

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Speaker Hannig: "The Regular Session of the House of Representatives will come to order. Is there leave to use the Attendance Roll Call? Leave is granted and a quorum is present. And Representative Black, for what reason do you rise? Representative Black."

Black: "Thank you very much, Mr. Speaker. I believe it would be in order, if I could have the attention of the House, that we stand for a moment of silence, extend our condolences, our sympathy, to those families who lost loved ones yesterday in the tragic bridge collapse in Minneapolis. It was indeed a tragedy and I know our hearts and our thoughts are with those people who lost their lives, and as of early this morning we still don't know how many fatalities, in fact, occurred yesterday at that bridge collapse. I thank you very much, Mr. Speaker and Members of the House, for your indulgence, and I hope you'll... I hope you'll accept my apology. I'm not trying to use a tragedy like this, but I think it is incumbent upon all of us to understand that that bridge that collapsed had been ruled structurally deficient. The last report I heard that it was at 50 percent or less of its design capacity, and I think it's only fair, and I'm not... and I don't want to make it political, because it's not political. Ladies and Gentlemen, we need a capital Bill in this state. We have, I think, in the inventory, you can check with IDOT, I believe over a thousand bridges in Illinois that have been inspected and found to be structurally deficient and each year that we wait it gets worse, not better. In my hometown of Danville, on a major east/west arterial street,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

a bridge was inspected. I believe it was a four (4) ton weight limit put on it. We can't even run fire trucks across that bridge. We have a railroad underpass that was built at the turn of the century, the walls are beginning to move in, and it may be declared structurally deficient. The bridge repair alone would cost a million and a half, the subway repairs would cost more than four million (4,000,000), and a city of thirty-three thousand (33,000) people don't have those kinds of resources. We need to pass a capital Bill so we can access federal funds, and local governments can come up with matching funds to do what we know we have to do. We've been four 4 years without a capital Bill. Bridges are deficient, roads are deficient. What is it going to take to put politics and egos aside in this state? The House Republicans, under Leader Tom Cross, proposed a plan three (3) months ago, a five billion dollar (\$5,000,000,000) capital Bill with a designed and designated funding source. If you don't like that Bill, I've never heard Leader Cross say that it's that way or no way. We're willing to amend; we're willing to work with everybody to come up with a capital Bill to address these things before we have a tragedy that occurred yesterday in Minnesota. We've waited long enough, the time is now. I urge all of us to work together to come up with a plan. It doesn't have to be the Republican plan, it doesn't have to be the Democrat plan, it can be a plan that we can fund and make these dollars available and pick up over a billion dollars in federal funds that we're leaving on the table. And last but not last not... last but not least, Mr. Speaker,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

having read the morning newspapers, to my friend the Governor, and I'm being... I'm not being facetious; he's always been very pleasant and professional to me. Governor, your idol Elvis Presley sang a song that said 'I did it my way', that he did Governor, and look what happened to him. One of my favorite groups, the world's greatest rock 'n' roll band ever The Rolling Stones had a hit that said 'you can't always get what you want', I think there's a lesson there in Elvis Presley and The Rolling Stones. I've read enough of this posturing and chest beating, and egocentric mind games. I'm tired. It's time to put together a budget, it's time to put together a capital budget before we have to answer for a bridge collapse. It's time to stop all of this nonsense, Republicans and Democrats come together, pass a budget, pass a capital budget, do the work we're sent here to do and stop all this nonsense about my way or no way. Let's get the work done and let's start today."

Speaker Hannig: "Representative Ryg, for what reason do you rise?"

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the chamber. One of the unintended consequences of this Overtime Session is that we're all here together and able to celebrate some happy occasions. So, I'd like everybody in the chamber to please join me in wishing my colleague and friend, Karen May, a very happy birthday. And I'm sure if you ask her she'll be glad to share some of the new mottos she's learned as we go forward in this particularly difficult time. Thank you."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Speaker Hannig: "Representative Winters."

Winters: "Thank you, Mr. Speaker. When I woke this morning I saw the headline in the Chicago Tribune, it says, 'Twin cities bridge collapses into river.' It doesn't say Minneapolis-St. Paul. My initial thought, is this Champaign-Urbana, is it Bloomington-Normal? What twin cities in Illinois lost a bridge last night? Then when I looked at this picture... you may be able to make out a large yellow dot here. This is a school bus that was loaded with school kids on a field trip. When are we going to get a capital budget in this state, so that we don't have to fear looking at these headlines and think that it might be in the State of Illinois that we lost a bridge? A thousand are deficient. They're a hazard to our drivers, farmers can't get to fields because bridges are... have weight limits, school busses have to take long routes around. We need a capital budget. And the impact of the number of deaths... I think eighty (80) people are in the hospital in Minneapolis because of this bridge collapse. Their economy... this shuts down one of the major routes between the two halves of the twin cities in Minneapolis. Can you imagine the economic impact when people can't get to work, and there are very few alternative routes across the Mississippi river. Their economy for the next year or two years is going to be a disaster, because people can't get to work. They can't live the lives that they're used to living. And it is all because the State of Minnesota was not capable of keeping up with their infrastructure. We are probably in worse shape than Minnesota was. We have to

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

concentrate and use this, this horrific example of what happens when public servants don't get their job done. This example should be in our minds as we try to craft a state budget and then also get the first capital spending plan in, I believe, eight (8) years through to the Governor's desk and have him sign it. We need to work together; we need to avoid the headlines that we saw this morning in the Tribune. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Hamos."

Hamos: "Thank you. Ladies and Gentlemen, I rise in support of a capital Bill, as well. I think we do need it; we need it for not only our bridges and roads, but also for transit expansions and improvements. We need it, really, for just maintenance of the transit system. We need it for school construction and we need it for other important kinds of building projects. But Ladies and Gentlemen, we also need a transit program in the State of Illinois and for people to hold hostage the transit Bill that has been meticulously prepared over the past three (3) years by a really hardworking bipartisan committee is really dangerous. We are going to begin to see eight hundred (800) layoffs by September 1. We are going to see the transit agencies having to spend a fortune retooling their fare boxes to prepare for very significant fare increases. They are going to begin pitting big X's on routes that they're going to discontinue on September 1. And when I heard yesterday that we can just prepare to wait on a transit Bill and not even vote for it because it's being held hostage, currently, for the capital program, I got very frightened

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

for the two million (2,000,000) rides a day in the RTA region. These are real people who depend on transit to get to work, to get to health care appointments, and these are the people... and never mind the quality of life throughout the RTA region when transit begins to shut down and every single driver is affected with traffic congestion. So please, in the spirit of bipartisan cooperation, in the spirit of real leadership, please take one issue at a time. Tomorrow we are going to file a very significant, comprehensive transit legislation that is exactly what we talk about... yes, it provides for funding but it also provides for accountability, fiscal oversight, real reforms. That Bill needs to be considered next week and it should not be held hostage to other's agendas."

