

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

159th Legislative Day

10/11/2007

Speaker Hannig: "The... the hour of one 1:00 having arrived, the House will be in order. Members will be in their chairs. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and for the Pledge of Allegiance. We shall be led in prayer today by Lee Crawford the pastor of the Cathedral of Praise Christian Center here in Springfield."

Pastor Crawford: "Let us pray. Most gracious and most kind God, Who art the author and the finisher of our faith, You are the giver and You are the sustainer of our life. We come before You today with humble hearts, with sincere hearts asking for Your blessings to be upon this august Assembly. We pray Your blessings to be upon the Leader of this House, as well as upon all of the Members that You have chosen to serve here. I pray today that they will serve You by not leaning toward their own understanding, but rather they would depend totally upon You, that You may direct their paths. I pray that You would direct them in their thoughts, direct them in their ways, that at the end of this day You can look down and say, well done, My good and faithful servants, I have been well pleased. This we pray in Your Son's name, amen."

Speaker Hannig: "Representative Osterman, would you and your associate there lee... lead us in the Pledge."

Osterman - 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."

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Speaker Hannig: "Roll Call for Attendance. Representative Lang."

Lang: "Thank you, Mr. Speaker. On behalf of the House Democrats, the following are excused: Representatives Currie, Hamos, May and Patterson."

Speaker Hannig: "And Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Bassi and Meyer are excused today."

Speaker Hannig: "Mr. Clerk, take the record. There are 112 Members answering the Roll Call, a quorum is present. Mr. Clerk, read the Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Barbra Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on October 11, 2007, reported the same back with the following recommendation/s: 'approved for floor consideration' is a Motion to Concur in Senate Amendment #1 to House Bill 719; and 'approved for consideration' referred to the Order of Second Reading is House Bill 2544. Representative McCarthy, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on October 11, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Senate Joint Resolution 59."

Speaker Hannig: "We're going to begin on page 15 of the Calendar under the Order of Amendatory Vetoes. And Representative Hernandez, you have Senate Bill 544. Representative Hernandez."

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Hernandez: "Thank you, Speaker and Members of the House. I move to override the Governor's Veto on Senate Bill 544 on the basis that high school and college age family members of patients who are in need of language assistance are competent and capable to inter... interpret for them. I like to point out that this Bill passed unanimously, 160 to 0. And I ask for your 'aye' vote."

Speaker Hannig: "You've heard the Lady's Motion. Is there any discussion? Then Representative Hernandez moves that Senate Bill 544 do pass, notwithstanding the specific recommendation for change of the Governor. All those 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 Miller and Colvin, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 0 voting 'no'. The Motion, having received a Supermajority, Senate Bill 544 is hereby declared passed, notwithstanding the specific recommendation for change of the Governor. Representative Mathias, you're recognized on Senate Bill 764."

Mathias: "Thank you, Mr. Speaker. Senate Bill 764, I move to override the Amendatory Veto of the Governor. This Bill was a scratch-off multiple... it's a scratch-off game for multiple sclerosis. The... the proceeds going to it... to the... to a fund for research. The Senate overrode the Governor's Amendatory Veto by a vote of 47 to 4. And I ask that you also join in the Senate to override this Veto. The funds

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are much needed to do research on this deadly disease. I ask for your 'aye' vote."

Speaker Hannig: "You heard the Gentleman's Motion. Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, thank you very much. And Ladies and Gentlemen of the House, to the Bill. Certainly, I am not opposed to what the Sponsor is trying to do and the ravages of multiple sclerosis certainly are well-known by anyone who has lived any amount of time and who has family members and neighbors who have been stricken by this horrible illness. But I rise in opposition to the Bill based on one fact and one fact only. The more of these scratch-off lottery games that we create, the more money you are diverting from the school aid formula. In 1985 and 1986 a Democrat from Kankakee sponsored a Bill in this chamber that later became law that said all of the profits of the lottery shall go to the Common School Fund. Now, what we have done in the last three (3) years, we've already created two (2) of these scratch-off games and they are well-intentioned and certainly... certainly support very worthy causes. My cautionary note is this... and I know it's a hard Bill to vote against. I'm certainly all for money for research into some of the tragic illnesses that can befall any of us or members of our family, but I... I liken this to the specialty license plate. Once you start this, there appears to be no end. We have two (2) scratch-off games now. There are... there's this one on the Calendar, there will be a fourth one on the Calendar. All of the

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profits of those games will go to that purpose and it will not go to the Common School Fund. Now in a period of time, when we are not adequately funding education, I think it is bad public policy to take the lottery, the profits of which have been dedicated to the Common School Fund since Governor Thompson signed that into law back in '86, now we're starting to erode that. Yes, they're for good causes, there's no question about that, but at some point, you will have to ask yourself how much money do you want to siphon off for these causes away from the Common School Fund? There won't... we won't stop with four (4) of these scratch-off games. Four (4) or five (5) years from now, and I won't be here, but mark my word, four (4) or five (5) years from now you will have been asked to vote on fifteen (15), twenty (20), twenty-five (25), thirty (30). All of them for very worthwhile causes. Why not do an income tax check-off? My wife is a retired teacher and I taught for twenty (20) years. I think Representative Pangle did the right thing back in '85 and '86 when he got a law passed that said the profit of the lottery shall go to the Common School Fund. Now we stand here today for the third time in as many years and we're asked to... well, let's create a game that the profit from that game goes to another purpose, a good purpose, a purpose that I have no... no opposition to. The opposition I have is eroding money from the lottery away from the Common School Fund and into other purposes. And once you have started down this road as we already have, mark my word, you will be asked to vote on one (1) or two (2) of these scratch-off games every year that you...

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that you're here. And what will happen, in my opinion, the administrator of the lottery will simply say once we get four (4) or five (5) of these scratch-off games we'll rotate so maybe your favorite scratch-off game, the purpose for which you intended that game to be held, may only be for sale three (3) months out of the year. And then the next three (3) months it'll be the breast cancer scratch-off game and the veterans scratch-off game and the HIV/AIDS scratch-off game and there's no end to it. The lottery profits should remain a stream of revenue that go to education and once we start these scratch-off games where the money is diverted to another cause, no how... no matter how great the cause, nor how concerned you might be about the cause, no matter the desire you have to do some research, my suggestion is you won't raise enough money to really make a significant difference. But every million dollars (\$1,000,000) you take out of the Common School Fund will be felt and it will hurt our efforts to fund education because I see no will... in the twenty-two years (22) I will have been here... I see no will to change how we fund education. It will happen, but we're probably three (3) to five (5) years away from that. So, I certainly don't stand in opposition to what the Gentleman is trying to do, I stand in opposition to the philosophical belief that I have that every dollar spent on the lottery, the profit of that expenditure should go to the Common School Fund and not be divided among four (4), five (5), six (6), ten (10), twelve (12) other concepts, no matter how noble and worthwhile the concept may be. So, call it a philosophical difference if

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you want, but believe me when I tell you this will not stop at four (4) scratch-off games. And eventually, you will be called to account for how many millions of dollars you are taking away from the Common School Fund. A vote for education is a 'no' vote on this Bill."

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

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

Speaker Hannig: "He indicates he'll yield."

Fritchey: "I... I'm in full agreement with Representative Black as... as to the merits of the underlying issue. My concern... and Representative Mathias, let me I guess, ask you this. You know, my... my concern is a procedural one. I, you know, made the mistake of actually reading the Amendatory Veto message and I understand what the Governor is trying to do. Ladies and Gentlemen, I would ask you to take a look procedurally at what we're doing here. This Amendatory Veto is not, I believe, a proper Amendatory Veto even. He's attempting to actually create a new piece of legislation by indicating that there should be only two (2) scratch-off games at any given time. It's... it's an idea that probably bears and merits discussion and debate. I don't know if it is an idea that should be countenanced by this body as proper use of Veto authority. All right. Have you had any discussion with the Governor's Office about this?"

Mathias: "No, I have not and I agree with you. Obviously, the Amendatory Veto would basically kill this Bill... that he probably should've just vetoed it, but what he's, in

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effect, doing that through a backdoor method because there are two (2) already pending. One we've done before for veterans and I'm not sure what the... the other one is. And obviously, all good, worthy causes and... and that's something that this Body has to... you know, if I came with a... a game that was not a worthy cause, obviously that's a different matter that the Body could basically address. But I think multiple sclerosis is something that we really need to find a cure for and that's why I'm supporting this."

Fritchey: "Well, and... and... and obviously, I agree with you, but as the Gentleman from Danville has said, you know, all of us support the concept of additional funding for a... a number of diseases and debilitating illnesses and issues that confront us and the people in this state. You know, on... on one hand I... I fully want to support you, but... but again, you know, Ladies and Gentlemen, we got to be careful here. There are a number of battles being faced on different fronts right now that I believe are a threat to the legislative process. If the Governor chose to veto this Bill, that would be a different question and the vote for... the vote to override a Total Veto would be a different vote than this one. I don't believe that constitutionally this is a proper use of the Amendatory Veto authority given to the Governor. I don't know what the right answer is here, because we're kind of caught in the thicket of... with no real right answer. And I..."

Mathias: "Well if... if you believed what you... obviously, you believe in what you just said then, obviously, you would

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agree with my Motion to override because now we're overriding what's perceived to be, obviously, the Governor's abuse of his Veto powers and therefore to.. the only way to cure that is not to kill the whole Bill, which you originally voted for, but to override the Veto to send the message also to the Governor, which I think is an important message, that you can't just rewrite legislation with your powers. You must, at least, follow some constitutional guidelines which, I agree with you in this case, he's not doing. So, actually a 'yes' vote would mean that you're agreeing with your position."

Fritchey: "No... and you know... you know, what... I believe that you're actually right. You... you may be the..."

Mathias: "Of course I am."

Fritchey: "...you may be the unintended beneficiary that whether or not somebody supports the underlying legislation. I... I do agree in this situation that a 'yes' vote on the Motion would be proper regardless of the merits of the Bill. And I'm not trying to get into the merits of the Bill, but I do believe that a 'yes' vote would be the appropriate vote from the standpoint of taking the proper procedural position on what is or what is not an allowable Amendatory Veto. I won't belabor this anymore. Thank you."

Speaker Hannig: "The Lady for Cook, Representative Mulligan."

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

Speaker Hannig: "He indicates he'll yield."

Mulligan: "Representative, anywhere in your Bill did it say how long this scratch-off game would be in effect?"

Mathias: "No."

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Mulligan: "So, where would this... we'd have this scratch-off game forever until we repeal?"

Matthias: "Just the same as any other scratch-off game or the lottery itself."

Mulligan: "All right. I'm one of the people that didn't vote for this and I tend to agree with Representative Black. When we got the first one of these scratch-offs it was supposed to be the only one we were going to do that wasn't for education and since then we've had numerous ones. All of them are worthy causes, and what it does is it causes a dilemma for all of us; the dilemma being, if you vote against that scratch-off it looks like you're voting against that issue. Since I work with all those issues in Human Service Appropriations, my bottom line here is that if we need additional money it should come through the appropriate sources and not keep taking money away from what was supposed to be education to begin with. Now, depending on how the Bill is written, and I was trying to go back and look through it to see if the Governor had set or you had set any specific time when the Bill would end, which I think then would make the Governor's Amendatory Veto pertain to the Bill, actually. I... I actually think that what he suggested, as one of the previous Representatives says, is a very good solution once we've opened Pandora's Box to say everybody can come to us for a scratch-off for their particular issue. Everyone's caught in this 'what do we do now' because all the causes, or the majority of them are equally worthy. But the way he did the Amendatory Veto, which I think would be very good

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legislation for next year, was that they would be sequentially, they would only be for a certain length of time which would give many different groups an opportunity to get some one-time grants out of money. So, I think it was appropriate and I think if there was anything in your Bill or that the lottery has any chance of limiting the length of time it would be, then his Veto wouldn't have been out of line. But I think it was a very good solution to what's gotten to be a very difficult problem that we face. So, I'm going to continue... I will vote for the... against the override for the simple reason I didn't vote for the Bill to begin with and I think it is creating a problem to continually do this. And I think that we should take note, even though I don't always agree with how the Governor did all this, that this would be a much better solution to a problem that we've now opened Pandora's Box for. So, I hope you will understand why I'm doing this and I do think that, you know, a lot of these causes are equally worthy, but this is a bad situation that we've created. Thank you."

