learning about the proper way to earn an income instead of pedaling drugs on our streets. So, I applaud the Lady's efforts and everyone in this House should vote for this Bill."

Speaker Mautino: "The Lady moves passage of House Bill 3631. Question is 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative… Mr. Clerk, take the record. 110 voting 'yes', 5 voting 'no', 0 voting 'present', House Bill 3631 is declared passed. Representative Pihos, on page 10 of the Calendar is House Bill 6034. Would you like to move this Bill to Third Reading? Read the Bill."

Clerk Mahoney: "House Bill 6034 has been read a second time, previously. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Pihos, House Bill 6034 is on Third Reading. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 6034, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Mautino: "Lady from DuPage."

Pihos: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill provides that the Illinois Department of Public Health may present annually a program dealing with playground safety and they shall adopt rules by June 30 of 2011 dealing with playground safety. They may offer the program up front or offer the program at line… online. So,

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this is just looking at the safety issue, not making it a 'shall' but a 'may' at this point in time."

Speaker Mautino: "The Lady's moved passage of House Bill 6034. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Black, Chapa LaVia. Mr. Clerk, take the record. 114 voting 'yes', 1 voting 'no', 0 voting 'present', House Bill 6034 is declared passed. Representative Hamos, on Second Reading is House Bill 6441. Read the Bill."

Clerk Mahoney: "House Bill 6040… 6441, a Bill for an Act concerning health. Second Reading. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Mautino: "Representative Hamos on Floor Amendment #1."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. I know we'll be debating this Bill at length on Third Reading. It creates the Illinois Health Information Exchange and Technology Act. It's a major initiative of the administration dealing with electronic medical records. And I… I think this is… it has been a long time in coming. This is part of where we have to go with health care reform, is to reduce costs, reduce errors, provide… deal with racial health care disparities and create a more efficient system. This has been worked out by an important group of stakeholders that includes a broad range from AARP, to the insurance industry, to the State Chamber of Commerce, to the… all of the health care providers. And

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I'm open for questions, but I know we'll be discussing this on Third Reading."

Speaker Mautino: "The Lady moves adoption of Floor Amendment #1. And on that question, the Lady from Cook, Representative Mulligan."

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

Speaker Mautino: "Yes."

Mulligan: "Representative, are these for individual records or statistical records, or both?"

Hamos: "So, what we would be creating under this Bill is a new health information exchange. We're first creating an authority which is a public/private partnership is completely the way you think about it. It has a separate board, mostly of the stakeholders involved in the health care system and they would be, over time, developing a health care exchange, which is an opportunity for health care providers to exchange data, health care data, about individual patients at the time that they need health care under, of course, privacy, under great security measures, and with patient consent. But this is an opportunity for patients to move from one provider to the other and have a… and be able to have access to their health record at the time that they need the service."

Mulligan: "All right. I'm interested in this. I recently updated my will and as part of that there was a service provided from the attorney to a private company that, for a small amount of money, they would put online your medical power of attorney, all the other stuff, and you could also add prescriptions, allergies, different things, and it goes

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on a card that you carry in your wallet. So, if you go somewhere, you give them the card. And then I happened to be at a program at Lutheran General and the nurses came up to me and said they were having a problem with records following over nursing home patients. And I thought, well that would be very interesting, if you could put their information on a card, that would just automatically to be hooked around the neck or whatever, so that when they came in, they could do that. Now, what I'm trying to figure out is this the type of thing you're ultimately trying to create? Is it for individual records, or is it something bigger for operations or the number of something, or are you not sure yet exactly what all it's going to encompass?"

Hamos: "I personally believe that the future of electronic health records is that each of us will have something like a credit card in our pocket that will have our entire health record on it. But in the shorter term, every heath care provider, whether it's a doctor's office or a hospital, will be incentivized. The federal money… the Federal Government is creating financial incentives for every office and every hospital to become technological and to have electronic medical records for each patient. So, in the shorter term, this exchange will allow for key information to be shared from one health care provider to another at the time the patients need service, but I think, you're raising an important point. Long-term, I think we're all going to have our own card."

Mulligan: "Okay. So, is this… what you're trying to do is just create something that would look at how we would go about

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doing this, not actually doing it, or are you trying to actually accomplish it with this Bill or…"

Hamos: "No, this is actually…"

Mulligan: "…subsequent…"

Hamos: "…this is actually a very serious effort, because with this Bill, we would be creating a… a health information authority. We would spin it off… out of State Government. It would set up its own board, and it would begin to work on the standards and the procedures and the protocols that…"

Speaker Mautino: "The Bill is on Short Debate. We'll grant another minute to the Lady."

Mulligan: "Okay. I'm just… I still don't think I have an answer to the question. I think what I'm trying to figure out is… is what you're trying to accomplish with this. And I think it looks like to me, from looking at our analysis, you're trying to capture federal funds in order to do this, accomplish it, and you're trying to put a group together that would be the one's that would do it. And I presume it might go in hand and hand with your, perhaps, new job, but we won't go there. So, it seems to me to be very interesting, and I find it interesting. I just want to make sure that we're not doing it for a private company, we are doing it for the state, and we're trying to recover dollars there."

Hamos: "Thank you. The future of health care, Ladies and Gentlemen, is for electronic health records and electronic medical records, which are what is our… our medical record at the point… at… that the provider has for each of us,

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for that to become electronic, and available, as we move around and get health care. The Federal Government has already given us an $18.8 million grant to launch this whole effort. They've already given us an additional $15 million for regional exchanges that are going out momen…"

Speaker Mautino: "The Lady's time has expired. Further discussion? Representative Watson on the Amendment."

Watson: "Thank you, Mr. Speaker. To the Bill. I would just like to commend the Lady for a great Bill. We had a… an opportunity to sit down with one of the folks that may be a vendor for this and I think she's onto something. If you have a chance or if need any concerns allayed, I would just encourage you to go talk to her after this. But this is a good Bill and I encourage an aye vote."

Speaker Mautino: "Representative Osmond."

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

Speaker Mautino: "Indicates that she will."

Osmond: "Representative, with this legislation, is this going to help prevent Medicaid fraud?"

Hamos: "Well, I think… I think it will, actually. It will reduce… it will make data available in a very new way. In real time, and we… it will be able… we will be able to track in an aggregate what providers are doing. So, I think it will help that effort as well. It will also, in a very significant way, reduce errors and reduce duplicate services, which is what really boosts health care costs."

Osmond: "Which… so, it basically, it's also helping medical malpractice?"

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Hamos: "Well, I think that's right because I think when doctors have information in front them and they're able to see exactly what procedures have been provided, and have been prescribed, it will allow them to all be more effective doctors. So, in that sense, it will… it will also reduce errors and assist in that effort."

Osmond: "And in doing so, it will help with possible medications that are given and what was maybe given previous, the doctors would have a better understanding of what the patient is being given in the way of drugs."

Hamos: "Well, exactly, and not only one doctor, but if, in fact, the patient decides to go from place to place looking for medications that they shouldn't have, they will be, the doctors who before they prescribe, will be able to track, in fact, what has already been prescribed. So, for those patients who are trying to scam the system or trying to get access to medications they shouldn't have, this will also assist in that effort."

Osmond: "Thank you very much. I strong… I stand in strong support of this. I think this is what is needed in the future and I am very honored to, hopefully, be a Cosponsor of this Bill."

Speaker Mautino: "The Lady's moved adoption of Floor Amendment #1. The Gentleman from Cook, Representative Will Davis on the Amendment."

Davis, W.: "Well, Mr. Speaker, I know we're… are we addressing the Amendment or are we going to let her adopt the Amendment and talk to the Bill?"

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Speaker Mautino: "Yes. We're in the process of adopting the Amendment."

Davis, W.: "So, would you like me to speak to the Amendment or wait 'til the Bill is adopted?"

Speaker Mautino: "Your choice."

Davis, W.: "I'll speak right now then. Will the Sponsor yield?"

Speaker Mautino: "Indicates she will."

Davis, W.: "Representative, the dollars that will be used to, I guess, fund this Act, as I read it in the analysis, where will those dollars come from?"

Hamos: "We envision that we will not need state dollars toward this. Now, in the short-term, there are federal dollars being made available to all the states to really launch these kind of efforts, but in the longer term, we think that by creating this exchange, that health care providers will be asked to pay a fee for access to these services. A small fee, but it will be available through that kind of private funding."

Davis, W.: "So, right now, there are no…"

Hamos: "And let me say this to the reason, and this is a very important question and I thank you for asking it. The reason that we are spinning this off as a separate public/private authority is because what we're really hoping is that the stakeholders around the table, including the insurance companies, will be part of funding a full statewide effort."

Davis, W.: "Okay. In order to implement such a health information exchange, there will be the need to contract

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with companies to provide various aspects of this, correct?"

Hamos: "Yes."

Davis, W.: "Okay. So, in your language, does your language speak to the contracting that will take place as a result? I'm asking about your language in the Bill. Does it speak to contracting?"

Hamos: "Yes, it does. And I'm going to find the… the language for you."

Davis, W.: "Okay. Well, since you're looking, then can you please also, as you're looking, and hopefully it will be in there, will you speak to the numbers or the percentages that will be given for minority… minority participation, minority companies, Black, Hispanic, other ethnic groups, women? Your language… does your language speak to that?"

Hamos: "Yes, it does. And if we looked…"

Davis, W.: "It does?"

Hamos: "…and we thought ahead, because this is a very important goal of mine to share with you. The Bill says, the authority may enter into all contracts and agreements necessary. The author… the authority's expenditure of private funds are exempt from the Illinois Procurement Code. Notwithstanding this exemption, the authority shall comply with the business enterprise for Minorities, Females, and Persons With Disabilities Act. So, it is fully intended that the fees coming in, which become part of this state fund, and as well as, anything but private funds will be subject to the… the… the minority…"

Speaker Mautino: "Grant the Gentleman another minute."

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Davis, W.: "Thank you. So, it'll be subject to… so, we'll… but at some point, will you have specific percentages that exist and which those… that'll have to be met? I'm looking for something very specific, Representative, because generally, when you give the latitude for someone to make those decisions, generally, those numbers for minority participation are extremely, extremely low. And I read also in here that you have $18.8 million coming from the Federal Government, I assume to help further this effort. And I've been talking to someone from HFS, trying to make sure that there are specific minority goals placed on those dollars as well. And what lead… what prompts this, Representative, is under the past administration there was an $85 million contract, disease management contract, that was given to a company, not from Illinois, that went out without any minority participation. There is absolutely no reason why that should be. So, my objective is just to make sure that as this comes on board, that we know specifically what will be available for minority businesses, both ethnic and gender minority businesses."

Hamos: "Well, and…"

Speaker Mautino: "The Lady may go ahead and answer."

Hamos: "Thank you. Representative Davis, I appreciate what you're saying because actually, over the next five years, there will be full deployment in all the neighborhoods with all the health care providers for getting online service, I mean, electronic systems in place. And there will be a lot of vendors out there. This Bill is not going to regulate that. The… there will be a lot of activity though for

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minority, potentially minority vendors and I… I agree with you that we should take an overview of that, but I don't… it's going to happen in every neighborhood with every health care provider for their own… using their own ways to contract, but this Bill… but this Bill… this Bill… but this Bill doesn't have to do with that. This Bill sets up a small office that provides for an exchange and it will be just one component of a statewide effort. This Bill doesn't do that. And I think to the extent that we should look at that, this does not regulate every provider in the state. It is not contemplated that every doctor… every doctor's office, every hospital has to now come to the state…"

Speaker Mautino: "The Lady has moved adoption of Floor Amendment #1. All in favor say 'yes'; opposed say 'no'. The 'yeses' have it. The Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Brady, House Bill 5630. Read the Bill."

Clerk Mahoney: "House Bill 5630, a Bill for an Act concerning regulation. Second Reading. Floor Amendments 1 and 2 were referred to committee and have not been reported out. No Motions filed."

Speaker Mautino: "Third Reading. Representative Black, House Bill 5295. Read the Bill."

Clerk Mahoney: "House Bill 5295 has been read a second time, previously. No Amendments. All notes have been filed."

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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

120th Legislative Day 3/25/2010

Speaker Mautino: "Representative Black. Third Reading. Read the Bill a third time."

Clerk Mahoney: "House Bill 5295, a Bill for an Act concerning local government. Third Reading."

Speaker Mautino: "Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. This Bill came out of a meeting adjacent to my district with the City of Champaign and the City of Urbana. I believe Representative Jakobsson was at this meeting and the municipal attorney for the City of Champaign pointed out that the municipal conviction fee for Vehicle Code violations had not been changed since the early 1980s and remains at $10. They suggested because of the cost of adjudication and court that this Vehicle Code violation would be raised from $10 to $25 because it simply has not kept pace with inflation and the cost of running the county courts. As far as I know, there is no opposition of the Bill. It's supported by the DuPage Mayors and Managers, the West Central Municipal Conference, the Municipal Prosecutors, and the Illinois Municipal League. I'll be more than happy to answer any questions that you have."

Speaker Mautino: "The Gentleman moves passage of House Bill 5295. All in favor will vote ‘yes’; opposed vote ‘no’. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Durkin, Lang, do you wish to be recorded? Mr. Clerk, take the record. 111 voting ‘yes’, 3 voting ‘no’, 0 voting ‘present’, House Bill 5295 is declared passed.

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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

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Representative Brady. Mr. Clerk, on House Bill 5630, what's the status of that Bill?"

Clerk Mahoney: "House Bill 5630 is on Third Reading."

Speaker Mautino: "Bring that Bill back to Second Reading. Representative Brady, House Bill 5630 has a Floor Amendment #2. Representative Brady on Floor Amendment #2 to House Bill 5630."

Brady: "Thank you very much. Mr. Speaker, I'd like to move to adopt Floor Amendment #2 to House Bill 5630, which amends the Insurance Code in a section concerning foreclosure proceedings. Requires the holder of the mortgage lien to notify the last known insurer of the residential building. Within 10 days of becoming mortgagee-in-possession, holder of mortgage must notify the insurer in writing by first class mail or electronically. And I'd be happy to answer any questions."

Speaker Mautino: "Gentleman moves adoption of Floor Amendment 2. No one seeking recognition. All in favor say 'yes; opposed say 'no'. The 'yeses' have it. The Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Mautino: "Third Reading. On page 27 of the Calendar appears House Joint Resolution 110, under the Order of Resolutions, Representative Graham. Mr. Clerk, read the Resolution."

Clerk Mahoney: "House Joint Resolution 110 urges Congress and all Members of the Illinois Congressional Delegation to support the continuation and extension of federal funding directed towards eliminating the conditions of homelessness

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in Illinois that was made available by government initiatives such as the American Reinvestment and Recovery Act of 2009 and grants by President Obama."

Speaker Mautino: "The Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Speaker. Serving on Human Services Appropriations and having several shelters in my district and in and around the city in the State of Illinois, it's come to my attention that several of the shelters have a hard time operating because their budgets have been cut drastically. This Resolution was put together by the… by myself, the Shriver Center, PADS, and Intervoice, Incorporated who helped me when I was living in a shelter. This earth Resolution to urge the President, as he continues to send money to help the state on various issues, to not forget about the homeless shelter programs. Because of the high foreclosure rate, people are needing the shelters more and more. There was also… there is also a waiting list, but the waiting list has grown tremendously. So, I ask for the adoption of this House Joint Resolution so that we can send it on to the President and ask him not to forget about the homeless shelter's facilities."

Speaker Mautino: "The Lady has moved adoption of House Joint Resolution 110. And on that question, the Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will the Lady yield?"

Graham: "Yes."

Lang: "Thank you."

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Speaker Mautino: "Indicates she will. She said she still will for a little while."

Lang: "Rep… Representative, I'm going to vote for your Resolution. It's a very well-thought-out Resolution. Would this be your last act on the House Floor?"

Graham: "Yes, Representative Lang."

Lang: "Well, just let me take a moment and wish you Godspeed and good luck with your new career and I know we'll be talking soon. I hope you pass this last Resolution."

Graham: "Thank you."

Speaker Mautino: "The Lady moves adoption of House Joint Resolution 110. All in favor say 'yes'; opposed 'no'. The Resolution is adopted. Representative Will Davis, the Gentleman from Cook."

Davis, W.: "Thank you very much, Mr. Speaker. First of all, I would ask consent of the Body that every Member of the House be added as a cosponsor. Hopefully, you support the issue, but if you're… if you don't please, let us know, but that every Member of the House be added as a cosponsor to the Representative's last Resolution here in the House. And I'd like to take this opportunity as chairman of the Legislative Black Caucus to wish Deborah Graham well. As you all know, that she will be leaving us today, very soon actually, and… so that she can prepare herself to be sworn in tomorrow as the new alderman in the 29th District. And I'm reminded back in 2003 that we all… we came in together. She was my classmate in 2003 in the 93rd General Assembly. And with the help of Tim Mapes, I tracked down a little information. And the class of 2003 was one of the largest,

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I believe, one of the largest classes that was ever sworn into the General Assembly. And there were a total 22 Members that were sworn in in that particular class. And out of those 22, 6 of them have already departed this chamber: Frank Aguilar, Patricia Bailey, Joe Dunn, Robin Kelly, John Millner, and Kathy Ryg. And now we have the honor to add a seventh Member that will be departing from the class of 2003, our friend, our colleague, my travel mate. We had the opportunity to recently travel to Israel together and had a great time. We've shared a lot of laughs, a lot of time. I've had the pleasure of working with her a little bit closer, as treasurer of the Black Caucus, and just to see her leaving and moving on is something that… I'm sad to see her go obviously because she's someone who… when we come down here, of course, we don't know what to do necessarily or exactly how to do it and you have to grow into these roles as Representatives. You learn procedures, you learn your districts, you learn issues and… and she is someone that I can truly say has really grown into the role of Representative. She's done an outstanding job of representing her district, which is a very diverse district on the west side of Chicago and western suburbs, and she's worked hard to be a good Representative. And I have absolutely no doubt that she will be an outstanding alderman of the 29th District, our friend, our colleague, Representative Deborah Graham."

Speaker Mautino: "Congratulations, Deborah. Representative Saviano, the Gentleman from Cook."

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Saviano: "Thank you, Mr. Speaker. I rise to congratulate soon-to-be Alderman Graham. Deb… Deborah and I share the 39th Senate District. She's my sister district, and I've enjoyed representing that Senate District with her. And despite the diversity that our district displays, we've worked well together and accomplished a lot of things with our mayors, with our schools. And I just want let Debbie know that it was a pleasure serving with you, and good luck to you in the City Council. Thank you, Deb."

Speaker Mautino: "The Gentleman from Cook, Representative Osterman."

Osterman: "Thank you, Mr. Speaker. I also want to commend Alderman Graham for her success and for her advocacy on behalf of the people of the City of Chicago down here. She has taken up the issue of education, of health care, and of public safety, and when those issues become sometimes volatile or heated, she always dealt with it in a positive way, but as a strong advocate for her community. She will do the same in the City Council. And we wish you all the success in the world. Although the aldermen in the city are able to have conceal and carry, we know that you are not going to take that opportunity. But in all sincerity, I've always appreciated the teamwork and the efforts that you've put on behalf of the people of the City of Chicago and the great State of Illinois and wish you nothing but the best."

Speaker Mautino: "Representative Riley."

Riley: "Thank you. I'd like to add with the rest of my colleagues just a really warm and sincere congratulations

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and sorry to see my seatmate go. One of the things that Deborah Graham has always done is that when she speaks, she speaks with a lot of passion and personal conviction. And frankly, if there's anyone that deserves a made-for-TV movie made about them, it would be Deborah Graham. And I'd like to be the producer of it, frankly. Good luck in your future endeavors. I know that you will do extremely well. God bless you."

Speaker Mautino: "Representative Dunkin."

Dunkin: "Thank you, Mr. Speaker. I, too, would like to add my personal sentiments to my good colleague and friend. I'm going to miss you. Sort of us tag teaming on… when one of us is speaking on the microphone, we're sort of instigating questions in the background and sort of right-oning each other. I was one of those 22 that came in with you about 8 years ago, and boy time certainly flies. And you know, you don't really realize, you know, the intimacy that's created either professionally or socially until you start hearing discussions of someone's leaving. And I just remember a lot of fond memories, a lot of professional and personal times off this floor, certainly trying to wrestle with some of these issues and Deborah you've grown tremendously as most of us here have. I'm certainly going to miss you. I have the upmost respect for you. And I'm going to miss fussing with you sometimes. But Godspeed and best of success to you. Thank you."

Speaker Mautino: "Representative Miller."

Miller: "I, too, want to add in to my congratulations to soon-to-be Alderman Deborah Graham. For those who don't know,

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Deborah came in in a virtual tie in her first Primary Election. A tie, that had to go to court, that had to be decided, I believe, months after the election. And so, for those in the sound of my voice who don't think that voting matters, it really, really does. I mean, and so for someone who entered here in a tie, you get a certain trepidation about, you know, who are these people, what are they all about, and you're nervous. Myself, I won my first election by 50 votes. You can only imagine the toughness and everything you have to watch and what you do and all the people that you meet from all across the state. And Debbie did have that sort of trepidation and just concern, but also along the way she met some good friends. One who is the former State Representative, Robin Kelly, who were like two peas in a pod among all… in addition to all of the folks that she met here and friendships like that and friendships that help her get through those initial years, and those initial tough times. Since that time, I've witnessed Debbie grow. Grow in a lot of ways in which not only just thinking that folks are out to get her, but to really try to be a spirit and a voice for people in her district. And not just the west side of Chicago, but also the parts in Oak Park that she represents. And to understand, the fact of the matter is, for someone not just to be a Representative but also to grow as a person is a testimony to her and to all of us. And with that I just want to say congratulations. I know she's had some dental work done, and as she's asked me for some dental advice, and that offer… and yeah, I'm a dentist… and I just want to

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say all the best to her. You know, the one thing we want to make sure that only our legislation and things that we do that are satisfying our community, but also that we take something home. And Debbie, all of us will take a piece of you home with us, too. Thank you and God bless you."

Speaker Mautino: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. It was indeed my honor to be sworn in with Deborah Graham, back in 2003. But I remember… I remember meeting her, the person that she tied with, in that Primary, because I was part of the candidate training that we had at that time, and her opponent was actually, you know, someone that the rest of us that we're going through that training met, really liked and was like wow, I couldn't even imagine that that other woman could compare or, we don't know her, you know, we hope, we we're telling her this other woman, we hope you stay, we hope your successful, and that other woman that you tied with, you know forget her. And so, when I met Deborah, it was a little awkward 'cause I could remember, you know, meeting your opponent, and I was like well, I hope she… hope she's as nice as that other woman. And I have to say that I would agree with Representative Miller. Watching you grow, and watching you develop as a Legislator, I can't really imagine my experience here without you, and I think the rest of the General Assembly feels the same way. So, you will be greatly missed, best wishes on your new career."

Speaker Mautino: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Deborah, congratulations on your appointment and good luck in the future. And

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Representative Osterman mentioned the concealed carry and if you decide not to, my seatmate has volunteered to be a surrogate in your place."

Speaker Mautino: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. Congratulations to the future alderwoman, my friend and colleague and former seatmate. Representative Graham used to sit in what we then called 'chick row', we were all women in this row. And it was really fun to get to know her. When we first got to know each other, she didn't offer a lot of comment on the floor, and it's really been fun, amazing, and wonderful to watch and experience, and observe Deborah. And as we got to know each other, we talked about our children, our grandchildren, and I hope that we can remain the friends that we've become. Congratulations."

Speaker Mautino: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. I would just like to extend my congratulations and best wishes to you, Debbie, and how much we've appreciated you on both sides of the aisle and especially with the Conference of Women Legislators. All the time that you've put in right from the beginning, in getting involved with mentoring young women and all the other things that we've pursued. So, thank you very much, and best wishes and good health to you."

Speaker Mautino: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I just want the record to reflect that Representative Miller gave a paid political announcement about the importance of voting and

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he also gave a professional statement about dental care. So, he got two birds in there with one."

Speaker Mautino: "He's a talented man."

Black: "Representative, I wish you the very best. You've been a delight to work with. The Chicago City Council, I know you'll be shocked to know sometimes I don't always agree with them, but they will be well served by your expertise. This Body, unfortunately, will not be as well served by your leaving. I wish you the very best. Chicago is faced with problems as all of the communities in our state are. They're faced with a fiscal crisis as the state is. I know you'll do what you have done here to bring some insight and wisdom to the Chicago city government. But I just would like to say that one of the things I will miss about you is that you have been a person of integrity. You have always kept your word. You… when you said you would check with our side of the aisle or you would bring an Amendment over for us to look at, you always did that. And that's not always the case anymore. It was… legislative courtesy used to be very important down here, perhaps not as important today as it was when I came here years ago, but you've always kept that first and foremost. And integrity and keeping your word will serve you well in your future endeavors. And I wish you the very, very best. And to tell you the truth I'm a little jealous, because I know when that I leave here I won't get these kinds of statements. They will simply be lined up to carry my bags out. But I wish you the very best. Good luck."

Speaker Mautino: "Representative Feigenholtz."

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Feigenholtz: "Thank you, Mr. Speaker. I, too, want to wish my best to Representative Graham and talk about her unique nature. She is a Legislator who legislates from the heart and I think she has shared her own personal… Deborah, are you crying? She has shared some wonderful things and given us gifts that we will always remember because she has taken a lot of risks here and talked about real life, not only about her constituents and improving their lives, but everyone in Illinois. The City Council is blessed to have you. Please come back and visit. And I'm very proud of you. Good luck."

Speaker Mautino: "Will Davis."

Davis, W.: "Ladies and Gentlemen of the House, I invite you all to Skip Saviano's office to enjoy a celebratory piece of cake in honor of our friend and our colleague, Representative Deborah Graham."

Speaker Mautino: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, would like to add my sincere congratulations. And the reality here that, Deb, I'm really, really going to miss you. I think that you have been such an amazing inspiration to so many people. As a colleague of mine, it's been a real pleasure and an honor to have served with you. When the vacancy arose, I couldn't think of anyone that I would personally, had I lived in that district, wanted to serve me more than you. So, I know that the City Council will be well served, but most importantly, the people of your ward are going to be so lucky to have a person who not can just get the job done

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because the services and the city services that you'll be able to provide to people, while they're important, and I know you'll be able to do them, you know, a lot of people can do them but the level of service that you'll be able to give your constituents and the caring that you will show for them and that you will display to them is something that not everybody has. You've shown that you care more than so many people day in and day out in this chamber. And you're story is a story of inspiration. It's a story of survival. And it's a story of success. You've gone from a situation that many of us can't even fathom and you have not been stuck there. You've risen out of that dark place, and you've been a really shining light in this chamber and serve as a model and a role model and an example to many, many people, including us, Deb. So, I just want to say it's really, really been an honor for me to serve with you. I congratulate you, but also your constituents because they're in for a really good, positive time with hopefully one of the best aldermen that we will continue to be serving with here in our capacity as the Reps and you as an alderman. But God bless you. Thank you for serving as… as an inspiration to so many and I just love you very much. Congrats."

Speaker Mautino: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker. So, my tears are matching your tears, but I remember when you came here. And I remember your trepidation and I think today is a wonderful day for you because all of the time that you didn't understand or didn't know what people really thought about

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you, Deborah, today you know. I love you. I look forward to our bike rides. Okay? Deborah's district is right next door to mine. I expect to see you. I know you're going to, as you've done here, you're going to excel in the City Council because you've done that here. I look forward to seeing you in the district, in my district, in your ward, because you're now one of my aldermen that I'll be interacting with. So, go in grace and peace, sister. Thank you."

Speaker Mautino: "Representative Joyce."

Joyce: "Thank you, Mr. Speaker. Deb, you know, I… I'll say it in front of you, but… and we've always had some good discussions, but after hearing all of these people get up and talk, I think I must have been asleep the last 8 years 'cause since we came in here, I never recall Black, you know, and you being always on the same side of issues. And I started thinking, you know, this is the Legislature and every day I've always tried to find something, when we're down here, to learn something new. And I think I learned something real new today, you know, I mean, it's finally hit home. I was thinking, wow, listen to all of these people get up and say all these wonderful things about Deb who gave her all these hard times over the years. But I figured out, I mean, I know Black's angle, he wants the free Cubs playoff tickets that the City Council members get, you know. I got to imagine that if you were just another normal Member of the class of 2003, on your way out to another career, you know how you'd get, you know, obviously, you know, your seatmates and you know, Will

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Davis would get up and say nice things. And you know, certainly you have great qualities and you've really put your heart into this job. I think everybody realizes that, and I think every Member does, but you're going to the City Council. And as the son of a former alderman, they're all looking for an angle here, Deb, don't believe everything they're saying here. In an effort to keep it light and to understand, I know that there's probably no harder job in government and I believe the smaller, the more local level you get, the harder and more time consuming and more attention you have to pay to your constituents. I think it's a great, very challenging job in a very challenging time and I commend you for taking on this challenge. And I think the people of the 29th Ward, I think the people of the City of Chicago and I believe the mayor of the City of Chicago are very fortunate to have someone that will bring her passion that you bring every day and I wish you the best of luck. But remember, if you weren't going to be an alderman, you wouldn't have the Senator Harmon here, sitting here, looking over you, who I know you've worked so closely with. But I wish you the best of luck and I wish you as much success and joy that you have brought to all of us here."

Speaker Mautino: "Representative Soto."

Soto: "Thank you. Thank you. Deborah, you've been a good friend. I know I call a lot of people… a lot of friends amigas and amigos, but you are a special amiga, and don't you ever forget that. When you mentioned that you were interested in the aldermanic position, I thought there

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couldn't be a better person to serve that ward. So, you are the best. I'll always have you in my heart. You're very passionate about the work that you do, and I appreciate it because I have that same passion, too, for my constituents. So, again, I congratulate you and always remember that you have a friend in me."

Speaker Mautino: "Representative Monique Davis."

Davis, M.: "Good afternoon. Deborah, I just want to say that it's rare in this Body that people leave of their own volition and to do a Resolution to someone who's going to what they choose is an honor for all of us. I know that you will be a strong voice for your district, just as you have been here. And I know that you have a wonderful family who'll be glad you don't have to go up and down the highway every week. You'll enjoy that grandbaby. And I want you to do me a favor in the Illinois… of the council. I want to… don't lose your voice. Let us hear from you. Don't lose your voice. You have a strong compassion for people. You have a very vivid way about you, don't lose that. And I have already sent word by… to Deborah's dad, Alderman Mell, and to Zalewski's dad, Alderman Zalewski, to be there waiting for you with open arms and help to guide you in your early days. Congratulations."

Speaker Mautino: "Representative Colvin."

Colvin: "Thank you, Mr. Speaker. You know, it's ironic that only in Illinois can you go from State Government to local city government and it be considered a promotion. But that's what our colleague here is doing today, and it is indeed a promotion to become a Legislator in the third

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largest city in the world's greatest country, but it's a challenge I think Deborah is ready for. She got here in 2003, she was green as any of us, and she was full of spit and fire and ready to do the work of the people. And Deborah… and most of us know Deborah is a very intense Legislator. You know, my office is a couple doors from Deborah and most mornings when I come into the Stratton Building all the chairs in my office would be taken out and they'd be in Deborah's office because Deborah knew how to attract a crowd of lobbyists working against all those Bills she was trying to pass. I always tease her about having all those, what I call, 'fetcha' Bills that she would file every year. But Deborah is tested and she's ready. And the people of the 78th Representative District have had the privilege to call her Representative and tomorrow, at 10, the people of the 29th Ward will have a great honor in calling her alderman. She's going to do a tremendous job. And Deborah, while the discussion is going to change from getting the guns off the street to going to block club meetings and talking about getting the paper off the street, I know you're going to handle that with all of the grace and class that you have brought to this job. We've shared a lot of jokes and laughs over the years sitting here, and I think you're going to do a… just a fantastic job. You've become a real good friend to me and my family and we wish you nothing but the best. And in another month when you get on that bus with those 20 or 25 other alderman that come down here looking for money, we know right now that you can give them the answer and save

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them a bus trip. So, with that, I wish you all the best. You're a good friend and a good colleague. I wish you all the best."

Speaker Mautino: "Representative Flowers."

Flowers: "You know, Deborah, it seems like it was just yesterday with the flip of a coin that you came into all of our lives. And so, that was the beginning of your lucky stars. And I hope that when you go to the City Council you continue to take those blessings and that luck with you. I've enjoyed your tenacity. I watched you grow over the years, and I can truly say, as I've often said to you, that you reminded me of my little sister and you know what little sisters are like. So, good luck to you, and may you give them hell in the City Council. Thank you very much."

Speaker Mautino: "Representative Golar."

Golar: "Thank you, Mr. Speaker. Deborah Graham, such a pleasure to work with you, and also now to congratulate you on your new endeavor. I think the closeness that we had had to do with some of the legislation that came out where you and I were attacked, and you were the only person that I could cry with, and say can we make it with all of the criticism that we're coming up with. And I appreciate that because now, I don't know who I'm going to cry with. But, I want to look back at March of 2009, when you were… you had taken over our conference and there were a lot of things that were going on and yet we were somewhat reluctant in terms of following your lead, but it turned out to be a wonderful conference. And at that conference, I actually wrote… actually sang a song to you, and I'm

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going to do that right now. We're happy for you. We're happy for you, Deborah Graham. We're happy for you. When I heard the news, my heart was amused. Deborah, we're happy for you. As this celebration takes place, the angels will sing, Deborah, we're happy for you. As this celebration takes place, the angels will sing, Deborah, we're happy for you. We're happy for you. We're happy for you. Deborah, we're happy for you. Oh yes, we're happy for you, we're happy for you. Speaker Madigan is happy, Will Davis is happy, Ester Golar is happy, the Black Caucus is happy and we are so happy for you."

Speaker Mautino: "Welcome, Senator Harmon. Representative Brauer, who is happy."

Brauer: "If I sang it would bring tears to everybody's eyes, so I'm going to refrain from that. They won't even let me sing happy birthday to my own children, I'm that bad. Debbie, I want to congratulate you. You know, I mean, I'm a little like Representative Black, that we've agreed a few times… few times we haven't agreed, but I guess what I've always appreciated about you is your passion. And it's not only the passion for the job you do, but it's the passion to… to really… to try and understand at times what we are downstate. And because you wanted to be a friend of agriculture in Menard County, you came down to my county and really applied yourself, tried to expand your horizon and understand some of the issues that we have down here in rural Illinois. Now, I know you're probably not going to miss the cornfields and cornfields and cornfields and cornfields on the trip down, but I think you will certainly

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bring that passion to your new job. And to that I say, congratulations."

Speaker Mautino: "Representative Constance Howard."

Howard: "Deborah, it's taken an awful lot for me to stand and say goodbye to you. I was okay until you started crying and then I said, well, I don't think I'm going to say anything because every time I look at you, then I start crying, too. But I guess, I just want to say that, obviously, you're going to be living in the same state with me. We'll be seeing each other at probably many of the events, whether they be community or political, and you should know, that whatever I can do to make your job easier, I'm there. Godspeed to you. And I know you're going to do a wonderful job and be an asset to the City Council in the City of Chicago. You're wel…"

Speaker Mautino: "Representative Harris."

Harris: "Thank you, Mr. Chairman. Representative, you know, there are so many interests that clamor for our attention down here. You know, you walk out that door there are all sorts of lobbyists representing all kinds of interest groups that all want something. And I think it just speaks volumes about you as a person that as your last act of all the people who wanted your help, of all the people who you could have helped out as you left here, that you took the time to care about those who are homeless, those who struggle, those who, from no fault of their own, are in need of hope, inspiration, and help. You are truly an inspiration to me, to the other Members of this Body, for your caring about those who are the least of us and hoping

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to lift them up so that they will have the opportunities that we've been blessed to have. Good luck and God bless you. And the residents of the 29th Ward are very lucky to have you."

Speaker Mautino: "Representative Collins."

Collins: "Thank you, Mr. Speaker. I just want to say good luck to you Deborah and try to enjoy life. All right."

Speaker Mautino: "Representative Ford."

Ford: "Deborah, I wouldn't let you leave without telling you how you made my road here easier by just taking me right in your office and teaching me how to do things. You know, it's not easy when you come down here, you really don't know where the bathroom is. You know, and you showed me how to service the constituents in an easy way. And you had no problem with that, so I really appreciate that. But I… I'm going to agree with Kevin, you're my alderman. So, I'm going to get my service request in right now. So, I look forward to you representing me as the 29th Ward alderman. And I know where you live and I'll just put my request in your mailbox."

Speaker Mautino: "Deborah, good luck to you in the… in your future service to the city and thank you for your service to all the people of the State of Illinois. Representative Will Davis for a final announcement."

Davis, W.: "Ladies and Gentlemen, stand up and give a round of applause to the newest alderman in the 29th District, our former colleague, Representative Deborah Graham."

Speaker Mautino: "There is cake available and we need a speech from Alderman Deborah Graham."

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STATE OF ILLINOIS
96th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

120th Legislative Day 3/25/2010

Graham: "Well, today is certainly a bittersweet day. When I came here, I did not feel like I fit in. It was a big place, it was a new environment, and I had a tough time fitting in, but I came to love this place. I was exposed to so many different industries in working with my colleagues on both sides of the aisle. It's easy to get a misunderstanding, in terms of how people really work issues and not being a… being a sore loser at times, but I've learned a lot from each and every last one of you. You have really helped me grow in this process, and I've learned a lot. I could say that this place has truly changed my life. I've had an opportunity to travel to places I wouldn't have ever been able to travel. Most of you don't know that in one point in my life I was homeless, for about 8 months, was a survivor of domestic violence, and when you go through trauma like that, it takes the wind out of you. It takes a whole lot to bounce back. I come from a place where I was afraid to drive my car, to driving up and down the highway, three hours each way weekly. I was afraid to drive the highway, but each step, God broke shackles off of my life. And that's what I wanted to come here and do, break the shackles off of my constituent's lives and work through some of the tough issues that our communities had. I want to thank each and every last one of you for helping me, advising me, and just correcting me when I was wrong or made some missteps. And I just want to thank the Speaker of the House, Michael Madigan, for just being who he was. His yes was always a yes, and his no was a no. Everybody around the world or around the State of

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Illinois has a story to tell about our Speaker, but I'm here to say that I am glad that I've had an opportunity to know him, and not be affected by the other stories that are told of him. I want to thank him for his character and just working with a person, like myself, and just saying, you know, you need to take a step back or just rethink this, trying to help me not fall on my face at times. So, I want to thank him for his leadership and his guidance through some tough times of learning how to make the proper decision down here. I want to thank the Illinois Legislative Black Caucus, and all of my colleagues, the class of 2003 in helping me to develop throughout this time. And my family who has allowed me to take the trips and be away from my house, you know, half the year, and thank everybody, lobbyists and all. I'm going to tell the story of the General Assembly. When I leave here, I won't let them trash you and say that we're not working hard down here, 'cause I know that people on both sides of aisle do what they have to do for their constituents. I do think that we can do better and I hope that we can pass a budget that will help all of our constituents, and we can find some revenue, that we're not going away and leaving people hanging. And that's not to put anyone on the spot, but having served on Human Services Appropriations since I've been here, the one thing that’s been consistent, I've heard the pain of our constituents, wondering how they were going to make it the next day, or how they were going to survive without a particular program. So, I would ask you guys to help out in that measure and let's find a solution and you

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have a friend on the City Council. Thank you so much for allowing me to serve."

Speaker Mautino: "Mr. Clerk, on the Calendar appears House Bill 5894, Representative Gordon. Read the Bill."

Clerk Mahoney: "House Bill 5894, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Senger, House Bill 5656 is on Second Reading. Would you like to move this Bill to Third Reading? Read the Bill."

Clerk Mahoney: "House Bill 5656, a Bill for an Act concerning education has been read a second time, previously. No Committee Amendments. A Floor Amendment has been referred to the Rules Committee but not reported out. No Motions filed."