Speaker Hannig: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Yesterday morning I delivered to Governor Blagojevich an Executive Order that I requested him to sign. And in that Executive Order it simply states that he would use all of his power to do whatever's necessary to keep government functioning, to keep checks going to those who provide services for the needy and others throughout the State of Illinois. I took that letter and proclamation to the Governor on the second floor, he was in a meeting but he sent out his chief of staff, he was very kind; he accepted the suggested proclamation and then called me some time later in the day. And he said, 'Representative, with all due respect, we're not going to sign the proclamation because we're making a statement that we want... and we sent a letter to all

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

agencies and we want government to continue to operate. We will consider your Executive Order when we get to stage two of the shutdown.' And I said, 'Well, what is stage two?' And he said 'Well, I'll have to get back to you on that.' I don't think we should be talking about shutdown at all, I think what we ought to do is come together as a Body, and what I feel is happening, in this chamber and the others, is that there's becoming... there's... we're about to come to a consensus that there should be a twelve-month budget. We need to be very serious about it, we need the Governor to stop his continual campaigning and whining and get about the business of the people of Illinois. Whether it takes Executive Order or whether it just simply takes the Governor finally saying, you know what, the budget is the most important issue before us and I'm going to deal with it. One or the other, the Governor has got to lead the state. We... I guess we're going to have to take him kicking and screaming all the way. And I appreciate your cooperation, Mr... Representative Hannig."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise to offer my condolences to the people in Minneapolis. I don't think we know the cause of that bridge's failure, but I think it may be a wake-up call to those of us in Illinois. In some places the infrastructure is very old. I think Chicago had a collapse of a portion of Lake Shore Drive recently because of infrastructure needs. And perhaps this occurs across the State of Illinois and each of us deals with it in our own isolated way. But when the tragedies occur,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

they affect people who may not be from that little area where we attempted to solve the problem in our own isolated way. I, too, Mr. Speaker, urge a capital Bill and I think when we decide that the spending of that capital Bill will go for the needs of the State of Illinois, I hope no one will call it pork. Thank you, Mr. Speaker."

Speaker Hannig: "We've got a few items we'd like to address today on the Calendar. Starting with page 5 is House Bills-Third Reading and House Bill 119. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 119, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Bill 119 amends the Early Intervention Service System Act. It established that Illinois, a licensed occupational physical therapist or speech language pathologist qualify as early intervention providers based on their underlying professional degree. And I can answer any questions. And I'd appreciate an 'aye' vote."

Speaker Hannig: "The Lady has moved for the passage of House Bill 119. Is there any discussion? The Gentlemen from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates she'll yield."

Black: "Representative, I can't find the Amendment that becomes the Bill on the computer. Is it Amendment #2?"

Coulson: "Amendment #2, yes."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Black: "All right. So the other Amendment I assume then has been removed. And this becomes the Bill, correct?"

Coulson: "Correct."

Black: "So, it no longer has anything to do with the nursing... the various Nurse Practice Sunset Acts right?"

Coulson: "Correct. That was passed in another Bill."

Black: "Okay. Refresh my memory on early intervention. Is that the early intervention that most of us are familiar with in the preschool program?"

Coulson: "Basically, early intervention services are for children who are identified as needing special help, usually before five (5) years old. They receive services from qualified, licensed health care professionals, physical therapists, occupational therapists, speech language therapists. And what's been happening is that our state has been requiring an additional credential. And what we're saying here is if someone is already a licensed professional that they should be qualified to... and are qualified already to provide those services, unfortunately, right now we've had some shortages of physical therapists, occupational therapists, and speech therapists to provide care to these young... young people, zero (0) to three (3), and what we're trying to do is make sure there's not a shortage of providers just because we're requiring a dual credentialing. We were not going to decrease quality in any way. This is basically just saying that if someone is licensed to already provide these services, they do not need a second credential from the state to state they will... can provide the services."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Black: "In the updated analysis it is said the Department of Human Services has no... has stated no position on the Bill. They're still reviewing the Bill. Have you talked with DHS, have they finished their review?"

Coulson: "The last conversation that we had was that they were working on rule changes. Unfortunately, that rule change has not occurred yet and I would like to continue to make sure the department either does this by a rule change or that we pass this legislation."

Black: "All right. Why... why would the Illinois Association of Rehabilitation Facilities oppose the Bill?"

Coulson: "I'm not aware of that."

Black: "Now, staff is trying to call them and find out why they slipped in as an opponent, because I have no idea why they would oppose it. All right. Excuse me. Staff just talked to them and they have changed their position, they are now a proponent and that's good to know. Now, would these services be available under contract? Can school districts contract with providers to do these services?"

Coulson: "These are not actually school district services. The early intervention program is zero (0) to three (3). Once they go into the school district, they... the three (3) to five (5)... the services are provided in a variety of different ways across the state. But it's usually not done through the school district."

Black: "All right. And it's funded out of the Department of Human Services budget?"

Coulson: "Correct."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Black: "And I assume that there is no means test in order to get these services?"

Coulson: "There is not."

Black: "Okay. Fine. Thank you very much."

Coulson: "Thank you."

Speaker Hannig: "Is there any further discussion? Representative Coulson's recognized to close."

Coulson: "Thank you, Mr. Speaker. This Bill is very important to the children who will be receiving early intervention services. As we look at a shortage of health care providers across the state, this allows children in early intervention to receive service from licensed, qualified professionals. And we will, hopefully, not have a waiting list anymore when we are able to pass this Bill. And I'd appreciate your support."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 voting 'yes' and 0 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. Representative Rose, for what reason do you rise? Okay. On page 7 of the Calendar, Mr. Clerk, there's Senate Bill 662. Return that to the Order of Second Reading at the request of the Sponsor. That's Senate Bill 662. On page 9 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 591. Mr. Clerk, read the Bill."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Clerk Mahoney: "Senate Bill 591, a Bill for an Act concerning State Government has been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 591, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. Senate Bill 591 has two (2) components. The first codifies the comprehensive care coordination roll out that we passed last year. It's based on recommendations contained in the Department of Aging's older services... Adult Services Report. Transforms the existing case management system into a comprehensive case coordination that ensures older adults receive services that they need. The keys are that it's more consumer director and menu-driven for choices for clients. The second component establishes a searchable database that gives older adults and their families' access to critical information about nursing homes and assisted living facilities. That component was passed unanimously out of the House as House Bill 3508. Both of these proposals are supported by a wide range of senior groups. And I can answer any questions. I'd appreciate an 'aye' vote."

Speaker Hannig: "The Lady has moved for the passage of Senate Bill 591. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

voted who wish? Mr. Clerk, take the record. On this question, there are 100 voting 'yes' and 0 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. On page 10 of the Calendar is Senate Bill 766. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 766 has been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Stephens, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Stephens: "Ladies and Gentlemen, we have a champion among us. And I would like to... for the Body to welcome the daughter of Representative Jim Watson, Lexi Watson, who is by his seat on the House Floor, who was first in the State of Illinois in trampoline, and third in the entire United States. Lexi Watson."