Speaker Hannig: "Representative Mathias to close."

Mathias: "This Bill originally passed this chamber with a vote of 76 'aye' votes and I think the debate that we're having today is a good debate and probably could've taken place at that time. And I believe today the issue is do we allow the Governor to Amendatory Veto a Bill in such a way that he's exercising powers that obviously, some Members believe he doesn't have the power to do and I think a 'yes' vote to override it is the correct vote. So, I ask and urge

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everyone here that voted for it originally to vote for it and also, those of you who may have voted 'no' last time to think about the vote today as whether we should override the Governor's Veto. And I ask for an 'aye' vote."

Speaker Hannig: "Representative Mathias moves that Senate Bill 764 do pass, notwithstanding the specific recommendations for change of the Governor. All those 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 72 voting 'yes' and 39 voting 'no'. The Motion, having received a Supermajority, Senate Bill 764 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. Representative Yarbrough, you're recognized on Senate Bill 774."

Yarbrough: "Thank you, Mr. Speaker. Senate Bill 774... I guess you could make the same arguments that you just heard... but it's a measure that creates an instant scratch-off lottery game to encourage community-based efforts to prevent HIV and AIDS. The Amendatory Veto changes how many charity scratch-offs can be used at one time and how long they may be available. In my opinion, these changes go beyond the scope of the Bill and affect other tickets that are already in use. We can debate the constitutionality of these changes, but it would be easier to join the Senate and override this Veto. So, I'm asking that we override it because, in effect, the Veto could result in an HIV and AIDS ticket only being available one time before the

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program expires. And the expiration date of this program is 12-31 of 2012. I'd be happy to answer any questions."

Speaker Hannig: "You've heard the Lady's Motion. IS there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, thank you very much. And Ladies and Gentlemen of the House, I rise simply to revise and extend my remarks on the previous Bill. And the fact that these two (2) Bills are called back to back simply again makes my point that once you start this and divert money from the lottery, you are diverting money from education. I absolute... absolutely respect the Sponsor, I absolutely think that what... what she's attempting to do by this scratch-off game is a noble and worthwhile... I send my personal check to HIV and AIDS research, as I'm sure many of you do. And I know that some of you are... Oh, I can't be seen as against HIV/AIDS research. In this business, direct mail can attack you on anything you do. And all you have to do to explain a 'no' vote on this is to say, I am protecting education funding. I would vote for any legislation that would create some source of revenue for HIV/AIDS research. But when we start diverting money from the lottery, we are diverting profit that goes to the Common School Fund. You're going to vote on two (2) of these today, there are already two (2) in force, next year you'll be asked to vote on another, another and I only have fifteen (15) more months to serve here, but I can tell you the door has been opened and you will be asked to vote on these scratch-off games for absolutely worthwhile causes.

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I don't oppose the money for research for HIV/AIDS, I support it personally. I just simply again tell you and ask you and beg you to think. How are you going to answer the questions from schools, teachers, parents, three (3), four (4), five (5) years from now, why have you voted to divert five million (5,000,000), ten million (10,000,000), whatever the amount may be, four (4) or five years (5) from now, from education? I'm a cosponsor of 750. I'm willing to change how we fund education as many of you are in here, but until we do that we cannot afford to divert money that goes to the Common School Fund. It's for that reason and that reason only I intend to vote 'no'. And I absolutely respect what the Sponsor's doing and I absolutely support more research into this horrible, horrible illness that is just global, worldwide, but using money that has been set aside since 1986 to help educate our children is not the way to do it. And I vote 'no'."

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

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

Speaker Hannig: "She will yield."

Fritchey: "I... I won't belabor the points that I made previously. A question though, as I'm rereading the Veto message again and for those that haven't looked at it, it essentially says that there will be no more than two (2) scratch-off games at any point in time. We presently have a Ticket for the Cure aimed at the laudable purpose of funding breast cancer research. And I believe the other scratch-off game is to support veterans, obviously, another

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laudable purpose. Representative, do you... do you know, is... is there a expiration date for either one of those games? If... if there are two (2) scratch-off games already in existence and the Amendatory Veto would purport to have no more than two (2) at any given time and there's no drop-dead date on these two (2) games, it's essentially a ban on any future games anyway, isn't it?"

Yarbrough: "On our Bill we do have a drop-dead date and that's 12-31 of 2012..."

Fritchey: "You know, un... under..."

Yarbrough: "...would be the end date. But based on the Amendatory Veto, it would be open-ended."

Fritchey: "Un... understood. I'm asking you something that I guess falls outside of your knowledge, but you may know, just in any event, based on what he's doing here. Is there a sunset date on the two (2) existing scratch-off games?"

Yarbrough: "Not to my knowledge."

Fritchey: "So, while... and... and obviously, the proponents of the existing games want to see those games go into perpetuity."

Yarbrough: "I'm sure they do."

Fritchey: "So, say that there will be no more than two (2) games and given that there are already two (2) games in existence..."

Yarbrough: "Representative, that is crafting legislation."

Fritchey: "Well and... and it's... I... I agree with that, but I'm... I'm wondering if he's not even being more creative than I originally realized by basically saying we're not going to have more than two (2) games and we already have two (2) games. So, this isn't... the Amendatory Veto really is, in

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effect, a Veto of this Bill because even... even if it were to be... if this game got approved with the Amendatory Veto language these tickets would never be issued. This game would never come into effect because there's already two (2) scratch-off games, correct?"

Yarbrough: "That's correct."

Fritchey: "Ladies and Gentlemen, as I said, I don't know what the right answer is on this. But... but it sure isn't the Amendatory Veto the way it's written. Thank you."

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

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

Speaker Hannig: "Indicates she'll yield."

Lang: "Thank you. Representative, can you... I didn't read the whole Veto message, so can you tell me what the Veto message said? What did the Governor do?"

Yarbrough: "The... the Veto message says that a special purpose lottery game may be offered for sale no more than nine (9) consecutive months and there may not be more than two (2) special purpose lottery tickets or scratch-off games for sale at any time. The Governor further recommends that if any special ticket is authorized while there are two (2) other special tickets offered for sale that any subsequent special tickets be placed on a waiting list in the same order in which they are authorized."

Lang: "And none of that was in your original Bill, right?"

Yarbrough: "No, Sir, it was not."

Lang: "And so, he didn't just move a number up or a number down, he attempted to completely rewrite your Bill. Is that correct?"

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Yarbrough: "That's my estimation of what's happened here."

Lang: "Now do you recall when the Governor was a Member of this Legislature, did he propose that as a law and he's trying to make it happen now?"

Yarbrough: "Representative, I wasn't here when the Governor was in the Body."

Lang: "Thank you. Mr. Speaker, Ladies and Gentlemen, to the Motion. I heard the previous speakers and I understand their concern. The previous speaker ended by saying, I don't know what the right thing to do is. I'm going to tell you what the right thing to do is. The right thing to do is to continue to advance the powers and rights of this General Assembly, whether it be a minor issue, a major issue or however you categorize this issue. This isn't just about Representative Yarbrough's Bill or Representative Yarbrough's Motion. This is about the prerogatives of the Illinois House of Representatives and the Illinois General Assembly to propose and pass legislation to the Governor's desk for a signature. He does not have the power, never has had the power, and never will have the power under the Constitution of the State of Illinois to rewrite our legislation. So, frankly, regardless of how you feel about the merit, and I think this Bill passed pretty easily, regardless of how you feel about the merits, the right thing to do is to uphold the actions of this House of Representatives, because any time we do not do that under these circumstances, where a Governor has completely rewritten the Bill, I'm not talking about a Total Veto, I'm talking about where he rewrites the

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Bill and decides to become a super Legislator, which he is not, then I would propose that we have only one right thing to do and that is to uphold the action we have taken to uphold the integrity of the House and the integrity of the Constitution of the State of Illinois. Please support the Representative's Motion."

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

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

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

Eddy: "Representative, I want to make sure, based on the previous speaker's comments, that I have this correct. My... my understanding was that if you vote 'no' you're simply... that... that vote would not allow... have anything to do with the Governor's Amendatory Veto. The previous speaker, I think stated, if I heard it correctly, that if your original Bill is not sustained by a vote of this Body, then the Governor's Amendatory Veto of the Bill would withstand and then become the Bill. Is that what he's saying? Because I... I did not vote for the underlying Bill. I, like Representative Black, feel that we are at a point with these games that we should be careful how many we put in. And that... that's just my feeling and I understand that there are issues that may be important enough to advance something like this. But if I'm to vote 'no' and uphold my original opposition to this Bill, which is because I don't think we should go there, does that mean that if... if this

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doesn't pass, the Governor's Amendatory Veto would become the Bill?"

Yarbrough: "You've totally confused me."

Eddy: "Yeah, well... That's... that's where I'm at."

Yarbrough: "And... and you'll have to ask Representative Lang what his intent was. I would ask that, Representative, that you would vote you conscience. If you vote 'no', where you were originally... I mean, obviously, I would like you to vote 'yes' to override the Veto."

Eddy: "But my fear is that if I vote 'no', based on Representative Lang's comments, I would actually be voting to support the Governor's Amendatory Veto language instead? I mean, my intent to vote 'no' is to vote to uphold the Governor's Veto and this Bill in no form would advance. Could that be clarified by the Chair or someone else? What..."

Speaker Hannig: "Let... let me try to help, Representative."

Eddy: "Thank you."

Speaker Hannig: "So, this was a Senate Bill that passed both chambers. The Governor used his Amendatory Veto pen to make some changes. The Senate had two (2) choices, since it was a Senate Bill it started there, they chose to override. The Bill comes to the House. They were successful, they override the... overrode the Governor. Now, we only have really one choice. We can either... or really, we can override or... or the Bill will fail."

Eddy: "Okay."

Speaker Hannig: "There's... there's no opportunity in the House to accept the Governor's Amendatory language."

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Eddy: "I appreciate that clarification. Based on... based on that explanation, I feel better about my 'no' vote and I appreciate that. Thank you."

Speaker Hannig: "Representative Colvin."