Speaker Mautino: "Leave this Bill on Second. Representative Reitz, House Bill 5991 is on Second Reading. Would you like to move this Bill? Mr. Clerk, read the Bill. The Bill is on Third Reading. It's the intent of the Chair to go to the Order of Third Readings. House Bill 5762 appears on the Calendar under the Order of Third Reading. Mr. Carberry. Mr. Carberry, I believe… is this your first Bill? Good luck with that. Read the Bill."

Clerk Mahoney: "House Bill 5762, a Bill for an Act concerning criminal law. Third Reading."

Speaker Mautino: "Representative Carberry."

Carberry: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Also, again, Representative Graham, congratulations to you. Regards to House Bill 5762, requires people

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convicted of involuntary manslaughter, who kill a baby by baby shaking and people convicted of endangering the health or life of a child who kill a baby by baby shaking register on the child murderer and violent offender against youth registry. I request your support of this Bill. And I'm open for the floor to any questions."

Speaker Mautino: "The Gentleman certainly knows how to choose a first Bill. On that, the Gentleman has moved passage of House Bill 5762. The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Gentleman yield?"

Speaker Mautino: "He indicates that he will."

Black: "Representative, don't hide behind the good will from Representative Graham by trying to present this Bill. This… this Bill seems to only apply to someone who is found not guilty by reason of insanity. Is that… is that what the Bill does? If they're found not guilty by reason of insanity, then they're going to have to register?"

Carberry: "No. That's not accurate."

Black: "Well, let me read what staff says. Provides that a person convicted, found not guilty by reason of insanity, or found unfit to stand trial for the offenses of involuntary manslaughter where baby shaking was the proximate cause of death, or endangering the life or health of a child, resulting in the death of said child, where baby shaking was the proximate cause of death must register on the child murder… murderer and violent offender against youth registry, defines baby shaking. Now, what I don't

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understand is provides that a person convicted or found not guilty by reason of insanity. If they're found not guilty by reason of insanity, then how can you make them register for anything?"

Carberry: "Because they're still a threat and the public should still be aware of… and our children should be protected, our youth, should be aware and have access to the information of someone who committed a violent act against our youth."

Black: "I… I have no disagreement with that. Are you an attorney, Sir?"

Carberry: "Pardon me?"

Black: "Are you an attorney?"

Carberry: "No, I am not."

Black: "Do you have a staff person over there with you?"

Carberry: "Yes, right behind me."

Black: "Okay. I… I just was under the impression that if you're found not guilty by reason of insanity, then no verdict is rendered and I'm not sure that the court could order that person, who in effect has been acquitted for lack of a better word, to register as a violent offender. In other words, if they were found not guilty by reason of insanity I assume that they're free to walk out of the courthouse. We may not want them to, but I assume that they can, and that they would not then be… would not be able to be forced to register on what you're attempting to do."

Carberry: "It is not an acquittal that… what you described is not an acquittal."

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Black: "Hang on a second. All right. I stand corrected. Staff said the court would not order the person to register, the Bill that you're passing by statute would have them register. So, I think that… that's the distinguishing differential because I don't think that the court could do it. So, that straitens that out, and I appreciate your indulgence, Representative. Ladies and Gentlemen of the House, it has been a long-standing tradition…"

Speaker Mautino: "Grant the man additional time."

Black: "Yeah, I'll finish up very quickly. It's been a long-standing tradition that on any Legislator's first Bill we can have some fun with it, and try to poke some holes in it. I would simply suggest to you that there's nothing funny about this Bill. There's no way to poke a hole in this Bill. I've had two of these cases occur in my district in the last year. This is a horrific crime. I have a Bill that I think has already passed the House and in the Senate. I think the Gentleman has a good Bill. I think this is a… something that we don't need to joke about it. We don't need to have fun about. There's nothing fun about going to the funeral, as I did, of a two-and-a-half-year old baby who was shaken to death by a person who should have known better and was convicted and will serve less than two years in prison. It's an outrage. The Gentleman is trying to correct something that needs to be corrected. I commend him for it. First Bill or last Bill or second Bill, a good Bill is a good Bill. Let's vote 'yes' because these kinds of cases of child abuse are on

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the increase and it's time we get serious about it and it's time we tell the judges in the courts we're not going to stand by and let you sentence someone to less than two years in prison for violently shaking a two-and-a-half-year-old baby to death. Congratulations, Representative. Your first Bill is a good Bill, and I intend to vote 'yes'."

Speaker Mautino: "Representative Reboletti."

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

Speaker Mautino: "Indicates that he will."

Reboletti: "Representative, one of the issues I do have with this Bill, in all seriousness, is the proximate cause language that you have in there 'cause when you add a civil burden into a criminal case, it's a conflict. In a criminal case everything has to be proven beyond a reasonable doubt and here you're adding a civil cause, a civil burden of proof, which is tip… just tipping the scales about 51 percent sure that something happened. And that… a preponderance of the evidence has been tossed out by the Illinois Supreme Court in a case that I worked on out of Will County with respect to the proximate causation dealing with a reckless homicide case. Have you talked to staff or to others or has anybody else shared this concern with you?"

Carberry: "What exactly is your question?"

Reboletti: "Well, the problem, Representative, is that you're putting a civil cause, a civil burden of proof, into the Criminal Code. And my concern is that if this becomes the law, that at some point it will be challenged and it may be

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found to be unconstitutional. So, I want to make sure that if we're going to do something and I have prosecuted shaken baby cases before, that what we're doing here is going to pass constitutional muster and I'm… and I'm… passed the part of it's your first Bill. I want to make sure that we're not going to pass something that's unconstitutional."

Carberry: "Based upon the review of the staff, there were…"

Speaker Mautino: "Turn the Gentleman's mic back on."

Carberry: "After review of the staff, we do think it's constitutional and will… it will pass. It will uphold."

Reboletti: "Representative, with all due respect, I don't know if it is constitutional. I don't have… I'm not a judge at this time but I can tell you that having dealt with these types of cases, when you add approximate causation into a criminal case, the courts are going to error on the side that you had to prove up everything beyond a reasonable doubt and that I just don't want to help you pass the Bill so we can pass it out of here, but I want to make sure that we do it right. And I think that it would still have to be proved beyond a reasonable doubt that the shaken baby case, when that person caused that child's death beyond a reasonable doubt. Even though in this type of case you're looking at the person being either convicted or being found not guilty by reason of insanity. If you're convicted of the case, obviously, we've already reached the burden of proof… of proof beyond a reasonable doubt. With respect to what Representative Black was talking about, the court still set… puts you into some type of sentence when it's not guilty by reason of insanity, usually it's like in

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Elgin Mental Health Facility. So, would you take it out of the record for a few moments so I can come over and talk with you in all seriousness?"

Carberry: "We're okay with taking it out for a moment and putting it back in."

Speaker Mautino: "We will return to the Bill during that order. This is a legitimate request."

Reboletti: "Thank you."

Speaker Mautino: "Take the Bill out of the record. On page 21 of the Calendar, Representative Farnham, House Bill 6748. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 6748, a Bill for an Act concerning State Government. Third Reading."

Speaker Mautino: "Representative Farnham."

Farnham: "Thank you, Mr. Speaker, Members of the House. HB6748 authorizes DCEO to establish a contingency allegation to pay certain reimbursements to sellers of white good appliances who participated in the white goods appliances portion of the Retail Energy-Efficiency (Sic-Efficient) Appliance Program. This is ultimately a completely federally funded program similar to the auto industry cash for clunkers. DCEO already has on hand enough designated federal funds to cover the cost of the program. I urge a 'yes' vote."

Speaker Mautino: "Gentleman moves passage of House Bill 6748. And on that question, the Gentleman from Crawford, Representative Eddy."

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

Speaker Mautino: "Indicates that he will."

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Eddy: "Representative, would you kind of describe to the Body how this program works in practical terms."

Farnham: "Yes. It's determined that the contingency allotment needed to pay the program participants…"

Eddy: "I mean, there's a rebate involved…"

Farnham: "There is. The state contingency allocation is put in place to bolster confidence among appliance merchants participating in REEAP that they will be reimbursed in a timely matter for in-store rebates given to customers trading in designated older household appliances for new, more energy-efficient. Any money advanced by the state by DCEO to participating appliance merchants, shall be reimbursed into the GA… GRF."

Eddy: "Okay. So, my understanding is, the appliance has to be certified or qualified as an Energy Star appliance and it applies to clothes washers, dishwashers, freezers, air conditioners, that type of appliance. And if you go purchase an appliance that qualifies, you get a point of purchase rebate from the retailer and then the retailer would request that the rebate re… be reimbursed?"

Farnham: "That's correct."

Eddy: "So, my only question is, is this money that's already deposited… received from the Federal Government that the retailer is guaranteed to receive their rebate?"

Farnham: "Yes."

Eddy: "So, the money is here. It's on hand. It's not some…"

Farnham: "It is."

Eddy: "All right. Thank you, Representative."

Speaker Mautino: "Further discussion? Representative Nekritz."

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

Speaker Mautino: "Indicates he will."

Nekritz: "Representative, I… I'm going to follow up on some of the previous Representative's questions. So, is this federal money that's being… that we're appropriating, or is there additional… is there additional state money that you're seeking to have appropriated?"

Farnham: "No. This is federal money."

Nekritz: "Only federal money that's sitting in DCEO?"

Farnham: "We will put a GRF backfill in this, but we'll never touch it because the money is there."

Nekritz: "Okay. I guess I'm a little… I'm still confused because I thought… yesterday I was told that there… that the reason for this was because we were concerned that the federal money, the stimulus money, was going to be insufficient to meet the demand that there were going to be hoards of people coming in to buy these energy-efficient appliances, and we were concerned that retailers would be… would… would use up the federal funding and then this was a back stop to have state funding available in order to assure that the retailers were not out the money. Is that… did I misunderstand?"

Farnham: "The department doesn't believe that that would occur. This is a feel-good measure for the merchants, just to ensure them, but the department believes that there is enough money to cover the program."

Nekritz: "So, they believe that there… that these hoards of people are not going to show up on day one and eat up all

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the federal money and then we have to dip into state money. Is that…"

Farnham: "If that were to occur, they would just cut the program off, once the federal money is gone."

Nekritz: "Okay. Thank you."

Speaker Mautino: "The Gentleman has requested passage of House Bill 6748. All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Hamos, Berrios, do you wish to be recorded? Mr. Clerk, take the record. 112 voting 'yes', 2 voting 'no', 0 voting 'present', House Bill 6748 is declared passed. Representative Smith, House Bill 6749. Mr. Clerk read the Bill."

Clerk Mahoney: "House Bill 6749, a Bill for an Act concerning appropriations. Third Reading of this House Bill."

Speaker Mautino: "Representative Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentleman. This is a supplemental appropriation for the… the cash for appliances program, similar to the cash for clunkers. This is an appropriation to the Department of Commerce and Economic Opportunity. It's a companion Bill to Representative Farnham's Bill, which I believe we've already addressed. This is simply to make sure that there are funds in this program that will be reimbursed by federal funds. And this is simply to provide, I think, the confidence that is needed on the part of appliance retailers throughout the state that we do indeed intend to support this program. This is an initiative of the

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Illinois Retail Merchant's Association. And I know of no opposition. I'd be happy to answer any questions."

Speaker Mautino: "Gentleman's moved passage of House Bill 6749. On that question, the Gentleman from Crawford, Representative Eddy."

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

Speaker Mautino: "Indicates that he will."

Eddy: "Representative, I just want to clarify this point, and I think it's been made a couple of times. This is general revenue that the state is kind of making available in an appropriation in addition to the federal money or to guarantee that the federal appropriation has the appropriation authority to be paid?"

Smith: "It would be the latter, Representative. It's to guarantee the full faith and credit, if you will, of the State of Illinois."

Eddy: "So, we're not going to spend any state money directly on rebates for appliances at a time when we have the type of deficit we do. What we're doing here is we're making the appropriation so that there will be something behind the federal money."

Smith: "That… that is correct."

Eddy: "All right."

Smith: "We are in line to receive $3.4 million from the Federal Government. So, this is just making sure that that is in place, giving the assurance to the retail community that in offering these rebates, that there will be money in place and that they're not going to caught up in all the budgetary problems here in Springfield."

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Eddy: "Okay. This just assures the retailer that they're going to get their money by making the appropriation. Thank you, Representative."

Smith: "Thank you."

Speaker Mautino: "Further discussion? Representative Mulligan. Representative Mulligan."

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

Speaker Mautino: "He indicates he will."

Mulligan: "In my eagerness to overturn the last Bill because I don't see spending 3.4 million on this, I wasn't paying total attention to what Representative Eddy said, and supposedly as your staff is telling me this is paid by the Federal Government. But quite frankly, since we're not getting money back for education and we're not doing a lot of things we should be doing, $3.4 million for appliances seems to me a little bit to generate consumerism that we could best be used in other ways. So, I'm not particularly in favor of this Bill. It sounds real good, and it sounds like the Federal Government's paying for it, but some of this stuff is idiotic. I'm sorry."

Speaker Mautino: "Further discussion? The Gentleman from Champaign, Representative Rose."

Rose: "Thank you. To the Bill. Danny, this is exactly why I voted 'no' on the last Bill. Three point four million is two weeks' worth of payroll at Eastern Illinois University. Two weeks, they haven't been paid. They're still waiting to be paid. This is two weeks' worth of payroll to EIU. Three point four million is probably what collectively would come pretty darn close to paying all 16 of my school

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districts. Three point four million's a lot of money when we haven't paid teachers, universities, health care vendors, all of our vendors. I intend to vote 'no' again. Thank you, Mr. Speaker."

Speaker Mautino: "Further discussion? The Gentleman from Madison, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. To the Bill. To the previous speakers, this is not state money. This is federal money that's going to be… come to the state for this program. The Department of Commerce and Economic Opportunity has indicated that they're not going to take a chance of having any state money be put into this program. This is a program that's going to put people to work in Illinois by selling appliances. It's going to help out the retailers. If the retailer sells the appliance, they want to make sure they're going to get their reimbursement. They want to make sure they're going to get their money. This is just a backstop to make sure they're going to get their money, not one state dollar. Vote 'aye'."

Speaker Mautino: "Representative Coulson, the Lady from Cook."

Coulson: "Thank you, Mr. Speaker. The concern that I have and under our fiscal summary, this is GRF money. Is that correct?"

Speaker Mautino: "Representative Smith."

Smith: "Yes, Representative Coulson, that is correct. This would be general revenue funds, but let me… let me just state as Representative Hoffman did. You know, we're talking about a federal program and federal funds that we'll be receiving. So, this is not money that could be

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used to operate any school district or pay any payroll at a university."

Coulson: "But… I've been on appropriations committees for 14 years, and when there's federal money available and we need to appropriate it, it's under the federal fund line item, not GRF. And so, I'm very concerned that you have it here under GRF and while I understand it's not your intent, because I know how important education funding is to you, because it's under GRF it could be money taken from other GRF programs. It might not be education, it could be corrections or it could be somewhere else. Normally, in an appropriations Bill that's going to be federal funds, you have federal fund lines and it's stated that it's federal funds. So, that there would never be the inadvertent mistake of taking it out of GRF. And that's my concern on this particular Bill. If we can fix that, I would be… I agree it sounds like a good backstop, but I'm very concerned that it's under GRF. And I would urge an 'aye' vote as long as it's under the GRF portion… 'no' vote."

Speaker Mautino: "Representative Fritchey."

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

Speaker Mautino: "Indicates he will."

Fritchey: "Representative, I want to make sure that I understand this in relatively simplistic terms. We're looking for three and a half million dollars to essentially advance money to these retailers that they should be getting from the feds anyway, correct?"

Smith: "Yeah. I think the… "

Fritchey: "No."

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Smith: "…proper term is this is a contingency allotment. We are… we are going to be receiving the federal funds."

Fritchey: "So, a contingency against what, the money not coming from the feds?"

Smith: "No, this… this is in place…"

Fritchey: "Representative, bear with me for one second."

Smith: "Sure."

Fritchey: "Representative, I apologize. I just wanted to make sure that I'm going in the right direction with this line of questioning."

Smith: "I understand."

Fritchey: "All right. Let me… I appreciate our staff giving some additional information. Let me try it from this way. Is… is there any circumstance under which the state could wind up on the hook for dollars for which they are not reimbursed from the Federal Government?"

Smith: "No, the… my understanding is that the allocation from the Federal Government has already been approved. And so it's simply a matter of getting those funds from Washington. So…"

Fritchey: "Is it… do we run any risk that the amount allocated by the feds will not be sufficient to cover the payouts that would be made under this… under this fund?"

Smith: "No. We're told by the department that, no, that's not the case."

Fritchey: "So, this is simply being used really as a stopgap to provide the payments to the retailers while the federal money is being processed? But the… the federal money's in already isn't it? So, if the federal… and I'm not… I'm not

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trying to be difficult here. I'm trying to make sure that we understand this because it… it's either very confusing or very straightforward, and I'm not sure which. If the federal money is already in, why do we need this contingency fund?"

Smith: "Representative, I… the merchants, the retail community have asked for this… this extra protection. I think you would agree there's a lot of skepticism among businesses in the state that we will do what we say we're going to do."

Fritchey: "Well, I understand why the skepticism would exist as to what the state does, but why are they looking for extra protection for federal moneys that are already been received apparently?"

Smith: "I don't…"

Fritchey: "I mean, it… it's almost like there asking for a guarantee for funds in case the funds don't come in, but we're being told that the funds are already in."

Smith: "I don't believe that the funds have been received. I could be mistaken. I…"

Fritchey: "Well, wait…"

Smith: "…maybe Mr. Lowder knows that, but…"

Fritchey: "Rep… Representative, this will actually be a statement not a question, but as it's been relayed to me and for the edification of the Body…"

Speaker Mautino: "Grant the Gentleman an extra minute."

Fritchey: "DCEO is saying that there… there is… that there is sufficient money already in from the Federal Government. And so, there will be no exposure from the state. The retail merchants, however, are of the position that that

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may not, in fact, be the case, and they want to have a backup fund here. So, we're not doing this really…"

Smith: "That is…"

Fritchey: "…at the request of DCEO or we're not doing this at the request of the Federal Government. We're doing this at the request of the retail merchants."

Smith: "That's right."

Fritchey: "All right. Now, I find it odd that we are potentially extending $3.4 million just to give them peace of mind, but if somebody deemed that it made sense to put $3.4 million dollars out there that won't be used simply to give them peace of mind, that's fine. I just wanted to make sure, and I'm not taking issue of what you're doing, I just wanted to make sure that people understood here that based on what I'm being told, and I trust Mr. Lowder implicitly on these things, that we do have no exposure here. It really is simply a matter of added comfort for the business community and for my…"

Speaker Mautino: "The Gentleman's time has expired. Very briefly, John."

Fritchey: "For my colleagues, not only on this side of the aisle, but the other side of the aisle as well, who are concerned about protecting… or providing assurances to the business community, and keeping businesses running and keeping jobs active, that this simply gives the business community something that they've asked for, that this would be probusiness, so to help protect them without any exposure from the state. The more I think it through, the

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more sense it makes. Thank you. And I request an 'aye' vote. Speaker, thank you for your indulgence."

Speaker Mautino: "Representative Hoffman, on a point of clarification."

Hoffman: "Yes. I just wanted to clarify. I did… I did misspeak. It is GRF money, but the money, the GRF money is not going to be used. The GRF money is not going to be used. There is federal money that is available. It's already at DCEO. DCEO is going to monitor the program. This money is to ensure that appliance dealers will participate in this program, put people to work, and get this up and running. There's no intent to utilize the GRF money."

Speaker Mautino: "Representative Washington."

Washington: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Mautino: "He indicates he will."

Washington: "Mike, let me ask you a few questions. So, this is the program that is basically… the Federal Government, it's their program, right? Correct?"

Smith: "That is correct. Yes."

Washington: "And so, the business security, the retail merchants want the state to put a risk capital reserve in a series of events of assuming that the money will run out. Is that correct?"

Smith: "I'm not sure or your question, Representative Washington. The intent is to provide assurance to the retail community that… that their end of the bargain will be… will be honored by the state."

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Washington: "Well, see that's the same thing I just said. So, I may want to state…"

Smith: "Sorry, I didn't hear your question."

Washington: "Okay. I'm sorry. So, I'm trying to understand it. So, the retail merchants want the state to put together risk capital to back up this particular program of the Federal Government in terms of appliances and they want this reserve, 3.4 million to be set aside as a constit… contingency capital that if the money runs out, that they won't have any loss and it'd be a total complete win-win program for them, but yet the state will have maybe a shortfall in… How… how would the state recover it's… it's losses, if that happened?"

Smith: "Well, you're right on the first part, Representative Washington. Any funds that would be expended would be reimbursed by the money that is coming from the Federal Government."

Washington: "So, in other words, we would be the ones having to collect from the Federal Government rather than the retailers waiting for the Federal Government? So, the state would assume the risk of the retailers, basically. That's what they asking us to copartner with them, in a situation that might prove very prosperous, but at the same time they see possibilities that it might not be as prosperous and that they may have losses and have to wait…"

Speaker Mautino: "Grant the Gentleman another minute."

Washington: "So, you follow where I was going before I lost you? Before you lost me?"

Smith: "Could you repeat that again?"

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Washington: "I was hoping I didn't have to. What I was saying is that so the retailers want the state to stand and instead do to absorb any losses and for us to be having to collect from the Federal Government rather than them trying to wait on the Federal Government. Isn't that the gist of it?"

Smith: "Yes. This is just a reassurance to the retail community."

Washington: "You know, let me say this, Representative. That's a… that's a good business deal, if you can get it like that, but you know, nobody backs my risk and I'm just saying that I think our retailers are taking a chance or put in a position where they might not be comfortable, but I think at a time of economic crowd that we're facing, I don't know if this would be in the best interest of the entire state 'cause everybody's not going to have an appliance to bought off."

Smith: "Well, I think, Representative Washington, obviously the int…"

Speaker Mautino: "Gentleman may answer the question."

Smith: "The intent of the program was to stimulate the economy and to help im… improve the environment as well, through more energy-efficient appliances. And so, to the extent that we're receiving the money from the Federal Government, this just simply gives some assurance to the retail community that indeed, if they participate in the rebate program and the incentives that are offered, that they're going to receive the money, which comes from the Federal Government through the state."

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Speaker Mautino: "Turn him on."

Washington: "To the Bill, Mr. Speaker. Thank you, Representative Smith, but I'm… you know, I'm not… I'm not feeling it. I'll listen more to the debate, but there are no assurances in life. There are no assurances that we're facing here in this Body. So, I feel for the retail merchant in one sense, but they're asking for something that I don't think that if the shoe was on the other foot, that they themself would even consider. Thank you."

Speaker Mautino: "Further discussion? Representative DeLuca."

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

Speaker Mautino: "He indicates that he will."

DeLuca: "Representative Smith, I thought I had a handle on this until I listened to debate. It seemed to get clouded up a little bit. This is somewhat of the federal program such as the cash for clunkers, this is cash for appliances?"

Smith: "That's right."

DeLuca: "That's basically what this program is. And the money that the Federal Government is allocating to this for Illinois is how much?"

Smith: "Three point four million."

DeLuca: "Okay. So, at the time that that money is used up, from the time the money is no longer available, there's still sales taking place by businesses in Illinois? The money that is due to the retailers from the time the money is used up to the time they are notified the program is cancelled, that's the insurance program that they're asking from the state. Is that correct?"

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Smith: "No. This… this is the full amount of the program is 3.4 million. There won't be any expenditures above that. That is what we have been allocated by the Federal Government. There are no state matching dollars or no state dollars to extend the program or to cover that gap period that you might be talking about. I believe the department will fully manage what is approved and keep it under the constraints of $3.4 million. This is, as we've said, an assurance to the retail community that the state is fully behind this measure and if there were any state funds expended, they would be reimbursed by the federal funds."

DeLuca: "And what are the retailer merchants looking for? If it's federal money, what are they looking for from the state?"

Smith: "They…"

Speaker Mautino: "Grant the Gentleman an additional minute."

Smith: "They simply have asked for this reassurance, if you will, to have the full faith and credit of the state, if we so have full faith and credit."

DeLuca: "Well, that was…"

Smith: "That's what this is about."

DeLuca: "…that's what I'm trying to figure out is, I… the way I understand it is the state… we are taking some of our GF… GRF money, setting it aside so in the event some of the retailers get shortchanged, we're going to make up the difference to them. So, while they market this program and are still selling these products, they are still going to get their rebate that the… the State of Illinois will

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assure that they receive their rebate when the federal money runs out. I just want to clarify that and make sure I'm understanding it correctly."

Smith: "No. That… that is not the intention of this. There… there's no additional state money to be spent on the program. The money that is spent on the program is strictly the $3.4 million from the Federal Government."

DeLuca: "Thank you, Representative."

Speaker Mautino: "Further discussion? Representative Osmond."

Osmond: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Rose."

Speaker Mautino: "The Lady yields her time to the Gentleman from Champaign, Representative Rose."

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

Speaker Mautino: "Indicates he will."

Rose: "Representative Smith, and I… our side of the aisle, there's a lot of confusion on this. It sounds like there may be on yours, too. Here… here's what I see happening in my mind. And this is what's causing me to think that… that the taxpayers will be left on the hook. What I see happening, is it $8 million from the Federal Government for this program?"

Smith: "The federal allocation is 3.4 million."

Rose: "So, it's got 3.4 million federal. Okay. So, there's 3.4 million and the department believes that they can stop the program at exactly 3.4 billion (sic-million) worth of vouchers… rebate requests being submitted."

Smith: "That is correct. Right."

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Rose: "The concern, and which is exactly why IRMA is asking for this, is what happens if let's say… let's say their estimate is March 12 we'll hit 3.4. Well, what happens on March 12 when you actually hit 4.0? That's why they're asking the state to indemnify them for the extra half a million dollars, up to three and a half million. Obviously, that was an example I just gave. And I guess, Representative Smith, what I'm asking… I think there's a number of us on our side of aisle that would ask you to just briefly take this out of record. We'll confer because I think a lot of people want to vote for this, but we're concerned that there's… that they won't able to shut off the rebates at exactly 3.5 million. Otherwise, why would IRMA be asking for this in the first place?"

Smith: "I believe, Representative Rose, let me… let me try this again. I believe what the department has said to IRMA, the retail merchants, is that if there is expenditures above 3.4 million, that…"

Speaker Mautino: "Give the Gentleman an additional minute."

Smith: "…that they have the money already in existing funds to cover that. And I believe the problem is the merchants are saying, we want some assurance that that is the case. And that is the reason that we're doing this contingency allotment is to provide that assurance to the retail merchants."

Rose: "But did…"

Smith: "But the Department is assuring us they have the funds to cover any amount that might by left in the system above the 3.4 million."

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Rose: "And… and they… Okay. So, actually, I don't think we need to take it from the record at all. I think that's exactly it. And I think I go back to what I said before is, any amount of money over the three and a half that came from the Federal Government would be coming out of GRF and would be better positioned to go pay vendors who already have bills outstanding…"

Smith: "No… no, that's not true. That's not true."

Rose: "There aren't any bills owed by anyone at DCEO?"

Smith: "Well, I… I don't know, but the department has the additional funds to cover any amount above the 3.4 million."

Speaker Mautino: "The Gentleman's time has expired. You may finish your answer, Sir. The Lady from Will, Representative Kosel."

Kosel: "Mr. Speaker, I'd like to yield my time to Representative Rose. Chapin."

Speaker Mautino: "He is in… The Gentleman from Vermilion is seeking recognition. Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I have the upmost respect for Representative Smith. Certainly the Illinois Retail Merchants are a very integral part of my district as they are in your districts, but the bottom line as I see it is this. We are setting aside scarce general revenue, Illinois tax dollars, to backstop a federal program. Now let me remind you what happened to the cash for clunkers program. The cash for clunkers program was going to give everybody's $2500 if you trade in your old gas guzzler and

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buy a new car, and the money appropriated by the Federal Government was going to last, I don't know, 6 or 8 months. It was gone in 6 weeks. So, Congress had to go back and appropriate more money and then that money was gone. And so, they had to cancel the program. Now, in all due respect to Illinois merchants, and I don't want to put them at a disadvantage, but when you ask the state to back a federal program, whoa, wait a minute, ask the Federal Government to use our federal tax dollars to back up the program. Don't ask my local taxpayers to back up a federal program that as Representative Rose has already, clearly, and I think accurately stated, we don't know how popular this program is going to be. People could run into the Sears and Roebuck or hardware stores and they could buy 10 thousand refrigerators and I don't know how many ranges and dishwashers, washers and dryers and there's no real-time data to cut that off. It may take a week or 10 days. So all of a sudden some poor retailer is stuck with… hey, wait a minute, I'm owed $25 thousand on this rebate program and Uncle Sam says, sorry, we're out of money. Oh, that's okay. The State of Illinois put $3.4 million as a backup, I'll get it from the State of Illinois. No, this is… this is backwards. Thank… thank you very much. I'll finish up."

Speaker Mautino: "Grant the Gentleman additional time."

Black: "Thank you, Mr. Speaker. In all due respect to the Sponsor, I would hope he'd take this Bill out of the record. This is a cash for clunkers… its Déjà vu all over again. I can't go home and ask my taxpayers who have been laid off, teachers who have been laid off, social service

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agency workers who have been laid off, as to whether or not they want to backstop a federal program up to $3.4 million, in case this program is so successful that the federal money runs out and before we can find that out, some retailers are stuck. I don't want the retailer to get stuck, but this was a federal program. Let the Federal Government use our federal tax dollars to back it up. Illinois does not have the money to do this."

Speaker Mautino: "Representative Smith to close."

Smith: "Mr. Speaker, I'd like to take this Bill out of the record. I think we have… we have some assurances we need on the other side. I think if we could just have a few minutes, we may have some of the concerns addressed."

Speaker Mautino: "Out of the record at the request of the Sponsor. Representative Jefferson, on the Order of Third Reading is House Bill 1629. Read the Bill."

Clerk Mahoney: "House Bill 1629, a Bill for an Act concerning local government. Third Reading."

Jefferson: "Thank you, Mr. Speaker and Members of the General Assembly. This is simply a Bill as it relates to the city of Rockford. I would ask for an 'aye' vote."

Speaker Mautino: "The Gentleman has moved passage of House Bill 1629. And on that question, the Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you. Would the Sponsor yield?"

Speaker Mautino: "He indicates that he will."

Eddy: "Representative, I was interested in your description of this Bill and I think you said this simply deals with the City of Rockford. I ask for an 'aye' vote. Could you be a

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little more specific as to how this deals with the City of Rockford?"

Jefferson: "Absolutely, Representative. This Bill was brought to me by the City of Rockford. It's an annexation Bill that's exclusive to Rockford. It was my understanding the mayor from the City of Rockford along with the majority of the of the city council members asked for this legislation to be passed so that they can start to incorporate some unincorporated areas that have been within the city limits, but unincorporated for at least the last 10 years."

Eddy: "Well, Representative, I understand there's some significant opposition to allowing the city the power to forcibly annex certain parcels of land. Would you characterize this as being so that there's some considerable opposition?"

Jefferson: "No, I would not; because when you've got the mayor and the majority of the city council members on board with this, where's the opposition come from? They represent all 14 wards in the City of Rockford."

Eddy: "Well, Rep… Representative, I got to tell you, I would guess that the Floor Amendment that passes with less than a majority of the total Body would be one indication that there is some considerable opposition. The Floor Amendment passed 57 to 55; it takes 60 votes in this Body to pass a Bill. So, I think there are some individuals who are concerned including two Representatives on our side of the aisle who represent the individuals who… who are concerned and I would at least characterize that as some pretty considerable opposition."

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Jefferson: "That's the… as I answered your question, I thought you were referring to the people from Rockford, the people…"

Speaker Mautino: "Grant the Gentleman additional time. This Bill is on Short Debate. Representative Eddy."

Eddy: "Well, there's going to be others speak on it. I do have an inquiry of the Chair."

Speaker Mautino: "State your inquiry, Sir."

Eddy: "I would ask the parliamentarian if this takes 71 votes."

Speaker Mautino: "I will get an answer for you on that, Sir. Is it okay if we proceed with the other speakers while we're awaiting the parliamentary inquiry?"

Eddy: "The other request that I have is a verification Roll Call of this… this Bill."

Speaker Mautino: "There's been a request for a verification and a Roll Call, and that will be granted, Sir."

Eddy: "Thank you."

Speaker Mautino: "Further discussion, on this Bill. It is on Short Debate. Representative Durkin, the Gentleman from Cook."

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

Speaker Mautino: "Indicates that he will."

Durkin: "Representative, could you explain to me what would be the process for the forcible annexation?"

Jefferson: "The process of forceful annexation… the process would be without this legislation it would be forceful."

Durkin: "I guess, what I'm saying. Would it be by petition, would it be just by the unilateral act of the City of Rockford City Council?"

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Jefferson: "No, they would have to out for…

Durkin: "How would that process take place?"

Jefferson: "…public hearings in order to do this. They would have to have a public hearing within the city limits to be able to do this."

Durkin: "But what would be the action that would take… which would constitute the annexation?"

Jefferson: "It would be done by ordinance."

Durkin: "I'm a little hard of hearing; could you repeat that, Sir?"

Jefferson: "It would be done by ordinance by the City of Rockford."

Durkin: "Okay. Would it require the approval of the individuals who are living in those subdivisions to sign… to sign off on that prior to the City of Rockford's ordinance?"

Jefferson: "There would be a public hearing and they would have the ability to state their case."

Durkin: "If they object would that stop the process? Would it stop the annexation?"

Jefferson: "Not necessarily, but they would have the ability to state their reasons why they don't want to be in… annexed to the city. You know, Representative, I understand what you're asking me, but the City of Rockford brought this legislation to me saying this was in the best interest of the City of Rockford. We try not to micromanage anybody else's municipalities. The same as yours, you know, if you had an annexation that was requested by your municipality,

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I think it's incumbent upon us to support those individuals as long as it's not affecting anyone outside of that area."

Durkin: "I understand that and I… but I also have, you know, I think we got to be careful when we go down the path of having forceful annexations 'cause sometimes it's for the, you know, the good of all but sometimes there are municipalities who just are seeking to add to their tax base. And when you do have individuals who, we are going to say…"

Speaker Mautino: "Grant the Gentleman additional time."

Durkin: "What I want to say is that when we have situations like this that we're going to tell a group of individuals who are not part of the City of Rockford, or any other large municipality, that you're going to join us whether you like it or not. I do have some reservations about it. Thank you."

Speaker Mautino: "Further discussion? The Gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker. Yes. Representative, is this the great land grab Bill that Rockford is trying to force people who… right now the law is only 60 acres you can force in and this would incorporate some 400, 500, and 600 acre island? Is that not correct?"

Jefferson: "At this point in time, Representative, I don't think we have any one individual that owns a parcel of land that's five or six hundred acres on an individual basis. This legislation simply says that if you own 60 plus one acres, you would not be included in this process, if you are an individual."

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Wait: "No. But this… right now, the law for the State of Illinois says if you have 60 or less acres, you can force them in. These areas are much bigger; in fact, some of them are 10 times as large as the current State Law is. So, we would be in… it's one thing if you want to increase it from 60 acres to 70 or 80 acres, but to increase it to 500 to 600 acres, which some of these parcels are, don't you think that's definitely overreaching?"

Jefferson: "I was told, Representative, by the mayor of the City of Rockford, who asked for this legislation, that we have no pockets in the City of Rockford that large. So, I don't know where those numbers come from, but we have no pockets that large in the City of Rockford in unincorporated areas."

Wait: "Well, I have the map and on these maps it… it shows where there 400, 500, and 600 acre parcels is what they are. Anyway, the bottom line is, I represent most of these areas in the Rockford area and they do not want to be forced into Rockford. To me, we should have democracy in this state and in this area. We should not force them in. We know that Rockford is hurting for money and that's why they want this because the persons… the homeowners and these are mo…"

Speaker Mautino: "The Gentleman will be granted an additional minute."

Wait: "And mostly, these are residential area, and they will all be paying more. They're trying to throw out a little carrot saying they're going to phase it in over 4 years, but the bottom line, they're going to be paying at least 4,

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3 hundred, 4 hundred, $5 hundred more a year just to the City of Rockford. Rockford has one of the highest tax rates there is and I would just ask all of you, please do not support this. Because, if they can do this, this year to our community, next year they could do it to your community. Thank you."

Speaker Mautino: "Representative… Further discussion? Representative Fritchey. Representative Winters. Representative Winters."

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

Speaker Mautino: "He indicates that he will."

Winters: "Chuck, I have some information on the… the impact on the homeowners in this area. I don't think it was available during committee. The average price of the houses in this area, all of the people that are affected, about 2400 people is an average of about $150 thousand, is that correct?"

Jefferson: "I don't know that to be a fact, Representative."

Winters: "Well, those are the figures given to me by the city. They did check the assessed values of all the island properties. They also pointed out that this is a four-year phase in, so that people would only pay a quarter of the property tax and the average property tax on that house at full taxation is about $960 a year. In return, because they are not going to be in a volunteer fire department district paying taxes to them, the city tax will pick up the fire district in… for about a $275 saving. They also currently pay double the rate of a city residence for their water service. Most of these areas are already serviced by

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city water and they pay a double rate so there would be an additional savings of $360. So, the homeowner, if annexed, will have the right to a public hearing before that city ordinance would take place and only in the third year do they actually pay more than they currently are. There's actually a net savings the first two years, and it would be not until the fifth year that their property tax would have ultimately cost them more than the savings that they would be getting, again, from the lowered fire district tax and the lower water Bill. Additionally, they would be receiving snowplowing service and garbage pickup which they currently pay for privately and it would have access to the Rockford library system through the city taxes. I just wanted to put some of those details on the record. And I'll watch the vote. Thank you."

Jefferson: "Thank you, Representative."

Speaker Mautino: "Representative Eddy, you had an inquiry of the Chair. We're ready at this time to respond. Parliamentarian for the House, Dave Ellis."

Parliamentarian Ellis: "Representative Eddy, on behalf of the Speaker and in response to your inquiry, House Bill 1629 in it's current form has no Home Rule preemption in it. It does not preempting Home Rule explicitly and therefore it cannot have the effect of having Home Rule. So, it's a 60-vote requirement."

Speaker Mautino: "Representative Eddy and your… we've acknowledged your verification request. Representative Jefferson to close."

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Jefferson: "Thank you, Mr. Speaker. You know, this is very important to the people in Rockford. This is a win-win situation for the second largest city in the State of Illinois. To say that this is coming from their city council, this is coming from their mayor. We all have problems in our municipalities, in our communities. We're all faced with problems. This is exclusive to Rockford, doesn't affect anyone else. This is something the city council is asking for; this is something the mayor is asking for. To just kind of echo what Representative Winters said, with this annexation you pick up fire, you pick up police, you pick up the ambulance service, you pick up snow removal, libraries, septic, street, garbage, city water, just to name a few. We've had incidences in Rockford where people could not… the fire department could not reach individuals' homes in a timely matter. The homes burnt to the ground. This would bring those people in compliance with the city; they would be available for city water, for city fire, and all the other services that the city offers. You know, this is something that all municipalities are faced with. This is for the City of Rockford. They're asking for your help in making their communities just function a little bit better. We all have problems in our individual communities that we represent. All I'm doing here is representing the City of Rockford who sent me here. My constituency says this is something that they want. And in the long run, 160 people… a 160 thousand people in Rockford are going to benefit from this. So, you know, I appreciate the fact that you're helping to

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micromanage Rockford. I don't try and micromanage your municipalities. I think that we need to adhere to what our constituents tell us. So, I'm asking you to help me do the things that the citizens of Rockford asked me to do. The mayor, along with all the city council members, asked me to carry this legislation. It does not affect anyone else and I appreciate all the comments and all the micromanaging from all the other areas, but this is exclusive to Rockford. It doesn't affect anyone else. So, I would ask for your 'aye' vote. Thank you."