Speaker Hannig: "On page 10 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 844. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 844 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 844, a Bill for an Act concerning education. Third Reading of this Senate Bill."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Speaker Hannig: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker and Members of the General Assembly. Senate Bill 844, as amended, amends the School Code and the Judicial Court Act requiring the cost of educational services for an out of district student attending a residential facility, designed to correct alcohol or other drug dependencies, to be paid by the district of the student's residence regardless of the manner in which the student was placed at the residential facility. I appreciate an 'aye' vote."

Speaker Hannig: "The Lady has moved for the passage of Senate Bill 844. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye; opposed 'nay'. The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Arroyo, Lindner Stephens, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 99 voting 'yes' and 1 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 858."

Clerk Mahoney: "Senate Bill 858 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 858, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Miller."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the chamber. Senate Bill 858 is the initiative from the Illinois Community College Board and the Board of Higher Ed. It creates a college and career readiness program. It's... earlier this year, Representative McCarthy and Senator Maloney had put together a very fine hearing in regards to why more kids and children don't complete and finish college. This is... this piece of legislation is aimed to address that problem and to try to provide some college readiness for those children who need help. It is subject to appropriations. And I ask for a favorable vote."

Speaker Hannig: Representative Miller moves for the passage of Senate Bill 858. Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I voted against this Bill in committee yesterday and let me explain that 'no' vote. Here we're being asked to create a pilot program in community colleges to improve the college readiness of high school seniors and reduce the remedial classes that are having to be offered in colleges, particularly community colleges. Four (4) of the... four (4) community colleges will participate in the first year. Now, let me make one thing certain... one thing very clear, I am not opposed to what this Bill is attempting to do. What... what motivated my 'no' vote yesterday was, here again we're being asked to vote on a pilot program that will cost a hundred and seventy-five... excuse me, seven-hundred and some thousand

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

dollars before we know what the community college budget will even be. I don't know what the credit hour grant is going to be. I don't know what the equalization grant, which is very important to a relatively small community college in my district. And yet, you're asking me to vote on a pilot program that will cost three-quarters of a million dollars (\$750,000), before I even know what the community college appropriation will be. Now, in the interest of doing something I think needs to be done, I intend to change my committee vote. And I intend to vote 'aye' for this Bill. But at some point, and it's certainly not the fault of the Sponsor, but perhaps the fault of all of us on this floor, at some point we need to know what the budget figures are going to be for community colleges, the other institutions of higher education and K-12 education before we're asked to vote on special programs such as this. The saving grace of this is that it is subject to appropriation. And if the community colleges final figure in the budget is less than what many of us think it should be, then obviously, many of us will not vote for this appropriation for this program, even though I believe it is a well-intentioned program. So I'll change my vote from committee, and I'll vote for this Bill because it is subject to appropriation, but at some point and at the risk of alienating some Members, I seemed to have already done that today, at some point my plea is that we get a budget that we actually have a chance to study, we actually have a chance to know what's in it before we vote on it and hopefully, the community college budget will reflect the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

importance of that institution... those institutions statewide, because they enroll more students than all of the public universities in the State of Illinois combined. So I'll vote my... I'll vote for the Bill. I'll reserve my judgment on whether I vote for the supplemental appropriation for this Bill until I see what the final budget figure is for community colleges. Thank you very much, Mr. Speaker."

Speaker Hannig: "The Gentleman from Cook, Representative Osterman."

Osterman: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Hannig: "State your point."

Osterman: "Many of us have had tough Bills before where it's a... you're trying to get every vote and we do what we can to get those votes. The Sponsor of the Bill has some reinforcements on the floor today that are asking to vote for daddy's Bill. So I just... I was curious in the future if we have situations where we have tough Bills, can we bring that additional help?"

Speaker Hannig: "Seems like a pretty good strategy, doesn't it? Representative Bost."

Bost: "Thank you, Mr. Speaker. I just wanted to expand on what... it doesn't really need to be expanded on, it was pretty well the position of all the Members who voted 'no', I'm sure that you'll probably vote 'yes'. I'm intending to vote 'yes' for the Bill. But there are some concerns that we had and I think concerns have been expressed very well. And I just wanted to make sure that people do understand we're not opposed to the program, but the concerns we have

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

is the actual funding when the budget situation is the way it is, what is going to happen to our community colleges. Where are we going to be a week from now, two (2) weeks from now and where is this going to be in the overall agenda."

Speaker Hannig: "The Lady from Champaign, Representative Jakobsson."

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

Speaker Hannig: "Indicates he'll yield."

Jakobsson: "I want to speak to this Bill... or recommend that we look at this Bill closely. I think it's very good when we talk about making sure that our students who have... maybe not even realized that they have been in a situation that their schools weren't able to offer them everything that would prepare them for higher education, for getting into our universities. And this is really a good way of helping those students to make sure that they get the help that they need while they're preparing to continue their education. That seems to be one of our goals here and so I want to thank the Sponsor for bringing this Bill."

Speaker Hannig: "Is there any further discussion? Then Representative Miller is recognized to close."

Miller: "Thank you, Mr. Speaker. Thank you for Members on both sides of the aisle. They... I think universally, higher education is considered very important and it's not a really partisan issue. This is just an attempt to address a problem that we have, not just here in the state but in the country, of individuals who have the desire to go to college but just need a little bit of help. And I

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

understand that it is a bigger budget issue that is a concern of everybody, but the way you eat a elephant is a bite at a time. And I think this is a way in which we can at least approach to begin the problem. And so I ask for a favorable vote. Thanks."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Reitz and Phelps, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 100 voting 'yes' and 0 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. On page 13 of the Calendar, under the Order of Concurrence, Representative Collins, you have House Bill 1517. The Lady's Motion is to nonconcur with the Senate Amendments. Is there any discussion? Then all in favor of the Lady's Motion to Nonconcur say 'aye'; opposed 'nay'. Representative Black."

Black: "Mr. Speaker, first of all, the Sponsor wasn't even the chair... in her chair. She's over on our side of the aisle. Pursuant to Rule 50, I request a Roll Call vote on this Motion to Nonconcur. You know, this is one of the things that at this point in the process just irritate the living heck out of me. Some of us can't even get one bite of the apple. We don't even get a chance to present our Bills; we don't even get a chance to see them come out of Rules. We can't get an up or a down vote because we can't even get them sent to committee. Now, this Bill has bounced around

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

here all Session long, it has considerable opposition, not... not because they're mean-spirited people, but because they're the people who have to answer questions about how are we going to pay for an additional influx of people into the juvenile detention center. Cook County's opposed to it; almost every law enforcement group in the state is opposed to it. And I know what's going to happen, this is a... another bite of the apple. It goes back to the Senate, where the Senate Sponsor will do his parliamentary maneuver, and then the Bill goes to the Governor. This Bill has failed in this chamber at least once, possibly twice. I would ask, and I know I'm joined by a sufficient number of people on my side of the aisle, on a Roll Call vote on this Nonconcurrency Motion. This Bill has been debated ad nauseum, and it has been defeated on more than one occasion. And I would ask that those of you who have defeated this Bill before, at this late date in the Session, defeat this Motion to Nonconcur because if you don't it goes back to the Senate where a parliamentary maneuver will take place and then the Bill that we have voted against before will then go to the Governor. Enough is enough. Why not basic fairness in this chamber? Some of us can't even get a Bill called once, while others get a Bill called two (2), and three (3), and four (4) times and get a Motion to Concur which is defeated, and then they come back with a Motion to Nonconcur so it can go back to the Senate and end up on the Governor's desk. I think that's outrageous. Enough is enough. I ask for a Roll Call. And I humbly ask for a 'no' vote."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Speaker Hannig: "So Representative Black, I was unaware that this was a controversial Motion. Typically, the Motions to Nonconcur are voice votes that are not controversial, but certainly your request for a Roll Call will be honored. Okay."