Colvin: "Thank you, Mr. Speaker. Mr. Speaker, I don't buy lottery tickets, scratch-off tickets or games, but when I go buy gas or stop in a 7-Eleven or stop at Jewel's you can't help but to notice that big concoction they have. And they sell twenty (20) different scratch-off lottery tickets, anywhere from a dollar (\$1) to as much as ten dollars (\$10) a ticket. And in Jewel Food Store, the one closest to my home, they have a vending machine, literally a vending machine that sells about twenty (20) different versions of games. All of which, other than one particular ticket that I noticed that was for sale, based on a piece of legislation we passed here I think a year ago. It was a Ticket for the Cure and one day earlier this spring when I was getting my car washed I saw the ticket and I thought about Carol (sic-Carolyn) Adams who is the former lottery director and literally just one of the nicest ladies in the whole world who died earlier this year of breast cancer at the same age I am right now, 43 years old. A real tragic loss to our community, to her family, and indeed, to the State of Illinois, but I became a customer. I became a customer because 1) the personal connection to Ms. Adams, 2) because I believe in the cause. I imagine people who have family members who suffer from multiple sclerosis, those who know people and have seen people suffer and die from AIDS and HIV infection, that these tickets would

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create new customers. And I think also, the fundamental question here with that ticket or the ticket that the Representative is fighting to defend here today, is should we have lottery tickets that support another cause other than education? The answer to that question has already been answered. We already have the answer, the answer is 'yes'. That's why we have the Ticket for the Cure. Is there enough lottery ticket money? Is there enough members or new mem... or new individuals to buy lottery tickets for causes that they may not otherwise buy a lottery ticket for? Absolutely, absolutely. I'm one of those people when I bought five dollars (\$5) worth of tickets for breast cancer research. This is just another way that the State of Illinois can participate in helping to find cures to some of the real serious problems that impact the lives of so many people. I don't think that we're taking any dollars away from education. Once again, many people don't buy lottery tickets, but someone who knows someone who's suffering from AIDS, someone who knows someone who has multiple sclerosis, or someone who knows someone who has... is suffering or has died from breast cancer might certainly buy a ticket with a chance to win a little bit of money, not to mention, but more importantly to serve a noble cause. I'm asking all of my colleagues to answer that fundamental question. Those two (2) fundamental questions, the first one being is it okay for us to raise money using the state lottery for purposes other than education? We're not touching those dollars that those other twenty-five (25) tickets that are sold in that vending machine are for.

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So, I would simply ask those individuals who believe that that's fair and just to vote to override the Governor's Veto. Thank you."

Speaker Hannig: "Representative Washington."

Washington: "Thank you, Mr. Speaker. To the Bill. Mr. Speaker, I just want to have a few comments about the importance of this. This Quality of Life scratch-off is... is not like any other scratch-off. When we look at the world problem that we hear dally concern and the scourge of HIV/AIDS and it's attack on our population and the fact that so many people's lives are lost due to AIDS. It's not a black or white issue, I hope it's not a racial thing in anybody's mind as it relates to this particular issue. But when I look... when we first got introduced to HIV/AIDS in this country and what the many different ways that it said it started, it needed to been attacked aggressively back then and not now. And if there was enough money being put into HIV/AIDS, I would assure my colleagues who would disagree with me that would not be a need for a quality of life scratch-off at all if we would go ahead and do the right thing. It is not just an Illinois problem it's a global problem. And I think that since we always want to lead by an example, I think here's the time to do so and make sure that we put our money where our mouth is. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Howard."

Howard: "Thank you very much, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

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Howard: "Ever since I first learned about HIV in the '80s, I have hoped that within my lifetime there be an opportunity for me to say that I know that we have addressed this very, very... this plague on our society, that we have appropriately addressed it and it would no longer be necessary for us to beg for money, to have fund-raisers, to try to get money from the government to... to be able to handle the issue. I'm not sure that it will happen in my lifetime, but I am very pleased whenever I hear of an effort that is going to help us get to that point. This, I think, is one of those efforts. And I don't think it's going to jeopardize the existence or the success of any of the other issues or... or ailments that we're trying to address. Those persons who are interested in supporting HIV issues are going to do that. Those who have other issues as their priority will do that. So, I certainly hope we will not say that this issue, this disease is something that's going to make it... that is going to be detrimental to others. I hope that all of you understand that whatever we can do to help to deal with HIV is necessary. So, we need to override this Veto. We need to do it because it's very important. Thank you very much."

Speaker Hannig: "The Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Speaker. I remove (sic-move) the previous question."

Speaker Hannig: "The... the only individual wishing to speak, and he already spoke in debate is Representative Black. So, Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, my name was used in debate."

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Speaker Hannig: "Okay. So, proceed."

Black: "May I proceed?"

Speaker Hannig: "Proceed."

Black: "Thank... thank you, Mr. Speaker. I appreciate your indulgence. Ladies and Gentlemen of the House, in three and a half months I will mark my twenty-second (22) year here and I... I could walk away from this. I know I... I... I can read Roll Calls as well if not better than anybody on this floor. I know what things are going to pass before it's even called. I can look at the lobbyist's list and tell you what's going to pass. So can most of you. But I am not going to sit here and have my intelligence insulted and have a race card played on this Bill. Now, by God, there's a lot of things I have to put up with down here but I will not put up with that. This has nothing to do with race, whatsoever. It has nothing to do with Carolyn Adams, who unfortunately died of breast cancer. It has everything to do with the sanctity of what we passed in 1986. And you make up your mind, by your vote. You show me, because some of you who are going to vote for this are the biggest whiners about education funding in this chamber. You complain constantly that we don't fund education enough. Some of you don't even have the common courtesy and guts to be a cosponsor on 750. You talk out of both sides of your mouth and I am not going to stand here and be insulted by somebody saying this opposition to this Bill may be racially motivated. That is a load of crap. You heard me, and I'm not going to put up with it. And I'm not going to put up with somebody sitting here and saying I'm going to

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play the lottery because it's going to cure breast cancer. That's a load of crap. You make up your mind right now, right here, today. Is what we did in 1986 right or what we did in 1986 wrong? The profits of the lottery go to education. Now, you've already diverted three (3) games, now you're going to divert a fourth (4). Next year you're going to have two (2) or three (3) more, the year after that, three (3) or four (4) more. I don't argue with... about the cause. I'll get out my checkbook. How many of you want to write a check today to HIV/ADIS research? I will and then we'll join it with yours. What hypocrisy. Some of you have never given a damn dime to HIV and AIDS research. You sit here with your sanctimonious views and try to inject a racial situation or a personal situation in a Bill that couldn't be more straightforward. You're either going to support education or you're going to support a diversion of money from education. That's what this issue's about, don't try to confuse it with disingenuous obfuscation. You're either for education or you're a little bit for education. I'm going to come back here in a few years and talk to some of you when there's fifty (50) scratch-off games that go to good causes and your school districts are being starved out of existence. Where's the resolution? Where's the outrage over the 'bimp' Bill that the Speaker won't call? There's money sitting on the table that your schools need right now. Are you going to vote with us when we try to discharge an education 'bimp' Bill today? You won't raise a word, because you've been told not to. Don't talk to me about

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education anymore, don't talk to me out of both sides of your mouth. You're either saying the profits of the lottery go to education with two (2) exceptions, now three (3) and you're now going to make it four (4), and next year you'll make it six (6) and the year after that you'll make it ten (10). Enough is enough. For once in your career stand up for education. If you want to start a Bill that does an income tax check-off or transfers GRF money to HIV/AIDS research, I'll cosponsor it and I'll help you pass it. This isn't the way to do it. You're starting down a road you cannot turn back from and every game that's created will siphon off money from education. Don't tell me, I... my district office is next to a lottery terminal. I see people go in there and buy dozens of games, people who can't afford to even buy one. They're not going to walk in there and buy a ticket for a cause. They walk in there and they gamble. They're hoping to make some money. Well, if that's what they want to do, okay. But I want the money to go to education. And I'm not going to sit here the rest of my fifteen (15) months and hear some of the disingenuous baloney on those of us who have the guts and the philosophical differences with what this process is supposed to be about. I've had enough of the prostitution of this process. It makes me sick to my stomach what's occurred here. Just remember, later on today those of you that cry about education, then vote to discharge our budget implementation Bill that will put hundreds of millions of dollars into your schools and my schools. Let's see how you vote then."

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Speaker Hannig: "So, Representative Graham makes a Motion to move the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The main question is put. And Representative Yarbrough is recognized to close."

Yarbrough: "Thank you, Mr. Speaker. And let me just say that let's get back to what this Bill is about. Senate Bill 774 establishes the Quality of Life instant lottery game to fund HIV and AIDS prevention education. All net revenues from the instant games are to be transferred to the Quality of Life Endowment Fund, a new fund. The revenues are available for the General Assembly's appropriation to Public Health for AIDS and HIV prevention and education and for making grants to organizations that serve the highest at-risk categories for developing the disease. I ask for your favorable vote on the override. Thank you."

Speaker Hannig: "Representative Yarbrough moves that Senate Bill 774 do pass, notwithstanding the specific recommendations for change of the Governor. All those 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 63 voting 'yes' and 48 voting 'no'. And the Motion fails. Mr. Clerk, do you have... do you have the Rules Report to read? Representative Rose, for what reason do you rise?"

Rose: "A point of personal privilege."

Speaker Hannig: "State your point."

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Rose: "Ladies and Gentlemen, with Halloween coming up, last year my son was a fireman. It's come to my attention that one of our Members attempted to play fireman on his own last weekend. Representative Bill Mitchell managed to blowup his backyard. He has no hair leg left, having been singed off. As I communicated this to my son last night, he was quite concerned for Representative Mitchell and suggested that he wear my son's fireman outfit for Halloween this year. And I pass this along to protect what little hair you have on your head, left."

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

Fritchey: "I... I'm not rising to support Will Davis's Bill, I'll tell you that. You know... Ladies and Gentle... Ladies and Gentlemen, I'd... I'd like you all to think about something for one second and I... I apologize for the interruption and I appreciate your indulgence. The Amendatory Veto language that was supported on Representative Mathias's Bill... or the override was supported, but then defeated on the other one. Here... here's the situation we... we've now found ourselves in, Ladies and Gentlemen. Presuming that the Senate would not move to override the Amendatory Veto on Representative Yarbrough's Bill as well, that language, which was the same language that Representative Mathias sought to override, it's the same language which dictates that there will only be two (2) scratch-off games and no more. So, despite the fact that we had two (2) inconsistent votes on similar language, the same language that would preclude one Bill will also preclude the other Bill. And yet this... this may

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just... you know, it may seem like a unnecessary intellectual exercise, but I'd like you all to think about what's going on in this process these days and... and where we find ourselves because the vote on one of these... by allowing the Amendatory Veto to stand on one Bill, it wipes out the vote to override it on the other Bill. You may not care, you may not want to spend time thinking about it. I'm going to tell you that it's going to come back to, maybe not haunt us, but it's going to come back to show the inconsistency and the lack of logic in a lot of the things that have gone on here. That... that language will have effects above and beyond the one Bill that it sought to Amendatorally Veto. Thank you for indulging me, Speaker."

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

Stephens: "A point of personal privilege."

Speaker Hannig: "State your point."

Stephens: "To comment on the Gentleman from Cook's comments, inconsistency and lack of logic. I really do appreciate you bringing that to our attention on this particular set of Bills. And you make a... you make some good points, but it reminds me of... of that... if you want to characterize this term and this... this administration, and indeed, the way the Democratic Party has taken over the State of Illinois at all levels of government and to say that they're illogical and inconsistent is... is stating the obvious. And this is a government, this is an administration that has not to this day in mid... mid to late October, we're approaching the middle of October, we don't have a budget completed.

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Capital Bill, are you kidding me? Balanced budget, pension problems, what is it that you have handled? Oh, let's see, RTA how's that going for you? You have a Majority in each chamber, you hold... you have every constitutional office, you virtually run the state as you wish, as you can. Ladies and Gentlemen, the Democrats run this state and it is illogical and inconsistent, to say the least, Representative."

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

Mulligan: "Also, a point of personal privilege."

Speaker Hannig: "State your point."