Speaker Mautino: "The Gentleman has moved passage of House Bill 1629. All in favor vote 'yes'; opposed vote 'no'. There has been a request of a verification. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Carberry, Holbrook, Joyce, McGuire, do you wish to be recorded? Mr. Clerk… Mr. Clerk… Mr. Clerk, take the record. On a vote of 58 voting 'yes', 56 voting 'no', 0 voting 'present'. Representative Jefferson."

Jefferson: "Postponed Consideration."

Speaker Mautino: "The Gentleman requests Postponed Consideration. Representative Lang in the Chair."

Speaker Lang: "The Chair is in possession of a written Motion by Mr. Black to reconsider the vote upon which House Bill 6748 passed. Chair recognizes Mr. Black on his Motion. Mr. Black."

Black: "Mr. Speaker… Mr. Speaker. Can you give me about five minutes and come back to this?"

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Speaker Lang: "Out of the record. House Bill 5905, Representative Jehan Gordon. Please read the Bill."

Clerk Mahoney: "House Bill 5905, a Bill for an Act concerning State Government. Third Reading."

Speaker Lang: "Representative Gordon."

Gordon, J.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 5905 creates the DCFS Residential Construction Program Act. This Act would bring together DCFS and the Capital Development Board, and they would work together and… they would consult with one another to create a category within the Capital Bill for DCFS residential facilities to have the ability to go after, in a competitive manner, capital construction grants so that DCFS facilities would have the ability to bill it out with capital as opposed to going into their general revenue dollars which they do right now. This Bill is subject to appropriation. I'd be willing to answer any questions for the Body. There is no opposition to this Bill. And I'd like to ask for a favorable 'aye' vote."

Speaker Lang: "The Lady's moved for the passage of the Bill. The Chair recognizes Representative Eddy."

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

Speaker Lang: "Lady yields."

Eddy: "Representative, is there a separate appropriations Bill that will be heard regarding the subject of this legislation?"

Gordon, J: "I'm sorry, I couldn't hear you."

Eddy: "Have you filed or has someone else filed a specific appropriations Bill that is… that will accompany this?"

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Gordon, J: "Not at this time. Before any… if we're successful in passing this today, before any money would be decided upon, that would come back before this Body."

Eddy: "Okay. So, there's… it's not a situation that we… we've recently have seen with the appliance. We don't have an appropriations Bill following this…"

Gordon, J: "No."

Eddy: "And you've not filed any?"

Gordon, J: "No."

Eddy: "Okay. Thank you."

Speaker Lang: "Those in favor of the Bill should vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Crespo. The Clerk will take the record. On this question, 114 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5720, Representative Mathias. Please read the Bill."

Clerk Mahoney: "House Bill 5720, a Bill for an Act concerning transportation. Third Reading."

Speaker Lang: "Mr. Mathias. Out of the record. The Chair returns to Mr. Black's Motion to reconsider on House Bill 6748. Mr. Black."

Black: "Thank you very much, Mr. Speaker. Having voted on the prevailing side, I appreciate you giving me some extra time so I could talk to the Sponsor of the Bill. I apologized to him publicly for not coming to… not going to him earlier. I don't like catching anybody by surprise, but having voted on the prevailing side from which House Bill

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6748 passed, I would at this time move to reconsider the vote by which House Bill 6748 passed the House."

Speaker Lang: "Those in favor of the Motion shall vote 'yes'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Sacia. Please take the record, Mr. Clerk. On this question, there are 44 voting 'yes' and 70 voting 'no'. And the Motion fails. House Bill 6463, Representative D'Amico. Mr. Clerk, please read the Bill."

Clerk Mahoney: "House Bill 6463, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lang: "Mr. D'Amico."

D'Amico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 6463 is a issue of Secretary White and myself. We just basically want to take the supervision away from people that are speeding on the highways that are doing more than 40 miles an hour over the speed limit. This issue was brought to us actually by an article that was written in the Chicago Tribune. Sometimes, over 60 percent of the people that were doing these excessive speeds, they're getting supervision and the Secretary of State's Office is never even being notified of this moving violation or their insurance companies and these people are just walking away free. And we want to take that away, so you can't get supervision anymore."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mautino. Please take the record, Mr. Clerk. On

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this question, there are 114 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5419, Representative Mell. Please read the Bill."

Clerk Mahoney: "House Bill 5419, a Bill for an Act concerning health. Third Reading."

Speaker Lang: "Mr. Clerk, out of the record. House Bill 5399, Representative Howard. Please read the Bill."

Clerk Mahoney: "House Bill 5399, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lang: "Representative Howard."

Howard: "Please take that out of the record."

Speaker Lang: "Out of the record at the request of the Sponsor. House Bill 5688, Representative Brauer. Please read the Bill."

Clerk Mahoney: "House Bill 5688, a Bill for an Act concerning State Government. Third Reading."

Speaker Lang: "Brauer."

Brauer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill has no known opposition. Basically, what it does is give a uniform age to the children with disabilities and this is an initiative of Hope School. I'll answer any questions."

Speaker Lang: "Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Kosel, Wait. Mr. Clerk, please take the record. On this question, there are 114 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared

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passed. It is the intention of the Chair to move as many of these Bills as quickly as we can, folks. So, please be ready when your Bill is called and if you continue to take them out of the record, we may not get back to them. This is Thursday, tomorrow is the deadline. House Bill 5916, Representative Collins. Please read the Bill."

Clerk Mahoney: "House Bill 5916, a Bill for an Act concerning courts. Third Reading."

Speaker Lang: "Representative Collins."

Collins: "Thank you, Mr. Speaker. House Bill 5916 increases the minimum age of detention from 13… from 10 to 13. It makes it consistent with the minimum age of census to the Department of Juvenile Justice. Currently, you can sentence a kid to the Department of Juvenile Justice, you can't sentence them until 13, but you can sentence them to the detention center at age 10. We wanted to make that age consistent and move it up to 13 and find alternative placements if we have to. Currently, last year in Cook County we only had about 8 such kids that we had to do that for and we can, you know, usually deal with them with the Department of Children and Family Services and send them to… if they need to go to a mental health facility or to an alternative placement, such as a residential placement or something like that. And I ask for an 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. This Bill is on Standard Debate. The timer will be in use. The Chair recognizes Representative Reboletti."

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

Collins: "Yes, I will."

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Speaker Lang: "Lady yields."

Reboletti: "Representative, what type of cases would this qualify for? Like would kids who commit predatory criminal sexual assault, or robbery or murder? What would happen to them if they were under the age of 13 if this Bill were to pass? Where would they go?"

Collins: "Currently, no kid can be sentenced to the Department of Juvenile Justice until the age of 13. Currently, a kid between the ages of 10 and 13 would go to a residential placement. They'll go to foster care, some DCFS placements, maybe a mental institution because you've got to remember, too, those kids can only be in the Department of Juvenile… in the detention center for only up to 30 days as well and they can't come to the Department of Juvenile Justice. So, those kids already have to have an alternative placement."

Reboletti: "Well, between the ages of 10 and… right now, they could be sentenced to incarceration or placed in a… in a locked down facility right now, correct?"

Collins: "No, they cannot."

Reboletti: "Well, where do they go? Because if a 12-year-old commits murder, and it does happen, but if a 12-year-old commits rape, and I've seen those cases, and I talked to you about those in committee, they usually end up in some type of incarceration setting. But under your Bill, wouldn't this allow the court or maybe DHS or whomever, to return that child back home?"

Collins: "No. What happens now is that those… you cannot go to the Department of Juvenile Justice until you are 13 years old. That's a fact. Now, if a kid between the ages of 10

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and 12, you can only hold them in a detention center for 30 days. Now, if the kid committed rape or murder, or whatever you say, that kid would go to maybe a mental institution. That kid would go to a placement at DCFS in the… a group home or a residential placement center. That kid would go to maybe a foster home. There are many alternative placements that we would use. Now, if a kid cannot be placed in the Department of Juvenile Justice and studies have shown that if you put a kid incarceration for even up to 30 days, which is all that they can be there for is 30 days, the effects are very detrimental to that kid and to his healing. And so, we recommend that, and in Illinois last year, we only had about 150 cases throughout the whole state, and in Cook County we only had 8 such cases that we had to deal with."

Reboletti: "What kind of charges did those 8 children have? Do you know?"

Collins: "Cook County didn't give us the exact charges, but I… I'm not sure what they were."

Reboletti: "Mr. Speaker, to the Bill. I'm not exactly sure what we would then when these people, who are, these young minors, are charged with the crimes I've already mentioned, rape, robbery, murder, home invasion. It's unfortunate that children commit these crimes, but they do. And the fact of the matter is is that we wouldn't be able to put them in a detention facility, we would probably end up releasing them potentially back home to revictimize other family members or to end up back on the street committing more crime. I'm not exactly sure why we need to do this at this time, but

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we have to have a place that's secure when you have violent offenders committing these types of crimes. And I would urge a 'no' vote. Thank you, Mr. Speaker."

Collins: "Well…"

Speaker Lang: "The Chair recognizes Representative Hamos. Do you wish… I'm sorry. Representative Collins, do wish to respond?"

Collins: "Yes. I was going to respond to tell him that, currently today, you cannot keep a kid past 30 days and we have to place those kids anyway. So, the argument would be, if you have to place a kid after 30 days anyway, why put them in an institution and lock them up? That's the answer. We want to make the law consistent with the Department of Juvenile Justice. Today, this day, you cannot place a kid in a Department of Juvenile Justice until that child reaches 13. So, if a kid 12, 11, 10… now, you were talking about fourth, fifth, sixth grade kids. If we cannot find a placement for those kids… now remember in Cook County alone, it was only 8 kids… it is our responsibility to find a placement for 8 children. It was only about 8 children. And if we put them in a detention center, which is the county detention center, we can only hold that kid for 30 days. So, why wouldn't we spend the time, before we put them into a locked facility and ruin them anyway for those 30 days to put them someplace else: in a residential placement, a mental institution, into a treatment facility. Those are the types of places that we already utilize after the 30 days. So, we're just asking

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that we not have those 30 days to put them into a facility."

Speaker Lang: "Representative Hamos."

Hamos: "Thank you. I was really going to start with a question of the Sponsor, but I think she's really trying to answer the questions that may be on our minds pretty well. So, let me speak to the Bill. I think that what Representative Collins is pointing out is that this is a problem that we have in the law, which is just a very short-term placement of where a young person goes before the court case. This is pretrial. This is trying to figure out the best possible placement, in fact, to rehabilitate a young person whose first brush with the law is likely to be at age 10, 11, 12. If they're going to get in trouble with the law, it's a very young age, we'd better find, as a society, a better way to handle these cases. To just throw them in a county detention facility, without trying very, very hard for a better placement, is what this Bill is trying to address. This Bill, if this passes, would force all of the players in that young person's life to look for the most appropriate placement, in fact, to provide rehabilitation. Because after all, if there is a conviction or a finding of delinquency at trial, they won't… that child is not going be able to go into the detention facility. That child is not going to be able to go into the Department of Juvenile Justice. We're going to have to find the most appropriate placement. So, this almost feels like a loophole or a weird anomaly in the law that doesn't force the system to start working on day one for a more appropriate placement,

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because after all, after the court case, that's what's going to be required. That's what's needed here and I think by talking about the most serious crimes that, yes, some people commit, some young people commit, it ignores everything we've been trying to do as a state in trying to make sure that young people, that we start somewhere, and that we start somewhere with young people with their first brush with the law to try to provide a more appropriate intervention. That's all this Bill does. And I stand for a strong 'aye'."

Speaker Lang: "Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Reboletti, please."

Speaker Lang: "Mr. Reboletti."

Reboletti: "To address the last speaker, this is not about first offenders. I prosecuted a case where a 12-year-old raped his 5-year-old stepsister. That 12-year-old belonged in custody. What the prosecutor and the defense lawyer do with that case they can obviously review it based on all the evidence. They need that time anyway. And then as far as placement is concerned, we don't want that child being placed back at home. That child doesn't need to be in treatment at that particular time, that child needs to be incarcerated until the courts can make a determination if that child is delinquent. Thank you for the… Mr. Speaker."

Speaker Lang: "Representative Zalewski."

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

Speaker Lang: "Lady yields."

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Zalewski: "Representative, just a couple quick questions. Isn't it true that there were only 8 instances last year where a person 13 years or younger would have been detained under your law… under your change?"

Collins: "That's correct."

Zalewski: "And isn't true that of those 8 instances that the individual… the young people accused were accused of serious crimes, significant crimes of violence including aggravated criminal sexual assault?"

Collins: "I'm not exactly sure what the charges were."

Zalewski: "Did the Cook County State's Attorney's Office testify about this Bill in committee?"

Collins: "They… they gave us the number of 8, but they didn't have like exactly what the kid had actually done."

Zalewski: "And… and the Cook County State's Attorney's Office is opposed to this legislation?"

Collins: "Yeah. The Cook County State's Attorney is opposed, but there are a lot of other people that are for the Bill."

Zalewski: "Representative, would you agree that in instances of significant violence, where the accused is accused of violent behavior or significant violent behavior, it might be in the best interest of these young people to have them in an adult detention facility if and… the age really, the difference between 10 and 13 years old isn't really that big of a difference?"

Collins: "Could you say that again? Do I agree that they should be in an adult facility? Is that what you're saying?"

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Zalewski: "I… tell me why you're changing it from 10 years to 13 years, Representative."

Collins: "Well, because the law today, if you are going to be committed to the Department of Juvenile Justice today, you cannot be until you turn age 13. So, that sets a problem for us with kids that are ages 10 to 13. In the example that Representative… the previous Representative used, if a kid… a lot of times kids do molest other kids in the home. Now, DCFS will be called and that makes it okay because, I mean, in the sense that DCFS… the department is now going to… to… it's going to be turned over to the Department of DCFS. But what would happen in that case is DCFS would come out, they'll make an investigation, and then they will remove one of the kids from the home. They'll make alternative placements. So, they would ask the parent are there any other relatives that this kid could go to. Today, if that kid was 12 years old, you still couldn't send them to the Department of Juvenile Justice. You would have to find an alternative placement because by law, by statute, you cannot send a kid that is not 13 to the Department of Juvenile Justice. Today, we have to find alternative placements for that kid. You couldn't send them to adult facility; you couldn't send them to the Department of Juvenile Justice. We'll have to send them to a treatment facility and yes, if the kid was 9, we couldn't do any of that. We couldn't even send them to the department… to the detention center because he's not 10 yet. We… and this only even if that kid was 12-years-old, you could only send them to the department… to the

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detention center for only 30 days. So, my point is to be consistent with the law, that we should… we have to find alternative placements for that kid in 30 days anyway. So, why not wait… why wait those 30 days and find an alternative placement on the first day. You cannot send them to the Department of Juvenile Justice. You just can't do it."

Zalewski: "Representative… To the Bill. I respect what the Representative is doing, but in light… in light of the statistics offered by law enforcements, I just don't necessarily feel that the Representative's, while her goals are noble, that it'll have the intended effect. I urge a 'no' vote on this Bill."

Speaker Lang: "Representative Sacia."

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

Speaker Lang: "Lady yields."

Sacia: "Representative, I was somewhat conflicted in your previous comment stating that a young person currently cannot be sent to the Juvenile Justice center, right? Is that correct?"

Collins: "Until they're 13."

Sacia: "So, they have to find an alternative center, but I guess, you know, when you just read the… the legislation, you take a first brush look at it, it's hard for folks to comprehend that someone between the age of 10 and 13 can be a violent criminal. Would you agree in some cases they can?"

Collins: "I agree that in some cases that a 10-year-old, or a 12-year-old have committed some violent offenses. Yes."

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Sacia: "In… in a former life, Representative, I arrested a bank robber who was 12 years of age. The reason it… it still had such a significance on my life to this day, is at that time I had a son who was 12 years old. This young man was a… was a member of the gang, wanted to be… he was a wannabe. He went with a gang member, the Gangster Disciples, robbed a bank in Rockford, Illinois. The reason he was taken with the other gang member is he had the loaded 9 millimeter semiautomatic pistol. This young man had more street smarts than I could ever hope to have. This young man had attended a total of 182 days of actual schooling from the time he entered kindergarten until the age of 12. He could barely sign his name in cursive, but he literally… he had a PhD in street smarts. I just can't imagine, Representative, how your legislation helps that young person. This young person is a gangbanger at age 12. This young person carried a loaded semiautomatic pistol. When you carry a loaded semiautomatic pistol into a bank, don't tell me that he didn't intend to use it if he had to. And I believe he was capable of it. So, in my opinion here, we had a violent young person. We could and… and you and I have had different conversations like this. We could talk at length about how he got to where he was, but this young man needs detention. I'm not denying he probably needs rehabilitation, but why…"

Collins: "But Representative Sacia, your case given, right, the case you just gave, for detention he's 12 years old. He can only serve 30 days in detention today under current law. He could only serve 30 days. So, he… we have to find

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a placement for this young man. When the thirtieth day is up, we have to find a placement for him. Now, he can't stay at the local detention center, he cannot stay at the Department of Juvenile Justice. What are we going to do? Now, we have to find alternative placement. The alternative placements would be a residential treatment facility, an alternative placement would be a group home facility, a residential treatment would be a mental health facility. A residential treatment would be maybe moving him from this state and sending him to afar. Whatever the resources that the Department of Juvenile Justice, the Department of Children and Family Services, Department of Mental Health, or any of the other shared service agencies could come up with that would be appropriate for this young man, that's where he would go, but, he would not go to the Department of Juvenile Justice. He just would not. So, this Bill only makes the law consistent. So, if we can't put them in a detention center, and we can't put them in the Department of Juvenile Justice, it forces us to do something. Now, in Cook County last year… These are detention admissions in 2008. In Cook County, 10-year-olds, we only had two kids that were admitted. In northern counties, we had one kid. In central Illinois, we had 5 kids, and in southern Illinois we had 6 kids. And we had a total of 14 kids. So, we should be able to find something to do with those 14 children. That's all I'm saying and I'm just telling, we have to do something because we can't send them to the Department of Juvenile Justice."

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Speaker Lang: "The Chair's going to give Mr. Sacia one additional minute to finish his remarks."

Sacia: "Thank you, Mr. Speaker. I… I the gentle Lady spoke for 2 minutes and 42 seconds, that was applaudable. I give… I give her great credit. To the Bill. Ladies and Gentlemen, what we should be doing is fixing this Bill so they can stay more than 30 days when you have the type of young person that I do… that I was involved with, that is a violent young man and needs to be incarcerated. Thank you, Mr. Speaker, for your indulgence."

Speaker Lang: "Representative Collins, do you wish to close?"

Collins: "Yes. Thank you, Mr. Speaker. So, this Bill just really helps to make the law consistent. Right now, you cannot go to the Department of Juvenile Justice, you cannot stay in the Cook County… in any of the detention centers in our counties. So, we want people to understand that we may have one kid that is as Mr. Sacia, Representative Sacia, or the other Representative said, but they're very few and far between. And so, at age 10, these kids intent… and you are 10 years old you're about fourth grade or fifth grade. We, as a society and we, as a state, should be able to find alternative placements for these children and the responsibility rests upon us as adults. And I ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Dugan, Fritchey, Mautino. Mr. Clerk, please take the record. On this question, there are 38 voting 'yes',

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76 voting 'no'. And the Bill fails. Next is House Bill 5191, Representative Fortner. Please read the Bill."

Clerk Bolin: "House Bill 5191, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Lang: "Mr. Fortner."

Fortner: "Thank you, Mr. Speaker, Members of the House. House Bill 5191 will, I think, greatly improve our ability to report the impact of rulemaking as it affects small businesses in Illinois. This Bill provides for more specific guidelines than JCAR currently has when they see their rules. It also makes sure that for those types of rules like to pass through federal rules that IEPA deals with that those are handled correctly. I'd appreciate your support and happy to answer any questions."

Speaker Lang: "Mr. Fortner moves for the passage of the Bill. There being no debate, those in favor of the Bill should vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Chapa LaVia. Please take the record. On this question, 114 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. I rise on a part… Excuse me. I rise on a point of House Rules. Under House Rule 18(g), I have filled out the requisite form to move for the discharge of House Bill 6622 from the House Rules Committee. Under applicable House Rules and the Constitution, all Motions are assigned Standard Debate status. I do wish to debate my Motion. Upon the

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conclusion of the debate, I would also ask for a recorded vote on the Motion to Discharge. Under Rule 49, Article IV, Section 8(c) of the Illinois Constitution any vote shall be by record vote whenever five Representatives shall so request. I believe I have five Members on my side of the aisle that would request such a recorded vote."

Speaker Lang: "Mr. Mautino. Turn on Mr. Mautino's light, please."

Mautino: "Thank you, Mr. Speaker. I object."

Black: "Mr. Speaker."

Speaker Lang: "The Gentleman…"

Black: "Mr. Speaker."

Speaker Lang: "May I finish, Sir?"

Black: "Well, wait…"

Speaker Lang: "May I finish, Sir?"

Black: "…only Majority Leader Currie can object."

Speaker Lang: "The Gentleman objects to the Motion. The Motion requires unanimous consent. The Motion fails. Mr. Black."

Black: "Mr. Speaker, there are more objections filed on this House Floor than Perry Mason made in his entire career, but be that as it may, let me rise to again a specific point of order. We requested a Roll Call vote on my Motion, pursuant to rights granted to us in the House Rules and the Illinois Constitution. That has been denied, not for the first time. This breech of the rules should be corrected immediately with a Roll Call vote on my Motion to Discharge. What this Bill is, Ladies and Gentlemen, and I don't know why any of you would want to vote against this Discharge Motion. All House Bill 6622 does is to deny the

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fiscal year '11 cost of living agreement for Constitutional Officers, department and agency directors, General Assembly Members and state's attorneys. In a year, when we are faced with a record $14 billion deficit, $4.6 billion in unpaid bills, a budget that calls for $1.3 billion cut to education, the Illinois State Police may be laying off 420 State Troopers, and the list could go on and on and on. For those of you who live in Chicago, most of those troopers will be taken off Chicago expressway duty and I was here when that deal was cut. The State of Illinois for the ability to sell lottery tickets at O'Hare, we then, the state, then agreed to patrol Chicago expressways. I don't think the mayor wants those troopers removed. Although, I have tried to get a hold of him and say if he would allow the troopers to only work four days a week, we could save enough money so that they could do that. But I don't know how anybody wants to go home and face the voters and say, well, I know we're in trouble, but agency directors making $147 thousand a year, state's attorneys making $160 thousand a year, General Assembly Members who rank much lower than that are going to get a pay increase next year. We're going to have to face this before we leave. Our constituents are in absolutely no mood to discover that some of the bureaucrats will get a 6, 7, 8, 9 thousand dollar raise. It's unconscionable. It's wrong, and that's all House Bill 6622 does. And I think at some point, we're going to have to take it up. Why not join us now and move the Bill to Second Reading and if you don't want to vote for it, fine. But we're going to have to take a position

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on this before we leave, so, that's… that's why I think the Bill is important enough to be discharged from the Rules Committee."

Speaker Lang: "Mr. Black, are you moving to overrule the Chair?"

Black: "Well, Mr. Speaker, I can see you're not going to grant my Motion for a Roll Call on… on my Motion that is completely in order to discharge, but I know there was an objection. But I don't think he was really that serious."

Speaker Lang: "Are you moving to overrule the Chair, Sir?"

Black: "You leave me no choice, Sir."

Speaker Lang: "Mr. Black moves to…"

Black: "Under House Rule 57(a) I move to appeal the ruling of the Chair and that there be a recorded vote to discharge House Bill 6622 from the House Rules Committee and also on that Motion, I move to bar Representative Lang from being in the Chair for the rest of the day."

Speaker Lang: "You heard the Gentleman's Motion. The Motion is, 'Shall the Chair be sustained?' Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Colvin, Davis, Joyce. Please take the record, Mr. Clerk. On this question, there are 67 voting 'yes', 47 voting 'no'. And the Chair is sustained. Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. On a previous Bill, House Bill 5916, I had intended to vote 'no'."

Speaker Lang: "The record will show… will so reflect your intentions. Mr. Black, Sir."

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Black: "I object. The Gentleman voted and now he wants to correct the record. I know what he's up to. He's going to go home and tell people who supported that Bill I voted for it and to people who tell him he voted against it, well, I changed the record and I voted against it. I object. And I would ask that you sustain my objection and quit leading the witness."

Speaker Lang: "The next order of business is House Bill 5900, Representative Jehan Gordon. Out of the record. House Bill 5483, Representative Kosel. Please read the Bill."

Clerk Bolin: "House Bill 5483, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Lang: "Representative Kosel."

Kosel: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is an open meetings Bill and a FOIA Bill. It requires that all the entities of government have public comment under their own rules and regulation and that people have the right to speak at… at meetings. It also says that… that meeting minutes must be approved so that they can be FOIAed. We put a couple Amendments on this to address concerns that came in committee. It now says that they must be approved within two meetings or 30 days, whichever is later. And I would ask for your approval."

Speaker Lang: "Lady moves for the passage of the Bill. There being no debate, those in favor vote ‘yes’; those opposed vote ‘no’. The voting is open. Have all voted who wish? Have all voted who wish? Bassi, McAuliffe. Please take the record, Mr. Clerk. On this question, there are 114 voting 'yes', 0 voting 'no.' And this Bill, having received

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the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Rose. Mr. Rose. Mr. Rose, did you wish to speak, Sir? Your light was on. Mr. Rose has changed his mind. Next Bill on the Calendar is House Bill 4969, Representative Farnham. Out of the record. House Bill 5853, Representative Collins. Please read the Bill."

Clerk Bolin: "House Bill 5853, a Bill for an Act concerning courts. Third Reading of this House Bill."

Speaker Lang: "Representative Collins."

Collins: "Thank you, Mr. Speaker. This Bill amends the Juvenile Court Act, so that we don't commit misdemeanants to the Department of Juvenile Justice. Under current law, if you are an adult and you get a misdemeanor charge, you cannot be sent to the Department of Corrections but as a juvenile, you can. Now, we just want to comply with the Department of Juvenile Justice master plan. And according to that, DJJ should reallocate its nonviolent youth population to youth based options that are more comiser… commiserate with the assessed risk and the needs of the kids. Right now, we're spending about $85 thousand a year to commit a juvenile to the Department of Juvenile Justice. If we… if we relied on Redeploy Illinois and some of the other diversion programs, we can divert a lot of those dollars on the front end and spend maybe $2,500 in rehabilitation services, as opposed to spending $85 thousand a year housing a kid in the Department of Juvenile Justice. Under current law, Section 705 the Illinois State 405-5 the statute states in no event shall a guilty minor

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be committed to the Department of Juvenile Justice for a period of time in excess of that for which an adult could be committed for the same act. So, what they're saying, if you're an adult and you commit a misdemeanor crime, you wouldn't get an excessive amount of time. You would be charged with less than a year and you wouldn't go to the Department of Corrections. So, we want to make this law commiserate with adult law. So, we want the juveniles to be… they should be treated better than adults, but under this law, they're being treated worse. So, all we're asking is that we not send kids who have a misdemeanor charge into the Department of Juvenile Justice. And I ask for an 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. And on this question, the Chair recognizes Representative Reboletti."

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

Speaker Lang: "Sponsor yields. This Bill is on Short Debate. The timer is on."

Reboletti: "Representative, we just expanded the age group for people to be considered as minors up to age 17. Didn't we do that last year or the year before?"

Collins: "For misdemeanor charges, yes."

Reboletti: "Right. And so now this Bill, if it passed, would it be fair to say that if somebody had a conviction for domestic battery at age 16 or 17, that they couldn't be sentenced to DJJ. That's what would happen here, right?"

Collins: "They couldn't be sentenced to… if it was a misdemeanor.

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Reboletti: "Right.

Collins: "Is that a misdemeanor charge?"

Reboletti: "A Class A misdemeanor domestic battery."

Collins: "A Class A misdemeanor, we're saying that they could not be sentenced to the Department of Juvenile Justice, but they could be held in the Detention Center, but the Department of Juvenile Justice."

Reboletti: "Why couldn't they go to the Department of Juvenile Justice? Was… why do you think that would be detrimental to them? If you violate a probation or a conditional discharge and at some point in time the court feels it's appropriate to sentence them to a term of incarceration, isn't that what the Department of Juvenile Justice is for?"

Collins: "Well… we had research support that our community based alternatives do work. And then the MacArthur did a foundation in our models for change and Illinois is one of those states for research on the pathways to… They released a study in December 2009, it shows that institutional confinement for low-level offenders raise the level of offending. The report states that expensive institutional placements are often being used in cases where there is little need for such investment, and where it may, in fact, be counterproductive. Other states like Ohio, Iowa, and Texas, and California have passed laws that you don't put kids with misdemeanors into the…"

Speaker Lang: "Please complete your comments."

Collins: "…into the Department of Juvenile Justice, that the money spent will be better used in alternative programs and it's less expensive."

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Speaker Lang: "Mr. Reboletti, do you need more time?"

Reboletti: "A minute, Speaker."

Speaker Lang: "One minute, Sir."

Reboletti: "One minute. To the Bill. I think this Bill is too broad. You have crimes of violence, such as domestic battery. You have cases of reckless conduct. You have cases of misdemeanor sexual battery. You have other cases, gun crimes, that would fit into this. I think those types of crimes should have the option… with… let the judge have the option to sentence them to DJJ. If this Bill had looked at a smaller portion, maybe your Class E misdemeanors, your Class B misdemeanors, things that are nonviolent in nature, I think I might be able to support that measure to take some of those kids out of the system, maybe put them into custody back in their county youth facilities, and maybe into some type of other residential placement. But I think at this time it's too broad. We cannot take that option away from the courts. And I would urge a 'no' vote. Thank you, Speaker."

Speaker Lang: "Mr. Fritchey."

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

Speaker Lang: "Lady yields."

Fritchey: "Representative, just a quick question. I'm looking at the analysis. It says right now the only situation in which a juvenile will be committed to the Department of Juvenile Justice is if there was a finding that the parents were unfit or unable to care for that juvenile, or if it's necessary to ensure the protection of the public from the

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consequences of criminal activity of the minor. Is that correct?"

Collins: "That's correct."

Fritchey: "Aren't both of those… I mean, both of those… and I supported you in your last piece of legislation, so you know. But aren't both of those legitimate reasons for putting a minor in DJJ?"

Collins: "Well, what we're seeing is that if it's a misdemeanor, adults today cannot go to jail for a misdemeanor. So, we wanted to make sure that the juvenile law and the adult law is the same. So, now… so, the only thing it does is that you can still send the kid to the Department of Juvenile Justice, but we're just asking that right now, 45 percent of the population in DJJ… in 2009, we had 191 youth, or about 13 percent of the juveniles, committed to DJJ were misdemeanor offenses. We would better utilize spending our resources elsewhere. It was only about 13 percent of those kids that were sent. So, these are youth who with Class III or IV felonies to determine whether it is in the best interest of a minor and the community to be based on alternative placement."

Fritchey: "And I get the desire to see some level of consistency, but there's two factors here that don't apply in a adult situation. You know, the DJJ finding would be if the parents were unable to take care of the child and if we can't send them to Juvenile Justice… what would we do with them under this situation? If they were… if they were charged with a misdemeanor, but the court says either your parents are unfit or unable to take care of you, or based

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on the nature of the crime, you pose a threat to society. But you're saying now that we can't…"

Speaker Lang: "Please complete your comments, Mr. Fritchey."

Fritchey: "But you're saying that even in those situations we couldn't send them to Juvenile Justice. What would happen to them under those?"

Collins: "Well, the same thing. We'd have alternative placements. So, as the department merges with the Department of Juvenile Justice, and we have a Bill that we passed… this legislation just passed the other day… about shared services, who we place into alternative placements. So, they can go to a residential treatment, they can go to foster care if DCFS had custody of the kid, if the parents were unwilling or unable to take care of the kids."

Fritchey: "But… but under the other finding that there is a threat to the public because of the consequences of the criminal activity."

Collins: "Residential treatment."

Fritchey: "…that… that might have made…"

Collins: "That's why they have residential treatment. That's why they have the mental health assessment and they may need mental health treatment. You said they were going through…"

Fritchey: "But this isn't really a mental health situation. I apologize for interrupting you."

Collins: "No. They go… they're… many of the same alternatives that we use today when we can't place a kid in the Department of Juvenile Justice, well, we use those other placements. That's what we would use those same things."

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Fritchey: "Okay. Thank you."

Speaker Lang: "Mr. Washington."

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

Speaker Lang: "Lady yields."

Collins: "Yes."

Washington: "Representative, what are you trying to do? I mean, you either too broad or you're too narrow? You're too tall or too short? What are you trying to do here?"

Collins: "Well, what we're trying to do is to make sure that current law states that in no event shall a guilty minor be committed to the Department of Juvenile Justice for a period of time, in excess of that period, for which an adult could be committed for the same act. So, if you were an adult and you receive the misdemeanor charge, you would not go to jail. You'd probably get under a year in probation… probation, if you were committed… if you were found guilty of that offense. So, we're asking the same thing. If I am a juvenile and I committed a misdemeanor charge that I would not go to the Department of Juvenile Justice or receive incarceration, and that would make it in line with adult treatment. Juveniles should not be treated any worse than an adult would be treated for the exact same crime. And so, we're just asking that the law would state that and would do exactly that. So, if a juvenile committed the same offense that an adult did, then they would not go to jail. We are asking that a juvenile not go to jail as well, but there will still be consequences for their action. It just wouldn't be incarceration."

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Washington: "Well, you know I'm looking at your proponents Juvenile Justice Initiative, Department of Human Service, Child Care Association, Sergeant Shriver National Center on Poverty, Illinois PTA, Illinois Collaboration on Youth. All are very creditable."

Collins: "The Illinois State Bar Association."

Washington: "To the Bill. Representative, I really want…"

Lang: "Mr. Washington, to the Bill."

Washington: "…to say that. You keep climbing the mountain that you're climbing. I think what you're doing is noble, to try to give opportunities for young people to not become career criminals and give a chance for them to grow up and be something other than somebody in our institutions, which are overcrowded. I intend to support your legislation."

Speaker Lang: "Representative Collins to close."

Collins: "All right. Thank you. What would happen under this Bill is… under this legislation, judges could continue to lock up juveniles with misdemeanors in the county detention centers. It would also reduce the number of plea deals offered to youth for felony charges response inability to sentence adult misdemeanors to the Department of DOC has not reduced pleas in the adult court. Don't expect a reduction to be in juvenile either. So, this Bill would save money. Those kids that were committed to DJJ for misdemeanor offenses in 2009 were only 191 kids and for felonies that 3… low level… we had about 32 percent of the population was committed for low level offenses. Right now, it costs us about $85 thousand per year to house a juvenile in a detention… in our Juvenile Justice Center. With

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Redeploy Illinois in places, and with other community based services, it would only cost us between $2500 and 2 thousand. That's a big difference than spending 85 thousand per kid. Then we would spend about $2500 to $10 thousand per kid. So, I ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Bill shall vote ‘yes’; those opposed ‘no’. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Berrios, Burke, Deluca, Jackson, May. Mr. Clerk, please take the record. On this question, there are 72 voting 'ye… 42 voting ‘yes’ and 71 voting ‘no’. And the Bill fails. House Bill 5633, Representative Jerry Mitchell. Please read the Bill."

Clerk Bolin: "House Bill 5633, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lang: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring you House Bill 5633. Floor Amendment #1 which becomes the Bill amends the School Construction Law. And basically, what this does is when there's a consolidation of schools, they get a grant index given to them and there's usually a high and a low but the law is silent on what to do after that point. What this Bill does is allows a merger of those two, an average of those indexes, and then allows them to be competitive. It certainly would rule out some other school districts or you could use the high one. That Bill would not pass and certainly, if we… if the higher school index… with a higher grant index had to use the lower one, they would not want

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to consolidate with that school. So, this is just a way to solve that problem, make them competitive for the matching grants. I'd be happy to answer any questions."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Miller. Please take the record. On this question, 114 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4826, Representative Will Davis. Please read the Bill."

Clerk Bolin: "House Bill 4826, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Lang: "Representative Davis."

Davis, W.: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4826 seeks to amends the teachers… Chicago Teachers Article of the Illinois Pension Code to increase the maximum total payments for health insurance for their retirees from 65 million to a capped amount of $100 million. I'll be more than happy to answer any questions."

Speaker Lang: "The Gentleman moves for the passage of the Bill. Mr. Eddy."

Eddy: "Thank you. Would the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Eddy: "Representative, what would the effect of this legislation be on… on the cost to the system."

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Davis, W.: "On a cost to the system? Well, if you're talking about what they're… the dollar amount that they're seeking, they're seeking an increase of a total of $35 million to $100 million?"

Eddy: "They're seeking an increase of 35 million, right, from 65 to 100."

Davis, W.: "Yes."

Eddy: "And so, where does the 35 million additional dollars come from?"

Davis, W.: "It's their own... it's… it would come from GRF, Sir."

Eddy: "So, you've… Representative, I'm sure you're aware of the situation that we face, the fiscal condition of the state. Could you… I know GRF, but is there a specific revenue source? We can't pay salaries for teachers because schools aren't receiving funding. We're not paying for mandated categoricals, $35 million is a lot of money."

Davis, W.: "Well, Representative, I'm told that there is nothing that mandates that this has to be paid, but if there are additional dollars that could be paid toward… we're simply capping the amount that could be contributed this… to the $100 million."

Eddy: "Well, you're increasing the cap and then it's out of our control because the cap's up 35 million and then the money comes later. But my point is and think you know the point, where… where would the $35 million specifically come from at a time when we're in the type of fiscal condition that we're in?"

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Davis, W.: "Well, I appreciate that, Representative, and again, all I can simply say is that there is no mandate that that has to be paid. We're simply giving them the opportunity to possibly raise the cap up to $100 million if at all possible."

Speaker Lang: "Mr. Eddy, for an additional minute, if he needs it."

Eddy: "Very quickly. Ladies and Gentlemen of the House, obviously, the Gentleman is bringing something forward on the behalf of a constituency, but we absolutely cannot afford this. This is something that is not possible at this time. Yesterday, as you know, we were able to provide extraordinary relief in the form of a three year pension, what amounted to a pension holiday of $400 million on the actuarial payment for… per year for three years. We can't afford this. Vote 'no'."

Speaker Lang: "Mr. Fritchey."

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

Speaker Lang: "Gentleman yields."

Fritchey: "Thank you. Representative… Representative, just to clarify this a little bit, and I… I think we get a sense of what's going on here, you know, when we look who's lined up in favor of this Bill and against the Bill, and the fact that CPS is against the Bill. Do you know intuitively, and I think you do, why Chicago Public School system would be against this Bill?"

Davis, W.: "Do I know specifically? Well…"

Fritchey: "Well… do you have a sense of why they're against this Bill?"

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Davis, W.: "Honestly, I could… I can honestly say no because I've not talked to CPS specifically about it. If you have any insight, please share it with me."

Fritchey: "Oh, no, I don't. I'm asking you candidly, you know. My… my concern though is, you know, when… when I see there that we've got a cost to the pension fund of potentially $35 million. You know, I guess my frustration obviously isn't with you, it isn't with the Bill. It is somewhat with CPS, who is quick to come and tell us that the sky is falling and have us take drastic actions yet, you know, we tend not to see too many improvements from them. I'm just… I'm just try… I'm trying to understand, you know, where this leads us. Not just with respect to the state, but for those of us who have districts that are solely within the City of Chicago. Therefore, we only have one school district, that being Chicago Public School system. If this does… if this, in any way further taxes… no, let me use a different word, if this further strains the financial situation of the Chicago Public School system."

Davis, W.: "Well, Representative, I'm told that CPS may feel that this is an extension. Could be an… could be interpreted as an expansion of retiree health… of the health… retiree health program, or health benefits."

Fritchey: "And so, if it's an expansion of those benefits, it would be an additional cost to the system. And so, that's dollars that would have to into the system that aren't dollars that are going into the classrooms. Is that correct?"