Black: "Well, I appreciate it. And this Bill has been controversial for two (2) years. It isn't any better than it was two (2) years ago, other than the felony part being taken out of it. Nobody is willing to discuss the cost and the impact on our juvenile justice system. You don't incarcerate thousands of more people in juvenile detention centers that weren't built for people of that age. We don't have the bed space, we don't have the money. Vote 'no'."

Speaker Hannig: "So, since this is of controversy... Okay. So let's handle this like we would any other controversial Bill, and we'll begin with Representative Collins. Would you like to make a presentation on your Motion to Nonconcur."

Collins: "Thank you, Mr. Speaker. First of all, just to say that that this Bill has passed this chamber three (3) times already. First, it passed with 64 vote in April. We voted 'yes'; we sent the vote to the Senate. The only thing we added to this Bill was to delay the effective date for the start. Instead of the start in January, it wouldn't start until July of '08. Otherwise it would start July 0... January '08, now we're moving it to July '08. That was what the Concurrence Motion... in the Senate they did that to put it on so that it would give the... all the juvenile

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

departments time to deal with the kids that were going to be going through... through... through the juvenile court. These children will not be going to court, I mean to jail, to the detention centers. And at any given day now we have almost fifteen hundred (1500) beds. The Bill is in opposition because people do not want to deal with our children. We as adults must deal with our children. We want to fail... every time we turn around they're talking about infrastructure right now, all the people are getting killed. Well, if you don't deal with our juveniles and they get a juvenile record at thirteen (13), well then they can't work for the rest of the seventy (70) years that they're going to live. They're living almost... we're living not... we're increasing our life every single day. The Governor is dealing with increasing health care, giving everybody health insurance. So what do you think that'd do to us? What that does is means that we're going to live longer and longer, and longer, and longer. And so that means that our children are running around here as they get adult to live seventy (70) and eighty (80) years unemployed, on the state system. So, it's costing us money over and over and over and over again. And we as adults must deal with the fourteen hundred (1400) children that's in our city that comes through the department, it's not like millions and millions of kids. If we fail our children, we are the only people to blame. It is us that we have to blame because there are more adults than children. And we have a right to steer them in the right way, and if we fail, we fail to do that. Now, you all did

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

not want them to delay the effective date until July. So we're asking that you vote 'yes'. You all have already passed this Bill this year. You passed it two (2) years ago, and we passed it the year that Barack was elected Senator, we passed it that year. This Bill has passed... and now we're only dealing with... we passed it when it dealt with everyone, now we're only dealing with... hush... we're only dealing with misdemeanor cases. I ask for an 'aye' vote."

Speaker Hannig: "Representative Eddy on the Motion to Nonconcur."

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

Speaker Hannig: "She indicates she'll yield. Representative Collins, will you yield for a question? Representative Collins, you've been asked to yield for a question."

Collins: "Yes, I will yield."

Eddy: "Thank you, Representative. In your description of the Bill, you state that this Bill only applies to misdemeanor offenses. And I want to try to get some clarification as to specifically what types of offenses are included as misdemeanor offenses. Can you give me an idea of what... what offenses we would be dealing with here?"

Collins: "Nonviolent offenses, mostly drug offenses. Anything that's considered a offense now that you get less than one (1) year in jail."

Eddy: "So, is it possible that under this Bill a misdemeanor sex offense charge would be included as a type of

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

misdemeanor that would allow this age to be changed? Is there a potential for that to happen?

Collins: "Well, I don't know if we have any misdemeanor sex offenses now. But what we have right now, how the law will work, it wouldn't change anything. If a kid now did a crime that they could be transferred to adult court at the age of thirteen (13) or fourteen (14) or fifteen (15), they would still be transferred to adult court and not be tried as a misdemeanor. They still have a right to transfer the kid. We're not talking about kid that are transferable; we're talking about cases that are only going to be heard in juvenile court, that are misdemeanors, and most of the kids get probation anyway. They don't go to the detention center; they get a misdemeanor and they go home."

Eddy: "Let me get a little more specific with a particular charge. My understanding is, domestic battery to a child would be included as a misdemeanor that could be applied in this version. Is that correct?"

Collins: "As I said before, if it is an offense that can be transferred to adult court, as an adult offense, it would still be transferred."

Eddy: "So..."

Collins: "These are cases that not... in ordinary circumstances, where the prosecutor... no matter what the age is, whether it was seventeen (17), whether it was thirteen (13), that were going to be tried in adult court would still go to adult court. But if it's a misdemeanor case that should be in juvenile court, then it would stay in juvenile court. So the answer to your question is, the case could be

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

transferred if the state's attorney wants to transfer the case anyway."

Eddy: "So the answer to the question I asked had to do with domestic battery to a child as a misdemeanor and obviously the answer is 'yes', it can be applied in this. And one of those young folks that commit that could have this new law applied to them. How about a weapon in school, could that be a misdemeanor charge?"

Collins: "That's not a misdemeanor charge."

Eddy: "I'm sorry. I didn't hear your answer."

Collins: "I said it wasn't a misdemeanor charge. It depends on what the state's attorney charged the kid with. We're talking about cases that the state's attorney has decided to charge the kid with and if it's a misdemeanor charge then it would go in juvenile court. If it is not, or if it's an offense that will be transferred, or if the state's attorney wants to charge as a juvenile offense and as a adult offense, then the juvenile offense would be dropped and the adult offenses would stand and then they would decide to transfer and hold the case in criminal... in adult court."

Eddy: "Since the language reads as 'misdemeanor', it doesn't say violent misdemeanor. The language is not specific to a violent misdemeanor. So I think the answer to my question, based on your response is that if a misdemeanor charge is brought against a student who brings a weapon to school, I would consider that to be a very serious charge. I would consider that to be something that would be potentially, obviously, a tragic situation. But under the Bill, the way

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

this is written, we're talking about allowing this Bill to apply to situations that maybe are not intended by you even and that's our big concern on this side. And I think it's important that we ferret out all those situations and make sure that these types of things aren't going to happen and may not even be your intent, but I think we have to be tremendously careful when we make the change. I appreciate you answering the questions. I just have a lot of concerns now regarding what a misdemeanor may or may not be. And I think we need to really proceed cautiously here and tighten this up before we do anything that we might regret. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Before I make my comments, first an inquiry of the Chair, I guess, in the form of a point of order."