Mulligan: "This came up, these Bills in the original debate, the question about whether we were starting down a slippery slope, which went back to breast cancer. You know, I pick and choose what I vote on not necessarily because of anybody's race or whatever. I vote on some Bills that my colleagues don't understand, or they think I'm supporting the Black Caucus on this or I'm supporting something. I try to vote on things that I think make sense. And so far, what's happened this year is things have gotten out of hand here and we no longer make sense. I voted 'no' on Senator... on Representative Mathias's Bill and Representative Yarbrough's Bill the first time around, I voted 'no' again. The only thing that I liked about the Governor's Amendatory Veto is the fact that it might solve a problem that we've created. Of all the issues that have been put out, the AIDS issue has been supported by more of us in the budget and they get the most money in the budget of any of the

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issues that have come up about the lottery and I think that's the appropriate way to go. The fact that this Session has gone on so long and the issues are so far away from what issues really are and they're about personalities, has made us all feel badly about ethics, about working as comrades and about doing things well that benefit the state. I think we need to get back to where we're going, stop looking at the personalities and realize that people try to vote for certain ways that have nothing to do with what maybe other people think about why they're voting and maybe look at that reason. And certainly, reasons of, we're for or against a Leader or the Governor have made things out of whack here. We need to get back to the perspective of what we're doing for the people of Illinois. Anybody is willing to bring their issue forward and support it, and if someone doesn't support your issue this time maybe they will next time. But this has gotten totally out of hand and I don't think we should be going there. I think we need to start worrying about how we're representing the people of the State of Illinois, not whose personality we're stepping on or what issue may not get supported this time, but will be supported again or has been supported in the past."

Speaker Hannig: "On page 16 of the Calendar, under the Order of Amendatory Vetoes, is Senate Bill 1201. And I'm advised that Representative Mathias... Are you going to handle this override? Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 1201 is actually... I'm a chief cosponsor of the Bill."

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Representative Bassi, who recently had surgery on her knee and was unable to attend this Session, had requested that I ask to override this Bill... the override... the Governor's Amendatory Veto. Just a little bit of history, Senate Bill 1201 was a deal... is a Bill dealing with the Chicago Metropolitan Agency for Planning or CMAP. Two years (2) ago the General Assembly, if you remember, combined two (2) former planning agencies into one (1) super agency that's now called CMAP, but before it used to be NIPC and the... and CATS. CMAP has spent the last year combining their staffs, office space, resources, and the CMAP board and staff have finally begun the process of making long-range transportation and land use plans for all of northeastern Illinois. This Bill is mostly a cleanup Bill to the CMAP Act as well as providing for a stable funding source using similar funds that funded the two (2) previous agencies. The Governor vetoed... amendatorally vetoed a small part of the Bill dealing with sewer districts and that provision was included as part of a compromise between the four (4) cau... caucuses. The provision stated that CMAP must create a special andvis... advising committee to foca... focus on sanitary district issues. Last year this Bill passed overwhelmingly in both chambers. The House passed it with 93 'yes' votes and the override, just recently, was passed in the Senate with 53 votes. And I ask that you also concur in that by... by voting 'yes' to override the Amendatory Veto. Thank you, Mr..."

Speaker Hannig: "You've heard the Gentleman's Motion. Is there any discussion? The Lady from Lake, Representative Ryg."

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Ryg: "Thank you, Mr. Speaker. I just rise in support of this legislation and to remind my colleagues that several years ago there was a great bipartisan effort to merge the transportation and land use planning agencies. So, the CMAP organization has proven extremely effective in addressing the coordination in the northeastern Illinois region of many issues of impact to the area. And the negotiations were long-drawn-out but the Bill was agreed to as was this cleanup Bill that addressed some of the technical issues that were unaddressed in the original legislation. So again, I remind people that this was significant bipartisan legislative cooperative work that leads to a very significant agency as a resource in all of our planning. And so I hope that everyone will see fit to support this override."

Speaker Hannig: "Is there any further discussion? Then Rep... then Representative Mathias moves that Senate Bill 1201 do pass, notwithstanding the specific recommendation for change of the Governor. 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? Have all voted who wish? Representative Reitz, Hoffman, do you wish to be recorded, Gentlemen? Mr. Clerk, take the record. On this question, there are 105 voting 'yes' and 7 voting 'no'. The Motion, having received a Supermajority, Senate Bill 1201 is hereby declared passed, notwithstanding the specific recommendation for change of the Governor. Representative Holbrook, you're recognized on Senate Bill 1317. Out of

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the record. Representative Holbrook on Senate Bill 1366.
Representative Holbrook."

Holbrook: "Thank you, Speaker. I ask to override the Governor's Veto on Senate Bill 1366. His Amendments really are not consistent with the Bill. This Bill puts in regulations on agents and brokers in this new free economy on electric dereg. The Amendment actually sets up a problem to where ARES would be covered by two (2) separate set of rules by the ICC. We just don't think they're workable, plus through the negotiations this Bill only addressed small customers and residential customers. And it was an agreement with many of the folks in heavy industry that wanted not to be regulated and we.. we did their wish by not doing that for them. This Bill passed out of here unanimously with a 110 votes and passed the same way out of the Senate with 54 votes. And I'd be glad to take any question, but I'd vote for an override. I believe Representative Verschoore has a question for legislative intent we need to revisit in here also."

Speaker Hannig: "Representative Verschoore."

Verschoore: "Mr. Speaker, will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Verschoore: "Representative Holbrook, when an electric utility providing retail electric service of its service territory in Illinois under terms of sick... Section 16-116 of the Illinois Public Utilities Act, would they be considered an agent, broker, or consultant under this legislation?"

Holbrook: "No."

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Verschoore: "How about it... to clear... clear things up, would an electric utility providing retail electric service under terms of Section 16-116 of the Illinois Public Utility Act be subject to any additional regulations by the Illinois Chamber of Commerce on this legislation?"

Holbrook: "No."

Verschoore: "Thank you, Mr. Speaker."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black. Okay. Then is there any further discussion? Then Representative Holbrook moves that Senate Bill 1366 do pass, notwithstanding the specific recommendation for change of the Governor. All those in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? This requires 71 votes. Have all voted who wish? Have all voted who wish? Representative Ford, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 0 voting 'no'. The Motion, having received a Supermajority, Senate Bill 1366 is hereby declared passed, notwithstanding the specific recommendation for change of the Governor. Representative Flider, you're recognized on Senate Bill 1553. Representative Flider."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to override the Amendatory Veto of Senate Bill 1553. This Bill has been... the Veto has been overridden in the Senate and what we're trying to accomplish here is that the provision in Senate Bill 1553 deleted by the Amendatory Veto was an attempt to codify existing language in the statute and reflect the original

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intent of the Legislature. The statute currently empowers the local pension board to make a determination of disability using reports from three (3) physicians and other evidence the board deems necessary. The Appellate Court upheld this interpretation, but this provision was deleted by the Amendatory Veto and it was intended to clarify the existing statutory language and avoid further costly litigation regarding this issue. I'd ask for your 'aye' vote in overriding the Amendatory Veto."

Speaker Hannig: "You've heard the Gentleman's Motion. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, I... I apologize, I couldn't hear you. I want to address the question about the Governor's Veto, Amendatory Veto. He said, it removed the language that three (3) physicians selected by the board need not agree on the existence of the disability. Isn't that... I... I think I heard you refer to statute. That's already codified in statute, is it not?"

Flider: "Well, it was in the statute and it actually was subject to litigation. And the Appellate Court held that it... there was not a requirement that the three (3) physicians agree. So, the effort by the Associated Firefighters of Illinois was to codify that court ruling so that it was very clear. And what the Governor's Amendatory Veto does is effectively eliminates that codification."

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Black: "So, if we were to accept the Governor's Amendatory Veto could a municipality still ask for a three-physician panel or would that be taken away from them?"

Flider: "Well, actually there would still be a three-posit... physician panel. The question then would be whether or not the physicians would all have to agree. And the issue relates to whether the physicians should agree or have to agree in order for a disability or some other decision to be rendered by the pension board. And so, the court decision effectively ruled that the physicians did not necessarily need to agree. And the rationale is that the ruling of three (3) physicians is not the only information that would be considered by a pension board. There's a number of other evidence that could come into play. And it's the preponderance of the evidence, the basis of the evidence, that the pension board would consider."

Black: "So, correct me if I'm wrong, but the original Bill and... and the Motion before us, I didn't then, and I don't see now, unless you tell me I'm not looking at it correctly, that this makes any major change in what was already law. I mean, we're just... there's a few tweaks here and there, but would it be your opinion that the municipality is still protected by having people give their evaluation and their testimony on the extent of the disability?"

Flider: "The... the question comes down to one in which the courts have ruled that... the Appellate Court has ruled that the pension board did not necessarily agree to three (3) physicians agreeing in order to make a decision. So, what

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they're trying to do is codify the language to eliminate further court battles and future costs."

Black: "All right."

Flider: "It's simple... as simple as that."

Black: "So, the... the original and the underlying language was to simply recognize what a court decision had said. Correct?"

Flider: "That's correct."

Black: "All right. Thank you very much."

Speaker Hannig: "The Gentleman from Jasper, Representative Reis."

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

Speaker Hannig: "He indicates he'll yield."

Reis: "I was busy talking to a... a fellow Legislator here. Can you give me the reason why the Governor vetoed this Bill? Amendatorally vetoed the Bill?"

Flider: "Well, I really don't know exactly why, but I... I do know that he eliminated the provision that simply would've codified the decision of the Appellate Court."

Reis: "Wasn't that the purpose of the underlying Bill, was that this language would leg... for legislative purposes codify what the courts had determined?"

Flider: "That's correct."

Reis: "Okay. Thank you. No further questions."

Flider: "Thank you."

Speaker Hannig: "The Lady from Kankakee, Representative Dugan."

Dugan: "Yes, Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

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Dugan: "Representative, I just wanted to check and really just clarify something too. Many of us have been getting calls from our municipalities stating that this legislation would allow a firefighter to receive disability pension without any doctor's diagnosis that he is disabled. And that's not what this legislation does, correct?"

Flider: "Not... it does not do that whatsoever. It does not reduce the burden of proof. In fact, I would add to that, that I'm sure that firefighters would not support somebody getting some kind of disability when they're not already deserving of that."

Dugan: "Correct, and... and I believe that, that's certainly true. So, I just wanted to clarify that because I have been asked that by a couple of different people that this language does not allow a firefighter to receive a disability benefit if he doesn't... if a doctor's diagnosis doesn't say that he... the only thing it does is to strengthen what's already in the law that says you don't have to have three (3) doctors that all agree of the disability. And it's the same thing that's always been there. So, I just wanted..."

Flider: "That's... that's absolutely correct."

Dugan: "I just wanted to clarify that. Thank you."

Speaker Hannig: "Any further discussion? Then Representative Flider, you're recognized to close."

Flider: "Yes. Thank you, Mr. Speaker. I would just ask for your 'aye' vote on the override. I think this is a good piece of legislation that the Associated Firefighters have put together. And I ask for your 'aye' vote to override."

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Speaker Hannig: "Representative Flider moves that Senate Bill 1553 do pass, notwithstanding the specific recommendation for change of the Governor. All those 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? Have all voted who wish? Representative Coulson, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 83 voting 'yes' and 28 voting 'no'. The Motion, having received a Supermajority, Senate Bill 1553 is hereby declared passed, notwithstanding the specific recommendation for change of the Governor. Representative Golar, you're recognized on Senate Bill 1664. Representative Golar."

Golar: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move for an override of the Governor's Veto on Senate Bill 1664 and to restore it to its original form. This Bill, in its original form, allows the Governor to establish a commission to study rates and methodologies for services. The commission would also identify new revenue streams that will address the gaps in services for persons with a disability, mental illness, alcohol, or substance abuse dependencies. The Governor's Veto would no longer allow a commission, it would be a committee and it would focus solely on waiver services for persons with developmental disabilities. I would urge an 'aye' vote on this."

Speaker Hannig: "You heard the Lady's Motion. Is there any discussion? Then Representative Golar moves that House..."