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Davis, W.: "Well… so, you're saying would CPS have to fund these dollars?"

Fritchey: "Well, they think that the… the…"

Speaker Lang: "Mr. Fritchey, for an additional minute."

Fritchey: "Thank you, Speaker. The… the money's got to come from somewhere."

Davis, W.: "But you're suggesting that it would come from CPS?"

Fritchey: "Well, I… I'm asking you, if it doesn't come from the CPS then it comes from us, and it comes from GRF, then it's money that we have to put to the Chicago Public School system to help meet their pension obligations, which is something that we just did significantly yesterday, as opposed to the same… those same dollars that we could be taking to put into classrooms. Correct? I'm not trying to be contentious, Rep…"

Davis, W.: "No. No. No. I think I understand what you're saying and I guess the simple answer, I guess, would be a… a matter of making a decision where the dollars go. So, if they feel that a decision would be made that would take money out of their classroom, then obviously, that's their position."

Fritchey: "Well, I mean, I think we made a decision yesterday to, you know, let them off the hook to the tune of hundreds of millions of dollars from pension obligations. And I think we've got to find ways, and I know you've worked diligently as have I, to try to get more dollars into the classroom. I'm just afraid that this is diverting those potential resources. Thank you."

Speaker Lang: "Mr. Davis to close."

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Davis, W.: "I don’t disagree that there obviously needs to be a way to try to get more revenue into the… to the classroom, and there is a Bill out there, House Bill 174, which could possibly accomplish that. But in the scheme of trying to help retirees, maybe years ago, retiree benefits would have been able to cover their health costs, but certainly with the rising cost of health insurance, this is an opportunity to give them the opportunity to help cover rising costs for their particular retirees, which is why they seek this particular piece of legislation. It's something that has been in this chamber several times before. Former Representative Molaro has worked to try to pass this before. In the past, he has raised… been able to raise that cap in past years and it's been a few years since that cap was raised, and now we seek to try raise it again."

Speaker Lang: "Those in favor of the Bill shall vote ‘yes’; opposed ‘no’. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Beaubien, Colvin, Holbrook, Joyce, May. Mr. Clerk, please take the record. On this question, 47 voting ‘yes’, 65 voting ‘no’ and 1 voting 'present'. The Chair recognizes Representative Davis."

Davis, W.: "I'd like to put this on Postponed Consideration."

Speaker Lang: "Place the Bill on the Order of Postponed Consideration. The next Bill on the Calendar is House Bill 4663, Representative Bill Mitchell. Out of the record. House Bill 6450, Representative Monique Davis. Please read the Bill."

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Clerk Bolin: "House Bill 6450, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lang: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. With the conditions of the economy, this is the Bill to help give people whose licenses have been suspended for not paying child support the opportunity to drive to look for jobs so they can meet their financial support obligations. The law already allows a court to give someone a family financial responsibility permit so they can drive to work or to a drug and alcohol treatment center, even after their license has been suspended for not paying child support. This Bill simply extends the purpose of that permit to allow for seeking employment. It would be limited between Monday and Friday from 8 a.m. to noon, unless the person can show good cause and to ensure compliance. The person must be required to show proof, such as a memo, a diary or other evidence that they are looking for work. The permit can also be limited in accordance with the hours of job training and placement programs. This program also allows the Department of Healthcare and Family Services to direct the Secretary of State to give the permit as well, which they cannot currently do. The department currently certifies the suspension of licenses for the nonpayment of child support. Now people can make payment… a payment plan with the department to avoid having their license suspended. I ask for an 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. The Chair recognizes Representative Eddy."

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Eddy: "Sponsor yield?"

Speaker Lang: "Sponsor yields."

Eddy: "Representative, you explained this the other day quite well during the Amendment, but a couple questions to clear up. First of all, is there a cost involved for the permit?"

Davis, M.: "There is no cost."

Eddy: "So DHS decides, then Secretary of State issues. Is there a length of time that the permit is good for, a period of time?"

Davis, M.: "That decision would be made by the department."

Eddy: "Do… do you have any, as the Sponsor of the Bill, your intent… is this never ending or do you want this to be for a period of time while they're looking for work?"

Davis, M.: "I think, perhaps, while we're in the terrible economic condition, while they're looking for work. Some people are having to leave what they have had as their career employment and they're having to go and find employment, perhaps, out of their area or you know, maybe somebody with a computer downtown taking a train and now, they have to drive someplace else to look for employment."

Eddy: "So… so, as long as they're unemployed. What happens when they become employed?"

Davis, M.: "They are currently given permission to go to and from work."

Eddy: "Okay. So, there's another…"

Davis, M.: "That… that is already…"

Eddy: "…there's another…"

Davis, M.: "…current law."

Eddy: "…there's another…"

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Davis, M.: "That's current law."

Eddy: "Okay. Final question, if someone was caught under… Is your intent that, let's say, they don't have the log, they don't have the proof, they… they weren't really out looking for employment, which I think is something you're trying to get done with this, what happens? Do they lose their permit? Is there a…"

Davis, M.: "Their permit can be invalidated or taken from them at any time by the Secretary of State, by the Department of Family… the department that issues it. They can…"

Eddy: "DHS."

Davis, M.: "DHS. They can take it from them, yes."

Eddy: "And then, you certainly, I would guess, if they're misusing it, you would agree that that… they need to lose that privilege then."

Davis, M.: "Absolutely."

Eddy: "Okay. Thank you, Representative."

Davis, M.: "Yes, Sir."

Speaker Lang: "Representative Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Reboletti: "Representative, if the person is issued this permit from 8 a.m. to 12 p.m., and they're pulled over for a traffic violation, are they, at that time, supposed to show that they were on their way to an employment interview or something or is that just already presumed if they have the permit?"

Davis, M.: "No. They… they should show that they were on their way to seek employment and the address that they were

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planning to attend. But if they committed a traffic violation, they could lose this permit just as they could lose a valid driver's license."

Reboletti: "But they're already suspended by the Secretary of State for noncompliance with child support, right?"

Davis, M.: "Yes."

Reboletti: "And so, what this would do is alleviate that burden. I… I guess I'm just concerned that the enforcement mechanism isn't going to be all that great 'cause I think people can take advantage of it. And I… and I appreciate the fact that people are trying to get work. We want them to go back to work. We want them to be in compliance. We want them to take care of their children. I'm just concerned that if we can tighten this up, I think I could be supportive of it. I'm just… I'm just not sure if the person who's driving around at 9:00 in the morning, are they driving to McDonald's because they're trying to get a job or they're going there because they're trying to eat or they're… you know, I mean, anybody can say I'm trying to go to this next place to get a job. So, I guess that's one of my concerns is, how would we know if the person is outside the scope of the certificate? That's my concern."

Davis, M.: "Well, my understanding is the court does check, that the court… they have job diaries that are required and the court does check them."

Reboletti: "How often would they check? Would there be a status date every couple months? Would the Secretary of State check? Who would perform this review?"

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Davis, M.: "Their next court date, or when they have a continuance in court."

Reboletti: "So, if the court…"

Speaker Lang: "Please… we'll give you another minute, Mr. Reboletti."

Reboletti: "So, if the courts said we're going to give you an opportunity here, they may have to come back in two or three months and show 30 employment…"

Davis, M.: "Sometimes…"

Reboletti: "…opportunities?"

Davis, M.: "…the court requires that they come back on a monthly basis…"

Reboletti: "Okay."

Davis, M.: "…until they find a job."

Reboletti: "And… and I know they do that from time to time, and you're saying that this would go hand in hand with that. I would be more comfortable if it was tied into the court checking and saying, okay, for the next month you have to go out and… and look… You know, usually, what we used to do is say 10 applications per week, at least, and then have to go show some proof to somebody that that's what they were actually out doing."

Davis, M.: "I think the court bases it on individual cases, and it may be 30 days. You come back in 30 days and we'll extend it for 30 days, or we'll just deny it."

Reboletti: "Are they going back to the court now, or they going to the Secretary of State, or the department? Which one are they going to, if this becomes law?"

Davis, M.: "It would be either the court or the department."

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Reboletti: "Okay. Thank you."

Davis, M.: "You're welcome."

Speaker Lang: "Representative Davis to close."

Davis, M.: "I would just ask that we support this legislation in order to give those who are unemployed an opportunity to find work to support and take care of their families. And I want to say thank you to all of those that helped me work on this legislation. Thank you, and I hope you'll vote 'aye'."

Speaker Lang: "Those in favor shall vote ‘yes’; those opposed vote ‘no’. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Cultra, Kosel, Sommer. Please take the record, Mr. Clerk. On this question, 103 voting ‘yes’, 11 voting ‘no’. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5517, Representative Mulligan. Out of the record. House Bill 5152, Representative Nekritz, who is already standing apparently. Please read the Bill."

Clerk Bolin: "House Bill 5152, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lang: "Representative Nekritz."

Nekritz: "Why thank you, Mr. Speaker. House Bill 512 establishes the Developmental Disability… Disability and Mental Health Safety Act or Brian's Law. It is so named because of a horrific death. The horrific death of Brian Kent, a developmentally disabled citizen of the State of Illinois. In cases such of the death of Brian Kent, this legislation will establish a volunteer based mortality

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review process conducted by an independent team of experts. These teams will be in the Department of Human Services and they will review the circumstances of deaths in state operated facilities, as well as community based facilities. They'll make recommendations to the Department of Human Services for avoiding deaths, changes in policies and practices that will prevent harm to individuals with disabilities and establish protocols for investigating deaths of these individuals. These independent teams of experts are similar to those in the Department of Public Health, the Abuse Prevention Review Team, and the Department of Children and Family Services, the Child Death Review team. I just want to also acknowledge that the Illinois Press Association had some concerns about the open meetings and FOIA portions of the Bill, and we'll be working in the Senate to address those concerns."

Speaker Lang: "Lady's moved for the passage of the Bill. Representative Mulligan, do you rise because you wish me to go back to your Bill next? Or do you wish to speak on this Bill?"

Mulligan: "I had turned my light on for my Bill and you went by it. I didn't turn it off. I'm sorry. But I would like you to go back because I have no idea why you took it out of the record."

Speaker Lang: "I didn't see you in your chair, Representative, but I will go right…"

Mulligan: "I'm short."

Speaker Lang: "…back to you."

Mulligan: "It's a family trait."

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Speaker Lang: "That could be your problem. Those in favor of the Bill shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, 113 voting 'yes', 0 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5517, Representative Mulligan, who I see in her chair. Please read the Bill."

Clerk Bolin: "House Bill 5517, a Bill for an Act concerning professional regulation. Third Reading of this House Bill."

Speaker Lang: "Representative Mulligan."

Mulligan: "Ever since Representative Krause left, I have that dubious distinction. For those of you who don't know she was shorter than I was. House Bill 5517 amends the Pharmacy Practice Act in relation to notification to a patient, if a pharmacist makes a substitution of one generic medication for another generic medication. The Bill has been amended twice and has… was negotiated with IRMA, PHARMA, the Illinois Med Society, people that represented CVS and Walgreens. Basically, what the Bill does is it says that if you currently are on one generic drug for a while, your pharmacist needs to call you and let you know, or notify you in some way if they're changing to another generic drug. So that you know before they fill the prescription that there's a change and you can object if you need to or find out from your doctor or by the general description of the drug if it will do the same thing that you want. It does not change anything within the law that doctors can

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file, which is the law now that they can say no substitution. This just deals with a drug that you've already been taking and that they want to change, usually, because of a cost break from one generic to another."

Speaker Lang: "Lady's moved for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Myers, Rita. Please take the record, Mr. Clerk. On this question, 114 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 6202, Representative Burns. Please read the Bill."

Clerk Bolin: "House Bill 6202, a Bill for an Act concerning utilities. Third Reading of this House Bill."

Speaker Lang: "Representative Burns."

Burns: "Thank you very much, Mr. Speaker, and Members of the House. House Bill 6202 will create a Net Metering Task Force. It's an agreed Bill with the environmental groups, Environ… Environmental Law and Policy Center and the utility companies. The report will be issued in March 2011. I know of no opposition. I ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On this question, 112 voting 'yes', 2 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4871, Representative Poe. Please read the Bill."

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Clerk Bolin: "House Bill 4871, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lang: "Mr. Poe."

Poe: "Ladies and Gentlemen of the House, and Mr. Speaker, this is a Bill that Treasurer Giannoulias did a… turned the money over from those hotels that we had a few years ago. They've both been sold. The one in Collinsville; the one here in Springfield and this is at the end by two thousand… end of 2011. They'll be right around $20 million transferred back into state funds. I'd ask for a 'yes' vote."

Speaker Lang: "Gentleman moves for the passage of the Bill. There being no debate, those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Coulson, Turner. Please take the record. On this question, 114 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5947, Representative Flider. Please read the Bill."

Clerk Bolin: "House Bill 5947, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lang: "Mr. Flider."

Flider: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation was on the House Floor before. We had some questions from some Members and we redrafted it to achieve a similar goal which was to ensure that persons who were in prison, incarcerated, would not be contacting the families of crime victims. And so, this legislation now requires a court to provide that order at the time of

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sentencing, or the Prisoner Review Board to provide it at the time of parole review. And I appreciate the assistance of Representative Reboletti and Representative Careen Gordon on this. I'd ask for an 'aye' vote."

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

Reboletti: "Thank you, Speaker. I just want to thank Representative Flider for taking it out of the record and working with us. I think it's a good Bill. I urge an 'aye' vote. Thank you."

Speaker Lang: "Those in favor of the Bill shall vote ‘yes’; opposed ‘no’. The voting is open. Have all voted who wish? Have all voted who wish? Hamos, Sommer. Please take the record. On this question, 113 voting ‘yes’, 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5093, Representative Ramey. Out of the record. House Bill 5640, Representative Reboletti. Please read the Bill."

Clerk Bolin: "House Bill 5640, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lang: "Mr. Reboletti."

Reboletti: "Thank you, Speaker, and Members of the House. This Bill is something that came out of our subcommittee. It's a Bill called Jasmine's Law, and it was about a young lady who was molested by a family member when she was 11 years old. And that family member used alcohol to get her in a… in a state where she was not able to help herself and protect herself. What this would do is add, as an aggregating factor to our Criminal Code, the use of alcohol

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as an aggregating factor to which the courts could then sentence the offenses of predatory criminal sexual assault, add crim sex assault to sex crimes to extended term eligibility. What that would mean if the case was 4 to 15 years, the judge would have the option to sentence that person from 4 to 30 years after a hearing to show that the… the person that committed the offense to the minor had used the alcohol to get them in that state. So, I'd entertain any questions."

Speaker Lang: "Gentleman moves for the passage of the Bill. Chair recognizes Representative Fritchey."

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

Speaker Lang: "Gentleman yields."

Fritchey: "Representative, and I hope you'll pay attention, I want to find out if this does what I think it does. What you're looking for is an enhanced sentence if it turns out that the minor victim had consumed alcohol, correct?"

Reboletti: "That's correct."

Fritchey: "What's potentially troubling here while none of us have sympathy for the offender in a case like this, is there any requirement that the offender knew… Now, I know that there's no requirement if the offender had to be the one who provided the alcohol. Is there any requirement that the offender knew that the victim had consumed alcohol?"

Reboletti: "This would be if the offender used alcohol to put the person into the state."

Fritchey: "Well, as I am looking at this, Dennis… Representative, I mean, it… I'm looking at language, that regardless of whether or not the alcohol was supplied by

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the offender… Where is it that… where is the language here? Maybe I am just looking at the Amendment and perhaps it's in the underlying Bill, of the language that the offender used the alcohol in commission. If that's the case, I'm with you 100 percent, but that's not how our analysis reads."

Reboletti: "Well, you know what, Representative, let me take it out of record for a second and I'll check that with you."

Fritchey: "Well, I don't want to… I don't want to make you do that if it's unnecessary."

Reboletti: "What we've done, Representative Fritchey, is make it consistent with the other aggravating factors. So right now, if you use narcotics in the same situation, it could be an aggravating factor. What we've done is just mirror the language from the statute and make alcohol one of those aggravating factors."

Fritchey: "Well, Representative, let me ask you. If you want to take it out, that's great. If you don't, we can debate this now. I don't think you need to take it out. I… I've looked at underlying Bill and the language. What it says though is that there will be an extended sentence if the victim of the offense is a minor, under 18 at the time of the commission, and during the commission the victim was under the influence of alcohol, regardless of whether or not the alcohol was supplied by the offender. What there… what's lacking here is any requisite knowledge on the part of the offend…"

Speaker Lang: "Mr. Fritchey, for an additional minute."

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Fritchey: "This is important, Speaker. It may need more than a minute. There… there's no requirement here of any knowledge that, by the offender, that the victim was… had consumed alcohol."

Reboletti: "Representative, let me take it out of the record for a second. I'll work it with you."

Fritchey: "Thank you."

Speaker Lang: "Take the Bill out of the record, please. The next Bill is House Bill 5044, Representative Soto. Please read the Bill."

Clerk Bolin: "House Bill 5044, a Bill for an Act concerning financial regulation. Third Reading of this House Bill."

Speaker Lang: "Representative Soto."

Soto: "Thank you, Speaker, and Members of the House. This is a pretty simple Bill. It amends the Financial Institutions Code, provides that the department shall create a version of it's Website that is in Spanish for pages that contain information about predatory lending. And I urge an 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. The chair recognizes Representative Mautino."

Mautino: "Yes, Mr. Speaker, I would just ask that the Clerk and record reflect that Careen Gordon will be absent the rest of the day."

Speaker Lang: "The record will so reflect. You did mean to say excused absence for the rest of the day, is that correct, Mr. Mautino?"

Mautino: "Correct."

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Speaker Lang: "Thank you. There being no debate on the Bill, those in favor vote ‘yes’; opposed ‘no’. The voting is open. Have all voted who wish? Have all voted who wish? Eddy, Soto. Please take the record. On this question, 110 voting ‘yes’, 1 voting ‘no’, 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5900, Representative Jehan Gordon. Please read the Bill."

Clerk Bolin: "House Bill 5900, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lang: "Representative Gordon."

Gordon, J.: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 5900 amends the Code of Criminal Procedure and changes the joinder provision to allow joinder of the additional offenses in one count so the state can aggregate penalties. Currently, joinder is permissible for two or more acts and we would… in this Bill, we would simply be adding financial exploitation of an elderly person or person with a disability, identity theft, aggravated identity theft, misappropriation of financial institution property, commercial bribery involving financial institution, financial institution fraud, loan fraud, continuing financial crimes enterprise, and organizer of continuing financial crimes enterprise. These offenses would be added to the joinder law. This is an initiative from DuPage County. There is no known opposition at this time. And I'd be willing to answer any questions, and I'd like to ask for a favorable vote."

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Speaker Lang: "Lady moves for the passage of the Bill. There being no one who wishes to speak, those in favor vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Bassi, Sommer. Please take the record. On this question, 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Returning to House Bill 5762, Representative Carberry. The Bill's already been read a third time. Mr. Carberry."

Carberry: "Thank you, Mr. Speaker. We did agree to take the… the Bill off record, and agreed to go ahead with the vote. And if there are any changes that do need to be made, they'll be looked at in the Senate."

Speaker Lang: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I spoke with the Sponsor. There's a few stylistic changes we need to make, but I think we should pass the Bill. I think he's on the right track, and I would encourage my colleagues to support his Bill."

Speaker Lang: "Mr. Reboletti."

Reboletti: "Thank you, Mr. Speaker. Thank you, Representative, for taking the time to take it out of the record. In these cases, Ladies and Gentlemen, I prosecuted these types of cases where people violently shake a child. The child ends up dying. The child usually ends up with bleeding on the brain, with blindness. In the case I worked right before I left, was a case where the child was about two months old and was on a respirator, and the only thing the doctor told

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me that the child could do was feel pain and eventually, that child died. And unfortunately, it was a difficult situation for the family, for the investigators who worked the case, and… and personally, for myself. It was very disturbing. And I appreciate the fact that you're going to work with this… the Senate Sponsor on this. I know that we can make it constitutional, make sure we protect these children, and make sure that the people are aware of what has happened in the past. So, congratulations, Representative."

Speaker Lang: "Mr. Brady."

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

Speaker Lang: "The Gentleman yields."

Brady: "Representative, I, too, have been involved in numerous of these cases, unfortunately, as former coroner on the investigation side of things. And I had… a question that I saw in the analysis here that I'm looking at, that the individual perpetrator would have to be on a reg… register for 10 years. Is that correct?"

Carberry: "Yes."

Brady: "Okay. And… and, why 10 years? What… what's the magic number about 10 years?"

Carberry: "Well, the current statute that has, you know, it already is 10 years. That is the… Why? That's what the Legislator came up with."

Brady: "And in addition, if the individual who's found guilty of the crime is already on a sex registry offender's registration, as well as something else, does that… that plays into it somehow? Can you explain that for me?"

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Carberry: "If you're on… this list has… is independent completely of the… the sexual… the sexual predator list."

Brady: "Well, there's something in our analysis that indicates that if the individual who's found guilty of the crime had been on a previous register, that that individual then is on this particular registration then for life. Are you aware of that?"

Carberry: "No, I am not. I am not aware of that."

Brady: "Okay. Thank you very much."

Speaker Lang: "Representative Collins."

Collins: "Thank you, Mr. Speaker. A lot of shaken baby syndrome when you deal… Would the Sponsor yield? I'm sorry."

Speaker Lang: "The Gentleman yields."

Collins: "Yeah. Just to the Bill… to the Bill. Well, we debated this Bill in committee and come to find out, a lot of… when I was doing… as an investigator with the Department of Children and Family Services, we had a lot of teenagers who did babies shaken syndrome. And they shook the baby, and their intent was not to kill the baby. And now, we put a young kid on the registry because she shook the baby with no intent to kill. I just don't think that we should do that. And so, because our law is so broad that it goes from the person with the least to all the way to the maximum, that this would include a lot of juveniles and a lot of teenagers who are young parents and who, when they leave the hospital, don't give them a lot of information about shaken baby syndrome. And so, yet, when they're trying to quiet a baby, they shakes a baby. I had

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the opportunity to call one of my people that I worked with over at the Department of Children and Family Services and asked them about what happens when a baby was shaken, because this baby was actually older, about 22 months. And so, normally, if you shake a baby, the ba… the head is fractured and you might have gotten a few fractures before, actually, the baby died and they never took the baby to the hospital. Now, I'm not saying that they should not be punished, but I'm… I am saying that we should, as hospitals, as educators, this… there should be more information given to our young children who are…"

Speaker Lang: "Representative, I'll give you an additional minute."

Collins: "Okay. …or teen moms who are having babies and through difficult situations that they're not equipped or able to handle those children, and then they do something in a rash. So now, they're being punished for the rest of their lives. So, I just don't… I think this is a little bit too harsh, so I ask for a 'no' vote."

Speaker Lang: "Representative Monique Davis."

Davis, M.: "First, I'd like to welcome our new Legislator over there. You're real close to my district, so I'm sure we'll be work… working on things together. I have to agree with the previous speaker. You know, years ago, people had grandmothers at home with them, or their parent was home with them, and they taught… you learned… that's how you learned to take care of your baby, from some older adult being present. And too often today, we don't have an older adult in the home, or someone available to teach you how to

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take care of a baby. I've noticed people on television who, you know, they're just there with their children and I've noticed they'll start shaking the baby on their knee. And some people don't realize that you should not shake a baby and sometimes the more the baby cries, the faster they'll shake, not trying to hurt, because they think it's consoling. So, my question to you, Representative, is where do people… where do we learn not to shake a baby, today?"

Carberry: "Well, I think it's… empathy is a great quality, but in… in this situation, baby shaking is dev… defined as the vigorous shaking of an infant, a young child, that results in the death of a child and is usually… and that usually is determined by the coroner. But where do you learn it? You know, education's a great thing but what this… all this does is get a ma… it facilitates information to the public so you don't have, possibly, someone coming into your home to babysit your child, or grandchild, or niece, or neph… or niece or nephew that has been responsible for the death of a child."

Davis, M.: "But I just think some…"

Speaker Lang: "Please take an additional minute, Representative."

Davis, M.: "Thank you, Mr. Speaker. That's very polite of you. I just think some place, we have to realize that today there is limited information for young people having children about how to care for those children and there's usually not an adult around to teach them. So, it's usually at this point in our lives, it's trial and error.

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So, I do support you in what you're trying to do, but I'm going to have to vote 'present' on your Bill."

Speaker Lang: "Representative Bradley."

Bradley: "Thank you, Mr. Speaker. This was actually my Bill, and I still think it is. Representative Carberry took a great interest in this and wanted to get involved. We had a lady in my district whose baby was tragically killed, and she came up and testified very passionately in committee, in support of this Bill. And all we're trying to do here is there's a list of violent crimes against children, which lands you on the child registration list, and that's all we're trying to do is add baby shaking to that because this is a very serious issue and it… it causes… it's a very, very horrible situation, and that's all we're trying to do. And so, I commend Representative Carberry for taking this Bill, taking the lead on this. I stand 100 percent behind him. We're not enhancing penalties here necessarily. We're trying to make sure that people that commit these offenses stay away from kids, and that's all we're trying to do as… as in, don't shake babies. And by doing this, we hope that we can also raise awareness, that it's never appropriate to shake a baby. And that was our hope as… as through going through this. Not only in putting this on the registry, that we could also educate people and raise awareness of how… how dangerous a situation this is. So, I would ask you humbly for an 'aye' vote in support of this Bill, which directly affects constituents in my area and the rest of the people of the State of Illinois."

Speaker Lang: "Mr. DeLuca."

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

Speaker Lang: "Gentleman yields."

DeLuca: "Representative Carberry, I understand this is a very important issue. It's a serious issue, and Representative Black had pointed it out earlier. However, I think there's many of us that have a question here, and that is we'd like to know where your red jacket is?"

Carberry: "I tried it on. It didn't fit, Representative."

DeLuca: "You tried it on and it didn't fit. So, there is one on the grounds here? Where is the jacket that you tried on? Could you show it to us, please?"

Carberry: "It's been… it's been misplaced."

DeLuca: "Representative Dugan, what do you have on today? I can't see you over there. Dugan. Can you hit Dugan?"

Speaker Lang: "Representative Dugan, to respond about her wardrobe."

Dugan: "Yes. I did want to say that, yes, the… the red jacket did not fit him, so it's still in my closet at home."

Lang: "I understood there was a series of these jackets in Representative Ramey's office, in various sizes. Have you completed your remarks, Sir?"

DeLuca: "Yes, I have. Thank you, Mr. Speaker."

Speaker Lang: "Thank you. Representative Rose."

Rose: "Mulligan has a red jacket. Perhaps Representative Mulligan, can we prevail upon you? JoAnn Osmond. Somebody's got to have a red jacket."

Speaker Lang: "May we move the Bill now, Sir?"

Rose: "You're no fun, Mr. Speaker."

Speaker Lang: "I know. Representative Carberry to close."

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Carberry: "I strongly, strongly, recommend and urge you to vote 'yes' on this Bill for the youth of… children of Illinois. Thank you."

Speaker Lang: "Those in favor shall vote 'yes'; opposed 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Will Davis. Durkin. Please take the record. On this question, there are 104 voting 'yes', 5 voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Congratulations, Representative. House Bill 6158, Representative Reis. Please read the Bill. No. Out of the record. How about the next one, Sir? House Bill 4837, it's also your Bill. Please read that Bill."

Clerk Bolin: "House Bill 4837, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lang: "Mr. Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4837, as amended, would exempt smaller communities with less than $500 thousand indebtedness and a population of under 200 from having to do audits each year on bonded indebtedness. We've found that many times the cost of the audit is more than the principal and interest payments. And I ask for your support."

Speaker Lang: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Riley."

Riley: "Point of personal privilege."

Speaker Lang: "Please state your point, Sir."

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Riley: "I just want to state that on the last Bill, 5762, I want to be recorded as voting 'aye', instead of 'nay'."

Speaker Lang: "The record will reflect your wishes. The Chair recognizes Representative Miller."

Miller: "Thank you. On a point of personal privilege, on the last Bill, too. On House Bill 5762, I would… my switch got stuck. I would like to be recorded as voting 'aye'."

Speaker Lang: "The record will so reflect. On Mr. Reis's Bill, those in favor vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Cultra. Please take the record. On this question, 90 voting 'yes', 23 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4679, Representative Flowers. Please read the Bill."

Clerk Bolin: "House Bill 4679, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Current law says that the insurance company… any insurance company from discriminating against people with disabilities in connection with the premiums, the rates, and the benefits and is also… except for, to the extent that the reason for doing so is based on sound, actuary principles. So, at one point it says that… that they prohibit any insurance company from discriminating against people with disabilities in connection with the premiums, the rates, or the benefits. Then it goes on to say, to the extent that the reason for doing so is based on sound,

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actuary principles. It also says that it's unlawful to discriminate against individuals who are of the same risk classification and the insurance company must treat people equally, but it goes on to say, unless there is a rational basis for the decision to treat a person less favorably. I would like to, with House Bill 4679, take those exceptions out of the Code and make it against the law to discriminate. And I'll be more than happy to answer any question you may have."

Speaker Lang: "The Lady moves for the passage of the Bill. This Bill is on Standard Debate. The Chair recognizes Representative Watson."

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

Speaker Lang: "The Lady yields."

Watson: "Representative, I do understand your intent. I think the concern that was expressed to me by some of the… the industry folks was that if you… if you don't make everybody get on, and then you have no preconditions, as… as far as whether letting somebody come in or out, then… then what will happen is there would be no incentive to… to go and buy health insurance until you actually get sick. I mean, so that's the concern, is that… is that, why would I go now if I could go once I got sick, then I could go in and buy it, and then we're going to be at this higher rate. Does that make sense?"

Flowers: "No. None whatsoever. Because we're talking about people with disabilities, and it doesn't talk about rate. It says that you may discriminate to the extent that the reasons for doing so is based on sound, actuary principles.

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Then it goes on to say that you may discriminate if there is a rational basis for decision to treat a person less favorably. So, I can't imagine what that rationale would be for anyone to think that they could treat you or I less favorably. That is discrimination. The law says in the beginning that… provide that no company in any policy or absence of health insurance shall make or permit any distinction or any discrimination, that's what it says, but then it goes on to make an exception. The next section says, House Bill 46… well, anyway, my point to you is it's not right to make that distinction against people with disabilities, against people for less favorable reasons. There's no rationale for it at all. And if this… if in the first part of the section it's discriminatory, it's discriminatory in the second part. There should be no carve outs for any reason for discrimination."

Watson: "Thank you… thank you, Representative. I do think that, you know, this came up when they were debating the federal health insurance program, which just passed, and… and one of the reasons that they ended up saying that they were going to make sure that you have to buy it was for the very reason that folks would just opt out to buy until they actually needed it and that… that's the concern. It's not the intent of what you're trying to do, 'cause I understand it. It's more just, how do you actually implement that if you don’t make everybody go in? So, I hope you understand that's the concern I'm voicing. Not… not your intent."

Flowers: "I just want to clarify something. I introduced my Bill back in '09, so I don't know what the intent of the

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Federal Law was. But the most important thing with the Federal Law, it will soon be law that we all must pay for the insurance and it doesn't say, to the extent in which you are able. If you're not able, there will be some ways and means provided. Some provisions will be made for that insurance company to get your money."

Speaker Lang: "Have you completed your comment, Sir? Representative Osmond."

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

Speaker Lang: "The Lady yields."

Osmond: "Representative, originally, when this came up in committee, you had said you were going to hold it for an Amendment. What type of Amendment were you looking for?"

Flowers: "Well, someone had mentioned in committee, Representative, that this was already the law as far as not being able to discriminate. And so, I said I will hold it and come back with an Amendment or I will not call the Bill if such existed, but the purpose of me introducing the Bill was to eradicate the exception. And so, therefore, that's the reason why I came over to talk to you, and I explained to you about this particular Bill and I showed you specifically what it is that I was initially trying to do in committee. And therefore, the reason why an Amendment would not be necessary because the Bill, as it stands, was doing exactly what I wanted it to do, eliminate that part of the discrimination."

Osmond: "But in what recently happened in Washington this past week, aren't all of these addressed already?"

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Flowers: "Representative, what is addressed right now is that everyone in this country must pay for insurance. So, why should I have to pay for something and I'm going to be discriminated against?"

Osmond: "But in the…"

Flowers: "This is the law. It's not like I can recuse myself or say, well, I'm not going to get any insurance because I'm know they're going to discriminate against me."

Osmond: "But I believe in the Federal Law that was just passed, discrimination is in there and it's not allowed because everyone will be treated equally. Everyone will be afforded health care and no one will be discriminated against."

Flowers: "Well, Representative, you know, in the present law that was passed by the Federal Government, there's time lapse for different parts of the law. And that particular section in which you are talking about will not take effect until 2… 2014. So, in the meantime, we have between 2010 and 2014 that these people will be trying to get insurance and they will be discriminated against for… to the extent that the reason for doing so is based on sound, actuary principles or provide that there is a rational basis for the decision to treat a person less favorable."

Osmond: "Isn't there a remedy in the law already if you have discrimination in any form?"

Flowers: "Well, Representative, there may be, but, obviously, we need to take this out because we're saying that it's okay if the insurance industry do it under these

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conditions. So, that's the reason why it's important that we eradicate these few lines."

Osmond: "Have you removed the opposition from the Illinois Life Insurance Council or Blue Cross Blue Shield?"

Flowers: "You know, quite frankly, I have not heard from them and it's impossible for me to remove their opposition because it is the industry that benefits from this because they can discriminate. They can rescind anyone's policy. They can take it upon themselves to pay or not to pay. That's their choice. They don't even adhere to the rules that the Department of Insurance put up in regards to rescissions. So, I wish I could do something about them, but unfortunately, I can't. And this is the closest that I could come to having them not to discriminate."

Osmond: "To the Bill. I strongly feel that this has already been taken care of in the Bill that we just have watched pass in Washington. And I think that this would be a duplicate of efforts. And I urge a 'no' vote."

Speaker Lang: "Representative Tracy."

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

Speaker Lang: "The Sponsor yields."

Tracy: "Representative Flowers, when you talk about a rational, reasonable acu… actuarial basis, isn't it actuarial tables that will tell you that a person 80 may not live as long as a person that is 25 seeking those type of life insurance benefits?"

Flowers: "Representative, may I say to you that in the… in the Bill, it says, in the current law, prohibit any insurance company from discriminating against people with

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disabilities in connection with the premiums, the rates, the benefits, or any other terms, or condition of coverage. That's one Section. Then it goes on to say that it's unlawful to discriminate against individuals who are of the same risk classification. The insurance company must treat people equally to the extent, based on their age, their gender, their health, their history, their diagnosis, and other factors. The individual represents the same level of risk. So, as far as age, according to the insurance, they are not to discriminate. That's current law. But then it goes on to say, unless there is a rational basis for decisions to treat a person less favorable. And it goes on to say, notwithstanding, an insurance company may legally treat people with disabilities less favorably. That is unacceptable. That is totally unacceptable."

Tracy: "So… I mean… what I'm… I agree with your philosophy about the discrimination, if all things are equal, but it seems to me that an actuarial table is a study of different risks and since an insurance industry is a business, that they… it's just like if you have a beach house, it might be susceptible to more catastrophic conditions than someone having a house in a very small rural town. That's your actu… actuarial risk involved. And I'm just saying that you may have age or whatever, and it seems to me that you have the safeguard of the reasonable, rational basis of actuarial tables because, actually, there is some substance to those, and being a business, they do risk basis calculations."

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Flowers: "And Representative, you know, certain things in life you have control over. Where your beach house sit versus where someone else's beach house may sit. You have control over that, but again, I'm say… what I'm reading to you is the current law. The current law says, it's also is unlawful to discriminate against individuals who are of the same risk classification and it gives an example. An insurance company must treat people equally to the extent based on their age, their gender, their health history, diagnosis, and other factor. Now, that's what it says, but it goes on to say, unless… So, by whose opinion is this unless there's a rational basis for decisions? So, is it… it's not because of age. It's not because of gender. It's not because of health because that part is against the law."

Tracy: "Would this have guaranteed issue without guaranteed mandates?"

Flowers: "Pardon me?"

Tracy: "Well, it seems to me what you're wanting the insurance to do… because it is a risk business. It's a… I mean, it's a business, and it… they're basing their premiums on risk and so to me, it seems like you would ask them to be a guarantor if you make them absolutely… because as you mentioned, things are sometimes outside of their control. Everything is outside of our control. But why… why would we ask that business to risk everything on… I mean, who would be the best person or the best balance there to take that risk?"

Flowers: "Well, Representative…"

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STATE OF ILLINOIS
96th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

120th Legislative Day 3/25/2010

Speaker Lang: "Representative Flowers to complete her answer."

Flowers: "Representative, the… you stated that the insurance company is in the business to take a risk. We're taking a risk on them as well, because we're playing… they're playing Russian roulette with our lives. And the insurance industry is the only… they're play… they can't have it both ways. They're saying in one section, and I'm… I will continue to repeat this because I'm repeating current law. It is also unlawful to discriminate against individuals who are of the same risk classification. An insurance company must, must… current law says insurance company must treat people equally to the extent based on their age, their gender, their health, their history, their diagnosis and other factors. The individual represent the same level of risk. Individuals in the same risk classification cannot be discriminated against as to premium rates, benefits or…"

Speaker Lang: "Mr. Mautino."

Mautino: "Yes, Speaker. Will the Sponsor yield?"

Speaker Lang: "The Lady yields."

Mautino: "Mary."

Flowers: "Oh, yes."

Mautino: "Yes, right behind you, over here."

Flowers: "Yes."

Mautino: "And I apologize. I was out of the room when you were… began presenting the Bill. As I… as I look in here and I understand the language about nondiscrimination. And in the language itself, will this then make the State of Illinois a guarantee issue state? In other words, if someone does not… if you are diagnosed with cancer today,

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and you go to the insurance company tomorrow, will they have to then, by action of this law, write a policy for you?"

Flowers: "Representative, I just want to show you the headlines of the USA Today's newspaper. The president is signing the Bill. It is the law. It will take effect 2014 that everyone in this country, not you may have, but you must have. That is a mandate. If you don't have insurance, you will be penalized. So…"

Mautino: "Correct. That is not the answer to the question I asked you."

Flowers: "So… and your… your question?"

Mautino: "With passage of this Bill today, will the State of Illinois become a guarantee issue state? It's a yes or no."

Flowers: "No."

Mautino: "That's not correct the way…"

Flowers: "Yes, it…"

Mautino: "…I read your Bill."

Flowers: "Sir, the only thing my Bill…"

Mautino: "The second question that I would ask for you…"

Flowers: "…the only thing my Bill is doing is eliminating what the first part of the paragraph says, it shall not discriminate, put a period right there."

Mautino: "In the case of preexisting conditions…"

Flowers: "It does… we're not talking about preexisting conditions because, again, the Bill says… the current law… I'm reading current law. It is also unlawful to discriminate against individuals who are of the same risk

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classification. An insurance company must treat people equally to the extent based on their age, their gender, their health history, their diagnosis, and other factors, and other factors. The individual represent the same level of risk. That's current law."

Mautino: "So, in the Bill, do you have an individual… as I read this, and this is the reason that I ask because I understand that nondiscrimination on disability, and I agree with that. My concern is in the way that you have drafted the Bill. As I read it, you have created a situation which would also encompass and roll in preexisting condition. I understand that and I think on the Federal Law that is going to be dealt with, but should the language in there, as it appears today, go into effect without an in… individual mandate, my concern is that your Bill will, by either choice or accident or… or intention, cause that to happen. And that's the only concern I had in the language is… is we may want to ensure that until 2014, when there is an individual mandate and coverage and everyone is in, that this language be carefully crafted so that it doesn't have adverse consequences."