Speaker Hannig: "State your point."

Lang: "So, Mr. Speaker, Ladies and Gentlemen, this is a Bill, the substance of which has passed the House three (3) times. We had a lengthy debate about this Amendment when the Lady made her Motion to Concur. And the Amendment that we're talking about is simply an Amendment to change the effective date. There's no substance in the Amendment and yet, Mr. Speaker, we're having a substantive debate on the rest of the Bill not on the Amendment. And so my point of order would be to ask the Chair to rule that all debate regarding the Lady's Motion on Amendment #1 deal with Amendment #1 and only with Amendment #1."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Speaker Hannig: "I think your point is well-taken, Representative, but it's often difficult to contain the speech of the Member."

Lang: "Well, I ask the Chair to enforce its own ruling. Second, Mr. Chair... Mr. Speaker, should this Motion not receive the necessary votes, should the negative prevail, I would ask a verification of the negative."

Speaker Hannig: "And you'll be recognized should that be appropriate."

Lang: "Thank you. And now to the Lady's Motion, Mr. Speaker. Ladies and Gentlemen, we thoroughly debated this Bill in this House three (3) times. The Lady's Motion is to Nonconcur on an Amendment dealing with an effective date, for goodness sakes. We had a thorough debate about this when she made her Motion to Concur. This is now a Motion to nonconcur. It is not final action unless your plan is to just try to kill her Bill, which maybe some of you are trying to do. We, in this chamber, allow Members to have their Bill in the form they wish it to be in. All the Lady wishes to do here is send the Bill back to the Senate to deal with the effective date, not the substance of the Bill, but the effective date. Some of you made your noise when she made her Motion to Concur and in effect you made your own positions worse, those of you who are opposed, because you force her to put the Bill now in a position where it has an immediate effective date as opposed to a delayed effective date. So those of you who are opposed to the Bill are going to have a Bill that you didn't want effective sooner. Now that was kind of a ridiculous

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

posture for you to take but you've taken it. But now this is an Amendment simply dealing with the effective date. To have any further debate about the substance of the Bill is wrong. I will continue in my objection any time someone rises to discuss the substance of this Bill, because the Lady's Motion is on Amendment #1, Amendment #1 deals solely with the effective date. And on that, I strongly stand with Representative Collins."

Speaker Hannig: "Representative Washington."

Washington: "Mr. Speaker, I don't know if I should even say anything behind that. But to the Bill. I just want to say that Annazette, being a mother and a female, beauty is in the eyes of the beholder and what she sees and what I share in what she sees, in terms of the youth and the opportunity to not sentence our youth to a long-term disadvantage of not being able to recoup from mistakes made and go ahead and be members of the society to raise their family. I won't go into the substance of the Bill because I respect the previous speaker, but I do want Annazette to know that I applaud her attempts to do something that we know needs to be done. There's no fear that needs to be taken with this legislation. It doesn't need to be taken out of context to make some strident attempt as if some of us on this side of the aisle are less law enforcement prone. We have higher crime rates in our community, so it would be really fruitless for us to not be for law enforcement. But at the same time, we know that being that the juvenile system as well as the prison system is full of people of color, that is not destructively to say that we are innate

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

toward crime. And if those of us who don't understand that from being that, to protect or carve out a future for our youth, then shame on us if all we say all the time is what we do is for our children and our grandchildren. So, I would appeal to those with any kind of conscience, any kind of mothers and fathers in here, whose sons and daughters may be candidates for something that they did or did not do, it doesn't matter what the circumstance is. But surely, we don't want to sentence juvenile, young people, to a continuation of constantly never ever paying the debt in society. And I seek an 'aye' approval for House Bill 1517."

Speaker Hannig: "The Gentleman from Champaign, Representative Rose."

Rose: "Thank you. To the Motion. This is very simple. The Motion to Concur has already failed. This Motion to Nonconcur, if this fails, would stop this Bill. There is a very good reason that this Bill should be stopped and that is there are plenty of violent offenses that are misdemeanors. Plenty, domestic battery, resisting arrest, battery. Thank you."

Speaker Hannig: "Representative Lang, for what reason do you rise?"

Lang: "I will persist in this Motion every time somebody wants to talk about the substance of this Bill."

Speaker Hannig: "Okay. We're going to proceed down the list of people who wish to speak. We would ask that they try to contain, if they can, they're... they're speaking to the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Motion to Nonconcur. Representative Reboletti, you're next on the list."

Reboletti: "Thank you, Mr. Speaker. I'll assume that Representative Lang is... is objecting to beyond the scope of this particular Amendment. And I do appreciate that, counselor. I will speak to the Amendment. This Bill was bad the first time it was brought up and it went over to the Senate. It was amended to change it because people realized that this was going to cost millions of dollars to their counties. And that was fine, so it came back here with a new effective date. I voted against the Bill. Now this will be the fourth time I'm going to vote against this Bill. It doesn't matter when the effective date is, tomorrow, next year, the year after that, this is a unfunded mandate. It does not matter when the effective date is. This deserves an 'aye'... a 'no' vote. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Dunkin. Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I believe the gentle Lady has done what many of us have done and that is, either we file a Motion to Concur with the Senate Amendment or to Nonconcur with the Senate Amendment. And it's just a policy and a practice. This Bill has passed three (3) different times from this particular Body, gaining more votes each time it passed. Now, the issue is, does this gentle Lady, who owns the legislation, choose to agree with something the Senate put on the Bill. She chooses not to agree with something the Senate put on the Bill. That's

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

why we have two (2) Houses. We have a Senate and we have a House of Representatives. The Senate put something on her Bill that she does not agree with; therefore, she is asking us to concur... to nonconcur with the Senate Amendment with a 'yes' vote. Thank you."

Speaker Hannig: "Representative Dunkin. Do you not wish to speak, Repre...? Okay. Representative Collins to close."

Collins: "Thank you, Mr. Speaker. Just to say that we should concur... nonconcur with Senate Amendment #1 for the effective date. It'll start January 1, '08, as opposed to July '08. Thank you."

Speaker Hannig: "Okay. So, the question is, 'Shall the House nonconcur with the Senate Amendment?' All those in favor vote 'aye'; those opposed vote 'no'. And the voting is open. This requires a majority of those voting and is not final action. Have all voted who wish? There is been a request for verifications on both sides. Have all voted who wish? Representative Crespo and Rita, do you wish to be recorded? Gentlemen? Have all voted who wish? Mr. Clerk, take... Mr. Clerk, take the record. Okay. On this question, there are 49 voting 'yes' and 50 'no'. Representative Lang, do you wish to verify the negatives? And Representative Black reserves the right to verify the positives."

Lang: "Well, Mr... Mr. Speaker, we will verify."

Speaker Hannig: "Okay. So, Mr. Clerk, read the names of those voting in the negative."