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that Senate Bill 1664 do pass, notwithstanding the specific recommendation for change of the Governor. All those 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 Fritchey, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 0 voting 'no'. The Motion, having received a Supermajority, Senate Bill 1664 is hereby declared passed, notwithstanding the specific recommendation for change of the Governor. We're now going to go to page 14 of the Calendar, under the Order of Total Veto Motions. We're going to start with Senate Bill 121, Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. I would move to override the Governor's Veto on Senate Bill 121. Current law treats all juvenile sex offenders the same. It requires them to register as adults upon attaining the age of seventeen (17), even though the offense occurred as a juvenile. Illinois makes no distinction between sex offenses; being the least is also considered equal to the worst sex offense. Senate Bill 121 recognizes this... that this one-size-fits-all approach does not work with juvenile sex offenders. Senate Bill 121 recognizes there's a difference between a juvenile who commits an... an armed home invasion along with a sexual assault and a Romeo and Juliet... Juliet-type cases where involved teenagers having underage consensual sex. I don't think it's a good idea that we treat all these juvenile sex offenders the same. I don't think it makes good public policy, and that's simply

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because these registries are... are there to protect the public and not all juvenile sex offenders pose the same threat to society. Senate Bill 121 maintains current law regarding sentencing of... of youth for sex offenses. It maintains current law for juveniles regarding sex offender registration. It does, however, offer the chance for removal from the registry only to those juveniles who can convince a judge that they pose no threat to society, after a full hearing and only after having been on the registry for two years (2) for a misdemeanor offense or five (5) years for a felony offense. Also, Senate Bill 120... 121 does not affect the automatic transfer cases. This Bill really was a... trying to balance public safety with the privacy rights of juveniles. We've worked a long time on this. I know Representative Collins has been very involved in this, Senator Kwame Raoul has been a great advocate on this. This Bill is supported by the Cook County State's Attorneys Office, the Illinois Appellate Prosecutor's office, the Illinois State Bar Association, the public defender's office. And I would seek your support for the override. I'd be happy to answer any question."

Hannig: "You heard the Gentleman's Motion. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, I talked to you a little while ago and I appreciate as always your willingness to answer

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questions. I... I'm trying to make sure I understand how various offenses will be handled. I know a lot of people call this the Romeo and Juliet Bill. Something that you do in high school that may not be right, but doesn't... shouldn't meet the... the... the cause and effect of having to register the rest of your life for a sex offender. But I'm trying to get it straight in my mind. Now, let's say that you have a fifteen-year-old high school male and he decides to pinch a thirteen-year-old female student on the derrière. The female... you can look it up, it's a French word I learned many years ago in Paris, but that's a whole 'nother story, too. The thirteen-year-old girl tells the teacher, the parents get involved and as a result of his action, the fifteen (15-) year-old is charged with some kind of sexual harassment or assault. Okay, now I don't have a problem... tell... walk me through the process. He... he's taken to court, I assume that it would be probably a misdemeanor in that case."

Brosnahan: "More than likely that would be a misdemeanor and under current law that juvenile would have to register as a sex offender as a juvenile. But then what current law does, when that person reaches the age of seventeen (17) he will have to register as an adult and that's what we're trying to correct."

Black: "Oh... okay. So, I... I... that makes sense, but now, what safeguard is there for a fifteen-year-old male student who commits aggravated sexual assault on a thirteen-year-old female student? Now how... how is that individual handled when... when he becomes a... an adult?"

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Brosnahan: "And as we spoke earlier, I know that's one of your main concerns."

Black: "Right."

Brosnahan: "To make sure that those types of offenses don't fall through the cracks. And this Bill does not apply at all... doesn't affect automatic transfer cases. So, in an automatic transfer case, the state's attorney will still have the ability as long as the... the offender is at least thirteen (13) years of age, the state's attorney will have the ability to try him as an adult. Even... as long as he is thirteen (13) years of age they can try him as an adult. He will be sentenced as an adult, he will have to register as an adult. So, that's where that comes into play. The automatic transfer cases are not affected whatsoever."

Black: "Okay. Excuse me, I was checking with staff. In the... in the more serious case that we're talking about, a fifteen-year-old charged with aggravated sexual assault or battery, when that person comes of age, this is what I want to make sure I understand in your Bill, does that person go before a judge and the judge can say, you know, you've met all the terms of the... of the conditions I set and it was a felony and you were found guilty, but I'm going to overlook it in your case. I think you've changed your... your ways and you will not have to register as an adult sexual offender for the rest of your life."

Brosnahan: "There... there's a couple different situation we can kind of be talking about here at the same time. If it's an automatic transfer case, as long as he's thirteen (13) years of age or older, he is going to be tried as an adult,

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he'll be sentenced as an adult. Now, there may be another case where you have a fifteen-year-old, he's not being tried as an adult, he's tried as a juvenile. But if the offense is an aggravated criminal sexual assault, it would be normally classified as a felony. So, this offender then would have to register as a sex offender and he would have to be on the registry for at least five (5) years, but then he could petition to a judge to have his name removed from the registry, but there'd be a full hearing so that there are some safeguards in there in that situation."

Black: "Okay. So... so basically, if... if the juvenile gets an automatic transfer, is charged as an adult, it would be safe to say that under most circumstances he's going to pay the penalty for the rest of his life as an adult."

Brosnahan: "Yes."

Black: "Okay. And... and there are safeguards where we don't let someone who has a real problem and... and in fact, is a sexual predator at the age of fifteen (15) or sixteen (16), is not going to have a clean record when they're eighteen (18) or nineteen (19)."

Brosnahan: "Absolutely."

Black: "Okay."

Brosnahan: "There... there are safeguards in there if he's a sexual predator, the state's attorneys will bring that up to the judge at this hearing. I'm sure they'll arguer... argue vehemently against his name being removed from the registry."

Black: "Okay."

Brosnahan: "So, there'll be a full hearing."

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Black: "All right. I... I really appreciate you answering those questions so we can have it on the record. There are people who are very fearful of this kind of legislation. I think after listening to you and reading the Bill and talking with you it makes eminent good sense. And I don't think we need to punish a fourteen- or a fifteen-year-old for a... a foolish act for the rest of his life. And I... I think this Bill is testimony to your hard work. I appreciate what you have done on it and... and as always I appreciate your willingness to answer questions directly and truthfully. Thank you very much."

Brosnahan: "Thank you."

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

Fritchey: "Thank you, Speaker. To... to the Bill and to the previous speaker. You know, I... I commend him and I continue to respect Representative Black. You know, he was against this Bill initially. He... he had voted 'no', but I think he sees, you know, what the Bill's Sponsor has been saying that, you know, this is about common sense. This is about the reality of the situation. You know, it... it's not about being fearful of a negative mailer, it's not about pandering to certain groups. You know, the Governor's Veto message on this thing was very short and I think bordering, with all due respect, on... on offensive by saying that, you know, the legislation appears to, you know, show leniency for... here let me... I'm concerned that the Bill condones leniency towards sex offenders. Nothing could be further from the truth. None of the 76 of you who voted for this

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Bill the first time have any interest in showing leniency towards sex offenders, that's not what this Bill does. The Bill reflects the realities that we need to treat these types of situations differently, sternly, forcefully, but differently than the other sex offender cases. It was a very well drafted Bill; a lot of work went into it. The Sponsor on both the Senate side and the House side did an excellent job with this. All of you who voted 'yes' the first time should obviously, vote to override this Veto. Those of you who didn't, I hope you listen to the comments and questions and dialogue between the Bill Sponsor and Representative Black before. I urge an 'aye' vote on this. Thank you."

Speaker Hannig: "The Lady from Kane, Representative Lindner."

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

Speaker Hannig: "He indicates he will."

Lindner: "Yes, to the Bill. I rise in full support of this Bill. We had a number of hearings on these issues. We had a sex offender subcommittee, we had at least three (3) hearings in Springfield and Chicago over the past year. All of us want to be tough on sex offenders, but there are these Romeo and Juliet types of situations and particularly, the couple sometimes ends up getting married and still that husband has to register as a sex offender. Plus the fact, many times it's not the girl who's bringing this lawsuit but parents who have a feud with... with their own children or with the boyfriend. I think that some of the former Representatives were concerned about what would happen in a hearing, but the point is in a full hearing...

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this was a full hearing before a judge and the judge would hear testimony and there would be psychological testimony as if the person was a heinous sex offender and certainly when it's a Romeo and Juliet situation, it's a situation that the person should not have to register. I think it's significant that the Cook County State's Attorneys Office and the Juvenile Justice Initiative both support this Bill. I urge you to override the Governor's Veto."

Speaker Hannig: "Representative Black, you've spoken in debate, for what reason do you rise?"

Black: "Mr. Speaker, my name was used in debate and I just want to thank Mr. Fritchey for doing that."

Speaker Hannig: "Representative Brosnahan to close."

Brosnahan: "Thank you, Mr. Speaker. I'd just ask for an 'aye' vote."

Speaker Hannig: "Representative Brosnahan moves that Senate Bill 121 do pass, notwithstanding the Veto of the Governor. All those 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 76 voting 'yes' and 34 voting 'no'. The Motion, having received a Supermajority, Senate Bill 121 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Chapa LaVia, you have Senate Bill 186."

Chapa LaVia: "Thank you, Members of the House. I move the House to concur with the Senate to move to override the Governor's Amendatory Veto of Senate Bill 186. 186 allows

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library districts to keep more money on hand in their working cash funds. Currently law... under the law we have presently, a library district board may establish and maintain a working cash fund. The board may use any moneys in the fund for ordinary and necessary expenditures. Under the current law, if the working cash fund was established before 1979, the moneys in the fund may not exceed .2 percent of the equalized assessed value of taxable property in the library's district for the year. Senate Bill also makes... Senate Bill 186 also makes two (2) other changes to current law. It allows library districts to transfer temporary idle funds from the working cash fund into general funds and to reestablish the working cash funds in the same manner they were created, which means subj... they be... subject to a backdoor referendum. The Governor's statement on this Veto was that it's starting to allow the reestablishment of working cash funds without a referendum. And I'll take any questions. Thank you."

Speaker Hannig: "You've heard the Lady's Motion. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "She indicates she'll yield"

Black: "Representative, my memory just isn't what it used to be, and I spent a lot of time in local government. Do you need to go out for a referendum to roll over your working cash fund? I don't remember that we had to do that."

Chapa LaVia: "I'm not a hundred percent positive with that. The... the lead Sponsor on that was in the Senate, but let me

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ask staff. The question again, could you repeat it Representative Black, please?"

Black: "Yeah, I... well, the question... the Governor's Total Veto says that the Senate Bill allows the reestablishment of a working cash fund without a referendum."

Chapa LaVia: "They do not have to get a referendum in the first place, Representative Black."

Black: "Okay. 'Cause our staff was having trouble getting up to the floor and that's what I thought. You could establish or... or excuse me, not establish, you could roll over or reestablish a working cash fund by ordinance or resolution, but it could be subject to a backdoor referendum."

Chapa LaVia: "Correct."

Black: "So... Well, I can see where the Governor might be concerned."

Chapa LaVia: "The Veto makes no sense."

Black: "Well, Mr. Governor, let the record reflect I did not say that, in case he's listening."

Chapa LaVia: "That's Representative Chapa LaVia, Governor."

Black: "That's right. So, it... it would appear to me that if the library wants to reestablish a working cash fund and invest the money they already have in a working cash fund the public would be protected by the ability to sign enough... you know, get enough signatures on a petition and take the question to referendum via what we know as the backdoor method, correct?"

Chapa LaVia: "Exactly."

Black: "Thank you very much."

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Chapa LaVia: "Thank you, Representative Black."

Speaker Hannig: "Is there any further discussion? The
Gentleman from Cook, Representative Dunkin."