Flowers: "Adverse consequences? Representative, we're talking about the current law. Please. Now, wait a minute. You do not put more into my Bill than what the actual Bill says. It doesn't… my Bill, again, would merely eliminate the existing exception to the Insurance Code prohibiting against discrimination that would permit insurers to legally treat people with disabilities less favorably, Sir, to the extent that the reason for doing so is based on

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sound, actuary principles. House Bill 4679 also would pro… prohibit any insurer from making distinctions among members of the same risk classification such as age, gender, health history, relative to premium benefits or terms of condition. House Bill 4679 remove the existing exceptions that allow distinction between members of the same risk category provide that there's a rational basis for decision. So, the only thing my Bill is doing is eliminating the part that allows a person with disability to be treated less favorably. I want to disallow an insurance company may legally treat people with disabilities less favorable."

Speaker Lang: "Mr. Mautino, are you completed with your remarks?"

Mautino: "I under… and to the Bill, Sir. I just have concerns on the language. I understand what the intent… I don't know that that's what the language does and… and I have those concerns. I wanted to share those with the Body."

Speaker Lang: "Thank you. Mr. Fritchey, are you speaking for or against the Bill, Sir?"

Fritchey: "Speaker, my intention was to move the previous question."

Speaker Lang: "You don't need to. Representative Flowers to close."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, I would appreciate an 'aye' vote to eliminate discrimination in the State of Illinois against people with disabilities and other reasons why, currently, that the insurance

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companies can legally discriminate against people period. I would appreciate an 'aye' vote. Thank you."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Burns, Colvin, Crespo, DeLuca, Ford, Howard, May, Osterman, Washington. Mr. Clerk, please take the record. On this question, there are 54 voting 'yes', and 55 voting 'no'. Representative Flowers."

Flowers: "Mr. Speaker, I would like to place this Bill on Postponed Consideration."

Speaker Lang: "The Bill shall be placed on the Order of Postponed Consideration. House Bill 5802, Representative Senger. Please read the Bill."

Clerk Bolin: "House Bill 5802, a Bill for an Act concerning jobs creation. Third Reading of this House Bill."

Speaker Lang: "Representative Senger."

Senger: "Thank you, Mr. Speaker, Members of the House. House Bill 5802 creates the Illinois Enterprise Commission Act. And this commission will basically look at our statutes and State Laws to say which ones are drags on our jobs and jobs creation. It's… it's a commission that's formed with 12 members, and it expires in four years. This came out of committee unanimously. And I would appreciate your vote."

Speaker Lang: "The Lady moves for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, 113 voting 'yes', 0 voting 'no'. And this Bill,

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having received the Constitutional Majority, is hereby declared passed. Moving down my list, House Bill 5596, Representative Bassi. Out of the record. House Bill 5756, Representative Fortner. Please read the Bill."

Clerk Bolin: "House Bill 5756, a Bill for an Act concerning utilities. Third Reading of this House Bill."

Speaker Lang: "Mr. Fortner."

Fortner: "Thank you, Mr. Speaker. House Bill 5756 will… would allow that the fiber optic conduit that was approved as part of the capital Bill last summer would be marked with an underground marking tape. This underground marking tape is a lot like the kind of tape you see with police lines. It can be color coded. It's metalized. It's cheaper than the traditional wire that's used, and it is also more robust and resists breakage. There are still some questions and concerns. I have an agreement with JULIE and with the Illinois Telecommunications Association. We have a meeting set up during our break and they have agreed that we will continue working on this in the Senate."

Speaker Lang: "Gentleman moves for the passage of the Bill. And on this question, the Chair recognizes Representative McCarthy."

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

Speaker Lang: "Gentleman yields."

McCarthy: "Representative, our analysis talks about state owned infrastructure and highways, I guess. Now, would that include the federal highway system then or…"

Fortner: "This… in the Bill there's a very specific reference to a section. That section deals only with the fiber optic

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conduit that we approved in the capital Bill. The language… it took me a while to walk through it because it's kind of back and forth, but if you trace it through, it specifically ends up only applying to the… this fiber optic conduit project."

McCarthy: "So, if that is… there's construction on some of our interstate system…"

Fortner: "That's right. We're…"

McCarthy: "…even though because they are federal… well, they're federal highways, but they…"

Fortner: "It's where…"

McCarthy: "…you… your intent is this would be a… this would apply to that?"

Fortner: "It would apply any place where that conduit from the capital Bill would apply."

McCarthy: "Okay. And I know at the end of your remarks, you say you're still working on some things. Have you done anything to relieve some of the opposition that…"

Fortner: "Yeah. The main thing is what… they're concerned because they just have less familiarity with this technology. So, I'm going to be making a presentation with a vendor who actually deals with both of these types, traditional and this one, during the break. We've already set that up with JULIE."

McCarthy: "And have they withdrawn, or at least gone to no position, or are they still considered opponents…"

Fortner: "They…"

McCarthy: "…of the legislation?"

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Fortner: "…they are oppo… they are… have agreed to send it to the Senate and it's going to be held by the Sponsor in the Senate as we continue working this out."

McCarthy: "Okay. Have you determined who that Sponsor's going to be?"

Fortner: "Yes. That'll be Senator Wilhelmi."

McCarthy: "Senator Wilhelmi. Okay."

Fortner: "And that was at the… that was at the request of JULIE."

McCarthy: "Of JULIE? Very good. Thank you, Representative."

Speaker Lang: "Mr. Fortner to close."

Fortner: "Thank you. As I said, this is… there's still some issues with understanding how this new technology will be applied. I'm confident we'll get those worked out with the Senate."

Speaker Lang: "Those is favor shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Black, Collins, Fritchey, Harris, Hoffman, Jefferson, Turner. Mr. Clerk, please take the record. On this question, 109 voting 'yes', 2 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Brady."

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

Speaker Lang: "State your point, Sir."

Brady: "Please welcome to Springfield, Ladies and Gentlemen of the House, from my legislative district, Derek Sig and his

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daughter Haley, and his daughter Hannah that are here with us today. Welcome to Springfield."

Speaker Lang: "Next, Mr. Clerk, House Bill 4658. Representative Frank… Franks. Please read the Bill."

Clerk Bolin: "House Bill 4658, a Bill for an Act concerning employment. Third Reading of this House Bill."

Speaker Lang: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. I appreciate this opportunity and I want to first thank Representative Rose for helping me on this Bill. And this is a Bill… thank you. I think it's a very important Bill that's dealing with the reality of today. This Bill, House Bill 4658, creates the Employee Credit Privacy Act, which would prohibit an employer from inquiring about or using a current or prospective employee's credit history as a basis for employment. The Bill does provide exemptions for the banking and financial industry, state law enforcement, and investigation units, and some state government agencies. Our nation, as you know, is facing the harshest economic situation we've seen in decades and our jobs are scarce. Here in Illinois, one in 12… I'm sorry, one in 8, not one in 12. One in 8 Illinoisans are underemployed, and that does not include our underemployment numbers. And while citizens continue to struggle to find employment, they also continue to experience financial hardships that are often unpreventable and hardworking citizens should not be faced with yet another obstacle to obtaining employment based on the credit history that may be simply a reflection of today's troubled economy. And credit checks are a practice that

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victimizes people who have lost their jobs and this practice has not been administered fairly and therefore, we need to change it. I was inspired to fill this legislate… to file this legislation while hearing the stories of my own constituents. And since we have filed this legislation, we've heard from many more. These people are losing their homes because of the economy, and because they've lost their jobs. And we need to protect individuals who have… who, through no fault of their own, have found themselves in this difficult situation. People deserve a second chance. Now, I'm a business owner and I understand both sides of this issue. And it's important that we do not create a permanent underclass as a result of this recession. As elected officials, we need to be doing everything we can to help people get back to work. Now, some of the biggest employers in our country received federal bailout money in 2009, and many of those same employers also filed bankruptcy but, those are the same companies that have taken those taxpayer dollars, that are discriminating against potential employees based on their credit history, and that's absurd. These companies were in need of bailout money for the same reasons that job seekers are in need of this Bill, poor economic circumstances. Now, I've heard a lot from many of our constituents. Now, today, if you read the Chicago Tribune, there's an article written by Greg Burns, and he… and this was very interesting. He talked about for millions of Americans laid off in this recession, the job search just isn't working. And the really bad news is, almost no one will be

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able to recover the financial ground net that they've lost. Involuntary layoffs result in lower lifetime earnings. Income lost in a layoff, mostly stays lost forever. Layoffs also resolved in devastating health consequences because people lose their health insurance. Families suffer. Also, job loss of a parent leads to higher dropout rates and lower tests scores for their children. We need this Bill. I was… I received, literally, hundreds of e-mails from constituents and from members from all throughout the state about this Bill. One lady from Wheaton says I want to thank you for sponsoring this Bill to stop employers from looking at anyone's credit report. For us, the unemployed, we have so many challenges to meet. When can we expect this Bill to pass? I got an e-mail from a Shaw… Shanta in Chicago who told me about her cousin Tiffany, whose mother had bad credit and she used Tiffany's information and gave her bad credit. So, at 15 years old, Tiffany had a house, cell phone, and host of other items in her name. And now that Tiffany's 26, she's unable to get a car loan or anything else because of her damaged credit. And there's many, many more of these type of letters that we're getting. I'd be happy to answer any questions."

Speaker Lang: "The Gentleman moves for the passage of the Bill. And recog… and the Chair recognizes Representative Rose."

Rose: "Thank you, Mr. Speaker. To the Bill. I appreciate Representative Franks bringing us back to the original underlying text, rather than the Amendment that was adopted in committee. The original Bill was exactly what's needed. No one should be discriminated against based on their

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credit. You stop and think about the number of people out of work right now, and maybe missed a payment, or two payments on their mortgage, and suddenly they're knocked out of contention for the next job that would have paid their mortgage. This is absolutely ridiculous what's going on, and I'm… I'm glad Representative Franks brought this Bill. It's a good Bill. And we are… I would strongly urge everyone to vote for it. Thank you very much, Mr. Speaker."

Speaker Lang: "Mr. Watson."

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

Speaker Lang: "Gentleman yields."

Watson: "Representative, is there any opposition?"

Franks: "Yes. The credit reporting companies don't like it because then they're going to sell less credit reports."

Watson: "I understand. Weren't the Chamber and IMA?"

Franks: "They haven't contacted me on this. I presume, I know that other chambers in other states… and I'm glad you brought that up. There's 16 other states that are looking at this right now. A couple have already passed it, including Hawaii and Oregon, but they were the… there was some oppo… there was some opposition, I believe, in Maryland, but nobody from any of the business communities have contacted me on this."

Watson: "So, the Chamber did not come to you and the IM…"

Franks: "Oh, I was just told the Chamber opposed it in committee, but nobody ever spoke to me about it, and they slipped in."

Watson: "And… and…"

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Franks: "I… they never… they never testified and didn't say anything."

Watson: "Okay. All right. Thank… Jack, thank you."

Speaker Lang: "Mr. McCarthy."

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

Speaker Lang: "He will yield."

McCarthy: "Representative Franks, it says in their analysis that the change you made, in one of the Amendments, was to eliminate the required… or credit history and to change it to credit score. What… could you explain what that… that made a difference why?"

Franks: "Well, we did… I'm glad you brought that up. I went back to the original Bill, so it'd be the credit history. The credit score, I thought as a compromise when I was dealing with the… with the credit agencies, the reporting agencies. And then as I got more into it, I realized that that would've not been what we're trying to do because most employers don't use the credit score, they utilize the credit history. So, after getting more research on it, I decided let's go back with the original Bill."

McCarthy: "So, credit history is still in the Bill as…"

Franks: "Yes, Sir."

McCarthy: "…presented here, today? And Floor Amendment #2, was that added to the Bill yesterday or today?"

Franks: "Yes. It was added to… it was added yesterday. And it… it's a gut and… I believe it's a gut and replace. It changed it back to what we had originally…"

McCarthy: "Okay."

Franks: "…just to have credit history."

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McCarthy: "The system doesn't show that it was added, so I just wanted to check that out before we went forward, so. Thank you for your good work on this measure."

Franks: "Thank you for clarifying that."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker Lang: "State your inquiry."

Black: "Yes. Has the Gentleman concluded his opening remarks?"

Speaker Lang: "I'm not certain."

Black: "Okay."

Speaker Lang: "He may have more."

Black: "All right. I won't use Perry Mason because there aren't enough people on the floor that remembers Perry Mason. But there's an attorney by the name of Spence who used to represent folks out in Colorado, and I was always fascinated with him, as I am with Representative Franks. But my inquiry of the Chair is the… it shows Committee Amendment #1 adopted, becomes the Bill. Floor Amendment #1 adds to the Bill, as amended by Committee Amendment #1. My inquiry is, what Amendment is on the Bill?"

Speaker Lang: "Mr. Clerk."

Clerk Bolin: "Committee Amendment #1 has been adopted and Floor Amendment #2 has been adopted."

Speaker Lang: "Mr. Black."

Black: "Is Floor Amendment #2 on the system? It isn't on mine."

Speaker Lang: "Mr. Clerk."

Clerk Bolin: "Both Amendments are on the system."

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Black: "Well, it isn't on mine. Therefore, under the applicable House Rule, we can't consider it."

Speaker Lang: "Bear with me."

Black: "Oh, all right."

Speaker Lang: "Bear with me…"

Black: "All right."

Speaker Lang: "…one moment, Sir."

Black: "I have an updated Amendment. Thank God we still have paper and staff. This thing doesn't work half the time. That's what happens when you always do a low bid. All right. Floor Amendment #2 adds to the Bill. So, Representative Franks, is Committee Amendment #1, then, becomes the Bill?"

Franks: "Yes. And Floor Amendment #2, all that did was chan…"

Speaker Lang: "Mr. Franks."

Franks: "All Floor Amendment #2 did was change… was replace the word 'score' with 'history', as we had it originally."

Speaker Lang: "Mr. Black, I'll give you an additional…"

Black: "Okay."

Speaker Lang: "…minute."

Black: "So, it would really be embodied then in the detail as amended by Floor Amendment #2 Section, right?"

Franks: "Correct."

Black: "So, if I have a zero credit score and I go out to… and I do have a Blue Cross-Blue Shield processing center in Danville and I'm going to be processing applications for life insurance and I have a zero credit score and Blue Cross-Blue Shield wants to know just how I understand credit, then they wouldn't be able to check on my credit

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score, even though I was going to be doing credit analysis. Right?"

Franks: "Mr. Black, I'm not sure the… we asked the right question there, because credit score would not be included in this legislation. It would just be credit…"

Black: "Well, I'm confused."

Franks: "…history. So, it… it wouldn't matter which… what your cred… we're not going to have credit score, whatsoever."

Black: "Credit history then?"

Franks: "We'll be dealing with credit history."

Black: "Okay. If my credit history was just…"

Speaker Lang: "Mr. Black, if you could bring your remarks to a close, Sir."

Black: "Okay. I am extremely confused. Credit score, credit history. I guess the bottom line is, Representative, whatever credit history I have or don't have, how good or how bad it may be, that is… cannot be used as a basis for not hiring me as a credit analyst. Correct?"

Franks: "Well, we do have exemptions where you would be able to use that credit history. For instance, any bank holding company, bank, savings bank, savings and in loan, a credit union, or trust company, any state law enforcement, or investigative unit, and any state or local government agency, which other… otherwise requires use of credit history. So, there are some exemptions to this. If that answers your question."

Black: "All right. So you're trying to develop, what? Some kind of nexus between a… a credit history and jobs

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involving financial… not… not trustworthiness. That's the wrong…"

Speaker Lang: "Mr. Black, your time has expired. Do you need another minute, Sir?"

Black: "Just a… a few seconds here. Just a few seconds."

Speaker Lang: "I'll give you a whole minute."

Black: "Thank you. Representative Franks is checking on this now. I'm sure it'll be…"

Franks: "And I…"

Black: "If… if you could give us the Jeopardy theme song, Representative. It would help."

Franks: "Representative, this… we've also included… and I understand. I had the same concerns that you do on this. So, when… when we rewrote this Bill, we also exempted those that would have unsupervised access to cash or marketable assets…"

Black: "Okay."

Franks: "…worth more than a thousand dollars…"

Black: "Okay."

Franks: "…and also the duties and the position include signatory power over business assets of a hundred dollars or more per transaction."

Black: "Okay."

Franks: "So, anyone that's handling the money, those people are not going to be exempt."

Black: "All right, fine. That… that makes sense. Thank you very much. Mr. Speaker…"

Speaker Lang: "Mr. Black."

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Black: "…may I be recognized for a point of personal privilege?"

Speaker Lang: "Surely, Sir."

Black: "Ladies and Gentlemen of the House can you… Mr. Speaker, can you give us some idea when we're going to adjourn today? I have a good reason for asking."

Speaker Lang: "We have a little more time on the floor…"

Black: "All right."

Speaker Lang: "…Sir."

Black: "Ladies and Gentlemen, if you would, I want you to look at Roger Eddy's white sport coat, pink carnation. All right. He's on his way to the prom tonight, and he… and he just simply wants to know if he needs to call his date and say he's going to be late. I mean, why else would anybody wear a white sport coat? Look at this. And he's lost his pink carnation. But he has to… he has to pick up his date at 6:30. So, if we could get out in time, he'd really appreciate it."

Speaker Lang: "I think we may make that deadline, Sir. The Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Carberry, Golar. Please take the record. On this question, 89 voting 'yes', 24 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5242, Representative Bellock. Please, read the Bill. Representative, you need to move the Bill back to Second, I understand. Is that correct?"

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Bellock: "Yes, I do. Thank you."

Speaker Lang: "Please pace… place the Bill on the Order of Second Reading. Representative… Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 5242, the Bill was read a second time on previous day. No Committee Amendments. Floor Amendment #1, offered by Representative Bellock, has been approved for consideration."

Speaker Lang: "Representative Bellock."

Bellock: "Thank you very much. This Amendment was approved in committee."

Speaker Lang: "The Lady moves for the adoption of the Amendment. Those is favor say 'yes'; opposed 'no'. Representative Tryon, I did not see your light on. Do you have a comment on this Amendment, Sir? We'll get back to you. Those in favor of the Amendment say 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

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

Speaker Lang: "Third Reading. Please read the Bill for a third time."

Clerk Bolin: "House Bill 5242, a Bill for an Act concerning public aid. Third Reading of this House Bill."

Speaker Lang: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. And what this Bill does, it's House Bill 5242, it authorizes the Department of Healthcare and Family Services to contract with third party entities to conduct Payment Recapture Audits. This will provide transparency in a lot of the billing. This is

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something that we discussed quite a bit in committee. I took it back. I did an Amendment and what we did is something that the President has been promoting throughout the United States to recapture billions of dollars. Last year, in the United States Government, $98 billion was lost to either duplication of services or fraud. And so, this is something that's been done as a pilot program in five other states. They're asking that all states throughout the United States look into these recapture audits. And I think it would be very, very good for our system."

Speaker Lang: "Lady moves for the passage of the Bill. The Chair recognizes Representative Fritchey."

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

Speaker Lang: "The Lady yields."

Fritchey: "Representative, two questions. Number one, why are a number of the various human service agencies Heartland Alliance, Fraternal Child Health Coalition opposed to the Bill?"

Bellock: "Excuse me. They were opposed to the original Bill. I don't know if… I don't think that there was opposition to when we did the Amendment on the Bill."

Fritchey: "Are you aware of any opposition to the Bill now?"

Bellock: "HFS is still…"

Fritchey: "Un… understood."

Bellock: "…concerned about it. That was the only one that…"

Fritchey: "Is their concern cost driven?"

Bellock: "Yes, and I actually, today, when we discussed it, I said I really didn't see where the cost to them was. This is to third party entities who are not going to be paid

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upfront. They're going to recapture the incentive of the money that they recapture, so…"

Fritchey: "And that was actually the next part. So, if there's not an upfront cost to us to perform a forensic audit, so, the agencies that we would hire to do this would do this on a contingent basis?"

Bellock: "Yes."

Fritchey: "What percentage would they get of what's recaptured?"

Bellock: "We would have to work that out through rules."

Fritchey: "Do you know… Well, it's not really worked out through rules. It's probably going to be worked out through contractual agreement."

Bellock: "Well…"

Fritchey: "I mean, do we know if it's a third, if it's a quarter? I mean, my concern is the… the idea is a great idea."

Bellock: "Right."

Fritchey: "We should really do this is a lot of areas, but if there's no parameters so to how this is entered into… Let's say they find us $2 billion in savings, and they get a third of that. They now stand to reap, you know, two thirds of a bill… you know $666 million as a fee for doing an audit that may have a private market value of a million dollars, let's say."

Bellock: "Right."

Fritchey: "And yeah, I'm pulling numbers out of thin air here, but you… you understand my concern?"

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Bellock: "Right. Yeah. And I think that this is something we're going to continue to work on in the Senate. We just did the Amendment this morning because they didn't want the Medicaid forensic audit, so we came back with what the President had recommended. We looked into the pilot programs, and I can't see it in my record right now, but I thought it was to… a form of rules as to what we would designate as to what would be their percentage."

Fritchey: "All right. I think the only thing I would suggest is that whether it's done through the rule making process or simply through the department's contractual authority, that it may be on a contingency but not to exceed what the commercial value of… or the commercial cost of that audit would be."

Bellock: "Absolutely."

Fritchey: "I…"

Speaker Lang: "Please bring your remarks to a close, Mr. Fritchey."

Fritchey: "Yeah. I already may have, I think. Yeah, you know what, I think I did. Never mind."

Speaker Lang: "Representative Harris."

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

Speaker Lang: "Sponsor yields."

Harris: "Representative Bellock, just to… so I'm sure I understand what this will do. When you say recapture, is this a similar process to recoupment in the private insurance industry?"

Bellock: "What this…"

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Harris: "So, this is… so, what I guess my question would be, this is a process whereby the Medicaid payers would be looking at providers such as hospitals, and doctors."

Bellock: "Right."

Harris: "And they're looking for things like inaccurate reporting of CPT codes…"

Bellock: "Right."

Harris: "…or inappropriate bundling?"

Bellock: "Right."

Harris: "This does not necessarily go after a family who may be using Medicare for its choice."

Bellock: "Oh, no, uh huh."

Harris: "This just goes…"

Bellock: "Absolutely not."

Harris: "…after…"

Bellock: "Right."

Harris: "…wrongful conduct or mistakes by providers to be sure we're getting our money's worth."

Bellock: "Right. Absolutely. And this is not just for costs savings. This is for better health outcomes, also."

Harris: "Yes. Thank you very much, Mr. Speaker. To the Bill. I think this is a very good Bill. I mean, it's all of our constituents are very concerned that we look at each and every pro…"

Speaker Lang: "Take an additional minute, Sir."

Harris: "…to be sure that our dollars are being spent wisely. Medicaid is one of the largest expenses our state has and I commend the Member for bringing this Bill forward. Thank you."

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Speaker Lang: "Mr. Flider."

Flider: "Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Flider: "Yes. Representative, at the… this is an important question I for you at the… at the national level during the health care debate and so on, there's been discussion of eliminating fraud and abuse of the system and so on. And some people believe that eliminating or finding ways to eliminate fraud or abuse will result in loss of services in some way, which I've never really understood. But I think it's important to ask you this question, as well. Will this program, in any way, result in any kind of loss of services to those who are currently served by these programs?"

Bellock: "No, I don't believe so. I think this is just going to be made… find where… if there were duplicate payments, or if there was some type of fraud in the system, but I definitely… in fact, if anything, my point in doing this is to be able to… all of us who see that a lot of our Medicaid bills are not being paid now, I think by this type of audit and going back after this, we will be able to pro… provide the services for those that we need to provide and not cut the others off…"

Flider: "So…"

Bellock: "…unless it would be some…"

Flider: "…the idea would be then for those dollars to go farther?"

Bellock: "Absolutely."

Flider: "Okay. I think it's a good Bill. I…"

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Bellock: "Right."

Flider: "…commend you for it. Thank you."

Bellock: "Thank you."

Speaker Lang: "Those in favor of the Bill should vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Tryon."

Tryon: "Thank you, Mr. Speaker. I have, actually, a point of order and then a point of personal privilege. I noticed that we were on Second Readings and I wanted to make sure that… are we coming back to Second Readings later?"

Speaker Lang: "We're doing a mix of Bills here, Sir. But then we will be back on some Second Readings Bills shortly, I believe."

Tryon: "Okay. That… that will work. I'm getting a little bit nervous, but on a much…"

Speaker Lang: "Don't be nervous. We've got you covered, Sir."

Tryon: "Okay. On a much… much more sadder note and I hate to inform Members of the House that for those of you who knew former Senator Dick Clemm, who was also a Member of the House of Representatives, here in this chamber, from 1980 until 1992, and from 1992 until 2002 in the Senate, passed away on Tuesday. I just got the information of what the services will be. They will be having a wake tomorrow at Justen's Funeral Home in McHenry, Illinois from 2:00 to 8:00, and then Staab Funeral Home here in Springfield for

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those of you who may be able to stop by and wish his wife, Nancy, and their children their con… your condolences. If you'd like to send something, if you'd see me afterwards, I'd see if I can get information on where memorials or donations might be able to… to be in… I'm sure that we'll come back at a more fitting time with a Resolution that will lay aside his accomplishments and recognize him for the work that he did here for 20 years. So, I'm very saddened to pass that along, and thought there are Members that might wish to know that."

Speaker Lang: "Thank you for that important information, Mr. Tryon. Mr. Fortner."

Fortner: "Thank you, Mr. Speaker. I rise to a point of personal privilege."

Speaker Lang: "Please proceed."

Fortner: "It's come to my attention that there's a group of German students who are being hosted by students from West Chicago High School, that have decided to tune us in this afternoon. To watch a little bit of the activity that we have on the floor and many of them are watching over our web link and to those people I would like to welcome those German students from Gunzenhausen, Germany in Bavaria to our various debates over important Bills facing Illinois."

Speaker Lang: "Thank you, Mr. Fortner. House Bill 5631, Representative Kosel. Do you wish to call the Bill on Second Reading, Representative? I'm told…"

Kosel: "Mr. Speaker, I would love to call it if the Amendment is out of Rules."

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Speaker Lang: "All right, out of the record. House Bill 6140, Representative Tracy. Please read the Bill."

Clerk Bolin: "House Bill 6140, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lang: "Representative Tracy."

Tracy: "Thank you, Mr. Speaker. Today I would like to present House Bill 6140. What this Bill does it amends the Illinois Vehicle Code and it provides that a driver's license of a person with one or more outstanding arrest warrants for felonies shall be suspended by the Secretary of State at all times while the arrest warrants are outstanding. The purpose of this is not… is to allow law enforcement to have another tool and not enable drivers who are evading or trying to escape the law and using a valid driver's license to do so and it will revoke their driver's license privileges during the time the outstanding felony warrant is outstanding."

Speaker Lang: "Lady moves for the passage of the Bill. Those in favor say… vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Coulson? Please take the record. On this question, 108 voting 'yes', voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Durkin."

Durkin: "Point of personal privilege."

Speaker Lang: "State your point, Sir."

Durkin: "I would like to apologize to the Bavarian students who have tuned in for this afternoon for witnessing one of the

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most boring afternoons in recent history in the Illinois House of Representatives and want them to know there are other days which there is excitement and there's something worthwhile. So, please tune in another time, perhaps talk to Mr. Fortner or someone else we can give them advance notice when there may be something worthwhile that we do. Thank you."

Speaker Lang: "Thank you for that enlightening comment Mr. Durkin. So, House Bill 5565, Representative Coulson. Please read the Bill."

Clerk Bolin: "House Bill 5565, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Lang: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Bill 5565 creates the State Health Improvement Implementation Plan. Three or four years ago we did a State Health Improvement Plan. What this Bill does is to help us implement the recommendations from that plan and have a group to be able to monitor those plans. And I'd appreciate an 'aye' vote."

Speaker Lang: "Those in favor vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Feigenholtz, Nekritz. Please take the record. On this question, 113 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4779, Representative Moffitt. Please read the Bill. Mr. Moffitt, I'm told you have Amendments. Do you want the Bill returned to Second Reading, Sir?"

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Moffitt: "I do, Mr. Speaker, so that we could adopt Floor Amendment #3 and table Floor Amendment #2."

Speaker Lang: "All right. Let's first move the Bill back to the Order of Second Reading and Mr. Clerk."

Clerk Bolin: "House Bill 4779, no Committee Amendments. Floor Amendment #1 has been adopted. Floor Amendments 2 and 3 have been approved for consideration."

Speaker Lang: "Mr. Moffitt, what's your pleasure on Amendment 2, Sir?"

Moffitt: "I'd like to table Amendment 2."

Speaker Lang: "Amendment 2 is tabled with leave of the Body. And your pleasure on Amendment 3?"

Moffitt: "I'd like to adopt Floor Amendment #3."

Speaker Lang: "You want to explain it, Sir?"

Moffitt: "Yes, I do."

Speaker Lang: "Okay."

Moffitt: "Floor Amendment #3, this legislation went through the committee that… Vehicles & Safety and they had, we had set a possible reimbursement to local emergency agencies of up to $500. As I talked to individuals on the floor, there was a lot more comfort level if we made that 100 for the first offense. So, that's what Amendment #3 does."

Speaker Lang: "Those in favor say 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

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

Speaker Lang: "Third Reading. Please read the Bill for the third time."

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Clerk Bolin: "House Bill 4779, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lang: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. The… House Bill 4779 is an opportunity to have some reimbursement to your local emergency agencies, being fire, police and EMS, for two types of serious violations. Reckless driving and speeding 40… over 40 miles over the speed limit. There's been a lot in the press about that excessive speeding. There have been several recent articles in the Chicago Tribune, a lot of them are repeat offenders. We had a Bill earlier today to take away court supervision. What this would do the court would have the… the prerogative to allow… to order that the person that is convicted of either of these two serious violations that they would pay for, in addition to any other fines, for emergency response. First violation now with this Amendment would just be up to $100, after that it could be up to $500. This is probably the only new revenue that we're going to make available to emergency responders this year and we think it could be a big help to them. Be happy to entertain any questions."

Speaker Lang: "The Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mulligan. Please take the record. On this question, 112 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. We're

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returning now to House Bill 5640, Representative Reboletti. Mr. Reboletti. You've already explained the Bill, Sir."

Reboletti: "Thank you, Speaker. Thanks to Representative Fritchey, we're going to make some corrections in the Senate that will say that if the offender provides alcohol to the victim or knew or should've known that they were intoxicated that this aggravating factor would apply."

Speaker Lang: "Mr. Fritchey."

Fritchey: "Thank… thank you, Speaker. I… and I just want to clarify just so the Body understands, so we have this on the record. Representative, I believe you and I are on the same page that the intention here will be that language will be put in the final version, whether it's to the House Bill or to the Senate Bill, that there will be a requirement a 'knew or should've known' requirement on the part of the defendant that the minor victim had consumed alcohol?"

Speaker Lang: "Those in favor…"

Reboletti: "that's correct. Thank you."

Speaker Lang: "I apologize. I thought that you were finished. Please proceed, Mr. Reboletti."

Reboletti: "I know you're moving very quick, Mr. Speaker. So, with that, yes, you have my commitment, Representative. Thank you."

Speaker Lang: "Representative Nekritz. Representative Nekritz does not with to speak, but does wish to wave. Those in favor of the Bill shall vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Representative Feigenholtz and Reboletti. Please take the record. On this question, 112 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 6065, Leader Cross. Mr. Clerk, please… Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 6065, a Bill for an Act concerning education. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Cross, has been approved for consideration."

Speaker Lang: "Minority Leader Cross."

Cross: "Thank you, Mr. Speaker and Members of the chamber. This is a Bill that I've been working with Senator Steans over in the Senate and we have been running the same Bill with Amendments in our respective chambers. This is a Bill… this is an Amendment that cleans up some of the opposition that deals with… with respect to this Bill that deals with the issue of kids in schools and how their diabetes is administered. There are four things this does. It would require that the person providing care would need to keep uniform records of the glucometer readings and insulin administered. Two, when a care aide has a question they would be required to talk to the parent or guardian, school nurse, or health care provider to confirm the issue of insulin dosage. Parents would be held responsible to provide, in a timely manner, any changes to a diabetes care plan and allow school nurses to provide assistance and consultation to delegated care aides. It's a fairly simple Amendment in an attempt to make this a better Bill. And I'd appreciate your support."

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Speaker Lang: "Those in favor of the Amendment shall say 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments have been approved for consideration. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 5197, Representative Brady. Mr. Brady. Please read the Bill."

Clerk Bolin: "House Bill 5197, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lang: "Out of the record. House Bill 6749, Representative Smith. Mr. Smith. Please read the Bill."

Clerk Bolin: "House Bill 6749, a Bill for an Act concerning appropriations. Third Reading of this House Bill."

Speaker Lang: "Mr. Smith."

Smith: "Thank you, Mr. Speaker. This was discussed earlier today. We took it out of the record so we could get some clarification from the retail merchants and I believe Representative Rose and some of the other Members on the other side of the aisle were able to talk to them. I don't know that we have a change in opinions, but I do think we got some questions clarified. Basically, this program for the Energy Star Rebates is a ten day program, runs from April 16 through the 25 of April. And retailer… there are currently 615 retailers are signed up for the program. What this legislation does is guarantee that in the event that the federal money would all be spent within the first three days of that period, that 10-day period, then the state would provide the money to back that up. The department has money in reserve, but this is to guarantee

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to the retail community that there would be state money to keep them whole. But I would point out, that if that happened; the only way that would happen is if we sold $90 million worth of appliances in a 3-day period. And if we were to do that, the state would realize a $5 million do increase in sales tax revenue. So, you could make the argument that any money that we might be spending out of GRF would be made up through the gain in sales tax. But again, I would stress, that's only if we run out of funds within the first three days of the rebate program. Hopefully that clarifies some of the questions that we had earlier. Again, this is an initiative of the Illinois Retail Merchants Association. It will provide some reassurance to them that the State of Illinois fully stands behind this program, which is not only a stimulus for the economy in terms of all of the new purchasing of appliances, but also great for the environment as well by putting a whole lot of more energy-efficient appliances on the market. I'd be happy to answer any questions, Mr. Speaker. I encourage an 'aye' vote."

Speaker Lang: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Fritchey."

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

Speaker Lang: "Gentleman yields."

Fritchey: "Representative, unfortunately I think I may understand this Bill a little better than I did before. As I understand this now the discussion that was had before was inadvertently incorrect. In… in effect, should the program be successful enough as to deplete the federal

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dollars we've received, state dollars would then be used to provide the otherwise federal benefits?"

Smith: "That is correct, yes."

Fritchey: "So, we are creating…"

Smith: "Only… and the only way that could happen I'm told is if we spent all of the federal dollars within the first three days."

Fritchey: "Understood, so if the program is a success and does exactly what the federal government wanted it to do, it would deplete the federal money and then state dollars would be being used. Correct?"

Smith: "Yes. Now the department… the department has a balance in the fund. They think they can cover that difference, but this would guarantee that."

Fritchey: "They think they can, but if they can't, we are now… and Mike this… it's tough for me to oppose and I… I know your intentions here. But at a time when were looking at, not looking at, at a time when we're seeing teachers laid off, services cut back, you know, us being unable to meet our obligations or provide basic services, we're now looking at basically subsidizing an expanded federal program. It's not the feds coming back and saying we'll give you more money if this thing works real well. It's us coming back and saying if this works real well, we'll take state dollars to subsidize these retailers to do these things at a time when, you know what… and listen, we need to support business but we need to support schools, we need to support roads and bridges, we need to support parks, we need to support a lot of things."

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Smith: "Again… again, though if this were to happen it means we would have sold $90 million worth of appliances and the state would realize a significant gain in sales tax revenue."

Fritchey: "Well, understood. They gain… they'd gain an increase in sales tax revenue offset by an incentive that we gave to give that. I mean, if that's the case we should say that this should be an unlimited fund because all these additional sales we can get, you know, we'll get sales tax revenue. And I don't mean that facetiously. It's that, you know, that argument only goes so far though that if we incentivize them to have more sales they'll sell more we'll get sales tax revenue. Well, then we should give an unlimited incentive to every retailer of every product around the state because we'll get sales tax revenue. But the fact that, again, we need to prioritize now where we're going to put our state dollars. The Federal Government decided to do this program they gave us a limited amount of money for the program; we should hope that the program is successful enough to use that money and then call it a day. You know, it would be analogous to cash for clunkers. Cash for clunkers was a…"

Speaker Lang: "Please take a minute to finish your remarks."

Fritchey: "Thank you. Cash for clunkers was a fantastic success, but when the money ran out, the money ran out. We didn't see the state coming and saying we'll underwrite it so we can keep selling cars at a reduced price. I… I get it. I get the retail merchants wanting to get the help they can for their retailers. I understand the indirect benefit

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to the state, but there's a real question as to as far as whether this is where the money should be allocated. Thank you, though."

Speaker Lang: "Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. This program has $6.3 million left in it. The idea here is to cover potentially any… any loss from the retailers. The program itself is a 15 percent instant rebate at the retail level. It's not like the consumer's going to have to go get a voucher. It's 15 percent at the retail level. So, if we go over the $6.3 million what is going to happen in essence is the retailer's going to be on the hook for the liability. There are stopgaps in place to monitor this on a daily level to make sure we've not gone over the $6.3 million. If at day three, they're at 600 or 6 million dollars, they are going to stop the program and have a surplus within the program. So, they're going to track this every single day. The reason why we want this legislation presently is to encourage the program to go forward because there's a lot of retailers that have said if we don't have this reassurance we might just not be part of the program. As of Monday, there's 617 retailers in the program. What will happen though is if we don't have this stopgap the people that are going to withdraw from the program are the independent retailers not the big time Lowe's and so forth, but your independent mom and pop shops that aren't going to be able to try and take advantage of selling product to help them and help their small businesses. So, that's why we need this as a stopgap to help them in the case that it

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is a very successful program. But like I said, this is going to be monitored on a daily basis to make sure it does not go over, but in the event that it does, there is a… a small risk to state general revenue funds. And I'm glad that the Sponsor has explained it so eloquently. Thank you."

Speaker Lang: "Representative Coulson."

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

Speaker Lang: "Sponsor yields."

Coulson: "Representative, can you tell us when this program is supposed to start and supposed to stop?"

Smith: "Yes, Representative, the dates are April 16 through the 25th."

Coulson: "Okay. So, about a week and if we run out of money they'll stop it sooner, correct?"

Smith: "I'm sorry?"

Coulson: "It's about a week, maybe 10 days."

Smith: "About 10 days, 10 days."

Coulson: "If we run out… if they run out of money in the plan, they're going to stop it sooner?"

Smith: "Yeah. It's Earth Week I'm told."

Coulson: "Okay. All right. Is there a reason that we're passing this Bill today other than the fact that they want a little bit of assurance that they might get their money?"

Smith: "Is there any other reason?"

Coulson: "Yeah."

Smith: "No."

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Coulson: "So, you could on April 27 have a concept of how much money we've spent or didn't spend and do a… an appropriations Bill that day, couldn't you?"

Smith: "Yeah. The other part of this, obviously, is getting retailers to participate and to make sure that they feel assured in participating. As Representative Sullivan said, you know, we want to encourage the mom and pop businesses and not the big chains who are going to participate no matter what."

Coulson: "And I would love to encourage the mom and pops that are providing mental health services and DD services and other services to people of our state already who are not getting paid by the state."

Smith: "Well, I…"

Coulson: "And I… I understand exactly what you're trying to do, but I would just warn these people if we do they might not get paid for six months. So, whether or not this is enough of an incentive, I really believe… and to the Bill, Mr. Speaker."

Speaker Lang: "I'll give you a minute to complete your remarks."

Coulson: "Thank you. I do believe that we could do an appropriations Bill after this program is done and make sure that we're not putting GRF where we shouldn't be putting it. Until we know what moneys are going to be spent on our kids in school, on Human Service providers and all the other programs that we have to fund this year, I would urge a 'no' vote and encourage all of you to think about. This does not need to come from GRF. It could come from the

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other state funds or federal funds instead of the GRF fund. Thank you."

Speaker Lang: "Representative Rose."