Clerk Mahoney: "The following Members voting in the negative are: Representatives Acevedo; Beaubien; Beiser; Biggins;

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Black; Bost; Bradley, J.; Brady; Brauer; Cole; Cross; Dugan; Eddy; Flider; Fortner; Gordon; Hassert; Holbrook; Kosel; Krause; Leitch; Lindner; Mathias; Mautino; Mitchell, B.; Mitchell, J.; Moffitt; Munson; Myers; Osmond; Phelps; Pihos; Poe; Pritchard; Ramey; Reboletti; Reis; Reitz; Rose; Sacia; Saviano; Smith; Sommer; Stephens; Sullivan; Tracy; Tryon; Wait; Watson; and Winters."

Speaker Hannig: "So, Representative Lang, do you have any questions of those voting in the negative? Representative Lang."

Lang: "Thank you. Thank you, Mr. Speaker. Representative Acevedo?"

Speaker Hannig: "Representative Acevedo. Is the Gentleman in the chamber? Mr. Clerk, how is the Gentleman recorded?"

Clerk Mahoney: "Representative Acevedo voted in the negative."

Speaker Hannig: "Remove him. Representative Lang."

Lang: "Bear with me, Mr. Speaker. Representative Kosel? Oh, I see Representative Kosel. Hello, Representative. Representative John Bradley?"

Speaker Hannig: "Representative John Bradley. Is the Gentleman in the chamber? The Gentleman's in the rear of the chamber. Mr. Clerk, Representative Acevedo's returned to the chamber. Restore him to the Roll Call."

Lang: "Nothing further, Mr. Speaker."

Speaker Hannig: "Okay. So, on this question, there are 49 voting 'yes' and 50 voting 'no'. And the Motion fails. Representative Bradley, for what reason do you rise?"

Bradley, J.: "A point of personal privilege."

Speaker Hannig: "State your point."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Bradley, J.: "Mr. Speaker, Members of the House, the electric rate legislation was conveyed to the Governor some time ago. The Governor has failed to sign that legislation. As of tomorrow, the low-cost power contracts, which are an essential part of the deal, are set to expire. If the Governor does not sign that legislation today, he jeopardizes the ability to enter into those long-term contracts which provide substantial relief to the people of the State of Illinois going into the future. I call upon the Governor of the State of Illinois to sign that Bill today to avoid future turmoil with regards to electric rates and the people of the State of Illinois."

Speaker Hannig: "Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. You know, once again, and I support... no matter how much... whether you supported the Bill or you didn't support the Bill when it left this House, I support the Gentleman and his statement in the fact that this Governor has certain responsibilities which he continues to fail to do. He fails when it comes to electric and curing the people's problems in that way. He has failed to work to do the right thing and to be the Governor of this state, the Chief Executive Officer, to move a budget forward. He has failed with a capital Bill. At what point... at what point do we as a Body stand up and say we've had enough? Or at what point do the people finally stand up. You know maybe, maybe what needs to happen... because I think it's becoming very... a majority of the people of this state are beginning to believe that if

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

they voted for him they're embarrassed about that vote. Just so you know, I can't be put in that category, I didn't vote for him. But maybe, if we won't act, the people might march on this Capitol and find out what his problem is."

Speaker Hannig: "Representative Black, for what reason do you rise?"

Black: "Now, now, now, now, Mr. Speaker, everybody should just calm down here. I'm shocked that that wall... that infamous wallflower from Southern Illinois would get himself all worked up over this issue. Now, I read the morning Springfield paper, and the Governor is quoted as saying, if I remember the article correctly, I hope I'm... if I don't quote it accurately one of the merry munchkins that are his... you know, he's got a thousand (1,000) press spokesmen, Abby Hottentots or Lincoln Lott, I don't know, Dr. Seuss, Rebecca Rausch. You know, one of them will issue a statement and correct me if I'm wrong, but here I've even got a copy. Now, the Governor is a very deliberate fellow, okay. Headline, published Thursday, August 6... Oh, August 2. I'm sorry. I need new glasses. 'Blagojevich has reservations about plan for rate relief. Governor Rod Blagojevich suggested Wednesday that he had reservations about a one billion dollar (\$1,000,000,000) package for electricity consumers and he asked people to be patient while he reviews it. I think taxpayers need to sit tight... sit tight in there. Let's make sure that rate relief, real rate relief is in there. And we didn't force something that utilities could do that might raise utility rates unnecessarily.' So ratepayers, sit tight, wait for the

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Governor to study this issue. It's only going to have a heat index of 101 or 102 today. People are going to die. They're going to die in Southern Illinois, I can see them dropping like flies. Representative Bradley, if you'll pass the hat, I'll help you. We'll buy fans and we'll go down there today and we'll pass them out. But let's say to the elderly, let's say to those who might be perspiring under their arms today, let's say to those who might be perspiring laying in a bed in their apartment with it 98 degrees sit tight, sit tight, the Governor's going to review this Bill, as he should. That's what the Governor is for no Bill should be signed before its time. If you think we're going to sit tight on this rate relief Bill, wait until we pass a budget. We'll be sitting tight until the snow is falling. So now let's calm down, give the Governor time to review. Let's make sure that what was the Bill... that the Bill was... it does what it said it would do. That's the Governor's job and he's taking it very seriously. So I'm... I'm just going to sit tight, got the fan on back in my office, and if necessary I'll dump a tube or a tray of ice cubes in my underwear today. I'll survive, I'll survive. Let the Governor do his job. Right here in the paper, sit tight, I'm on duty, I'm going to review this. And I'm one of those who thinks he probably should review it, just as long as the air conditioning doesn't break down in the Capitol."

Speaker Hannig: "On page 16 of the Calendar, under the Order of Resolutions, is House Resolution 523, Representative Yarbrough. Representative Yarbrough. Represent..."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Yarbrough: "Thank... Thank you, Mr. Speaker. I have for your consideration today House Resolution 523 as amended. And it seeks and urges the Illinois Department of Healthcare and Family Services, in consultation with the Illinois Department of Public Health, to prepare and submit a comprehensive report to the House of Representatives and the Governor by January 1, 2008, on the results and effectiveness of the state's smoking cessation initiative, together with recommendations that will increase participation, improve public health outcomes and evaluate the merits of creating an incentive program for Medicaid recipients. Be happy to answer any questions."

Speaker Hannig: "The Lady moves for the adoption of House Resolution 523. Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Yes. Would the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Black: "Representative I've already had a lot of stress today. I don't feel good. Can we step back in my office? Have you got a cigarette I can bum?"

Yarbrough: "I have no cigarette. Thank... sorry."

Black: "I don't either, haven't smoked in my life. But I'm often surrounded by people who do. Would the... would the incentive-based smoking cessation program, would that include a tax on cigarettes?"

Yarbrough: "I don't know. Not to my knowledge."

Black: "All right. What about if you smoke, it could become a misdemeanor and we'll lock you up?"

Yarbrough: "That's not in this Resolution."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Black: "Could you amend it on its face?"