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

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

Dunkin: "Representative, I noticed that the Illinois Library
Association is an opponent. Is there a reason why?"

Chapa LaVia: "No, they're proponents of this. They brought the
Bill, they're... they oppose the Governor's Veto."

Dunkin: "Okay. They're proponents... opponents of the Total
Veto."

Chapa LaVia: "Right, they oppose the Veto. They don't oppose
my Bill; they're the ones that brought it to us."

Dunkin: "They're for the Motion to override?"

Chapa LaVia: "They oppose the Governor's Veto."

Dunkin: "Along with the Secretary of State?"

Chapa LaVia: "Yes, he opposes the Governor's Veto, as well."

Dunkin: "I tell ya, these new headings on this analysis..."

Chapa LaVia: "I know, it's gone crazy, Representative Dunkin."

Dunkin: "Proponents/opponents of the Total Veto..."

Chapa LaVia: "It's crazy."

Dunkin: "...underline opponent."

Chapa LaVia: "Right."

Dunkin: "Just, thanks for the clarification."

Chapa LaVia: "You're welcome."

Dunkin: "Now, what's a backdoor in this context?"

Chapa LaVia: "I'll explain it to you after the Bill passes."

Dunkin: "Come again?"

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Chapa LaVia: "It's not a backdoor. They can run a referendum if... if they don't have a working cash fund already in the library system itself. It... it doesn't make any sense."

Dunkin: "Okay."

Chapa LaVia: "That's why I'm... that's what Bill Black had discussed a little while."

Dunkin: "So, that... you're saying the Governor didn't make sense? Now this referendum doesn't make sense?"

Chapa LaVia: "No comment."

Dunkin: "Thank you."

Chapa LaVia: "The people in the library district have the ability... they sign a petition by all the constituents in the area and they have the ability... they get the requisite number of the signatures, whatever the number is, three hundred (300) or five hundred (500), what have you. And they have the ability to do this and then it's put to a referendum question according to the General Election laws."

Dunkin: "You want to just put him on the microphone?"

Chapa LaVia: "No, but you should read the analysis."

Dunkin: "You're too kind."

Chapa LaVia: "Thank you, Representative Dunkin."

Dunkin: "Thank you, Representative."

Speaker Hannig: "Is there any further discussion? Representative Chapa LaVia to close."

Chapa LaVia: "I ask for 'aye' votes. Thank you."

Speaker Hannig: "Representative Chapa LaVia moves that Senate Bill 186 do pass, notwithstanding the Veto of the Governor. All those in favor vote 'aye'; opposed 'nay'. The voting

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is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representen... Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 0 voting 'no'. The Motion, having received a Supermajority, Senate Bill 186 is declared passed, notwithstanding the Veto of the Governor. Representative Flider, you're recognized on Senate Bill 247."

Flider: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to concur with the... with the Senate on overriding the Governor's Veto of Senate Bill 247. This legislation would create a TIF... it would extend the TIF district in Mt. Zion from twenty-three (23) to thirty-five (35) years. It's consistent with the other TIFs that have been approved and signed by the Governor, consistent with the TIFs that have been overridden or that have been vetoed by the Governor and been approved by the Legislature. I'd ask for you to approve this as well. All of the taxing districts supported this TIF and there was absolutely no opposition to it whatsoever."

Speaker Hannig: "You heard the Gentleman's Motion. Is there any discussion? Then Representative Flider moves that Senate Bill 247 do pass, notwithstanding the Veto of the Governor. All those 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 Eddy, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 109 voting 'yes' and 3 voting 'no'. The Motion, having

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received a Supermajority, Senate Bill 247 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Verschoore, you're recognized on Senate Bill 262."

Verschoore: "Thank you, Mr. Speaker and Ladies and Gentlemen. What 262 does is... this is provides that a person who exits a riverboat gaming facility and reenters in the same day would only have to pay for one admission. The Governor, when he vetoed this, he said it was a... it would be... increased taxes on consumers when in reality it would reduce taxes on consumers. So, basically, what it does, if they leave the boat... if they pay their admission, they leave the boat and come back in the same day they don't have to pay another... they don't have to pay another admission. I'd ask for an 'aye' vote and be glad to answer any questions."

Speaker Hannig: "You heard the Gentleman's Motion. Is there any discussion? Then Representative Verschoore moves that Senate Bill 262 do pass, notwithstanding the Veto of the Governor. All those 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 Cultra, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 95 voting 'yes' and 17 voting 'no'. The Motion, having received a Supermajority, Senate Bill 262 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Bellock, you're recognized on Senate Bill 285."

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Bellock: "Thank you very much, Mr. Speaker and Members of the House. I move to override the Governor's Veto on Senate Bill 285. This passed the Senate unanimously. I don't know of any opposition to it. This Bill addresses the issue of the deadly West Nile mosquito virus which has really stricken northeastern Illinois and we've been hit with dozens of cases of this and many have died from the disease. So, the Governor had an Amendatory Veto on this Bill two (2) years ago asking for a referendum. This Bill now includes a special referendum. So, I ask for your support."

Speaker Hannig: "You heard the Lady's Motion. Is there any discussion? Then Representative Bellock moves that Senate Bill 285 do pass, notwithstanding the Veto of the Governor. All those 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? Have all voted who wish? Representative Sommer, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 71 voting 'yes' and 41 voting 'no'. The Motion, having received a Supermajority, Senate Bill 285 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Poe, you're recognized on Senate Bill 514."

Poe: "Mr. Speaker, I'd like a total override of the Governor. And this Bill, what it does, it's a triple axel recovery vehicles. It changes from fifty-six thousand (56,000) pounds to sixty (60,000). These are used mostly in the suburban area to recover large semis, large vehicles. It

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passed out of the House last time 110 to 0. And the main reason we need to change this is the manufacturers that build these recovery vehicles, now they're put... building them a little heavier because they're pulling heavier loads. And this is so we can get the semis and large vehicles off the road. So, I'd ask for an 'aye' vote."

Speaker Hannig: "You heard the Gentleman's Motion. Is there any discussion? Then Representative Poe moves that Senate Bill 514 do pass, notwithstanding the Veto of the Governor. All those 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... Mr. Clerk, take the record. On this question, there are 110 voting 'yes' and 2 voting 'no'. The Motion, having received a Supermajority, Senate Bill 514 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Phelps, for what reason do you rise?"

Phelps: "A point of personal privilege."

Speaker Hannig: "State your point."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like for all of you to join me in welcoming our Treasurer of the State of Illinois, Alexi Giannoulis to the floor. Welcome, Alexi."

Speaker Hannig: "Representative Beiser, you're recognized on Senate Bill 627."

Beiser: "Thank you, Mr. Speaker. I move that the House concur with the Senate's override of the Veto on Senate Bill 627. This amends the Recreation Trails Act of Illinois. It

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seeks to guarantee the disbursements from that Off-Highway Trails Fund by protecting it from being swept. It had... it had an override... unanimous override in the Senate. Our House action was unanimous when we passed it earlier in the spring."

Speaker Hannig: "You heard the Ladie... the Gentleman's Motion. Is there any discussion? Then Representative Beiser moves that Senate Bill 627 do pass, notwithstanding the Veto of the Governor. All those 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 112 voting 'yes' and 0 voting 'no'. The Motion, having received a Supermajority, Senate Bill 627 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Biggins, you're recognized on Senate Bill 735."

Biggins: "Thank you, Mr. Speaker. I move that the House concur with the Senate and that the... this Bill do pass, notwithstanding the Veto of the Governor. Senate Bill 7... 735 allows the Village of Lombard to build a convention center and hotel and makes them exempt from property taxes. There's no known opposition to this Bill at any stage. It passed the House and Senate unanimously each time it's been called. And I'd be happy to answer any questions."

Speaker Hannig: "You've heard the Gentleman's Motion. Is there any discussion? Then Representative Biggins moves that Senate Bill 735 do pass, notwithstanding the Veto of the Governor. All those in favor vote 'aye'; opposed 'nay'."

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The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative McCarthy and Dunn, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 108 voting 'yes' and 4 voting 'no'. The Motion, having received a Supermajority, Senate Bill 735 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Verschoore, you're recognized on Senate Bill 835. Representative Verschoore."

Verschoore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the Bill that I have... the main Bill for me that's been all year that I've been pushing. And what this does is allows any county in the State of Illinois, other than Cook County, to have a front-door referendum. And what that does is it allows that county to choose to either assess themselves up to a 1 percent sales tax and that is used for renovations, maintenance, land acquisition, new construction, that type of thing. It got 74 votes in the regular Session and it passed the House 54... 40... got 40 votes in the Senate. So, I'd ask for an 'aye' vote. And be glad to answer any questions."

Speaker Hannig: "You've heard the Gentleman's Motion. Is there any discussion? Then Representative Verschoore moves that Senate Bill 835 do pass, notwithstanding the Veto of the Governor. All those in favor vote 'aye'; 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. On this question, there are 79 voting 'yes' and 33 voting 'no'.

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The Motion, having received a Supermajority, Senate Bill 835 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Berrios, you're recognized on Senate Bill 1011."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I ask to override the Governor's Veto on Senate Bill 1011. We are just adjusting the max prize for a crane game or redder... redemption game, which hasn't been changed in about twenty (20) years. And we're just increasing it to twenty-five dollars (\$25). And I'd ask for a favorable vote."

Speaker Hannig: "You heard the Lady's Motion. Is there any discussion? Then Representative Berrios moves that Senate Bill 1011 do pass, notwithstanding the Veto of the Governor. All those in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? 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 85 voting 'yes' and 27 voting 'no'. The Motion, having received a Supermajority, Senate Bill 1011 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Molaro, you're recognized on Senate Bill 1344."

Molaro: "Thank you. This is a Motion to Concur with the Senate on the override of the Governor's Veto. It originally passed 59 to 0 and also 115 to 0. I can't for the life of me figure out why this was vetoed, maybe the Senate Sponsor didn't explain it well. It's a 100 percent agreed upon Bill by the Illinois Automobile Manufacturers Association

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and new car dealers. So, I'd ask for a 'aye' vote on the Motion to override."

Speaker Hannig: "You heard the Gentleman's Motion. Is there any discussion? The Gentleman from Lake, Representative Sullivan."

Sullivan: "Yes, Mr. Speaker. I have an inquiry of the Chair. I lost a pet frog somewhere near Molaro's desk. If anyone found it could you give it back to me?"

Speaker Hannig: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. I wanted to be recorded as a 'no' on Senate Bill 1317, please."

Speaker Hannig: "The record will reflect your intentions, Representative. The Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Thank You, Mr. Speaker. Will the Sponsor yield? Representative, is this legislation in response to a court decision? Our staffer indicates that the problem was created when a court interpreted the relevant market area in such a way that the auto dealer... the Automobile Dealers Association was totally confused as to now what a relevant market area is. So they introduced the legislation to address the court decision."

Molaro: "That... that's correct."

Black: "Is... since it's an initiative of the Automobile Dealers Association, I would assume... I haven't heard from any dealers in my area. I would assume that most dealers have no problem with the fifteen (15) mile radius then, right?"

Molaro: "No, none."

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Black: "I mean, if I were an automobile dealer I'd like about a four hundred (400) mile radius, but you know, obviously, I have some protectionist views on that. So I... I know of no opposition. Secretary of State has indicated no opposition. And I was just in an automobile dealer on Columbus Day and the owner certainly didn't say anything to me about this Bill and I assume that if they had any concerns about it they would... have indicated it. So, I... I stand in strong support of your Motion."

Molaro: "Thank you."

Black: "And then next year perhaps you and I can work on this Sunday closure law. That'll be a little more controversial."

Molaro: "What kind of car were you looking at, Sir?"