Rose: "I just want to say thank you to Representative Smith for taking this out of the record. We had some discussions on it and the reality is I will probably still vote 'no'. But I wanted to say thank you to Representative Smith for doing that and giving us the time to examine it further so."

Speaker Lang: "Representative Walker."

Walker: "Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Walker: "Representative, is it your belief that without this Bill this program will not be successful?"

Smith: "I wouldn't say that, Representative Walker. I think the program will go on, but I think this will certainly help the program, will bolster the confidence in the retail community in the program."

Walker: "To the Bill. I will support this Bill primarily because in my district we have significant manufacturing of parts for white goods and this will be a boost to our economy especially our manufacturing sector. Thanks."

Speaker Lang: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Bill. You know, over the year we have lots of sales and… they don't necessarily need this one in particular, but if this one goes ahead and companies choose to participate and people buy, you know, in this short length of time that's fine. But I've got to tell you, the Federal Government should stop passing Bills that make them look good and expecting

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the taxpayers to pay for them. And then, then we should not also go along with passing a Bill and expecting the Illinois taxpayers to back them up just in case it doesn't work out. If you need a washing machine or a dryer or whatever is on here, you'll probably go ahead and maybe you'll get it and maybe you won't some people will determine whether they're going to buy it or not because of that. But I don't think in the… you know, if it were ten years ago and you know, we had more money, it would be one thing, but under these circumstances where we're paying interest on the bills that we don't pay and we're looking at doing a lump sum budget and walking out of here and sticking it to the people that we owe bills to, the Human Service providers and everything, I cannot understand why anyone would want to put GRF money out there just in case the Federal Government does not want to cover this or decides they don't have the money. This is the taxpayers' money. It's not our money that we're giving away for nothing. And I don't think we should cover this program 'til we find out exactly what's going to happen. I support manufacturing. I went out and bought a new one… a new washer and a new dryer recently. I didn't have to have a rebate. I needed it, so I bought it. Give me a break."

Speaker Lang: "Mr. Smith to close."

Smith: "Thank you, Mr. Speaker. I would just encourage my colleagues to take a serious look at this. We're talking about providing some minimal state protection for what could be a potentially significant boost to our economy. Not only for retailers, but also in terms of the sales tax

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revenue that could be generated, not just for the state, but for our local governments as well, for your municipalities, your counties and other units of government that rely upon sales tax. I'd ask you to a join with the retail merchants and support this program and support business in the State of Illinois, support small business in the State of Illinois. And I'd ask for an 'aye' vote."

Speaker Lang: "The Gentleman moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Brady. Please take the record, Mr. Clerk. On this question, 83 voting 'yes', 30 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5859, Representative Jakobsson. Please read the Bill."

Clerk Mahoney: "House Bill 5859, a Bill for an Act concerning public aid. Third Reading."

Speaker Lang: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5859 amends the Illinois Public Aid Code to allow a qualified provider, and we're talking about dentists, who's volunteering his or her time at no cost to a not-for-profit health clinic to designate the health clinic as an alternate payee for payment of claims for reimbursement. These dentists would like to volunteer their services and by allowing them to do this, it will help a lot of our children throughout the state get these much needed dental assistance."

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Speaker Lang: "Lady moves for the passage of the Bill. Those in favor vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Reis. Mr. Clerk, please take the record. On this question, 111 voting 'yes', and 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5914, Representative Collins. Please read the Bill."

Clerk Mahoney: "House Bill 5914, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lang: "Representative Collins."

Collins: "Thank you, Mr. Speaker. 5914 just does a couple of things. The Bill just… first, it adds one or more requirements to our… to an existing report. Right now, if the kid goes to… getting ready to go to the parole board, they want due process. So, this Bill allows due process and it gives the board a different options which is to continue parole instead of… revoking parole. And so, I ask for an 'aye' vote. This is an agreed Bill; everybody's on board. We negotiated most of the Session over this Bill. And I ask for an 'aye' vote."

Speaker Lang: "The Lady moves for the passage of the Bill. Representative Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Reboletti: "Representative, when the people who are violent and come back, do they go back to the Prisoner Review Board or are they going to the court?"

Collins: "They're still going back to the Review Board."

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Reboletti: "They're going back to PRB?"

Collins: "Yes."

Reboletti: "And the standard of proof is the same?"

Collins: "Yes. The only thing we did was give them another option that they could release from parole or they don't have to. But they wanted to make sure that they had due process, that's all."

Reboletti: "All right. Thank you."

Speaker Lang: "Representative Moffitt."

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

Speaker Lang: "Sponsor yields."

Moffitt: "Representative, did you say that all the opposition has been removed, 'cause they're were several opponents earlier?"

Collins: "Yes, we did. And this is the… Amendment #2, I believe, that we adopted and all of the opposition is gone."

Moffitt: "It's been removed and I know you agreed, according to our analysis, to hold it on Second to work out and that's what you've done and…"

Collins: "Yes."

Moffitt: "…everyone's on board either neutral or…"

Collins: "Yes."

Moffitt: "Okay. Thank you."

Speaker Lang: "Those in favor of the Bill vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Brady. Please take the record, Mr. Clerk. On this question, there are 81 voting 'yes', 32 voting 'no'. And this Bill, having

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received the Constitutional Majority, is hereby declared passed. House Bill 5836, Representative Golar. Please read the Bill."

Clerk Mahoney: "House Bill 5836, a Bill for an Act concerning education. Third Reading."

Speaker Lang: "Representative Golar."

Golar: "Thank you, Mr. Speaker. House Amendment #2 actually clarifies this Bill in terms of the carry all for the asthma inhaler. It provides written authorization for a pupil's health care provider for the use of an auto-injector. Now, in the authorization is from self-administration, the pupil's parents. And it also requires the parents or guardian of a pupil to provide to the school the prescription label instead of requiring the parent or the guardian of the pupil to provide to the school a written statement from the pupil's health provider containing specified information. This is excellent legislation. For years many of our children have had to carry their auto-injector inhaler and actually hide it. Provisions have been put into the statute. I think this strengthens this legislation and it brings about a hold-harmless clause for the school. I would urge an 'aye' vote."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Turner. Please take the record. On this question, 113 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House

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Bill 5918, Representative Golar. Two in a row, Representative, do you wish to move this Bill? Out of the record. House Bill 5419, Representative Mell. Out of the record. House Bill 6412, Representative Lyons. Please read the Bill."

Clerk Mahoney: "House Bill 6412, a Bill for an Act concerning regulation. Third Reading."

Speaker Lang: "Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 6412 we amended the… we put the Amendment on yesterday which becomes the Bill. The short version of this, this Bill puts Illinois in conjunction with the Truth in Lending Act and the Regulation Z that went into law at the federal level back in February. It's got a host of wonderful things that a consumer friendly things that protect consumers in here. And I'd be happy to answer any questions. I think it's… It came out of committee unanimously, has bipartisan support. I'd ask for your 'aye' vote."

Speaker Lang: "The Gentleman moves for the passage of the Bill. Those in favor say… vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk… Representative Acevedo. Please take the record. On this question, there are 112 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 6349, Representative Beiser. Please read the Bill."

Clerk Mahoney: "House Bill 6349, a Bill for an Act concerning finance. Third Reading."

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Speaker Lang: "Mr. Beiser."

Beiser: "Thank you, Mr. Speaker, Members of the House. House Bill 6349, as amended, amends the Employment of Illinois Workers on Public Works Act and repeals the Public Work Preference Act. It repeals that because it has been ruled unconstitutional. The Amendment… the Bill, as amended, does the following things: it ensures that on public works projects financed by the State of Illinois that at least 90 percent of the workers will be Illinois workers. It changes the penalty for violating the Act from a criminal offense to a civil offense, it established an arbitration system allowing any person deemed to violate the Act the opportunity to file a written request for an informal conference. It creates the Employment of Illinois Workers on Public Works Fund project fund. And it also allows an interested party to file suit in circuit court. I'd be happy to answer any questions. It came out of committee unanimously, but I believe there are questions."

Speaker Lang: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Durkin: "Representative, in committee I made some comments about drafting. Specifically, about the vagueness with some of the definitions, particularly when you're talking about or creating a private right of action and we have a definition of an interested party. Do you recall that conversation we had?"

Beiser: "I recall that conversation."

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Durkin: "Have you tightened up that language since that committee hearing?"

Beiser: "We have not because we didn't want to have offer Amendments in the House due to the deadline. I think we talked about working with the Senate Sponsor, if I recall the conversation correctly."

Durkin: "All right. I would hope you would, you know, continue on with that because as I mentioned in committee that this will be a plaintiff attorney's dream to have this type of… a very vague type of language placed in the statute. And also basically, anybody… when we say an interested party, the tentacles of that can go on forever. And I think there's… I think it's dangerous the way it's written. I hope you take that advice and you change that. And I'll support it today, but I hope to see it back here at some point in the future."

Beiser: "Points well-taken."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 107 voting 'yes', 5 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4990, Representative Bost. Please read the Bill."

Clerk Mahoney: "House Bill 4990, a Bill for an Act concerning utilities. Third Reading."

Speaker Lang: "Mr. Bost."

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Bost: "Thank you, Mr. Speaker. Bill 49… House Bill 4990 has been worked through with the ICC and a local 9-1-1 provider. It gives for a pilot program and only for a pilot program. Also in that language is a date change to provide another 9-1-1 service in the state… in Representative Senger's district to just have the date moved forward for implementation of their program."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; those opposed 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Winters, Davis. Please take the record. On this question, 112 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5230, Representative Bradley. Please read the Bill."

Clerk Mahoney: "House Bill 5230, a Bill for an Act concerning State Government. Third Reading."

Speaker Lang: "Mr. Bradley."

Bradley: "This is a Bill that was proposed by the Illinois Chamber of Commerce. It's designed to make and process a DCL more efficient to eliminate paperwork and eliminate identical reports. I ask for an 'aye' vote."

Speaker Lang: "Those in favor vote 'yes'… Sorry. Mr. Franks, just in the nick of time."

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

Speaker Lang: "Gentleman yields."

Franks: "What's the genesis of this Bill?"

Bradley: "Are you talking to me? I thought you were talking to somebody else. You said Senator; I'm a Representative."

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Franks: "Well, I just… last time we had this debate I thought I was talking with Senator Forby. So…"

Bradley: "I'm going tell him you said that."

Franks: "Good, good. So, Representative… Okay. Representative Finch, could you please tell us the genesis of the Bill? Come on, Atticus, we're waiting. Is this counting against my time? I want to know."

Speaker Lang: "It certainly is, Sir."

Bradley: "Did you have a question?"

Franks: "Yes. The genesis of the Bill… Mr. Finch?"

Bradley: "A genesis of the Bill. Well, the Chamber of Commerce had an idea and they took it down to LRB and had it drafted and then they brought it to me and I signed it. And we took it to the Clerk's Office and filed it. And then it went on First Reading."

Franks: "Thanks. That's…"

Bradley: "…and after First Reading it was assigned to the Rules committee."

Franks: "Can I have more time?"

Speaker Lang: "This also counts against your time, Sir and it's your own fault."

Franks: "Well, here's my point. I… we actually passed a Bill like this a few years ago and I'm just wondering what this one does differently to the Bill that we had previously passed?"

Bradley: "I have no idea. I haven't been here as long as you have. I don't have as much gray hair either, Jack."

Franks: "All right. So, you don't know what the Bill does. Yeah. No…no, that's a good question."

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Bradley: "No, wait a minute. I know what the Bill does. I don't know what the Bill you're talking about from back in the 1800s did."

Franks: "But what does this Bill do?"

Bradley: "It eliminates identical paperwork."

Franks: "Oh, okay, I get it. I thought the Bill was working pretty well before. Is there going to be cost savings here, Mr. Finch?"

Bradley: "Hello? What?"

Franks: "Will there be cost savings here for the state?"

Speaker Lang: "The Chair wonders if you need more time, Mr. Franks?"

Franks: "Just a little."

Speaker Lang: "Well, I'll give you one minute, but if I could only give you ten seconds I would."

Bradley: "I object to him having more time. I object. All those in favor say 'aye'."

Franks: "Okay. Well, I appreciate Atticus bringing this to us to save the state money and I'm glad to see how well involved you are in the process. So, I encourage an 'aye' vote."

Bradley: "Thank you very much, Representative."

Speaker Lang: "Those in favor of the Bill vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, 112 voting yes, 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Bost."

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Bost: "Mr. Speaker, let the record reflect that Representative Biggins will be excused the rest of the afternoon."

Speaker Lang: "The record will so reflect. The Chair recognizes Representative Rose."

Rose: "Mr. Speaker, I've been vandalized. Someone put a Dayton Flyers jersey thing on my desk here, Mr. Speaker. I want an immediate investigation. I would think it's Black or Cultra."

Speaker Lang: "So, it sounds like an investigation that's just on your side of the aisle, so we'll proceed. House Bill 6335, Representative Chapa LaVia. Representative Chapa LaVia, do you wish to move your Bill? Please read the Bill."

Clerk Mahoney: "House Bill 6335, Second Reading of this House Bill. A Bill for an Act concerning local government. No Committee Amendments. A Floor Amendment was refereed to committee and not reported out. No Motions filed."

Speaker Lang: "Representative, do you wish the Bill to go to Third Reading? Third Reading. House Bill 5169, Representative Chapa LaVia. What's your pleasure, Representative? Please read the Bill."

Clerk Mahoney: "House Bill 5169, a Bill for an Act concerning revenue. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 1826, Representative Will Davis. Please read the Bill."

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Clerk Mahoney: "House Bill 1826, a Bill for an Act concerning children. Second Reading. Floor Amendment #2 has been approved for consideration."

Speaker Lang: "Representative Davis. Representative Davis on your Amendment."

Davis, W.: "There's an Amendment?"

Speaker Lang: "Seems so, Sir."

Davis, W.: "Sorry about that, Ladies and Gentlemen. I didn't realize that there was an… an Amendment. I thought…"

Speaker Lang: "We'll take the Bill out of the record momentarily, Sir."

Davis, W.: "Could you please? Let me…let me figure."

Speaker Lang: "And would you please let me know when you're ready to proceed."

Davis, W.: "Thank you."

Speaker Lang: "Thank you. House Bill 6080, Representative Feigenholtz. Please read the Bill."

Clerk Mahoney: "House Bill 6080, a Bill for an Act concerning civil law. Third Reading."

Speaker Lang: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. House Bill 6080 is an effort that was brought forth from the Chicago Bar Association that specifies designated consent surrenders. I'd be glad to answer any questions."

Speaker Lang: "You've heard the Lady's Motion and the Chair recognizes Representative Sommer."

Sommer: "Thank you, Mr. Speaker. Just a comment that Representative Feigenholtz has worked closely with all

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parties involved in this, has been receptive to Amendments and I support this legislation."

Speaker Lang: "Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Will Davis, Riley, Smith. 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. House Bill 5879, Representative Flider. Please read the Bill."

Clerk Mahoney: "House Bill 5879, a Bill for an Act concerning utilities. Second Reading. Floor Amendment #2, offered by Representative Flider, has been approved for consideration."

Speaker Lang: "Mr. Flider."

Flider: "Yes. Thank you, Mr. Speaker. This legislation has evolved to a… the original purpose of this legislation was to ensure that those who are 18 years old would not have utility service put into their name, thereby have a credit problem in the future. And we've put together some legislation or, excuse me, some language that I think takes into account the utilities practices, but at the same time, if there's a question with regard to identity, required a form of… a couple of forms of identification. We do continue to have some issues that we're working with, specifically with Members of our side of the aisle and we hope that this… these matters can be dealt with in the Senate. But the concept is a good one and I urge an 'aye' vote."

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Speaker Lang: "Gentleman moves for the adoption of the Amendment. Chair recognizes Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill… Actually, I have a question of the Sponsor. The Sponsor yield?"

Speaker Lang: "Gentleman yields."

Mendoza: "Representative Flider, I know we spoke in committee about this and I just want to get on the record that your intention on this Bill and legislative intent is that… the utility companies be able to verify age and really nothing else, correct?"

Flider: "That's really the intent of the Bill is to simply ensure that… and we had a situation in my district where it had happened. It occurred despite the processes that the utilities go through where we had minors whose names had utility service had been put into. So, then in one particular instance a young lady had gone to college tried to take out a college loan when she turned 18 found out she had no credit. So, she could not take out that loan and we had instances like that. So, we are trying to prevent those kinds of instances. That is the intent of this Bill."

Mendoza: "And… Representative Flider, I had spoken with… I haven't had an opportunity to sit down with all of the different utility companies, but one of them that I just spoke with re… a few minutes ago actually stated that they currently only require one type of identification. Why do we need two? If one will prove that the individual is 18 or older, why do we need two?"

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Flider: "We felt it was a safeguard, more… you know, just the idea that two would be better than one."

Mendoza: "All right. I want to continue to work with you on this in the Senate. Obviously, I expressed my concerns in committee. The significant population of immigrants in this state, who I believe we need to make sure also have, you know, an easy opportunity to connect services, they're willing to pay for them. So, my concern is every year we've seen that some of these companies have actually closed down their constituent services offices and it makes it harder and harder for constituents to acc…"

Speaker Lang: "Representative, I'm going to give you an additional minute to bring your remarks to a close."

Mendoza: "Thank you. Thank you, Mr. Speaker. Makes it harder to access them when needing to supply this new additional information that they'll be needing to supply. Thank you for your willingness to work with us, but I do expect this Bill should it pass the House, come back to the chamber with significant changes in the Senate. Thank you."

Speaker Lang: "Those in favor of the Amendment shall say 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 5539, Representative Cavaletto. Is the Gentleman in the chamber? Oh, sorry, Sir. Please read the Bill."

Clerk Mahoney: "House Bill 5539, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Amendments. No Motions filed."

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Speaker Lang: "Third Reading. House Bill 5927, Representative Hernandez. Please read the Bill."

Clerk Mahoney: "House Bill 5927, a Bill for an Act concerning insurance. Second Reading. No Amendments. All notes have been filed."

Speaker Lang: "Third Reading. House Bill 5821, Representative Hoffman. Read the Bill."

Clerk Mahoney: "House Bill 5821 has been read a second time previously. Floor Amendment #1 has been approved for consideration."

Speaker Lang: "Representative Hoffman."

Hoffman: "Yes. Floor Amendment #1 is very simple. It takes care of an issue that the long-term care facilities had with the Bill and I believe that this removes any potential opposition."

Speaker Lang: "Those in favor say 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 5394, Representative Howard. Out of the record. House Bill 6380, Representative McAsey. Please read the Bill."

Clerk Mahoney: "House Bill 6380, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lang: "Representative McAsey."

McAsey: "Thank you, thank you. This Bill addresses the Joliet Regional Port Authority. What the legislation does is to add one member to the board that currently consists of nine members. The member would be appointed by the Village of

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Romeoville. And the reason for this addition is that the primary business of the Port Authority is dealing with Lewis University Airport which is located entirely within the Village of Romeoville. Romeoville does not have a seat on the board. I would move…move for passage of the Bill and answer any questions."

Speaker Lang: "You heard the Lady's Motion. Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Black. Please take the record. This question, there are 107 voting 'yes', and 4 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 6477, Representative McAsey. Please read the Bill."

Clerk Mahoney: "House Bill 6477, a Bill for an Act concerning civil law. Third Reading."

Speaker Lang: "Representative McAsey."

McAsey: "Thank you, thank you. This Bill is a clarification and a modernization of the Illinois Power of Attorney Act. It includes revisions to the Act, additions to the Act including provisions from the Uniform Power of Attorney Act. It is supported by the AARP, the State Bar Association, the Illinois Credit Union League, the Illinois State Medical Society. I would add that this Bill is the culmination of hard work by all of those agencies reviewing countless drafts resulting in this comprehensive Bill which will protect people, especially older adults against power of attorney abuses and enhance the usefulness of the

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Durable powers of attorney. And I would move for passage of the Bill and will answer any questions."

Speaker Lang: "You heard the Lady's Motion. On that question, the Chair recognizes Representative Coulson."

Coulson: "Thank… thank you, Mr. Speaker. Will the Lady yield?"

Speaker Lang: "Lady yields."

Coulson: "I just have one question. Are current powers of attorney that anyone might have still good?"

McAsey: "Absolutely. There is language in the Bill that any power of attorney that has been previously executed, that there's nothing in this legislation that would undo any prior… properly executed powers."

Coulson: "Okay. Okay. Thank you."

Speaker Lang: "Those in favor of the Bill shall vote, 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Phelps, Reitz. 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. Returning to House Bill 1826, Representative Will Davis. Please read the Bill."

Clerk Mahoney: "House Bill 1826, a Bill for an Act concerning children. Floor Amendment #2, offered by Representative Davis, has been approved for consideration."

Speaker Lang: "Representative Davis."

Davis, W.: "Thank you very much. On Amendment #2, and I appreciate your indulgence, such long hours on the floor without nothing to eat made me a little lightheaded. So, I'm a lot better now. Floor Amendment #2, in addition to

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the first Amendment that's already been adopted, adds language that requires three youth to sit on a Youth Development Council who are also members of the Youth Advisory Group. It lowers the maximum age of the youth members to sit on that council to be 21, instead of 24. Adds language that requires DHS and an established youth organization with civic engagement to help select members of the Youth Advisory Group. Adds a provision that it gives entities with experience in providing after school programs priority to participate in demonstration programs. And finally, it does make this subject to appropriation."

Speaker Lang: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lang: "Third Reading. Chair returns to House Bill 5394, Representative Howard. Please read the Bill."

Clerk Mahoney: "House Bill 5394, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lang: "Representative Howard."

Howard: "Thank you, Mr. Speaker. House Bill 5394, as amended, provides that criminal records of dismissals and acquittals can be sealed. The dismissals or acquittals involved situations where the state's attorney voluntarily dismissed the complaint, the court ordered the charges to be dismissed and situations where the matter went to trial and a judge or jury found the defendant to be not guilty. This Bill would not apply to situations where the dismissal

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followed the successful completion of a court supervision order and drug treatment program, where the defendant was initially found guilty or admitted his or her guilt. Where a person has not previously been convicted of a crime, he or she can now obtain an expungement of charges, which result in dismissals or acquittals. However, individuals who had previously been convicted of crimes, no matter how petty, are precluded from seeking an expungement. This Bill would address that. I will take questions."

Speaker Lang: "Lady moves for the passage of the Bill. The Chair recognizes Representative Reboletti."

Reboletti: "Will the Lady yield?"

Speaker Lang: "Lady yields."

Reboletti: "Representative, would this call for automatic expungement then?"

Howard: "It does not."

Reboletti: "My… I guess my question is, why can't these already be expunged if the person who was either found not guilty or the case was dismissed, why couldn't they come in and file a motion to expunge the record?"

Howard: "It's my understanding that there is something else that precludes that, another matter on their record. These persons… the persons I'm talking about are those that are not eligible for expungement, but we hope that their records can be sealed."

Reboletti: "And I look at the list of opponents. Have you had a chance to talk to the Cook County State's Attorneys Office regarding what their opposition was to the Bill?"

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Howard: "I am not aware of whether or not there still is opposition from them. I do know that the Association of State's Attorneys is now neutral."

Reboletti: "Do you know when they became neutral? Is that recently 'cause I don't have them on the…"

Howard: "We found… we found that out today."

Reboletti: "One moment. I guess my concern is, why are we looking to eliminate these records from having prosecutors or police officers be able to know if there was prior criminal contact with the… with the system?"

Howard: "We are not seeking to do that. In fact, these records will still be accessible to all law enforcement officials."

Reboletti: "Okay. They would not be… if these… are these going to be expunged or sealed?"

Howard: "These would be sealed. They can… they're not eligible for expungement. We're looking for sealing."

Reboletti: "But then… I guess then what the concern the bankers or others would have is that they wouldn't have access to see…"

Howard: "I'm sorry. Would you state that question again?"

Reboletti: "I guess… I'm looking at some of the opponents. I look at the Bankers Association is opposed. And I assume that their opposition derives from the fact that they wouldn't be able to find out, in a background check, if those records were sealed. Is that a fair assessment?"

Speaker Lang: "Please… please proceed, Representative. Mr. Reboletti, I'm giving you an additional minute."

Howard: "I do not recall that the Bankers Association ever came and indicated any objections to this Bill."

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Reboletti: "I don't… I don't recall either, Representative. It's in our analysis. But quickly, to the Bill. I… I understand what the Lady's trying to do here. I just think that with the records being sealed you'd have businesses not knowing if some of these charges being involved in a person's background. And for that reason, I cannot support the Bill."

Speaker Lang: "Representative Eddy."

Eddy: "Thank you. Would the Sponsor yield?"

Speaker Lang: "Lady yields."

Eddy: "Representative Howard, it looks like that the Bill now provides for sealing of records for people who are charged with a felony offense when those charges are dismissed as one of the grounds?"

Howard: "That is correct. That is correct."

Eddy: "So, I understand it also applies to acquittals or… or the charges being vacated, but I guess the part that concerns me and… is the dismissal. Because I'm wondering under what circumstances at times felony charges can be dismissed?"

Howard: "If you would give me some indulgence. I want to give you an example of the kind of person that this would address."

Eddy: "Okay."

Howard: "The kind of issue. When George was 18 he was convicted of shoplifting, he's now 25. He has had no other contact with the criminal justice process. Then one night he's arrested and charged with murdering his neighbor. Three months later, the police find that he was not the

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one. They said he did not do it, they had arrested the wrong man. He was released, but for the rest of his life he'll have to have a record of being charged with first degree murder. And so, we're trying to… to deal with the situation that apparently is unfair."

Eddy: "And I… those… that situation that you described is one type of dismissal possibly of a felony. I was wondering why in that case there wasn't some other type of action taken, maybe a vacated or some kind of reversal. My concern has to do with dismissals because a felony dismissal could be for some other type of a felony and there's some agreement reached and charges are dismissed where we might not want to seal those records. I think it may go a little farther than you even want it to and that I… that concerns me a little bit. Thank you."

Speaker Lang: "Representative Howard to close."

Howard: "Keep in mind that the judge… the courts always have the discretion as to which ones of these they can… they want to approve of. I ask for the support of my colleagues."

Speaker Lang: "Lady moves for the passage of the Bill. Those in favor shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? DeLuca. May. Please take the record, Mr. Clerk. On this question, there are 44 voting 'yes' and 66 voting 'no'. And the Bill fails. House Bill 5076, Representative Coulson. Please read the Bill."

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Clerk Mahoney: "House Bill 5076, a Bill for an Act concerning State Government. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 6030, Representative May. Please read the Bill."

Clerk Mahoney: "House Bill 6030, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Lang: "Representative May."

May: "Thank you. House Bill 6030 creates a grant program for manufacturers so that they can reduce emissions to improve our air quality, reduce solid waste disposal, reuse and recycle, things that are good for the environment. I think it's great when the Illinois Manufacturers and the Illinois Environmental Council both support this concept."

Speaker Lang: "Those in favor shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Boland, Brady, Farnham, Ford, Franks. Please take the record. On this question, there are 107 voting 'yes', 4 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5420, Representative Mell. Please read the Bill."

Clerk Mahoney: "House Bill 5420, a Bill for an Act concerning State Government. Second Reading. No Amendments. No Motions filed."

Speaker Lang: "Representative Mell. Pardon me… Oh, sorry. Third Reading. Chair recognizes Representative Bost."

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Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Schmitz is excused the rest of the afternoon, or evening or whatever we're doing."

Speaker Lang: "The record will so reflect. House Bill 6208, Representative Nekritz. Please read the Bill."

Clerk Mahoney: "House Bill 6208, a Bill for an Act concerning utilities. Third Reading."

Speaker Lang: "Representative Nekritz."

Nekritz: "Once again, thank you so much, Mr. Speaker. House Bill 6208 amends the ABC licensing law. It regulates third party marketers of retail electricity supply. These third party marketers are known generally as agents, brokers, and consultants, consequently the ABCs. They market electricity to businesses, but do not operate in the residential market. This Bill went through some extensive committee hearings that were quite lengthy and the substance of the Bill that's before you today is the result of some suggestions offered by the Public Utilities committee. It amends the existing licensure law to require disclosure in writing to anyone solicited by an ABC, the price per kilowatt hour of electricity, as well as the total price inclusive of any fees received by the ABC. It also requires disclosure of the fact that the ABC will be receiving compensation from the supplier of the electricity. It has a few other provisions. It exempts out the Illinois Power Authority (sic-Agency) and retail Electric suppliers that are already regulated under the Illinois Commerce Commission Act. And finally, it removes

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an exemption in the underlying licensure for exclusive ABC brokers. I'd be happy to answer any questions."

Speaker Lang: "Lady moves for the passage of the Bill. Those in favor vote 'yes'; those opposed 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Franks, Mautino. Mr. Clerk, please take the record. On this question, 109 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5745, Representative Saviano. Please read the Bill."

Clerk Mahoney: "House Bill 5745, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lang: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 5745 is a piece of legislation that moves health care professionals on a… on the same field as… as paramedics and firemen, and policemen when they are assaulted or… or targeted for violence, when they're known to be health care professionals. And I would ask for the Bill's approval. Thank you."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Collins, Gordon, Mautino. Please take the record. This Bill, there's 109 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5744, Representative Saviano. Please read the Bill."

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Clerk Mahoney: "House Bill 5744, a Bill for an Act concerning State Government. Third Reading."

Speaker Lang: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 5744 is a Bill which would allow out of state doctors and health care professionals to come in and work in free clinics throughout our state. And all they would really have to do is supply that clinic with a… with a copy of their license from out-of-state. It's a stream lining process for our free clinics across the state. And I would ask for its approval."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Verschoore. Please take the record. On this question, 110 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Jehan Gordon."

Gordon, J.: "Thank you, Mr. Speaker. I'd like to be recorded as a 'yes' on House Bill 5745."

Speaker Lang: "The Journal will reflect your wishes. House Bill 6235, Representative Osterman. Please read the Bill."

Clerk Mahoney: "House Bill 6235, a Bill for an Act concerning local government. Third Reading."

Speaker Lang: "Mr. Osterman."

Osterman: "Thank you, Mr. Speaker. House Bill 6235 requires the Cook County Treasurer to post on their web site information about uncashed checks so the Cook County

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residents that have those checks would have a way to retrieve them. And I ask for an 'aye' vote."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; those opposed 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Flider, Representative Hamos. Please take the record. On this question, there are 109 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5917, Representative Phelps. Please read the Bill."

Clerk Mahoney: "House Bill 5917, a Bill for an Act concerning public health. Third Reading."

Speaker Lang: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. This is an initiative of the Illinois Retail Merchant Association, actually was brought up during the House Jobs Creation Task Force. We're just cutting… for appealers seeking an initial certification of food service sanitation manager, instead of 15 hours we're bringing it down to 7 hours. And I ask for its passage."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'… Pardon me. Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Black: "Representative, in a time when we've had salmonella outbreaks in my district, more E. coli recalls than I can keep track of, why would you want to reduce the standards for food service sanitarians? Why… why cut the amount of

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training from 15 hours down to 7? What… what's the advantage?"

Phelps: "We just feel, actually, this won't cause anymore food borne illnesses. Only seven states do this, 43 other states do less hours than 7. So, we just feel like we're just doing this, and we… you know, it might be harder to do business in the State of Illinois as a food service sanitation manager."

Black: "Well, I want to be known as the state where we don't have food sanitarians that know what they're doing. I don't think this would help Illinois business. I can tell you a restaurant and a hotel in my district that had a severe salmonella outbreak. The restaurant's long gone and the hotel was sold. Any food borne illness is not only a local problem. It can quickly spread across county lines, state lines. At a time when everything from hamburger to peanut butter has been recalled lately, I want somebody on duty who understands and knows how to be observant of potential food borne illnesses. For the life of me… you're reducing 8 hours of training, for what purpose, I don't understand this?"

Phelps: "Actually, Representative, like I said, 43 other states do this and we just feel like we're just getting with them to make it less easier for businesses."

Black: "Well, I don't know how many people died in California five years ago. I mean, that would be a good example. They had a botulism outbreak in California. There's got to be a reason, not just that 43 states do it, what… what's the reason? I mean, are there no registered sanitarians?

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Are people coming to state agencies and saying that we can't train people? The health department and the community college in my district offer these food handling certificate classes five, six, seven times a year. And nobody's ever complained to me in my district. I haven't had a restaurant owner, a convenience store owner, a fast food operator, nobody has complained to me about the sanitarian inspectors or having to have their people, who work for them, take this 15-hour course. I mean, I don't… you've given me some good reasons. Okay, 43 other states do it this way, but what… what's the real reason? What… what's happened here that I just don't understand?"

Phelps: "I… I just think a lot of…"

Speaker Lang: "Mr. Black, I'll give you an additional minute."

Black: "Well, you know, maybe he can answer the question."

Phelps: "I just think a lot of members with IRMA… it has been brought to their attention. They're just trying to make it more or less bureaucratic to conduct business in Illinois, believe it or not."

Black: "But I… I've got all kinds of retail merchants in my district that sell food, prepare food, serve food and no one, none of them, have ever contacted me about the burden of the food sanitation course, it's only 15 hours. You know, and not only that but they do some testing. I don't want somebody with Hepatitis frying my hamburger. I don't want somebody like Typhoid Mary working at a restaurant that I would frequent. Representative, I trust you. I'm going to say that you've looked into this Bill. And maybe it is a bureaucratic simplification, but I just find it

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amazing… I think most people in my district know me and if they had a problem with this, I'm sure that they would have…"

Speaker Lang: "Please proceed. Mr… Mr. Black is finished with his remarks."

Black: "I just… nobody has contacted me about this so-called burdence of requirement. Maybe I've missed something, but I don't think I have in my district. Maybe it's worse in Chicago, maybe it's worse in bigger cities, I don't know, but this thing just caught me by surprise because I've never heard any word of complaint about the food service sanitation requirement. In fact, the restaurants that a few years ago didn't like it, once they got used to it said we don't know how we ever worked without it, but again, maybe I'm just out of the loop."

Speaker Lang: "This Bill is on Short Debate. There are six people waiting to speak. We will take it off of Short Debate, but we're going to hold everybody to the two… two-minute time limit. Chair recognizes Representative Bost."

Bost: "Thank you, Mr. Speaker. To the Bill. Maybe what we need to understand is, is there's a couple things. One, the companies that might be working around the borders, the grocery stores that also prepare food, this will provide reciprocity. It does not stop any of the testing requirements. They still must meet certain testing requirements to know they're qualified in the food handling, food service preparation. I think what we do hear from our health departments, and this is kind of interesting, is that they are in opposition to this, but

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the reason they might be in opposition to this is is on the side they teach these classes. Now, we get into something real here. The reason why we have more hours taught in the State of Illinois gives them the opportunity to do that. What this does is just simply bring us online with other states, it allows reciprocity with the states around us and I think it's a very good Bill."

Speaker Lang: "Representative Tracy."

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

Speaker Lang: "Sponsor yields."

Tracy: "Representative Phelps, isn't this actually an initiative of the retailers that represent small, independent businesses that handle sandwiches and the like. And their concern is that they lose two days of operations and training by sending someone for two days of training?"

Phelps: "Yes. On that, yes."

Tracy: "And actually… there is actually a… a fairly frequent turnover within that industry and that that causes them a great deal of cost expense in the training?"

Phelps: "Right. Absolutely."

Tracy: "And as I understand, they… I… isn't it also true that they think that 7 hours will exactly… equate a 15-hour training session. That it's a condensed session that will only take one day."

Phelps: "Absolutely."

Tracy: "So, as I understand, you're not trying to impede or impair the health safety standards of the State of Illinois and the food handling process, but, rather, streamline it so our small, independent retailers that do this type of

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restaurant processing are able to cut their costs in that area."

Phelps: "Yes. Thank you very much."

Tracy: "Thank you. I stand in support of this Bill. I think it makes good, practical sense so long as we do not jeopardize the standards of the food handling, but can allow them to streamline and to compact the training. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Burns."

Burns: "Thank… thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Lang: "The Sponsor yields."

Burns: "Representative, I just wanted to make sure that everyone understands that the same exam that people would take after… under the 15-hour requirement, they'll still have to complete the same exam after 7 hours, right?"

Phelps: "Correct."

Burns: "So, they still have to learn the same material that they would learn under current law, it's just that you're reducing the training from 15 hours to 7 hours."

Phelps: "Absolutely."

Burns: "Very quickly, to the Bill. I think this is an excellent piece of legislation. This is a way to help small business owners and restaurants. We all have them in our districts. We want to make sure that we reduce their costs in tough economic times. This is a jobs Bill. The Department of Public Health is neutral, the Chicago Department of Public Health has no objection and I think we should support the Representative's Bill. Thank you."

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Speaker Lang: "Mr. Ramey. Mr. Ramey."

Ramey: "Thank you, Mr. Speaker. To the Bill. It's probably one of the few or less than one or two, I don't know if Representative Mell has her certificate also, but the process is normally trained throughout the businesses in themselves and to take one more class for something that many already know is redundant. So, I agree with the Sponsor's Bill. I think we're streamlining it and make it a more efficient process without harming the people of the state. I think it's a good idea. I support the Bill."

Speaker Lang: "Representative Mell."

Mell: "Thank you, Mr. Speaker. I stand in opposition to this Bill actually, other than, you know, what the previous Representative just said. You know, I attended culinary school for two years, and there we had 80 hours of training on food sanitation. I don't think it's something that can be taken lightly, and I also don't think it's… I spend many times and many hours in restaurants and there isn't ongoing training. You're trying to get the food out. And what you need is really experience and knowledgeable people when you're, you know, dealing with food that you're going to feed the public with. So, I urge a 'no' vote. Thank you."

Speaker Lang: "Representative Poe."

Poe: "Mr. Speaker, the Sponsor answer questions?"

Speaker Lang: "Sponsor yields."

Poe: "Yeah. Is… is the Illinois Department of Public Health, what… what's… are they supporting this?"

Phelps: "They're neutral on this, Representative."

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Poe: "Okay. And probably like Randy, I've probably had a food owner's license for 10, 15 years, and I went through the courses and I think that they could condense that into one day. It seems as I go through that, I've been through it in the past, they have to do quite a bit of stretching to make it last the 15 hours. And I think, the way it was explained to me the thing that we need, and we have food now in more of the service stations, convenience stores, some of those kinds of things, they have quite a bit of turnover in their staff. And this is a way that they can get their staff certified and if they have… like Randy said on-the-job training, I think that this is something that they can go ahead and do, but by going trough the classes, I've been through recertification. We've done all these kinds of things in the past, and I think they could condense this in one day and make it still be safe for Illinois. So, I'd encourage an 'aye' vote."

Speaker Lang: "Last Speaker on the Bill, Representative Cole."

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

Speaker Lang: "Gentleman yields."

Cole: "Representative, how often does a business need to recertify?"

Phelps: "I believe it's… the recertification, I believe which you are referring to, is every 5 years."

Cole: "Okay. So, this is 15 hours of training every 5 years?"

Phelps: "And then you have 5 hours… currently 15."

Cole: "Correct"

Phelps: "And then after every 5 years you have another 5-hour for a refresher."

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Cole: "And you are suggesting that that's egregious and really difficult for a food service manager to do?"

Phelps: "We're not changing the recertification process, whatsoever, just the initial 15 to 7."

Cole: "I was just pointing out that 15 hours of training every 5 years is not really a long period of time. I'm suggesting that."

Phelps: "It's 15 to get certified."

Cole: "Correct."

Phelps: "And we just think that's…"

Cole: "And how many hours to get recertified?"

Phelps: "Five. We're not touching that. That's the way it's always been."

Cole: "Right. Okay. And who are the proponents? Is the Northern Illinois Public Health Consortium opposed to this Bill?"

Phelps: "We thought they were neutral. Some individual health departments have been opposed because, as Representative Bost said, some of these people on… outside of their job, they're teaching some of these classes and they're getting paid. So, that's another story in it's own that we haven't looked at."