Yarbrough: "I probably would not."

Black: "No. So what do you think the department will do to urge people to not smoke?"

Yarbrough: "I think that they would probably encourage people in a number of different ways. Perhaps they would post some signs and have people come in and... anybody who would be interested in doing, you know, this... I'm sure they have a number of different ways of encouraging people to stop smoking."

Black: "Well, a suggestion of mine that they've never taken, I think every pack of cigarettes, you can put your brand name on the front but on the back should be a big skull and crossbones, but they've never taken that suggestion. Mr. Speaker, I rise in strong support of this Resolution. Where else but in Illinois can the Governor travel to Chicago and sign a nonsmoking Bill where you can't smoke anywhere, literally, in the State of Illinois as of next January. And by the way, those god awful ashtrays outside of the north door of the Capitol, they're within three (3) feet of the front door. I would ask the Secretary of State to move them back at least fifteen (15) feet. They stink. I tripped over one the other day and in catching my balance I put my elbow in that white sand and all those cigarette butts. I don't know if the dry cleaner can ever get the odor out of that suit. I am a nonsmoker, have been all my life and I have personal reasons why I'm a nonsmoker. But I'm awful tired of the hypocrisy on this issue. At 8:00 this morning a lobbyist comes back into my office area,

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

goes into another office and lights up a cigarette. I thought... I thought... I thought we weren't supposed to smoke in the Capitol. But I... I guess, I'm... just shows how wrong I am. I don't know what the department will do but where else in Illinois can you sign a Bill that says nonsmoking, the hell with the private business who may want to have a smoke. And the next day you propose a ninety-eight cent (\$.98) per pack cigarette tax. Something just doesn't quite jive there with me, but I'm all in favor of this Resolution. But the reason I'm in favor of this Resolution is it because it says 'try to convince people not to smoke, try to encourage people not to smoke'. Don't throw them in jail if they do. You know, we still let them smoke in their private homes. I don't know how we managed to overlook that. It's amazing what we will do in this country. I don't patronize smoking bars and restaurants, but I don't care if somebody that wants to own a bar or restaurant wants to allow smoking in that bar. If the marketplace lets him make a living, fine, I don't go in there. And maybe next year I can get a new office, Mr. Speaker, down in the basement or... I'd go over to the Stratton building but it's so full of asbestos that it may be less healthy than cigarette smoke. So maybe I can pitch a tent out by Everett Dirksen and we can discuss the good old days of Illinois. So I'm going to vote for this Resolution because I think the future of the State of Illinois rests with this Resolution."

Speaker Hannig: "Any further discussion? Representative Yarbrough to close."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

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

Speaker Hannig: "The question is, 'Shall House Resolution 523 be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bradley, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 100 voting 'yes' and 0 voting 'no'. And the Resolution is adopted. Representative Bellock, you have House Resolution 620. Out of the record. Mr. Clerk, would you read the Agreed Resolutions. Mr. Clerk, would you advise the Members of the committee schedule for the day."

Clerk Mahoney: "Two (2) committees are meeting this afternoon at 2 p.m. The Executive Committee is meeting in Room 118 and the Revenue Committee is meeting in Room 122B. That is at 2 p.m. this afternoon."

Speaker Hannig: "We have a request for an additional Resolution. So on page 15 of the Calendar, under the Order of Resolutions, House Resolution 153. Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 153 would merely call for the creation of a legislative task force on the study of drug free zones and how the effectiveness of these laws have been for the people of the State of Illinois. And I move for its adoption."

Speaker Hannig: "The Lady moves for the adoption of House Resolution 153. Is there any discussion? The Gentleman from DuPage, Representative Reboletti."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

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

Speaker Hannig: "Indicates she'll yield."

Reboletti: "Representative, I know we had some discussion on this in committee. I guess one of my concerns is if we eliminated the drug free zones today what will be the difference? We would have less penalties, the same people would be dealing drugs in these same neighborhoods, by the parks, by the schools, by the churches, and instead of them having advanced penalties they would simply have probation eligible offenses. Would you think it might be better to look at the CLEAR Commission? Maybe review the way the statutes are written? Maybe review the amount of weight that the drug dealers are moving versus maybe the location... I can understand your concerns with the location, and you and I have talked about that, in that not every time that somebody sells drugs within a thousand (1,000) feet of a school do they need to go to prison necessarily. They may... some prosecutors would use some discretion and give the offender an opportunity for probation. But you think there might be a better way than to review it in this respect?"

Flowers: "Well, I'm glad you asked that question, Representative, because if these laws did not exist what would happen there would be not the mandatory minimum that would be placed upon these people and the judges will have the opportunity to use their own discretion. Maybe that person is sick, so maybe the judge will have the opportunity to sentence this person to some type of treatment program, not necessarily for incarceration. And I want to bring to your attention... and I think I gave you a

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

copy of the commentary from the Chicago Sun-Times and it says that Illinois didn't set out to be second only to California in the number of people in prison for drug offenses. It never had a goal of locking up African American for drug offenses at a rate higher than any other state in the nation and it didn't seek to spend two hundred and eighty million dollars (\$280,000,000) a year to incarcerate those who break drug laws. Yet, that's exactly what has happened and according to a new study that argues persuasively that our drug policies put too much emphasis on incarceration and not enough on drug treatment."

Reboletti: "Mr. Speaker, could we have some order, please? Thank you, Mr. Speaker. Representative, I appreciate what you're trying to accomplish here. We had a very healthy discussion, I thought, in Judiciary II the other day, but I take a little bit different position on this. Is that, as I see what happens to the City of Chicago and Joliet and Aurora where children are being shot and killed by gang members, by drug dealers. Drug dealing is a violent offense; I perceive it as a violent offense. I've seen drug dealers who have robbed undercover agents, who have beaten them, shot at them, shot them, and it's the gangs that are running these neighborhoods because they're trying to move their drugs and protect their territory. And it's my position that if we weaken these laws at this time, I think it sends the wrong message to the gangs, to the drug dealers. I would look at... I would be glad to look at other legislation with you, as I told you in committee, and I will tell the Members of the House here. I support

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

treatment, I think treatment is the second prong an the war in drugs, but I think that we need to lock the drug dealers up. There are those that are afflicted and there are those that do it for profit and those are the ones that need to be locked up for a long time. But I do appreciate the Resolution; however, I cannot support it."

Speaker Hannig: "Representative Rose."

Rose: "Thank you. Will the Lady yield? What is the Justice Policy Institute?"

Flowers: "The Justice Policy Institute?"

Rose: "It's referenced in your... one of your whereas clauses in here. It's a study that they did that was cited in your whereas clause."

Flowers: "That is one of the institution that did a study to show that our drug laws was not working and has not been working... along with the Illinois Consortium on Drug Policies."