Black: "What kind of car? I was looking at a Mercedes Benz, top of the line, everything on that son of a gun. I mean to tell you, it was a beautiful car. He quoted the price, I left, so we're still looking. Actually, if anybody has a motorized roller-skate, I might be interested."

Molaro: "That's what you can afford, okay."

Black: "It's been a long time since I priced new cars. Let the record reflect since I come from a blue collar district I did not, would not, and do not drive a Mercedes Benz, all right? It's what's good for America is good for me."

Molaro: "Thank you, Sir."

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

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

Speaker Hannig: "Indicates he'll yield."

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Fritchey: "I... I support... I support the Motion and supported the Bill, previously. I... I have a very serious question, though. Once again I made the mistake of re... of reading the Veto message and it says that the Governor believes in the provisions installed through this legislation may be more effectively addressed with additional laws. What does that mean?"

Molar: "Well, obviously, it must be a typographical error because it makes no sense. So, I think what happened is it was typed incorrectly by the Governor's Office."

Fritchey: "You're... you're... you're being very generous today. But I... you know... all kidding aside though, you know, here... here's another piece of legislation that was unanimously passed by both chambers. The Veto message says that he believes that the provisions in this law would be better in different laws, with... with no direction or guidance. I mean, I just don't understand how a Veto like this is even intended, what's it intended to do, how he intends it to possibly be sustained. You know, my question was not a gratuitous one. I really... I could not figure out what he was trying to say and I didn't know if there was something that I was missing here, but apparently there's not. So..."

Molaro: "I've had no private conversations to shed any light on the situation."

Fritchey: "All right. Thank you."

Speaker Hannig: "Representative Molaro to close."

Molaro: "I just ask for 'aye' votes. Thank you."

Speaker Hannig: "Representative Molaro moves that Senate Bill 1344 do pass, notwithstanding the Veto of the Governor."

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All those 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 Rose, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 0 voting 'no'. The Motion, having received a Supermajority, Senate Bill 1344 is hereby declared passed, notwithstanding the Veto of the Governor. Representative Will Davis, you're recognized on Senate Bill 1463. Excuse me. Representative Eddy, for what reason do you rise?"

Eddy: "Thank you, Mr. Speaker. Mr. Speaker, under House Rule 18(g), I filed a Motion earlier and I move to discharge House Bill 4151 from the House Rules Committee and I further move that House Bill 4151 be placed on the Order of Second Reading."

Speaker Hannig: "So Representative, the Motion would require unanimous consent. Representative Lang."

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

Speaker Hannig: "Representative Eddy, the Motion has been objected to. So, the Chair rules that the Motion fails."

Eddy: "Mr. Speaker, under Rule 57(a), I move to appeal the ruling of the Chair. And which, as you know, is a debatable Motion and I would like a debate on the issue and ask for a recorded vote on the Motion as well. As we all know, the 'bimp' Bill for education is an important... tremendously important piece of legislation to school districts. Most everyone in here received a letter from the State Board of Education that explained that starting

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November 1, the State Board of Education is going to recalculate state aid payments for school districts. And that recalculation will result in school districts.. hundreds of school districts getting less money in state aid this year than last year. Right now, they're calculating those payments based on FY07. School districts have planned for this money. We passed a... a Bill that would provide that. The appropriation Bill is in place; it's time that we act on the 'bimp' Bill so that those school districts can begin to receive that money. They counted on it, they put it in their budget and there's no reason we can't act on it today."

Speaker Hannig: "So, this is a Motion to override the Chair. I'd simply ask that you... that you try to debate the issue that the Chair made an error in ruling that there was an objection. So, Representative Lang, you're recognized."

Lang: "Thank you, Mr. Speaker. I believe the Gentleman's Motion is out of order. It... it's not a question of whether the chair is right or wrong, the Rule states what it states. The Rule states that it requires unanimous consent to discharge a Bill from the Rules Committee, therefore his Motion is out of order. A more appropriate Motion would be to suspend the Rule. If the Gentleman wishes to make that Motion, he should make that Motion. But a Motion to challenge the ruling of the Chair when the Chair is simply reading the Rule, which says it requires unanimous consent is... is out of order. Let the Gentlemen make the appropriate Motion."

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Speaker Hannig: "Representative Lang, we've traditionally allowed Members to make the Motion, so we'll continue to do that. And Representative Black, you're next to speak."

Black: "Mr. Speaker, at the appropriate time, if it would make your side of the aisle feel better I would move under the applicable Rule to suspend the Rules and allow a vote on the Gentleman's Motion. Ladies and Gentlemen of the House, I hope you know what this Bill is. If your side of the aisle does not want to govern, fine. There are reasons for that and I understand the reasons and I have great respect for... for your Leader, the Speaker of the House. What this Bill is, is a budget implementation Bill that allows the extra money, hundreds of millions of dollars of extra money that most of you if not all of you voted for, to be distributed to our local schools. The budget went into effect July 1. They are operating on 2000... fiscal 2007 school aid payments. This budget implementation Bill will raise the foundation level by more than four hundred dollars (\$400), allow for an extra thousand dollars (\$1,000) for a special education teacher reimbursement, not to mention fully funding categoricals. You know, I don't know about you but I've had enough of this doing nothing. I catch heck when I go home, and rightfully so. This stalemate... and I don't know what it is, I don't know whether it's a personality conflict, I don't know whether it's a conflict of egos, I don't know whether it's a... a conflict on... on principle, I don't know whether it's a conflict on... I have no idea what it is. But this is almost the middle of October. Your side of the aisle has made no

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attempt to call the budget implementation Bill. Now, isn't it time that those of us who were elected to serve the people stand up as elected Members and say we want the opportunity to vote on a budget implementation Bill so that we can start the process of getting badly needed money, money that most if not all of you voted for to help fund K-12 education. I don't see where there's any politicization in the process here. We have waited and waited and waited and we can wait no longer. We're not the Majority Party, we don't control the process. All we're trying to do, and all this budget implementation Bill sponsored by Representative Eddy does, is the same thing you agreed to when we passed the budget. So if... if we have a problem with two (2) of the Leaders, then let's do our job as Members of the Illinois House of Representatives and advance a budget implementation Bill. That's what we're sent here to do. Many of you spoke eloquently a week ago about you hope that the President of the Senate would allow a vote on the Veto overrides, I don't know whether he will or whether he won't. I'm not in the Senate. But if I were in the Senate I would be speaking the same way, albeit on another Motion. We deserve an opportunity to vote on a budget implementation Bill. That is our responsibility. Now, if you vote against this and you vote against the Motion to overrule the Chair or a Motion to suspend the Rules you... you spin it any way you can. I... and some of you are very creative and your press staff is even more creative, but the bottom line... and I'm not trying to embarrass any of you or any of us, it's time for individual

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Members to say enough is enough. We want the money in the budget that we agreed to to be distributed to our local schools. So, for once... for once in your political life take the road that is right, not expedient, take the path that is right. Vote to put a budget implementation Bill on the Calendar of Second Reading. And hopefully, tomorrow we can get an opportunity to vote on it on Third Reading. You and I know that if this Bill is allowed to be put on the Calendar and called for a vote, I daresay it will get a unanimous vote. This may be your only opportunity. How many more weeks are we going to sit down here and allow two (2) or three (3) people to determine what we do? There is a time that you look your Leadership in the eye and say, I think you're wrong. I was sent down here to do what I think is right on behalf of my constituents and I have heard from hundreds of my constituents they want a budget implementation Bill, they want that money flowing to their school districts, they want that money to be used to educate their children. And we have an opportunity to do that now. I urge you, find the political will, the political courage, to vote to overrule the Chair and let us advance a budget implementation Bill. This is not a Republican issue, it's not a Democrat issue, it's an issue that the people of Illinois expect us to address. And here it is the middle of October and we have failed miserably in our duties because we simply wait for one of the three (3) Leaders to act. And if they won't act, then we have no choice but to act ourselves. For once let's talk about

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putting the power where it belongs on most issues, and that's with each and every one of us. Vote 'yes'."

Speaker Hannig: "Representative Winters."

Winters: "I believe the previous speaker urged us to vote 'yes' on this. Actually the Motion, 'Shall the Chair be sustained? I would urge it be a 'no' vote. I am asking the Members of this chamber to grow up. We all go home and we whine and complain that the Speaker won't let us do what we want to do. Well, this is the time on an issue that every one of you in your district, you've gotten calls, you realize that the children of our schools don't have a right to vote on this chamber floor, that we are the ones that represent them. The budget implementation Bill that we are trying to advance is desperately needed by the school districts. They have bills to pay. They started their contracts... they started their school year taking us at our word that the budget that we passed in August would contain a certain number of dollars for each school district. It is time to stand up to the Leadership of this chamber and say it is time that this State Government move forward. We have responsibilities to our districts; we have responsibilities to our constituents. Grow up, send the Leadership in this chamber a message that we need to get the people's work done and not simply posture in a... in an attempt to lord it over somebody else that they're having problems with. Lets do the people that the... people... let's do the work that the people sent us here to do and vote to overrule the Chair to not sustain the ruling of the Chair. Thank you."

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Speaker Hannig: "Representative Stephens."

Stephens: "Who was the... who made the Motion?"

Speaker Hannig: "Who... who made the Motion? Representative Black made the Motion to overrule the Chair."

Stephens: "Did his Motion override Representative Eddy's Motion?"

Speaker Hannig: "Okay. I stand corrected, Representative Stephens."

Stephens: "Okay. So, it's Representative Eddy's Motion."

Speaker Hannig: "Representative... Representative Eddy did make the Motion."

Stephens: "Would the Gentleman yield?"

Speaker Hannig: "Representative Eddy will yield."

Stephens: "Representative, help me understand the predicament we are in. What... why... budget implementation Bills happen all the time."

Eddy: "Representative, when the budget passed and went over to the Senate and it became... after the Governor vetoed what he vetoed out the appropriation for education became real. That means that the amount appropriated for the foundation level, for example, could be distributed. However, that cannot be distributed unless the implementation Bill passes as well. So, until the implementation language passes, the four hundred dollars (\$400) that was in the budget in that foundation level can't be distributed to schools. And worse than that at this point... worse than that, November 1, the State Board of Education has notified school districts that the calculation for the general state aid will no longer even be sustained at the FY07 level. They've warned

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school districts on their Web site. You can go there and look at dollar amounts that will be reduced by... by the state board because they're going to recalculate that state aid payment because the 'bimp' Bill hasn't passed."

Stephens: "Good Lord, November 1, is coming soon."

Eddy: "Absolutely."

Stephens: "That's only weeks away. Who's in charge of the... Is there a... you have a Bill that would fix all this?"

Eddy: "Representative, if... if we're successful and... and the... the Chair is not sustained and that Bill is out here and we're allowed to move it, I have every confidence that the pressure would be there for... for action on this so that those school districts would receive what we agreed they should receive when the budget was passed."

Stephens: "Representative, who's in charge of the committee that's holding your Bill?"

Eddy: "Representative, at this point it's in Rules Committee."

Stephens: "So, is that still run... let's see, that would be the Democrats in the House, is that right?"

Eddy: "Absolutely."

Stephens: "They have a Majority in the House?"

Eddy: "Yes, Sir."

Stephens: "And so they... they operate the chamber. They make the appointments to the committee that's holding Illinois's children hostage."

Eddy: "Absolutely."

Stephens: "Why would they do that?"

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Eddy: "You know, I... I fail to... to be able to come up with one good reason why anyone would use this method or this Bill in particular in any type of political (inaudible)."

Stephens: "Does it appear illogical or inconsistent with good governing policy to you?"

Eddy: "It appears inconsistent with... with many things, but certainly good government and public policy."