Cole: "So, the only city within the Northern Illinois Public Health Consortium that is a proponent is the City of Chicago, correct?"

Phelps: "Yeah. And like I said, we thought we… we thought they were neutral, so…"

Cole: "Thank you, Mr. Speaker. To the Bill. My health department along with the health departments of Will

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County, Kane County, Kendall County, DuPage County, are all opposed to this Bill, because our counties have found that it is more cost-effective for a business to go through the training than to be shut down for two or three days for food preparation violations. I have quite a few food businesses within my district. They do not think the 15 hours is a difficult process to go through particularly because it helps them to train their employees on how to safely prepare foods. I urge a 'no' vote."

Speaker Lang: "Mr. Phelps to close."

Phelps: "Just for the record for Representative Cole, IDPH and the City of Chicago Department of Public Health are not opposed to this proposal. This is a jobs Bill, making it easier for small business. I ask for an aye vote."

Speaker Lang: "Those in favor vote 'yes'; opposed 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mathias. Please take the record. On this question, there are 92 voting 'yes', 16 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 6099, Representative Phelps. Please read the Bill."

Clerk Mahoney: "House Bill 6099, a Bill for an Act concerning agriculture. Second Reading. Amendment #1 was adopted in committee. Floor Amendment #2 has been approved for consideration."

Speaker Lang: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. House Bill 6099 is a… requires the use of nonphosphorus fertilizer on lawns and

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turfgrass. All parties are in agreement with this and I appreciate the time and effort they put in. I ask for an 'aye' vote."

Speaker Lang: "Gentleman moves for the adoption of the Amendment. Those in… Mr. Black."

Black: "Thank you very much, Mr. Speaker. I appreciate the Gentleman's attempt to be brief, but could he explain what the Amendment does?"

Phelps: "The Amendment actually is just for all parties that were off of this a little bit, Jean Payne with the Chemical and Fertilizer Association. We put a lot of work in this to make some technical changes and this is only applies for your lawns and does not involve homeowners, whatsoever."

Black: "Well, my staff analysis says Floor Amendment #2 becomes the Bill. So, I wouldn't think that it would be just a technical Amendment."

Phelps: "Well, there was a lot of Amendments as you well know because this was… this was very highly debated debate. Members of the Ag & Conservation Committee, as Representative Sacia will tell you, we put a lot of work on this to get all parties to agree and be neutral."

Black: "Well, it always takes a lot of work when you spread a lot of fertilizer. I'll ask questions when it goes to Third Reading, but I… there's much more to this Bill than a 15 second explanation, believe me."

Speaker Lang: "The Gentleman has moved for the adoption of the Amendment. Those in favor say 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

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Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 6434, Representative Rita. Mr. Rita. Please read the Bill."

Clerk Mahoney: "House Bill 6434, a Bill for an Act concerning public aid. Second Reading. Floor Amendment #1 has been approved for consideration."

Speaker Lang: "Mr. Rita."

Rita: "Take… take this out of the record."

Speaker Lang: "Out of the record. House Bill 6239, Representative Rita. Please read the Bill."

Clerk Mahoney: "House Bill 6239, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lang: "Mr. Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 6239 is an initiative of Cook County. As amended, it also includes DuPage County. So, with counties of a population 750 thousand or greater, will be able to hold administrative adjudication hearings as municipalities have that power to do this… Home Rule municipality. So, it just gives them the power to perform them duties as the municipalities do."

Speaker Lang: "Gentleman's moved for the passage of the Bill. Those in favor vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. This question, there are 96 voting 'yes', 13 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared

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passed. House Bill 5214, Representative Tryon. Please read the Bill."

Clerk Mahoney: "House Bill 5214 has been read a second time, previously. Amendment #1 was adopted in committee. All notes have been filed."

Speaker Lang: "Third Reading. House Bill 5301, Representative Reis. Please read the Bill."

Clerk Mahoney: "House Bill 5301, a Bill for an Act concerning transportation. Third Reading."

Speaker Lang: "Mr. Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 5301, as amended, creates the dive team license plates. These folks are being proactive looking for a way of getting some money for equipment. We amended the Bill so that it removed all the opposition including the Dive Rescues for Illinois, the Illinois Fire Chiefs Association, Fraternal Order of Police and the Illinois Sheriff's Association. I would ask for your support."

Speaker Lang: "Gentleman's moved for the passage of the Bill. There being no discussion, those in favor shall vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Bellock, Coulson, Fritchey, Miller, Rose. Mr. Clerk, please take the record. On this question, there are 96 voting 'yes', 14 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5766, Representative Lyons. Please read the Bill. House Bill 5766, Mr. Clerk."

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Clerk Mahoney: "House Bill 5766 has been read a second time, previously. Amendment #1 was adopted in committee. All notes have been filed."

Speaker Lang: "Third Reading. House Bill 5158. 5158, Representative Mautino. Please read the Bill."

Clerk Mahoney: "House Bill 5158, a Bill for an Act concerning revenue. Third Reading."

Speaker Lang: "Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. This Bill places a cap on the fee that property owners must pay when they redeem their taxes. We passed a Bill on tax redemption last year and this is just a preemptive move to make sure that they don't get overcharged. The fee would be set at $150 and it joins a number of other costs that the redeemer would have to pay at the time… at the time and these could be passed on by the property tax buyers."

Speaker Lang: "Gentleman has moved for the passage of the Bill. Those in favor shall vote 'yes'; opposed 'no'. And the… the voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, 109 voting 'yes' and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 6252, Representative DeLuca. Please read the Bill."

Clerk Mahoney: "House Bill 6252, Third Reading of this House Bill."

Speaker Lang: "Mr. DeLuca, I'm informed you have an Amendment. Do you wish to move it back to Second for the Amendment or are you ready to move, Sir?"

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DeLuca: "No, we took care of that in committee last night. Do you want to adopt the Amendment?"

Speaker Lang: "You'll need to adopt the Amendment. So, Mr. Clerk, place this Bill on the order of Second Reading. And read the Bill."

Clerk Mahoney: "House Bill 6050 (sic-6252) has been read a second time, previously. Floor Amendment #2 has been approved for consideration."

Speaker Lang: "Mr. DeLuca."

DeLuca: "I move to adopt Amendment #2 which specifies the advertising requirements that's included. I move to adopt the Amendment."

Speaker Lang: "The Gentleman moves for the adoption of the Amendment. And on that question, the Chair recognizes Representative Franks."

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

Speaker Lang: "Sponsor yields."

Franks: "Did Representative Scully draft this Amendment?"

DeLuca: "Are you questioning that?"

Franks: "Well, it just seems…"

DeLuca: "Is that directed at me?"

Franks: "Yeah. It just seems…"

DeLuca: "No. No he did not."

Franks: "Okay. Well, I'm wondering what the genesis is about. I remember when… when Scully sat in that seat, and we seemed to see lots of fireworks Bills. Are you guys… have fireworks in your district? I want to know what's going on."

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DeLuca: "Yeah. It probably has a little bit to do with the area."

Franks: "Okay."

DeLuca: "The 80th District being neighboring district. It's a borderline district with Indiana."

Franks: "Okay. And they sell a lot of fireworks there?"

DeLuca: "Well, there's a lot that come across the line. Yes."

Franks: "And what do they do? Do they put big billboards up in your district to say come to Indiana to buy the illegal fire… the fireworks that are illegal in Illinois?"

DeLuca: "No. Not so much in the 80th District."

Franks: "I'm sorry. What's that?"

DeLuca: "Not so much in my district."

Franks: "But you're…"

DeLuca: "But throughout the State of Illinois, along the expressways, along the tollway."

Franks: "So, that's the problem you're seeing. You're seeing these advertisements on billboards. And what you're requiring now is to put a warning on the billboards themselves?"

DeLuca: "That is correct. It's not only on the billboard, and that's part of what the Amendment… it expands it to all advertising mediums, billboards, radio, television, and print, so that the notice is consistent."

Franks: "What happens if there's a TV station in Indiana, in Gary, like a Wayne's World type of thing. And they… and they, you know, and they bring it into the City of Chicago. But since it emanates in Indiana, would this require them

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because the signal could be heard in Illinois, to have that same warning?"

DeLuca: "Well, the… yes. It's within the State of Illinois and the onus is on the advertiser."

Franks: "Okay. I guess the thing with the warning, you tried to have that similar to what we do for tobacco products?"

DeLuca: "That's correct."

Franks: "Okay. And what would be the enforcement mechanism when you're talk…"

Speaker Lang: "Mr. Franks, I'll give you an additional minute."

Franks: "Thank you. The enforcement mechanism of a thousand dollar fine per day, would that be done by the Attorney General? But for instance, how… how would the Attorney General be able to enforce that in the prior hypothesis that I had put forward?"

DeLuca: "Well, it would be enforced through that office. Correct."

Franks: "But would we have any interstate… has anyone checked the constitutionality on the interstate commerce clause on this? Is there any case law that would… that's akin to this, that you're aware of?"

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

Franks: "Okay. Maybe we can find out about that later, but I appreciate your answers."

DeLuca: "Okay."

Speaker Lang: "Representative Fritchey."

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

Speaker Lang: "Gentleman yields."

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Fritchey: "Representative, have you had staff look at the constitutionality of this?"

DeLuca: "Yes, I have."

Fritchey: "Has our staff told you that this Bill is constitutional?"

DeLuca: "Yes."

Fritchey: "Who on our staff told you our Bill is constitutional?"

DeLuca: "I don't know if that's really the point here, but…"

Fritchey: "It… it's relevant because we have a staff member that doesn't understand the United States Constitution. This Bill is not constitutional pursuant to the First Amendment, pursuant to the case law that came down, pursuant to the cigarette advertisement. The Bill is not constitutional with respect to placing a restriction on a legal product. And I understand the safety, I understand the concern, I understand the good intention. The Bill does not comport with First Amendment protections plain and simple."

DeLuca: "Did you say a warning label on a legal product?"

Fritchey: "This is a warning label on a legal product. The differentiation made in the court cases, with respect to cigarettes, was an immediate harm of the use of the product. They differentiated the use of tobacco products."

DeLuca: "Okay. Let me read something to you. What current State Law is. The law prohibits the purchase of fireworks in or out of state by a person who, intending on possessing and displaying fireworks in Illinois, does not possess a valid display permit."

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Fritchey: "Under… understood. And then that's trucked by the…"

DeLuca: "The… the actual warning, the actual notice would read it's… this is a public safety issue. It's actually informing people that Illinois law prohibits the possession of fireworks without a proper permit…"

Fritchey: "But… but…"

DeLuca: "…check with local law enforcement prior to purchase."

Fritchey: "But the… but the issue is requiring them to place a statement on a product that does not have an immediate harm that was legally purchased in a legal jurisdiction. You know, I… I'm not going to take you to task…"

Speaker Lang: "Please take another minute, Sir."

Fritchey: "Thank you. I would… I would like… Representative, I would like at some point if you could have the staff member from our staff that looked at this, vis-à-vis the case law for the First Amendment as it pertains to these cases, have them come see me tomorrow and show me the research that they relied on. I'm pretty comfortable in my position on this one that is in no way a slight on you. I want to see our staff, how they figured out that this is constitutional in the face of a long line of case law on this issue. Thank you."

Speaker Lang: "Mr. Hoffman."

Hoffman: "Yes. To the previous speaker's comments, I would say that that's for a court to determine. The Gentleman would like to move the Amendment, let the court determine the constitutionality later. Let him move the Amendment and move it to Third Reading."

Speaker Lang: "Mr. Thapedi."

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Thapedi: "Thank you, Mr. Speaker. To the Bill. Again, I'm here looking at House Floor Amendment #2 and I'm looking for anything that jumps out at me as having a… a problem, as far as both the United States Constitution, as well as the Illinois State Constitution. I see several provisions here that reference the United States Code, so again I'm a little bit concerned that there are discussions about constitutionality when I don't see it. Thank you."

Speaker Lang: "Mr. DeLuca to close."

DeLuca: "Well, I move to adopt the Amendment."

Speaker Lang: "Those in favor of the Amendment shall say 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 5732, Representative Dugan. Please read the Bill."

Clerk Mahoney: "House Bill 5732, a Bill for an Act concerning finance. Second Reading. Floor Amendment #1 has been approved for consideration."

Speaker Lang: "Representative Dugan."

Dugan: "Thank you, Speaker. Floor Amendment #1 just addresses an issue. This is… this Bill is about Downstate Public Transportation Act. And what it does is it provides clarification from the regular Bill. The Amendment just clarifies about the growth and appropriation may be exceeded when a participating transit district extends it service area by either annexation or intergovernmental agreement. I'll be glad to answer any questions."

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Speaker Lang: "Lady moves for the adoption of the Amendment. Those in favor say 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lang: "Third Reading. Returning to House Bill 6252, Representative DeLuca. Please read the Bill for the third time."

Clerk Mahoney: "House Bill 6252, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Lang: "Mr. DeLuca."

DeLuca: "Thank you, Mr… thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the Bill, 6252, that we were just discussing regarding the advertising of fireworks. And I'd like to once again read State Law. Prohibits the purchase of fireworks in or out of state by a person who, intending or… on possessing and displaying fireworks in Illinois, does not possess a valid display permit. In addition, the law prohibits the purchase of fireworks from an unregistered consumer fireworks distributor retailer or an unlicensed pyrotechnic distributor. This is a public safety issue. It would require all advertising mediums: billboards, radio, television and print, to advertise consumer fireworks including a warning label which would state, Illinois law prohibits the possession of fireworks without proper permits, check with local law enforcement prior to purchase. I'd be happy to answer any questions."

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Speaker Lang: "Gentleman moves for the passage of the Bill. And the Chair recognizes Representative Will Davis."

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

Speaker Lang: "Gentleman yields."

Davis, W.: "Very quickly, Representative, and I apologize if this was answered during the debate on the Amendment. But the way the warning reads individuals are encouraged to check with their local fire department or law enforcement prior to purchase. So, is there consistent information that will be coming out of local law enforcement and fire departments, if somebody goes to check with them about the purchase of fireworks?"

DeLuca: "Well, I would hope that the consistent message from local law enforcement would be giving the information, explaining the information, explaining the process, explaining what the requirements are, if you were to purchase fireworks in another state."

Davis, W.: "Well, I would probably encourage, maybe a… a trailer piece of legislation to this that speaks to that. Because you read a billboard and it says that, then I go to my local fire department and say, well, this billboard told me I'm supposed to check with you, and they go what am I supposed to tell you about fireworks, or whatever the case may be. So, you might consider a trailer Bill that speaks to that. I'm not saying the fire departments or the police departments will like it, but if that's what you're encouraging people to do, assuming this legislation passes, then the follow up to that would be making sure that those individuals who will be asked to provide information know

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exactly what they're providing and that that information is consistent."

DeLuca: "Very good. Thank you."

Davis, W.: "Thank you."

Speaker Lang: "Members, it is particularly noisy in the chamber at this moment and we have many Bills to pass today because we have a deadline tomorrow and I'm going to ask the indulgence of the Body to move all superfluous conversation to the back of the room. Chair recognizes Representative Black."

Black: "Mr. Speaker, an inquiry of the Chair."

Speaker Lang: "State your inquiry."

Black: "I moved a Bill from Second to Third Reading earlier today that was amended. When the Amendment was adopted, I was told I couldn't call the Bill on Third Reading because the Amendment was adopted today. Now, the Gentleman just adopted an Amendment to this Bill and it immediately went to Third Reading. What's the difference?"

Speaker Lang: "The difference, Mr. Black, is that Bill had already been read a third time. He moved it… a second time. He had moved it back to Second Reading. You cannot read it on Second Reading twice on the same day and then move it to Third and pass it. So, all of the Bills that had been moved back to Second from Third and amended could be passed on Third Reading today, but yours could not. But we will certainly get to it tomorrow, Sir."

Black: "Okay. But my Bill had been moved back to Second."

Speaker Lang: "If you'll come up and we'll talk to you about it…"

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Black: "All right. Well…"

Speaker Lang: "…and we'll see if we can take care of that for you, Sir."

Black: "There've been more movements on this Bill than a person who took some kind of diarrhea medicine."

Speaker Lang: "Do you have any questions for the Sponsor, Sir?"

Black: "Yeah. Yeah, as a matter of fact…"

Speaker Lang: "The Gentleman yields."

Black: "I do have a question. We just passed two Bills that were Illinois jobs Bills, that means that if… if we sell more appliances on the interest rebate than the Federal Government gives us money for, the Illinois taxpayers will make good on that. But that's an Illinois jobs Bill. If you go to a convenience store and the clerk who was wiping up a gasoline spill then goes in and pops your pizza in the oven and you die of gasoline poisoning, that's a jobs Bill. They don't have to go to a sanitarian school. Now, I live on the border. I've got a huge fireworks store about 9 miles from my house in Indiana. You're telling me that if they want to advertise on a huge billboard in Illinois, I don't even remember the name of the fireworks store, but they're open 24 hours a day 12 months out of the year, that this billboard now has to have a warning label on it, Representative? How can you do that? I don't… if that isn't restrained of trade; I've never seen it, particularly if the billboard company is not domiciled in Illinois."

DeLuca: "That's correct. That's what this legislation does."

Black: "Well, that… in all due respect, to you… this has got to be dumbest Bill I've seen in… in 20 years. You can't do

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this. On… on every billboard on the state border, you're going to make a billboard company put a warning label on a sign? Boy, you talk about an antijobs Bill; they won't post any billboards. And I have one full-time staff fire department in my entire legislative district. So, who are they going to call if they come in on 129? What… they're going to call the volunteer fire department? There might not be anybody there. So, who are they going to call?"

Speaker Lang: "Mr. Black, please bring your remarks to a close and your dancing, Sir."

Black: "He didn't answer the question. Who are you going to call if you've got a volunteer fire department? There may not be anybody there."

DeLuca: "Well, I didn't know that there was a question in that. I didn't even hear a question. I heard…"

Black: "Well, let me… let me rephrase it."

DeLuca: "I heard the legislation get called dumb. I only don't think…"

Black: "I think it is, in all due respect to you."

DeLuca: "I certainly don't think notifying the public and trying to improve public safety is dumb legislation. I happen to disagree with that comment."

Black: "Let me get myself under control. Fireworks are legal in the State of Indiana. They are not legal in the State of Illinois, but as far as I know, the Constitution guarantees the right of an Illinois citizen to travel to Indiana to buy any merchandise they want. Now, when they come back, does this law require that the…"

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Speaker Lang: "Mr. Black, I've extended your time once. Please bring your remarks to a close."

Black: "Well, hell's bells. Why don't you put a warning notice on the fireworks? Why don't you put a warning notice on the door of the fireworks store? Why don't you say if you bring fireworks back to the State of Illinois we're going to execute you or charge you with a Class X felony? For crying out loud, we can't regulate what Indiana does. We can't regulate what Missouri does. And I don't think you can regulate the billboard business, if they're not domiciled in the State of Illinois. If you don't like fireworks, get over it."

Speaker Lang: "Mr. Colvin."

Colvin: "Thank you, Mr. Speaker. To the Bill. And I rise in support of the Gentleman's Bill. As the chair of Consumer Protection, when we heard this Bill in committee and the Amendment just yesterday, I want to commend the Sponsor for doing what I think is a very heroic job in regards to public safety. What the Sponsor is trying to do here, and I represent a district that borders the State of Indiana on the south-east side of the City of Chicago, we border the City of Hammond, Indiana. And by the middle of June through the 4th of July, you can see the cars in droves driving over to Hammond, Indiana to buy these fireworks. There's about six or seven stores, less than a quarter mile from the City of Chicago, along that Indiana border. And you see families with some and very young children buying enough fireworks to probably destroy a small building. I don't think it's completely unreasonable that we ask those

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individuals, and if you look and see who is in support, who slipped in support in committee in addition to those who are in our analysis, the Illinois Firefighter Association, the Illinois Fire Safety Alliance, the State Fire Marshal, the Illinois Fire Chiefs Association, the Illinois Association of Fire Protection Districts, and the Illinois Fire Inspectors Association. Those first responders who show up when a terrible tragedy happens when people are playing with very dangerous explosives… explosives. What is the harm in putting an announcement on those billboards that are littered on the south-east side of Chicago every June promoting buy one get six free billboards all along Indianapolis Boulevard? I don't see anything wrong with a public safety announcement alarming people, and alerting people to the real harms and dangers that fireworks bring every year. The one thing we know for certain is that we're going to open up the newspaper on July 5th and see someone…"

Speaker Lang: "Please bring your remarks to a close, Sir."

Colvin: "The one thing we're going to… thank you, Mr. Speaker. The one thing we're going to see is someone who was harmed or unfortunately and God forbid maybe even killed by these very dangerous fireworks. And maybe someone who reads that notice on those billboards will take extra precaution before they let their kids go in the backyard and use these very dangerous fireworks. I want to commend the Sponsor. I think he's done a very good job, and today he's done a very good public safety piece of legislation that's going

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to improve the lives of the people of the State of Illinois. Vote 'yes' on the Bill."

Speaker Lang: "The last speaker on the Bill, Representative Eddy."

Eddy: "I'd like to yield my time to Representative Black."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I apologize to the Representative for calling his Bill dumb, that was inappropriate and I apologize. This Bill has come before this chamber at least six times in the last 12 years. And in all due respect to one of the speakers over there, a public safety announcement? Get out a pack of cigarettes. How many years has that public safety warning been on there? If you're a smoker, it certainly does a lot of good. Let me ask you a question, Representative. In my hometown and in my district there are all kinds of organizations that put on professional fireworks shows: the American Legion, Gao Gratto, the Danville Country Club, the Danville Boat Club, and these displays can cost 6, 7, 8, 10 thousand dollars. Now there's where you have a concentration of high explosives. Will we make these people put up a billboard that they should check with the fire department or their public safety officer before they go to the professional firework show?"

DeLuca: "This is related to Class C fireworks, not the professional shows that you would see at some of the municipality 4th of July celebrations."

Black: "But the only people, and I'm serious, the only things that I've read in the last 15 or 20 years where people have

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been killed have been at professional fireworks shows. Either a misfire or one of the mortar tubes ruptured or the shell exploded too close to the ground. So, we're not regulating those people."

DeLuca: "Well…"

Black: "If we're here in July and we might be, I'll take you out all over Springfield and I'll show you the fireworks stands that are all over just outside of Springfield where you can buy all kinds of fireworks in the City of Springfield, even though the…"

Speaker Lang: "Mr. Black. Mr. DeLuca to close."

DeLuca: "Thank you, Mr. Speaker. First, I want to thank the Representatives who stood and rise in support of the Bill. You know, this is not only a public safety issue, this could also be viewed as a jobs Bill, surprisingly, in Illinois because we want to encourage our residents in Illinois to go to the local fairs and go to the local celebrations and support those instead of going across state lines and buying fireworks. But 88 percent of the injuries related to firework class… are Class C fireworks, what this is directed at. This is not limiting the sale. This is simply and I'll read it again. This is simply informing the public that Illinois law prohibits the possession of fireworks without proper permits, check with local law enforcement prior to purchase. That's what this Bill is about. It's about notifying the public. I ask for your 'yes' vote. Thank you."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; those opposed 'no'. The voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Connelly, Fortner, Reitz. Mr. Clerk, please take the record. On this question, there are 79 voting 'yes', 31 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Joe Lyons in the Chair."

Speaker Lyons: "Hello, again, everybody. How you doing? Nice to see you. Mr. Clerk, what's the status of House Bill 6434. Representative Rita, you have House Bill 6434? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 6434, a Bill for an Act concerning public aid. Second Reading. Floor Amendment #1 has been approved for consideration."

Speaker Lyons: "Representative Rita, Amendment 1."

Rita: "Amendment #1 becomes the Bill. What it does is creates a disproportionate share adjustment payment for school nursing homes and nursing homes in which would be determined by the Department of HFS. I'd like to ask for it to be adopted."

Speaker Lyons: "Is there any discussion? Seeing none, all those in favor of the adoption of Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Hamos, for what purpose do you seek recognition? Representative Art Turner, for what purpose do you seek recognition?"

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Turner: "Thank you, Mr… thank you, Mr. Speaker and Ladies and Gentlemen. For the record, I'd like the record to reflect that I was off… inadvertently hit my… the wrong switch on House Bill 5762. I'd like to be recorded as voting 'yes' and my switch was hit saying 'no'."

Speaker Lyons: "The Journal will reflect your wishes."

Turner: "Thank you."

Speaker Lyons: "Representative Toni Berrios, on the Order of Second Reading, you have House Bill 5334. Out of the record. We also have House Bill 5701, Representative Berrios. Out of the record. Representative David Leitch, on the Order of Second Reading, you have House Bill 5308. Representative Leitch. Out of the record. Representative Leitch, you also have House Bill 5305. Out of the record. Representative Rosemary Mulligan, House Bill 4924 on the Order of Second Reading. 4924. Out of the record. Rosemary, you also have House Bill 5516… 5516 on the Order of Second Reading. Out of the record. Representative Marlow Colvin, you have House Bill 6018 on the Order of Third Reading. Do you wish to move the Bill? Out of the record. Representative Will Davis, on the Order of Second Reading, you have House Bill 4827. Out of the record. Representative Will Burns, you have House Bill 6462 on the Order of Third Reading. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 6462, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lyons: "Chair recognizes the Gentleman from Cook, Representative Will Burns."

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Burns: "Thank you very much, Mr. Speaker, Members of the House. This is the Illinois Safe Children Act. This is an initiative of the Cook County State's Attorneys Office. And what this Bill does is two things. On the… it deals with child sex trafficking. What it does is that it decriminalizes the… the crime of juvenile prostitution. And the reason we do that is that these young people have been exploited by pimps and adults and forced into a life of prostitution and the idea is to link these young people with the appropriate child protective services. On the other end of the spectrum, what we do is we increase criminal penalties for those pimps, for those who would abuse and exploit sexually these young people. This is an important initiative to Cook County State's Attorney, Anita Alvarez. I know of no opposition. I would seek an 'aye' vote."

Speaker Lyons: "Chair recognizes the Gentleman from DuPage, Representative Dennis Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, we had some long discussions in… in committee and I thought that one of the important parts the Body would need to know is that the amount of actual juvenile prostitutes that are out in the city in the county of Cook and that we've talked about the fact that since we are a transportation hub and that we have conventions, not as many as we'd like to have here, that that actually increases the amount of the trafficking that happens in our state. Is that a fair assessment?"

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Burns: "That's absolutely right, Representative, because of Chicago's location and our tourism industry and conventions, prostitution is big business and especially juvenile prostitution. A pimp can make $500 thousand off of one young person a year. It's… it's truly a crime."

Reboletti: "Was this Bill also dealing with some of the electronic, I guess if you want to call it video taping or trying to investigate some of these cases as they bring them the… to charging?"

Burns: "One of the things that this Bill does is that it gives… it gives state's attorneys the same ability to do electronic recording and monitoring that they have under current law to deal with drug gangs. And again, as I mentioned earlier the amount of money that's involved in juvenile prostitution is huge, and because of the age of the prostitutes, and they're juveniles and they've been confused, they've been manipulated, they've been pimped, it's hard to get them to work against their… the pimps. So, the Cook County State's Attorneys and the other state's Attorneys need this… these abilities so they can break up these violent gangs."

Reboletti: "We also talked about the fact that if the kids went back into that lifestyle, if they got picked up again, they would be put back into DCFS and continue to get services and counseling."

Burns: "That's exactly right."

Reboletti: "And the other thing was your commitment to work with the Senate Sponsor with respect to some mandatory

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prison for the pimps. Right now, I know you are moving it up…"

Speaker Lyons: "Representative Reboletti, we'll give you another minute to finish your remarks."

Reboletti: "I know we're looking at moving it up one felony level, but I think that… what you're talking about, describing with these pimps is that they should spend some amount of time in prison and I think I have your commitment to work on that one in the Senate."

Burns: "Right. You have my commitment that we're going to add an Amendment on to this… on to the Bill in the Senate to make those convicted of juvenile… of pimping juveniles and make that a nonprobational offense."

Reboletti: "Thank you."

Speaker Lyons: "Representative Durkin."

Durkin: "Thank you. To the Bill. I support this Bill wholeheartedly. If you look at what we're trying to do, this type of practice is not something which is strictly unique to Asia or other parts of the world, it's in the City of Chicago, it's in the State of Illinois and we have to treat it accordingly. It's more pervasive than people think, but it's also important because we're now going to saw that the juvenile who has been involved in this is no longer going to be the criminal, they're going to be the… they're a victim. And we are going to treat them and we're going to get them back on a right road to recovery, but it's a terrible problem which is gaining in… in strength because of the economy. I hope people can support this Bill. A lot of thought and a lot of effort has gone into

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this. I think it's a very good Bill and ask for an 'aye' vote."

Speaker Lyons: "Representative Davis to close. Representative Burn to close."

Burns: "Thank you. Thank you very much, Mr. Speaker. I appreciate my colleagues' comments on this Bill. This Bill is about protecting victims. This is about giving our law enforcement officers the tools to crack down on this growing industry. I ask for an ‘aye’ vote. Thank you."

Speaker Lyons: "Question is, 'Should House Bill 6462 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 110 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Burns, do you wish to call… call 6129? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 6129, a Bill for an Act concerning courts. Third Reading of this…"

Speaker Lyons: "Representative Burns."

Burns: "Thank you very much, Mr. Speaker. One of the issues that we've been working on in terms of juvenile justice is making sure that juveniles have access to mental health services. One of the things that we wanted to make sure of is that juveniles use those services. And so the Juvenile Justice Initiative and the Cook County State's Attorneys Office has worked on language that would exempt the comments made by a juvenile to a mental health… to a mental

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health expert as a result of a court order, that that information cannot be used in the specific case that involves that juvenile, why they may be before the juvenile court. It's an agreed to Amendment between the Cook County State's Attorneys Office and JJI. And I would appreciate an 'aye' vote."

Speaker Lyons: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Jim Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Durkin: "Representative, is there a privilege in Illinois law regarding a mental health therapist and their patients?"

Burns: "There is for adults, but not for juveniles."

Durkin: "Is that common law or a statutory privilege?"

Burns: "Common law… common law."

Durkin: "Then it should apply to the juveniles. I'm not sure if it's necessary. Let me ask you this. Is… will these statements, if there is a civil action in which a… a victim is seeking some type of recovery against that individual who's made that statement, is it still privileged?"

Burns: "My understanding is that the judge would make that determination in a civil proceeding. Look, what we're trying to do here, Representative…"

Durkin: "'Cause this is a very specific for criminal proceedings, if not…"

Burns: "This is very specific to juvenile proceedings. It doesn't even apply…"

Durkin: "Oh, juvenile proceedings. Oh, juvenile proceedings."

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Burns: "…it doesn't apply to… to adult crimes or if there are adult issues. This applies to juvenile proceedings involving juveniles in a specific instant under which they may be charged."

Durkin: "But a parent can be held liable for the torts of their child and there can be situations where the actions of that individual have caused great injury to someone and there is an admission of some sort. I will… I'm going to vote for your Bill, but I'll disagree. And I think that there is… there is that situation where this Bill is not going to cover that type of exemption or privilege."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Rosemary Mulligan."

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

Speaker Lyons: "Sponsor yields."

Mulligan: "Representative, I wasn't going through this fast enough so maybe it's in our analysis, I don't know. But, if they make some type of an admission that should basically mean that they need treatment of some sort, how… how would you go about it? It may not be an admission because you don't want it to be used against them in court and you'd like them to be able to talk to a professional, but what if it's something that really signifies that that young person needs some kind of intensive therapy or some kind of treatment. What would happen then?"

Burns: "Well, that's exactly the point of the Bill, is the mental health partnership, children's mental health partnership, is a proponent of this legislation because they want to make sure that when a juvenile is in front of

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a mental health practitioner that they are giving that mental health practitioner the information they need so they can properly treat the mental health needs of that child."

Mulligan: "What if it's the type of treatment that would be in a closed facility?"

Burns: "You mean… in regards to institutionalization?"

Mulligan: "Right. Would a parent or someone or say the child has no immediate guardian, how would you institutionalize them?"

Burns: "Well, that would be determined during… that would be determined during the juvenile court proceeding. This happens before the court proceeding."

Mulligan: "All right. And…"

Burns: "These are services… these are services that are provided before the juvenile goes to court."

Mulligan: "Okay. I'm just wondering how you could make it more mandatory that they get that treatment if it was something particularly egregious, but… I support most of the juvenile justice initiatives, and so I'm going to support your Bill. I just wanted to know if there was some way that you would actually further help that person and particularly if they really needed significant treatment. Thank you."

Speaker Lyons: "Representative Burns to close."

Burns: "I appreciate the debate on the Bill. This Bill, again, is an agreed to a… Bill between the Cook County State's Attorneys Office and the Juvenile Justice Initiative. I would ask for an 'aye' vote."

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Speaker Lyons: "Question is, 'Should House Bill 6129 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Ron Wait. Mr. Clerk, take the record. On this Bill, there are 93 Members voting 'yes', 17 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Saviano, on the Order of Second Reading, you have House Bill 5868. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5868, a Bill for an Act concerning professional regulation. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendments 2 and 3, offered by Representative Saviano, have both been approved for consideration."

Speaker Lyons: "Representative Saviano on Amendment 2."

Saviano: "Thank you, Mr. Speaker. Floor Amendments 2 and 3 are intertwined. One is of the Speaker's language on quorums on boards. The other one is a… an agreement to get everybody on board regarding these appraisal management companies. As of right now, I've got the community bankers, credit unions, the department, everybody's in agreement except for the IBA. Now, we're running out of time and these Amendments represent 90 percent of the agreements that we currently have. I'd like to attach these Amendments and send it over to the Senate where I'm working with Senator Link to finish up the negotiations with myself and we'll bring it back to the House for

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concurrence. So, I would ask that Floor Amendment #2 be adopted."

Speaker Lyons: "Heard the Gentleman's explanation of Floor Amendment #2. Any discussion? All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment 2 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "Floor Amendment #3."

Speaker Lyons: "Representative Saviano on Floor Amendment #3."

Saviano: "Yeah. Floor Amendment #3 is the quorum language. I ask that that be adopted."

Speaker Lyons: "Heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the adoption of Floor Amendment #3 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #3 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Dan Brady, on the Order of Third Readings, you have House Bill 5630. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5630, a Bill for an Act concerning regulation."

Speaker Lyons: "Representative Brady, it's on Third Reading so we'll have to wait until tomorrow to run that Bill. Representative Black, you have House Bill 5109 on the Order of Second Reading. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 5109 has been read a second time, previously. Amendment #1 was adopted in committee. All notes have been filed."

Speaker Lyons: "Third Reading. Representative Sandy Pihos, you have House Bill 5126. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5126, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "Representative Sandy Pihos."

Pihos: "Thank you, Mr. Speaker. House Bill 5126 deals with student confidentiality and information that students share with their school counselors, their school work… social workers, and their school psychologist. We've had a similar Bill that passed out of here unanimously last year and this year we're just trying to clearly define that language again. I'd be happy to answer any questions."

Speaker Lyons: "Heard the Lady's explanation of the Bill. Is there any discussion? The Chair recognizes the Lady… Gentleman from Cook, Representative Will Davis."

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

Speaker Lyons: "Sponsor yields."

Davis, W.: "Representative, I had a lengthy discussion with school counselors yesterday about this Bill and my challenge with it is that while they claim that the Bill speaks to when a child speaks about harm to themselves or harm to others, that that allows the confidentiality to be broken. My concern is that and while I can appreciate the role that school counselors want to play in this discussion, my concern is that there are some things that parents or some conversations that parents should be

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brought into. And my concern is that this doesn't create enough, what I'll call gray area, that will allow the counselor in lieu of the confidentiality to really be able to bring a parent into the discussion. All they can do is recommend that… that you go to family counsel and hopefully, that issue will be brought out in family counseling. And I'm not suggesting that they're issues of mental issues, but we could be talking about kids that may be experiencing hormonal changes, you now, thinking about sex and things of that nature, you know, things that parents… conversations that parents should be brought into, that this Bill doesn't create enough gray areas to allow the counselors to bring parents into those discussions without recommending that they simply just go to family counseling."

Pihos: "Originally this Bill was brought because there was some question between administration and school counselors, social workers, and school psychologists about what needed to be kept confidential about a student between those people and the administration, was certainly not to keep the parents out of the process. There are certain things that of course all those professionals, they have certain standards they have to meet by their own profession. They have certain pieces of information they have to disclose by mandated reporting. Obviously, this Bill also says if there is a clear and present danger…"

Speaker Lyons: "Sir, your time has expired. We'll give you one more minute to conclude this conversation."

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Pihos: "Yeah… to the health or safety of the student. Anytime a disclosure is required by law and we try to address the fact that when a student has some personal issues that the counselor feels that the family could be helpful on, career issues, et cetra, that they are certainly free by those standards to bring the parent in on the discussion."

Davis, W.: "Well… "

Pihos: "So…"

Davis, W.: "Unfortunately, the counselors that I talked to really didn't articulate it that way. It was more of a very fine line. Either you're on one side of the line, or the other, and that there really were no gray areas. While they could break that confidentiality, the question then would be would they be in violation of this law?"

Pihos: "Well, there is…"

Davis, W.: "If it were to become a law."

Pihos: "There is an area in this particular piece of legislation that says in order for the student to… a counselor to talk about the certain pieces of information they can also receive permission from the student to do so. None of our discussions at the table to this point, over the last two years, have been about confidentiality and parents. So, even the counselors, the school psychologist, and the social workers have never talked about confidentiality and keeping particular issues from parents. It was more defining the line between the administration and these particular professions. So, that's something new that I'm hearing. When we pass it over to the Senate

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Sponsor, if there's a concern David Koehler is picking it up, we can certainly continue these discussions with him."

Davis, W.: "Well, let me just make this statement and I'll close, Representative. When I talked to the school counselors they did… the idea about keeping or being confidential with administration came very late into the conversation. It was all about parents. So, if this is the… to deal with administration, the people that I talked to yesterday, again, did not do a very good job of articulating that this was about administration. It came in the conversation, and I suggested, well, why don't you do something specific to administration…"

Speaker Lyons: "Representative Davis, please give him 30 more seconds."

Davis, W.: "I'm done. I'm done, Mr. Speaker. Thank you."

Speaker Lyons: "Representative Pihos to close."

Pihos: "Yes. Thank you very much for your consideration of this Bill. Again, this is just clearly to define what confidentiality means in communications with the students' school counselor, school psychologist or school social worker. So, I would ask for your 'yes' vote."

Speaker Lyons: "Question is 'Should House Bill 5126 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 104 Members voting 'yes', 5 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bob Pritchard, on the

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Second Readings, you have House Bill 5942. Out of the record. Representative Burke, you have, on the Order of Second Reading, House Bill 5366. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5366, a Bill for an Act concerning public employee benefits. Second Reading. No Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Will Davis, you have House Bill 1470 on the Order of Second Reading. Out of the record. Representative Ford, you have House Bill 2236 on the Order of Second Reading. Out of the record. LaShawn, you also have House Bill 4598 on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4598, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Floor Amendment #1, offered by Representative Reboletti, has been approved for consideration."

Speaker Lyons: "Representative Ford on Floor Amendment #1."

Ford: "Thank you, Mr. Speaker and Members of the House. I move to adopt House Floor Amendment #1."

Speaker Lyons: "Representative Reboletti on Amendment #1."

Reboletti: "This… the Amendment removes the concerns of the Illinois Chiefs of Police, takes out drug dealers, also adds task probation for people charged with possession of methamphetamines. I'd move for the adoption."