Rose: "I... I'm glad you made that assertion because I find it surprising if you go back to the late '80 early '90 and with the crime rates on the rise, there was not a point in time where you didn't see a news story, a news article printed about crime on the rise. Crime this, crime that. And it, frankly, wasn't until the mid '90, and Legislatures throughout the country and also the U.S. Congress got tough on crime that crime began to drop. To me it somewhat makes sense that if perpetrators of crime are not on the streets to perpetrate further crime, then crime would drop, but the Justice Policy Institute, I just looked them up on the Internet, wants to do the exact opposite. In fact, in

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

their tag line... they're a nonprofit research and public policy organization dedicating society... dedicated to ending society's reliance on incarceration. Some people need to be incarcerated. It should shock no one that if you take criminals off the street and incarcerate them crime would... goes down. And in fact, that's what happened in the late '90 and early 2000s. Why anyone would want to go back to the failed socially-liberal policies that landed us in the high crime rates of the late '80, early '90, I don't know. But apparently the Justice Policy Institute wants to do that. Apparently, this Resolution wants to do that and for that reason I will not be supporting it. If you put bad guys behind bars, they're not on the street to commit further crime, whether it's nuisance misdemeanor crime or whether it's violent battery. They're not on the street and we're all better off for it. I'll be voting 'no'."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates she'll yield."

Black: "Representative, there's a town right next to my district, it isn't in my district. I was wondering if I might amend something that they're trying on to this Resolution? They want to ban bottled water. So could I... maybe I could amend that and make the City of Urbana a bottled water free zone. Maybe at a later date we could that?"

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Flowers: "I'm sorry, Representative, you want to ban bottled water?"

Black: "No, I don't."

Flowers: "Okay."

Black: "It's not in my district."

Flowers: "Okay."

Black: "I think it's Representative Jakobsson's district. There's been some talk about the City of Urbana wants to ban bottled water. And so I thought maybe we could just amend it... a Resolution... it might not be appropriate on yours, to make Urbana a bottled water free zone."

Flowers: "Well, I would have a problem with that, with this Resolution, because banning bottled water is not discriminatory. But the amount of people who are locked up in our state penal institution as a result of these laws is discriminatory. There are more blacks locked up than there are whites because the drug free zone, when you take into consideration of it being a thousand (1,000) feet of a school, a thousand (1,000) feet of a church, is more applicable to the urban areas than the suburban areas. And I just want to bring to your attention that in... in 19... from 1983 to 2002, the number of African Americans admitted to the Illinois prison for drug offenses rose to five thousand three hundred and forty-seven (5,347) (sic-percent) from a hundred and eighty-five (185) and from the hundred eighty-five (185) to ten thousand and seventy-seven (10,077). And the number of whites and Hispanics admitted to the prisons increased 666 percent from two seventy (270) to two thousand and sixty-seven (2,067). So there is disparity

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

here, and these drug laws, as some of the previous speakers talked about, drugs are still on the rise. The crime and what we have on the books now is not working. We are expending millions of millions of dollars of incarcerating people because they are sick and we're spending so few dollars on treatment and we're... we have taken the rights of judges to use their discretion as to the types of sentencing they should have. And if a person comes before a judge and if the judge sees that this person has created a violent crime in regards to this Drug Act, he can impose the type of crime that he want. But this takes away the discretion of a judge even for a first-time offender. So we should not be wasting our moneys on locking up first-time offenders and we should be giving them the treatment and the education that is long overdue, because time has proven over the last thirty (30) years that our war on crime has not been working."

Black: "Mr. Speaker, I have an inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "Like my good friend on the other side of the aisle, she didn't once speak to my proposed Amendment. All I wanted was a bottled... a bottled... free water zone for the City of Urbana and but she does have a point because if I drive through Urbana, 'cause I always have a bottle of water in the car on the way home, I may end up in jail. But she didn't once speak to my Amendment. Well, I'll find another vehicle; I'll do the best I can. In the meantime, Mr. Speaker, I've been asked by some Members of my side of the aisle to request a Roll Call on this Resolution."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Speaker Hannig: "There will be a Roll Call vote on the Resolution. Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. Just to the Resolution. We've had a lot of discussion here today on crime, and juveniles and drugs. And I'm just speaking to this Resolution in respect with some of the other Representatives that one of our number one issues is to keep juveniles out of jail, and drugs, and alcohol substance abuse, mental health problems. We've developed in Illinois, very successfully in a few counties, mental health courts to keep kids out of prison. We've developed drug courts to keep kids out of prison. And I think this is another initiative to deter children from going to prison with an alternative to at least look into other issues as to alternatives away from prison and saving people's lives. Thank you."

Speaker Hannig: "Representative Osterman."

Osterman: "Thank you, Mr. Speaker. This is a point on the legislation, Representative. In reading the Bill, it talks about... and I heard your comments on the disproportionate amount of African Americans that are incarcerated with drug sales. The legislation's going to look at the disparities in relation to African-American communities. And all I would ask you to do is... with this task force there are many communities in the State of Illinois that are very diverse, like mine. And black, white, Hispanic, Asian, I would only ask that this task force kind of look at the totality in all of these and how these safe zones affect all the communities in relation to the state."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Flowers: "I agree. Thank you."

Speaker Hannig: "Representative Collins"

Collins: "Thank you. To the Bill. We've been negotiating over the last several years that's working with the Department of Juvenile Justice and the state's attorney have recognized that we were locking up a lot of juveniles when they were five hundred (500) feet in front of a school or housing project and they adversely affect African Americans. So they took a look at that and so now we are not charging juveniles with offenses just because they were in five hundred (500) feet in front of a school or housing project. The United States Justice Department all show that the statistics that there are more African Americans in jail than any other race of people that we do less crime than the general population but we're affected more. So, this is a great Resolution, and this was continue to study the effects of African Americans and minorities being locked up. So I ask that you all support this Resolution. Thank you."

Speaker Hannig: "Representative Flowers to close."

Flowers: "Mr. Speaker, I would urge an 'aye' vote on this Resolution."

Speaker Hannig: "The question is, 'Shall the Resolution be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last chance. Mr. Clerk, take the record. On this question, there are 53 voting 'yes' and 45 voting 'no'. And the Resolution is adopted. Representative Rose."

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

Rose: "Mr. Speaker, I have just a question. Since apparently today is Left-wing Liberal Day, I'm just wondering when Common Sense Day is going to be here at the State Capitol?"

Speaker Hannig: "Are there any announcements? Then Representative Currie moves, that allowing perfunctory time for the Clerk, that the Regular Session of the House of Representatives adjourn until Friday, August 3, at the hour of 9 a.m. All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it. And the Resolution is adopted... or the Amendment... or the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on August 02, 2007, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 211, Senate Bill 770, and Senate Bill 997. Representative John Bradley, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on August 02, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #4 to Senate Bill 1400. Second Reading of Senate Bills. Senate Bill 211, offered by Representative Hassert, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Senate Bill 770, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Senate Bill 997, a Bill for an Act concerning courts. Second Reading of this Senate Bill. Senate Bills will be held on

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

8/2/2007

the Order of Second Reading. Introduction and First Reading of House Bills. House Bill 4127, offered by Representative Brady, a Bill for an Act concerning government. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."