Speaker Lyons: "Any discussion? Seeing none, all those in favor of the adoption of Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the

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Chair, the 'ayes' have it. And Amendment #1 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Fritchey, you have House Bill 6072 on the Order of Second Reading. John. Out of the record. You also have House Bill 6073 on the Order of Second Reading. Do you wish to move that Bill to Third, Representative? Out of the record. Representative Randy Ramey, you have House Bill 162 on the Order of Second Reading. Out of the record. Representative Chapin Rose, you have House Bill 6230 on the Order of Second Reading. 6230, Chapin. Out of the record. Representative Senger, you have House Bill 6… 5656 on the Order of Second Reading. Out of the record. Representative Sullivan, you have House Bill 5799. Out of the record. Representative Froehlich, you have House Bill 6453. Is Paul Froehlich on the House Floor? Out of the record. Representative Esther Golar, you have House Bill 6177 on the Order of Second Reading. Esther Golar. Representative Golar. Do you wish to move House Bill 6177? Out of the record. Representative Harris, you have, on Third Reading, House Bill 5085. Read the Bill, Mr. Clerk."

Clerk Mahoney: "5… House Bill 5085, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Lang: "Representative Harris."

Harris: "Thank you, Mr. Speaker, and Ladies and Gentlemen. This Bill deals with the insurance coverage of certain people who are being treated for cancer. It deals with the issues of the parity and reimbursement for IV chemo drugs

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and oral chem… chemo drugs, which are the newer version, and it also deals with the coverage of certain costs related to clinical trials. This is a very important piece of legislation to persons who are suffering from cancer in their families, but it is also a very complicated piece of legislation. We have been working closely with the business community, with… with the Merchants Association, the Chamber, the manufacturers, with all the different insurance associations, and the insurance carriers here in Illinois, along with the Cancer Society, the Leukemia & Lymphoma Society, the oncologists, the Komen Foundation, the school of medicine. We have an agreement since we cannot, you know, come to an agreed Bill at this point, to continue to work if the Body will be so kind as to pass this Bill on to the Senate. Senator David Koehler will be the Sponsor there. We've discussed this with Senator Haine, the Chairman of the Senate Insurance Committee, and he is committed to continue to work with us on the negotiation process."

Speaker Lyons: "The Chair recognizes the Lady from Lake, Representative JoAnn Osmond."

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

Speaker Lyons: "Sponsor yields."

Osmond: "We've had discussions about this particular Bill and how it has possibility of some mandates, but I know that you've worked very hard to work with both sides, and I know that we've had discussions with you trying to make both sides happy and it wasn't working. So, I do stand, not really supporting it, but I think we'll let it go over to

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the Senate 'cause it'll have to come back here again after their Amendments."

Harris: "Well, thank you, Representative. And I wish there were more… that… that there were only two sides to this. But you have the business community, the insurance companies, the hospitals and docs, the patient advocates, and the pharmaceutical industry all of whom have their own interest which we are trying to balance and that is what has made it so difficult. But I commend everyone for being willing to sit at the table and continue to work through this process while we try to find a resolution."

Osmond: "And thank you very much for your sending it over to the Senate and working on it more. Thank you."

Harris: "Thank you, Ma'am."

Speaker Lyons: "The Chair recognizes the Gentleman from Morgan, Representative Jim Watson."

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

Speaker Lyons: "Sponsor yields."

Watson: "So, Representative, just… just for clarification so everybody knows that your intent is to bring it back here, whatever comes out of the Senate? I mean, that is your commitment to this Body, no matter what?"

Harris: "It would… there wou… would have to be a… an Amendment in the Senate, which, of course, would have to come back here for concurrence."

Watson: "But the Bill as it is won't be called in the Senate until you could work something out. As much…"

Harris: "That's my intention, yes"

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Watson: "Yeah. I just… it's a work in progress, but I do… I do want to… to say kudos to you and… and appreciate how you have tried to bring all the parties together and work. We could use a lot more of that around here. So, thanks."

Harris: "Thank you."

Speaker Lyons: "No one further left to speak, Representative Harris to close."

Harris: "Thank you, Ladies and Gentlemen. I would like to thank Representative Osmond, Representative Wa… Watson for the kind words. And would ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 5085 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative McAuliffe, Saviano, backrow GOP. Mr. Clerk, take the record. On this Bill, there's 110 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Connie Howard, you have House Bill 5401. Out of the record. Representative Sara Feigenholtz, on the Order of Second Reading, you have House Bill 5430. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 5430, a Bill for an Act concerning regulation. Second Reading of this House Bill. Floor Amendments 1 and 2 have both been approved for consideration."

Speaker Lyons: "Representative Feigenholtz on Floor Amendment #1."

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Feigenholtz: "Thank you, Mr. Speaker. Amendment #1 is a clarification of how many years a person needs to apply for reinstatement of a license. I'd be glad to answer any questions."

Speaker Lyons: "Is there any discussion on Amendment #1? Seeing none, the question is, all those in flavor… of the adoption of Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "Floor Amendment #2."

Speaker Lyons: "Representative Feigenholtz on Floor Amendment #2."

Feigenholtz: "Thank you. House Amendment #2 moves the time frame of the license from eight years to three years and this was a request of the Licensing Committee."

Speaker Lyons: "Is there any discussion? Seeing none, all those in favor of the adoption of Floor Amendment #2 signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Connie Howard, you have House Bill 5401 on the Order of Third Readings. Representative, do you wish to move that Bill? Connie Howard. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5401, a Bill for an Act concerning criminal law. Third Reading."

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Speaker Lyons: "The Lady from Cook, Representative Connie Howard."

Howard: "Thank you very much, Mr. Speaker. Oftentimes when someone overdoses, his or her friends are scared to call 911 for fear that persons overdosing and/or the person making the call will be prosecuted for the possession of drugs. Therefore, there's a lot of pressure to not call 911. Witnesses to an overdose will often try anything they can think of to revive the person on their own. People often try home remedies, like putting the person who is overdosing into a cold bath or shower, rubbing ice on their body, or injecting the person with another drug or saline to counter… counteract the drug causing the overdose. These home remedies are life threatening. Moreover, when someone overdoses, it's a race against time. Any time wasted, in fear of calling 911, increases the chance that the victim dies. House Bill 5401 creates immunity for the person who is overdosing and the person that calls 911, unless the police already have a probable cause to arrest either person. This Bill will remove the fear of calling 911, so that we can save lives. I will accept questions."

Speaker Lyons: "The Chair recognizes the Gentleman from DuPage, Representative Dennis Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, what would happen in the case where two people were using heroin, let's say sharing needles, sharing the substance, and one of the people begin to die

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and the other person calls 911. Could the other person under your Bill be charged with a drug-induced homicide?"

Howard: "Yes, they can."

Reboletti: "They can be?"

Howard: "If they delivered the drug."

Reboletti: "That's not how I read the Bill, Representative. I… my understanding is that the person who would make the… the 911 call would be granted immunity. Is that not what the Bill says?"

Howard: "That's not what I have interpreted it as saying. They will…"

Reboletti: "Because my concern with the legislation is, and I… and I've prosecuted drug-induced homicides before, is that many times the people will be sharing the substance, they go into convulsions, obviously people are afraid, they don't want to be arrested and I get the fact that their priorities should be to call 911. But I've seen cases where the people then drive around with that person, try to give them a shower, take them to other peoples' houses instead of driving to the hospital. And I don't think, at that point, we should be protecting the other person if eventually they call 911 because we're not set… even setting a time frame in which they could call 911."

Howard: "Representative Reboletti, immunity only applies to violations of Section 401, 402, and 404. Drugs induced homicide is a violation of Section 9-3.3. Several attorneys for law enforcement agencies have reviewed this Bill and none of them have indicated that this Bill would inhibit charging a violation of Section 9-3.1."

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Reboletti: "Well, the other concern then, Representative, is 401…"

Speaker Lyons: "Representative, we'll give you another minute to conclude your questions."

Reboletti: "Thank you. The… the other one is in Section 401 is the delivering, 402 is other possession. I mean, if… if the police come in there and there's a stockpile of narcotics, the person who called 911 gets immunity and the person taken to the hospital also gets immunity. I've never seen a case where we've had those situations. Where the person calls 911 for somebody else and the person who is in cardiac arrest or convulsions is usually charged. I don't usually see it as that, but I'm concerned that this Bill would give total immunity for every other drug charge that those sections possess or that they cover. And therefore, I think it gives way to much latitude. And so, unfortunately, I cannot support your measure."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative John Fritchey."

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

Speaker Lyons: "Sponsor yields."

Fritchey: "Rep… Representative, I… I've got to ask you, see… I don't know. What are Sections 401, 402, and 404? See, I have the same concerns as the previous speaker."

Howard: "Possession and delivery of a controlled substance."

Fritchey: "So, but… but I… I think those Sections can too… I… I apologize. I mean, I've got the sun directly in my eyes here. But the… I… but that's… that's precisely, I guess, what we're getting at. So, if an individual were to sell…

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here… let's… to make it easier. If I were to sell you heroin and… and you use it and started to overdose and I were to then… I were to then call for… I would've called the paramedics, I would then be immune from prosecution for having sold you the heroin. Correct?"

Howard: "If the person who has been given the drug dies, then there is… its drug-induced homicide.

Fritchey: "But I… but I…"

Howard: "And there is… and there is no immunity in that instance."

Fritchey: "From… from the drug-induced homicide, but there's immunity… So, if the person doesn't die, they simply overdose but don't die, is… does the immunity still attach to the possession and distribution charges?"

Howard: "Yes, it does because we're trying to save lives."

Fritchey: "Okay. To… to the Bill. I understand what the woman wants to do… what the Sponsor wants to do and she's… she's right. There's a significant issue here that, I mean, there's been cases where friends drop a friend off and leave them in the hospital driveway and drive off. I under… I understand what you were trying to get at. Everybody's going to come to their own conclusion on this Bill. I will simply ask people to recognize that what we are doing is offsetting this and really giving people a free pass for possession, or distribution, or trafficking. Simply by making a phone call, they would in turn get immunity. Connie, I… I get what you're trying to do. I don't know what the answer is. I don't know if this is it or not. Thank you."

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Speaker Lyons: "Gentleman from Cook, Representative Jim Durkin."

Durkin: "To the Bill. I understand what the Sponsor's doing. It's been an issue that's been around for a few years, but I think this is a Bill where there are going to be situations of unintended consequences. The way it was posed to us in committee and in the past is that there were friends sitting around an apartment, someone overdoses, and they don't know what to do. You want… and they're afraid of calling the police for purpose of the possession. That's not the only case. In metropolitan areas all over the United States, you have drug houses and also… they're also referred to as shooting galleries, which are for-profit operations run by gangs in which people, addicts mainly, come into those places and they either shoot up or take some type of narcotic. In those types of situations, I don’t think the proprietors or the individuals run those places should get the benefit of a pass for their actions. So, I… I'm going to be voting against this Bill."

Speaker Lyons: "The Lady from Cook, Representative Julie Hamos."

Hamos" "Rep… a question of the Sponsor."

Speaker Lyons: "Sponsor yields."

Hamos: "I… I'm trying to read the Bill, which once in awhile we should try to do to really understand all the words in the Bill and I read, is this not in the Bill? This immunity shall not be extended if law enforcement has reasonable suspicion or probable cause prior to or independent of the emergency 911 call to detain, arrest, or search the person

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or property of the person who calls. I mean, doesn't that suggest that there are instances in which they will not get immunity if there's a reasonable belief that it's not real."

Howard: "That is correct."

Hamos: "It's being… it's being used to circumvent the criminal justice process. So, haven't you put in here basically a big but or however, this is not in all cases."

Howard: "That is a circumstance that would not then result in immunity."

Hamos: "So, I don't understand why all the previous speakers seem to come up with these scenarios, that in fact, this would be ap… applicable to this however clause. Right?"

Howard: "Right."

Hamos: "Okay. I'm… I was just trying to figure this out, because it doesn't seem like the previous speakers had exactly read the entire Bill. They're looking maybe at the headliner there or some synopsis But I think you've tried to protect law enforcement and criminal justice system. Right?"

Howard: "Absolutely."

Hamos: "Thank you."

Speaker Lyons: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I was in the committee with Representative Howard when we had a young lady who came and spoke. And what she told us was, she was in college, she and her boyfriend were using heroin, and all of a sudden the boyfriend turns blue."

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Speaker Lyons: "Representative Davis, hold on a second. Ladies and Gentlemen, again, if we could hold down the noise level ever so slightly we'd appreciate it."

Davis, M." "All of a sudden the boyfriend turns blue and all of the friends and college mates said, don't call the police, don't call 911, don't get him any help, we'll all be in trouble. So, the question became what's more important? Saving the life of this college student, who is misguided and using drugs or is it more important that a person doesn't get caught and go to jail? Let me give you an example, I like Mike Zalewski, sitting here by me. Mike Zalewski, if Mike Zalewski, let's say he was using some heroin. He shouldn't have been doing it. He… he shouldn't have done it. Hold on. We talked about it. I told him he shouldn't do it. Okay. Mike Zalewski and I and a few friends and Mike passes out. He's unconscious. I don't want to be… I do not want to go to jail. I don't want to be accused of selling drugs. I don't want to be caught for selling drugs, but what's more important to me, Mike's life or me going to jail? Save Mike's life and dial 911. Save Mike's… save Mike's life…"

Speaker Lyons: "Ladies and Gentlemen of the House…"

Davis, M.: "…Dial 911, dial…"

Speaker Lyons: "One more minute, Representative, please to conclude your remarks."

Davis, M.: "I just… I just want to say because his life is more important than whether we get another convict, we should vote 'yes' on this Bill."

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Speaker Lyons: "Representative Zalewski, your name was used in debate. Do you want to defend yourself, Representative?"

Zalewski: "Mr. Speaker, my name was used in debate. To the Bill. If Representative Davis and I are doing heroin and the cops are at the door, and I appear as though I'm overdosing, however I'm not, and she dials 911 on her cell phone, it's my opinion that under this Bill, she would be immune from prosecution. So, as much as I would enjoy doing heroin with Ms. Davis, I'd have to rise in opposition of Representative How… the Representative's Bill."

Speaker Lyons: "Top that, Representative Roger Eddy."

Eddy: "It's… it's really good to have you in the Chair. It's getting late, though, could I get you a plate of food? Would that… Rep… I'd like to yield… I would like to yie…"

Speaker Lyons: "Roger, let's leave some sleeping dogs lie. Okay."

Eddy: "I would… I… I'd like to yield time to Representative Durkin."

Speaker Lyons: "Representative Durkin."

Durkin: "And I know the air is getting a little thin in this place, but I think we all need to realize that this is kind of a serious issue that we're talking about. If we could, you know, get to the matter at hand. But with response to a previous comment, I have read the Bill. And a matter of fact, I was a narcotics prosecutor in Cook County and I've probably tried close to 300 narcotics cases, equal amount of search warrants that I've drafted, and also a number of search warrants that I've executed. But the fact is, it is going to be that 911 call from the shooting gallery, the

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drug house which is run by the gang, which is going to indemnify those individuals when they make the call that one of my clients HAS died. And the fact is, be very careful about your votes 'cause this is clearly going to be a Bill, a legislation, of unintended consequences and this is not a one size fits all situation. That's why I'm voting against it."

Speaker Lyons: "Representative Mulligan."

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

Speaker Lyons: "Sponsor yields."

Mulligan: "Representative, of all the wonderful state's attorneys and lawyers that we have on the floor, has anybody offered to help you make this Bill a doable thing? I mean, I certainly understand where you're going and I don't think it's a funny issue. I think it happens particularly with young people because they're afraid and they don’t want to be accused of something and so someone unintentionally dies. Although, it's hard to support the way it's written, but have any of these fine Gentlemen offered to help you make it a Bill that could be passed or ha… have they just told you that they can't?"

Howard: "You know, Representative Mulligan, I'm not certain whether or not there is a way that I can satisfy some people. They proclaim that they want to help people. They say they understand the reason for this legislation, but then they find all kinds of excuses to not. So, I'm not certain. I will always try to do the right thing though, and I believe that saving lives is very important.

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Representative Durkin, if you had a probable cause to get that search warrant, it would not apply."

Mulligan: "All right. So, my feeling is as someone who's lived for awhile, raised kids, and been around, and read articles in the newspaper then I understand what you're trying to do. And I certainly understand that it would probably mean that someone who might be afraid, if they knew about it, just like the Safe Haven Law for babies, other things, would make it so that someone would feel that they actually could call to try and save someone's life. So, I don't know how to tell you to fix this because I don't know if the Speaker's going to extend Bills or what they're going to do, but I think a couple of these fine Gentlemen ought to step up and help you make the Bill correct."

Howard: "Thank you."

Speaker Lyons: "Representative Howard to close."

Howard: "I'm sorry. Am I closing out now?"

Speaker Lyons: "There's no more… no one seeking recognition and your… yours to close, Connie."

Howard: "Thank… thank you very much. Again, my colleagues, this is about trying to save lives, nothing else. It's not trying to get people out of being punished, and those people who ought to be, will be. But when someone has… when there's an emergency and we can save a life, this is something that we can use for that. I certainly hope that you will give me green votes on this. Thank you."

Speaker Lyons: "The question is, 'Should House Bill 5401 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Arroyo, Berrios, Beiser. Mr. Clerk, take the record. On this Bill, there are 30 Members… no, 39 Members voting 'yes', 71 Members voting 'no'. And the Bill fails. Representative Dunkin… Representative Osterman, for what purpose do you seek recognition, Sir?"

Osterman: "Point of personal privilege."

Speaker Lyons: "Your point."

Osterman: "Just want… wanted to let Representative Zalewski know that seeing that Deborah Graham has left we have a seat over here to keep you out of harm's way if… if need be. So."

Speaker Lyons: "Representative Dunkin, you have House Bill 6459. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 6459, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lyons: "The Gentleman from Cook, Representative Ken Dunkin."

Dunkin: "Thank you, Mr. Speaker. House Bill 6459 simply… it compliments, our colleague on the other side of the aisle, Representative Poe's Bill and adds the JWH-18 and JWH-73 the Butyl, naphthoyl, indole to the list of Schedule I of controlled substance. I would ask for an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative John Fritchey."

Fritchey: "Representative, I believe that this is the Amendment that we discussed the other day that Representative Fortner had waited on. Is that correct?"

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Dunkin: "Yeah. Representative Fortner and myself, as well as the Sponsor and many others."

Fritchey: "Well, no, but Rep… but Representative Fortner was the one that actually knew what it was, right? What I'm getting at is the second… the second compound that's not K2."

Dunkin: "Come again?"

Fritchey: "There were two compounds. One that was just commonly identified as K2, which is the Bill that Representative Poe had passed out before, but yours has an additional compound as well and we tried to identify what that was. And I'm… I'm not being facetious."

Dunkin: "No, no, go ahead. Ask the question, Representative."

Fritchey: "I looked it up online and for what I could find the second compound is a plant fertilizer and I don't know, maybe the plant fertilizer has an illicit use, as well, but were you able to find out anything more about what the other compound is?"

Dunkin: "The… you know, these are all synthetic comp… synthetic substances that are complimenting what young people are… are complimenting marijuana with. It's just a synthetic additional drug or incense, you have an incense, you have the plant fertilizers, as you say and the chemist that created this, JWH simply puts in there the JW-73 on top of the JWH-18. So, what's your question, Representative?"

Fritchey: "No… no, I under… I understand what the coding is. The question is the second compound, when I look online, is simply a plant fertilizer. I couldn't find anything online that is being used illegally. I understand, you and I have

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both seen the issues with K2 and I… you know, I applaud you and Representative Poe for working on that. I'm just wondering where you got the second compound from because all I could find was that it was a plant… a plant fertilizer without any illicit use."

Dunkin: "Okay. Well, you know, the JW-3, it differs from JWH-18 in that JWH-73, has more… one more carbon bond than …"

Speaker Lyons: "We'll give you one more minute, Representatives, to continue this. And Ladies and Gentlemen, again, could we please bring the noise level down. Wait a minute. Shhhh."

Fritchey: "I… I'm not getting to the molecular makeup of it right now. I'm simply saying that the second compound…"

Dunkin: "That's what it is."

Fritchey: "I'm not set… no… what I'm getting at, Representative, is the second compound is listed as a plant fertilizer and we can't find anywhere that it's being used for any improper purposes."

Dunkin: "Representative, its JWH-73 is simply one more carbon, it's a part of the cannabinoid or of the cannabis plant it's another compound. It's a carbon bond. The technical terms, it's just a slight difference in terms of the chemicals. Representative, legal counsel further informs me that the… the drugs are very simple… are very similar, similar compounds is a slightly more potent to lace on the marijuana and all we're trying to do is to add what Poe added, which is the JWH-18 and we want to add the plant fertilizer, as you locally described."

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Fritchey: "But K… K2 isn't being used to enhance marijuana. It's being used…"

Speaker Lyons: "Representative… Representative Mike Fortner."

Fortner: "Thank you, Mr. Speaker. I believe my name was used in debate. To the previous question that was raised. A number of agencies, particularly if you look at the European's drug advisory, drug enforcement arm, they identify a number of very similar compounds of which both of these are on the list as cannabinoids having the same effect as the active ingredients in marijuana on the brain. And when people look to control them given that you have two things that are very similar that other agencies want to control I think it makes sense that you ought to then be trying to control both of them the same way."

Speaker Lyons: "Representative Fortner, hold on one second, they having trouble hearing you. Ladies and Gentlemen, please. Could I ask the noise level to please come down. Shhh. Thank you. Continue Representative Fortner."

Fortner: "Thank you, Mr. Speaker. As I was saying, you have two very similar chemicals. The European drug agencies that monitor these have recognized these as having similar properties and should be treated in a similar fashion. What you… they do is they're spraying these chemicals on plants so that the plants would mimic marijuana because these chemicals act on the brain in the same way as the active ingredients, particularly THC, as it would from marijuana and they make synthetic marijuana. If you were to only ban one and not the other, all people are going to do is they're just to use the other alternative because it

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has the same effect. So, I think it's sensible. I approve of the idea that we ought to take action proactively on both of these drugs."

Speaker Lyons: "Representative Dunkin to close. No further discussions, Representative Dunkin to close."

Dunkin: "Thank you, Mr. Speaker. I would ask, again, Members to vote 'aye' to ban further this additional substance as the State Police has encouraged us to do, to ban K2 or commonly known as Spice on this measure. And I ask for an 'aye' vote. Thank you."

Speaker Lyons: "The question is, 'Should House Bill 6459 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? McCarthy. Representative Collins. Mr. Clerk, take the record. On this Bill, there's 110 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bill Black, for what purpose do you seek recognition, Sir?"

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

Speaker Lyons: "Please proceed."

Black: "I just got a phone call from Baskin and Robbins. And they would like Representative Washington and Representative Eddy to bring the sport coats back."

Speaker Lyons: "The Journal will so reflect, Mr. Black. Representative Connelly, you have House Bill 5147. Mike Connelly. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5147…"

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Speaker Lyons: "I believe we want to bring that Bill back to the Order of Second Reading for the purpose of an Amendment. Mr. Clerk, put that on the Second Reading. What's the status of the Bill?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Connelly, has been approved for consideration."

Speaker Lyons: "Representative Connelly on Amendment #3."

Connelly: "Thank you, Mr. Speaker. Amendment 3 was adopted unanimously in committee yesterday. I'd move for the adoption of the Amendment."

Speaker Lyons: "Is there any discussion on Amendment #3? Seeing none, all those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lyons: "Third Reading. And read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5147, a Bill for an Act concerning energy facilities. Third Reading of this House Bill."

Speaker Lyons: "And we'll leave that Bill on the Order of Third Reading. Representative Al Riley, you have House Bill 5735. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 5735, a Bill for an Act concerning civil law. Second Reading. Amendment #1 was adopted in committee. Floor Amendment #2 has been approved for consideration."

Speaker Lyons: "Representative Riley on Floor Amendment #2."

Riley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Essentially, Floor… Floor Amendment 2 allows judges

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to set aside a foreclosure sale upon a motion of the homeowner, if that homeowner is participating in the federal Make… Making Home Affordable Program. So, essentially its… they're trying to do their… their workout. Their… their property cannot be… cannot be sold. And if the homeowner doesn't qualify for the federal program or the homeowner was in the program and fell out of the and… and failed in it, then of course this Bill would not allow the court to set aside the sale. This was agreed upon language that came out of committee last night."

Speaker Lyons: "Is there any discussion? Seeing none… Representative Jack Franks on Amendment 2, Representative."

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

Speaker Lyons: "Sponsor yields."

Franks: "Representative, I'm reading the analysis for the first time since this came out last night, you were saying. What is the Making Home Affordable Program and who… who runs it?"

Riley: "It's a federal program."

Franks: "Okay. And are they fully staffed?"

Riley: "I'm sorry?"

Franks: "Are they fully staffed?"

Riley: "Well, I would… I'm sure that they are. It's a federal program that allows people to do workouts in their foreclosure situation."

Franks: "Are there time frames in this because when… the analysis indicates that you could require a court that enters a foreclosure judgment not to only set aside the judgment, but to set aside the judicial sale. For what

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time frames are we talking about on here? I mean, can they come back two years later and try to set aside a judicial sale?"

Riley: "Well, I'm not really exactly sure of that, Representative, because, you know, each case would be different."

Franks: "Well, I think it's critically important because you need to know when a case is over. Because let's assume you are trying to be a buyer of a foreclosed property and you are going to drive away the ability for buyers to buy this if there is not a finite time and as a result, the people who have… who are losing their homes could have a much higher deficiency judgment if there's not people there to bid on a home."

Riley: "Well, Representative, with all due respect, this Bill is not about the Making Home Affordable Program itself. I mean, this is a federal program that exists."

Franks: "No, it's not what I'm asking though, because you are changing the Code of Civil Procedure and by changing the Code of Civil Procedure you could be taking away the finality of when one could appeal. And if… unless there is a time frame, you could be hurting these people much more than you could be helping them, because you could… what you could be doing is buying them deficiency judgments. I know it's an unintended consequences, but this is how the reality is because if there is a judicial sale and what you're saying now is is that judgment can be set aside if someone applies to this program. There has to be a time frame. Let me give you an example. The… if the U.S… if the

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United States Government has a federal tax lien on a property, they are given an additional 100… 120 days under the Code after a judicial sale in order to set aside that sale if they're willing to go forward and purchase the…"

Speaker Lyons: "Representative Franks, one more minute."

Franks: "But with here… if there is no definitive time frame, what you could say is any sale then could be opened at any time. If you do that, you're going to drive away every potential purchaser and what you're saying is you are going to increase the deficiency judgments. So, what I'd like to see is a time certain. And I'm not… I don't have a problem with this, but without a time certain, you're going to he… you're going to hurt the people that we're trying to help. So, what I would suggest is have the same time frame that the U.S. Government has in order to redeem a property."

Riley: "Well, it is something that… that certainly can be considered especially if, you know, I get this Bill over to the… to the Senate. But again, you know, the program itself… the federal program itself was created to try to ameliorate the scourge of foreclosures and that's a very big problem."

Franks: "I agree with that, but the unintended consequence of the way this Bill is written is you could actually make it worse for the people we're trying to help. That's all I'm saying. You might want to ho…"

Speaker Lyons: "Representative Riley to close."

Riley: "Thank you. And I thank the Representative for his… for his concerns and these will be… will be taken up and… if we get this Bill over to the Senate. Essentially, we're

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trying to approve the Amendment. So, I ask for approval of the Amendment."

Speaker Lyons: "In favor of the adoption of Amendment #2 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Agreed Resolutions, Mr. Clerk."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 1059, House Resolution 1060, House Resolution 1062 and House Resolution 1064."

Speaker Lyons: "Representative Lang moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. The Adjournment Resolution, Mr. Clerk."

Clerk Mahoney: "Senate Joint Resolution 119, offered by Representative Lang.

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, March 25, 2010, the Senate stands adjourned until Wednesday, April 07, 2010, in Perfunctory Session; and when it adjourns on that day, it stands adjourned until Tuesday, April 13, 2010, or until the call of the President; and the House of Representatives stands adjourned until Friday, March 26, 2010, and when it adjourns on that day, it stands adjourned until Monday, March 29, 2010, in Perfunctory Session; and when it adjourns on that day, it stands

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adjourned until Tuesday, April 13, 2010, or until the call of the Speaker."

Speaker Lyons: "Representative Lang moves for the adoption of the Senate Joint Resolution. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the… Adjournment Resolution is adopted. Mr. Clerk, committee announcements. Ladies and Gentleman, there are some committees. Committee announcements, Mr. Clerk."

Clerk Mahoney: "The following committees will meet immediately upon adjournment. Immediately following Session, the Executive Committee will meet in Room 118, Executive in Room 118. Environment & Energy in Room C-1 in the Stratton, Environment & Energy, C-1. And Environmental Health will meet in Room 114, Environmental Health, 114."

Speaker Lyons: "Representative Dennis Reboletti, for what purpose do you seek recognition?"

Reboletti: "A point of personal privilege."

Speaker Lyons: "State your point."

Reboletti: "Mr. Speaker, I was asking for a meeting in Representative Mulligan's office earlier with some Members from our side of the aisle. That meeting's going to be canceled for this evening. It will be in the same office, Representative Mulligan's office, tomorrow at 8:30, if you're able to attend, if I… if you got a letter from me. Thank you."

Speaker Lyons: "Thank you, Representative. And now, seeing no further business to come… to come before the House of Representatives, Representative Lang moves that the House

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stand adjourned, allowing Perfunctory time for the Clerk, to the hour of 9 a.m. tomorrow, Friday, March 26. So, once again, allowing Perfunctory time for the Clerk, Representative Lang moves that we stand adjourned to the hour of 9 a.m. tomorrow, on Friday. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Holbrook, Chairperson from the Committee on Environment & Energy reports the following committee action taken on March 25, 2010: recommends be adopted is Floor Amendment #2 to House Bill 6439; referred to the House Committee on Rules is Senate Joint Resolution 81, offered by Representative Yarbrough. Introduction of Senate Bills-First Reading. Senate Bills. Senate Bill 935, offered by Representative D'Amico, a Bill for an Act concerning transportation. Senate Bill 2494, offered by Representative William Davis, a Bill for an Act concerning education. Senate Bill 2622, offered by Representative Feigenholtz, a Bill for an Act concerning children. Senate Bill 2812, offered by Representative Watson, a Bill for an Act concerning safety. Senate Bill 2996, offered by Representative Hoffman, a Bill for an Act concerning financial regulation. Senate Bill 3152, offered by Representative Froehlich, a Bill for an Act concerning local government. Senate Bill 3266, offered by Representative Yarbrough, a Bill for an Act concerning education. Senate Bill 3267, offered by Representative

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Turner, a Bill for an Act concerning aging. Senate Bill 3344, offered by Representative Reitz, a Bill for an Act concerning safety. Senate Bill 3359, offered by Representative McAsey, a Bill for an Act concerning criminal law. Senate Bill 3522, offered by Representative Joyce, a Bill for an Act concerning education. Senate Bill 3702, offered by Representative Currie, a Bill for an Act concerning State Government. Senate Bill 3796, offered by Representative D'Amico, a Bill for an Act concerning transportation. Senate Bill 3797, offered by Representative Mathias, a Bill for an Act concerning criminal law. Senate Bill 3800, offered by Representative Mathias, a Bill for an Act concerning criminal law. And Senate Bill 3803, offered by Representative Mathias, a Bill for an Act concerning transportation. On the Order of House Bills-Second Reading. The following Bills will be re… read a second time and held on that Order. House Bill 162, offered by Representative Ramey, a Bill for an Act concerning transportation. Second Reading. Senate Bill 391, offered by Representative Golar, a Bill for an Act concerning appropriations. Second Reading. Senate Bill 1429, offered by Representative Miller, a Bill for an Act concerning government. Second Reading. Senate Bill 1598, offered by Representative Graham, a Bill for an Act concerning local government. Second Reading. Senate Bill 1653, offered by Representative Madigan, a Bill for an Act concerning education. Second Reading. Senate Bill 1900, offered by Representative Madigan, a Bill for an Act concerning wildlife. Second Reading. Senate Bill 3693, a

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Bill for an Act concerning civil law. Second Reading. Senate Bill 4650, offered by Representative Ford, a Bill for an Act concerning census information. Second Reading. Senate Bill 4652, offered by Representative Bradley, a Bill for an Act concerning revenue. Second Reading. Senate Bill 4657, offered by Representative Careen Gordon, a Bill for an Act concerning public employee benefits. Second Reading. Senate Bill 4664, offered by Representative Monique Davis, a Bill for an Act concerning renewable energy. Second Reading. Senate Bill 4727, offered by Representative Mathias, a Bill for an Act concerning criminal law. Second Reading. Senate Bill 4763, offered by Representative Mathias, a Bill for an Act concerning civil law. Second Reading. Senate Bill 4795, offered by Representative Lang, a Bill for an Act concerning liquor. Sec… Second Reading. Senate Bi… Bill 4827, offered by Representative William Davis, a Bill for an Act concerning public employee benefits. Second Reading. Senate Bill 4872, offered by Representative Golar, a Bill for an Act concerning elections. Second Reading. Senate Bill 4931, offered by Representative Zalewski, a Bill for an Act concerning civil law. Second Reading. Senate Bill 4936, offered by Representative Jakobsson, a Bill for an Act concerning agriculture. Second Reading. Senate Bill 4959, offered by Representative Walker, a Bill for an Act concerning local government. Second Reading. Senate Bill 4965, a Bill for an Act concerning firearms. Second Reading. Senate Bill 4992, a Bill for an Act concerning State Government. Second Reading. Senate Bill 5040, a

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Bill for an Act concerning safety. Second Reading. Senate Bill 5107, offered by Representative Harris, a Bill for an Act concerning insurance. Second Reading. Senate Bill 5108, offered by Representative Cross, a Bill for an Act concerning State government. Second Reading. Senate Bill 5127, offered by Representative Pihos, a Bill for an Act concerning professional regulation. Second Reading. Senate Bill 5128, offered by Representative Nekritz, a Bill for an Act concerning local government. Second Reading. Senate Bill 5164, offered by Representative Mathias, a Bill for an Act concerning criminal law. Second Reading. Senate Bill… correction House Bill 5181, offer… House Bill 5181, a Bill for an Act concerning relating to aerospace competitiveness. Second Reading. House Bill 5210, a Bill for an Act concerning financial regulation. Second Reading. House Bill 5218, offer… a Bill for an Act concerning regulation. Second Reading. House Bill 5231, a Bill for an Act concerning criminal law. Second Reading. House Bill 5279, a Bill for an Act concerning children. Second Reading. House Bill 5300, off… a Bill for an Act concerning regulation. Second Reading. House Bill 5305, a Bill for an Act concerning health. Second Reading. House Bill 5326, a Bill for an Act concerning health. Second Reading. House Bill 5334, a Bill for an Act concerning insurance. Second Reading. House Bill 5369, a Bill for an Act concerning civil law. Second Reading. House Bill 5372, a Bill for an Act concerning transportation. Second Reading. House Bill 5416, a Bill for an Act concerning State Government. Second Reading. House Bill 5453, a Bill

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for an Act concerning State Government. Second Reading. House Bill 5471, a Bill for an Act concerning insurance. Second Reading. House Bill 5473, a Bill for an Act concerning insurance. Second Reading. House Bill 5476, a Bill for an Act concerning financial regulation. Second Reading. House Bill 5485, a Bill for an Act concerning local government. Second Reading. House Bill 5494, a Bill for an Act concerning criminal law. Second Reading. House Bill 5514, a Bill for an Act concerning professional regulation. Second Reading. House Bill 5516, a Bill for an Act concerning community re… recognition. Second Reading. House Bill 5552, a Bill for an Act concerning local government. Second Reading. House Bill 5564, a Bill for an Act concerning government. Second Reading. House Bill 5569, a Bill for an Act concerning State Government. Second Reading. House Bill 5576, a Bill for an Act concerning public employee benefits. Second Reading. House Bill 5578, a Bill for an Act concerning education. Second Reading. House Bill 5601, a Bill for an Act concerning employment. Second Reading. House Bill 5604, a Bill for an Act concerning revenue. Second Reading. House Bill 5611, a Bill for an Act concerning conservation. Second Reading. House Bill 5631, a Bill for an Act concerning regulation. Second Reading. House Bill 5634, a Bill for an Act concerning education. Second Reading. House Bill 5646, a Bill for an Act concerning local government. Second Reading. House Bill 5699, a Bill for an Act concerning civil law. Second Reading. House Bill 5701, a Bill for an Act concerning… business. Second

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Reading. House Bill 5713, a Bill for an Act concerning public land. Second Reading. House Bill 5736, a Bill for an Act concerning regulation. Second Reading. House Bill 5751, a Bill for an Act concerning criminal law. Second Reading. House Bill 5776, a Bill for an Act concerning transportation. Second Reading. House Bill 5786, a Bill for an Act concerning education. Second Reading. House Bill 5787, a Bill for an Act concerning local government. Second Reading. House Bill 5792, a Bill for an Act concerning health. Second Reading. House Bill 5799, a Bill for an Act concerning wildlife. Second Reading. House Bill 5835, a Bill for an Act concerning criminal law. Second Reading. House Bill 5869, a Bill for an Act concerning aging. Second Reading. House Bill 5934, a Bill for an Act concerning local government. Second Reading. House Bill 5942, a Bill for an Act concerning child custody. Second Reading. House Bill 5950, a Bill for an Act concerning public aid. Second Reading. House Bill 5954, offered by Representative Flowers, a Bill for an Act concerning insurance. Second Reading. House Bill 6000, a Bill for an Act concerning elections. Second Reading. House Bill 6002, a Bill for an Act concerning regulation. Second Reading. House Bill 6008, a Bill for an Act concerning gaming. Second Reading. House Bill 6052, a Bill for an Act concerning local government. Second Reading. House Bill 6053, a Bill for an Act concerning government records. Second Reading. House Bill 6066, a Bill for an Act concerning insurance. Second Reading. House Bill 69… correction… House Bill 6072, a Bill for an

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Act concerning civil law. Second Reading. House Bill 6073, a Bill for an Act concerning transportation. Second Reading. House Bill 6105, a Bill for an Act concerning insurance. Second Reading. House Bill 6115, a Bill for an Act concerning safety. Second Reading. House Bill 6120, a Bill for an Act concerning safety. Second Reading. House Bill 6126, a Bill for an Act concerning revenue. Second Reading. House Bill 6156, a Bill for an Act concerning insurance, which may be referred to as the Health Insurance Contract Fairness Act. Second Reading. House Bill 6206, a Bill for an Act concerning education. Second Reading. House Bill 6215, a Bill for an Act concerning financial regulation. Second Reading. House Bill 6224, a Bill for an Act concerning criminal law. Second Reading. House Bill 6230, a Bill for an Act concerning State Government. Second Reading. House Bill 6234, a Bill for an Act concerning criminal law. Second Reading. House Bill 6263, a Bill for an Act concerning criminal law. Second Reading. House Bill 6277, a Bill for an Act concerning public aid. Second Reading. House Bill 6362, a Bill for an Act concerning revenue. Second Reading. House Bill 6369, a Bill for an Act concerning public employee benefits. Second Reading. House Bill 6384, a Bill for an Act concerning local government. Second Reading. House Bill 6390, a Bill for an Act concerning education. Second Reading. House Bill 6409, a Bill for an Act concerning regulation. Second Reading. House Bill 6411, a Bill for an Act concerning regulation. Second Reading. House Bill 6417, a Bill for an Act concerning regulation. Second

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Reading. House Bill 6422, a Bill for an Act concerning regulation. Second Reading. House Bill 6423, a Bill for an Act concerning regulation. Second Reading. House Bill 6424, a Bill for an Act concerning regulation. Second Reading. House Bill 6428, a Bill for an Act concerning regulation. Second Reading. House Bill 6440, a Bill for an Act concerning health. Second Reading. House Bill 6449, a Bill for an Act concerning transportation. Second Reading. House Bill 6453, a Bill for an Act concerning transportation. Second Reading. House Bill 6474, a Bill for an Act concerning civil law. Second Reading. House Bill 6475, a Bill for an Act concerning civil law. Second Reading. House Bill 6488, a Bill for an Act concerning business. Second Reading of this House Bill. These Bills will be held on the Order of House Bills-Second Reading. There being no further business, the House Perfunctory Session will stand adjourned."

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