Stephens: "Representative, don't dodge the question, I asked you if it seemed illogical, also."

Eddy: "Absolutely illogical."

Stephens: "So it, in your opinion as a... as an educator and a superintendent, someone who has dealt with children and... and delivered the goods at the education level and at local schools... in local schools, you think that the current action by this chamber that is governed by the Democrats that make the Majority appointments to the committees is illogical and inconsistent with good governing policies?"

Eddy: "And harming... and harming the operations of school districts around the state, absolutely."

Stephens: "There's no question in your mind?"

Eddy: "No question."

Stephens: "How could you not stand to overrule the Chair? I... I don't understand any reason why you would not want to overrule the Chair. Bring this Motion before us and then if you... if you don't want to pass a budget implementation Bill let's vote up the Bill up or down, let's vote it down if that's what you want. What are you afraid of over there? You're afraid of what? Again I'll point out the fact that every statewide office, majority in both

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chambers, you are Illinois government. Ladies and Gentlemen, you are nonfunctional."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Ladies and Gentlemen, you know, we're listening to everyone give their opinion on this and each one of you from that side of the aisle have gone back to your district and told how wonderful you've done for education in the budget. So, you haven't really told the whole truth to your constituents yet because the reality is that that budget can't be implemented, your schools can't receive the benefits that were so wisely put in that budget. I supported you with that budget. Now, it's time to stop the political games that are being played back and forth between the Leadership in the House and the Leadership... Democrat Leadership in the House and the Democrat Leadership in the Senate and the Governor's Office. This gives you the opportunity to correct these problems. I know because I've been out on the... the trail with you dealing with these issues and telling our constituents where we overlap, that we need to get these problems straightened out. We are willing to straighten those problems out. Representative Eddy now has language that will help straighten that out. Now, you can go ahead and carry the political banner and... and vote to... to sustain the Chair, when the reality is that by doing that you're making a clear decision that you do not want to go ahead and help those schools and put the budget implementation Bills in place. This is the time to stand up and do what's right. I ask you, I beg you, I plead with you, stop these

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ridiculous games. We as individual Members can take these chambers back and do what's right for the people of the State of Illinois, not continue these games. We can stand together and if we don't, don't stand up and tell your constituents how your taking care of them. You need to rule to override the Chair."

Speaker Hannig: "Representative Jerry Mitchell."

Mitchell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, you know what the underlying vote means. The budget implementation Bill has a lot of ramifications, some that you may not even realize. If we, in fact, get to November 1, without a budget implementation Bill, school districts will begin to borrow money, big time. The interest rates that they have to pay cuts into the amount of money that goes for school kids. They have no choice. Federal matching money is in crisis. We have to have the money in the coffers to the schools in order for them to get matching money for career education. So, there's a lot of things that are going to happen if we don't act. I would almost bet that Speaker Hannig at this time secretly hopes that the Chair is overridden because, quite frankly, it may be the only way we can send a message to Leadership to say take your fight somewhere else, not on the backs of school children. Common sense has got to prevail in this chamber some time. I hope I live long enough to see it. Ladies and Gentlemen, let's get this 'bimp' Bill moving and pick a different fight. This isn't our fight, it's not yours, not ours. We stood as one caucus so many times this... in this Session, it's unbelievable. But this is a Leaders' fight.

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Our fight is to help kids and help schools. If this is the only way we can do it, than let's do the right thing. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Franks. Representative Franks, you're recognized."

Franks: "I'm s... Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Franks: "Representative, in the... in House Bill 4151, in the 'bimp' Bill, is there language in there that would restore the cut that the Governor made to the education budget?"

Eddy: "The... the appropriation to the original budget amounts was made when we overrode the Governor's Vetoes in the budget. This Bill allows for the implementation of those appropriated amounts. You can't do it without it."

Franks: "Here... here... I understand that. Here's my question, I know the Governor, in his infinite wisdom, decided to veto parts of the education budget. He took money out for transportation, he cut seventeen million dollars (\$17,000,000) in transportation, he cut money for books, he cut money for the ADA grants. Now, here's my question, should we pass a 'bimp' Bill but the Senate fails to override the Governor's cuts, would we then be codifying the Governor's cuts to these important programs?"

Eddy: "The... the foundation level which is one of the major funding sources in... in both the appropriation Bill and the 'bimp', that amount was sustained by our override. So, what your asking is, if the Senate does not reinst..."

Franks: "Right."

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Eddy: "That... that money is already there, so we're not worried about that. ADA block grant was cut, text books money was cut, transportation money was cut. What would happen in the case of transportation money and text book money is that districts that receive those amounts would have those amounts prorated by the amount of the appropriation that the Senate has in there, rather than the amount that would be increased if they were to go with us and... and sustain those amounts that were in the original budget."

Franks: "I'm not sure I'm clear on your answer. So, if the Senate does not override the Governor's Vetoes, that money will be gone. Correct?"

Eddy: "There is... the increase will be gone. There is still money in the..."

Franks: "Right. It was not only the increase, because transport... let's talk transportation."

Eddy: "Okay."

Franks: "It's my understanding that there was twenty-nine million dollars (\$29,000,000) in for transportation and the Governor cut it down to less than twelve (12)."

Eddy: "Okay."

Franks: "So, there'd still be twelve million (12,000,000), but it would be a seventeen million dollar (\$17,000,000) cut. Correct?"

Eddy: "Seventeen million dollar (\$17,000,000) cut from the amount that we put in the original budget, yes."

Franks: "Okay. All right. Then to... to the Gentleman's Motion. I appreciate that and this is my concern. You know, and I... I want to thank you first of all for bringing this Motion."

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I think it's important, because I was talking to Representative Tryon this morning and Representative Bradley and we were discussing what's happened in this Session. And it occurred to us that this Session has been hijacked because all of us talked about improving education and... and cutting property taxes because those two (2) are symbiotic. You can't have one without the other. And we all campaigned on fixing education. The Governor offered ten billion dollars (\$10,000,000,000) to fix education in order to get Mr. Meeks not to run against him for Governor, ten billion dollars (\$10,000,000,000). Then he changed his tune and then it was going to be ten billion dollars (\$10,000,000,000) for health care. You know, it's the flavor of the week, what may be important. But the fact of the matter is we've... we've been down here all year, since January and now it's the middle of October and we've had all these Special Sessions and not once have we talked about education funding or education reform. Three (3) years ago he kept us down here at... at that time was the longest overtime Session in history because he said we're not letting you go unless you give us four hundred dollars (\$400) increase in the foundation level, which he didn't get and now this time when we give him the four hundred dollar (\$400) foundation increase, he turns around and cuts education funding. It is entirely frustrating that we've let him move the discussion from education, which is the overriding issue with most of us in our districts, education, transportation, and reduction of property taxes to a health care debate that's better left at the federal

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level at this point, when he's talking about universal. And if he really does want increased health care, what he ought to do is fund the programs that we have and actually pay the doctors so kids can actually get into All Kids. But my concern with this Motion that you have is that if we should pass the 'bimp' Bill that it would not... we would not get the entire loaf. I think we are better off waiting for the Senate to override the Governor's Veto and putting the pressure on them. We still have a couple of weeks because if they don't override those Vetoes all those issues that we talked about, the transportation, the books, the ADA grants are gone. And I don't think we need to give that up. So... I don't believe they're gone. We can get them if the Senate will override the Veto. Let's put our pressure on the Senate. We can revisit this I guarantee we're coming back here. We know we're coming back here, this Veto Session might be over tomorrow morning at 11:30, but I guarantee you we're back here in the next few weeks. We should address it then, but in the meantime let's put the pressure on the Senate so we can get every dollar for our kids."

Speaker Hannig: "Repre... Representative Rose."

Rose: "Thank you, Mr. Speaker. Ladies and Gentlemen, the insinuation that we should wait until the Senate acts is silly. It's silly because 99 percent of the state budget has already been approved. Why on earth wouldn't we approve the 'bimp' for 99 percent of the state budget? The Senate does whatever the Senate does on the remaining 1 percent. We can then do a trailer 'bimp' for the remaining

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1 percent. But 99 percent is already in effect. Why would we starve our school districts over this silly political fight? Thank you."

Speaker Hannig: "Representative Eddy, you're recognized to close on the Motion to override the Chair. The Motion to sus..."

Eddy: "Thank you, Mr. Speaker. I appreciate the comments that were made and... and I understand some of the comments that are concerned with the... the amounts and... and how the Senate is not acting on what we have provided them with and... and... and the effect that that could have. But Ladies and Gentlemen of the House, today when you vote on this Motion you're simply voting on whether or not this Body should have the opportunity to make the vote that our school districts expect us to make for their children. That's all this Motion is about. This Motion is about bringing that question to the House Floor where the work of the people is supposed to be done by the elected Body. The aggravating part of this is, like with many other Bills, we're sent here to vote and we never get the opportunity. We don't get the chance. If a majority of this Body wants the budget implementation at the foundation level to go through, you will vote against sustaining the Chair, the Bill will come out here, you will have the opportunity to vote for what we have in front of us. We can do a trailer Bill, we can do a supplemental appropriation, we can do a lot of things later. We all agreed on what should be in that Bill. We sent it over to the Senate, what we are agreeing to today is that we should do it now. Everybody

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has this letter from the State Board of Education, if you bother reading the letter it says in here that they are recalculating state aid payments at the end of October. I don't know when we're coming back. We don't even get the common decency of knowing what a schedule's like to come back. We don't know if it's next week, we don't know if it's the week after, but we do know the State Board of Education says after this date, that money is not going to be allowed, we know that. That's the fact. That's what we deal with today. We need to get this out of here. It's time, it's time to put the children and the school districts of the State of Illinois above this petty fight. You can do it. You have it in your power to put the kids of the State of Illinois above that fight. You can do it with your vote on this Motion, and you can send a message that for once in this Body we are not going to be led around by Leadership on issues that are this important to us. Do not sustain the Chair. Let's bring this out to the House Floor for a vote and send the Senate a message and send the schools and the children of this state a message."

Speaker Hannig: "So, Representative Eddy has made a Motion to Discharge committee. The Chair ruled that it needed unanimous consent; Representative Lang objected and now Representative Eddy moves to overrule the Chair. The question is, 'Shall the Chair be sustained?' Those 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? Mr. Clerk, take the record. On this question, there are 63 voting 'yes' and 49 voting 'no'. And the

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Chair is sustained. On page 15 of the Calendar... Excuse me. Representative Mulligan, for what reason do you rise?"

Mulligan: "Thank you, Mr. Speaker. I think the last vote, not to say anything about the vote in particular, the last vote and what happened there is an unusual way of how things happen in the Illinois General Assembly. If you look up to the gallery you'll see that there are young students here, and although the way the Bill was introduced they may not understand why a lot of people that spoke for it voted 'no'. I think they were very lucky to be here today to see the process, it might not have been a good process, but they certainly were lucky to be here to see something that impacts them personally. Perhaps you could... you could explain from the Chair on why that was reversed and why people who were for it were voting 'no' instead of 'yes'. And maybe you could explain that to the young people that are lucky enough to be here today to see the process in place."

Speaker Hannig: "Representative, we simply did what's in the Rules and that's the way that the Rule book states that we should make the Motion."

Mulligan: "What happens after we make a Motion is it turns around to the Chair being the one that is sustained is not overridden? So what happened there was that the people that were for it voted 'no' because they voted against the Chair's position, as opposed to voting 'yes'. And so, I think that they need to know that. They look like their intelligent young people that are here for a visit and

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sometimes their lucky enough to be here to see something happen that actually impacts them personally."

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

Black: "Mr. Speaker, my local school board meets tonight and I intend to call my superintendent and let her know what has transpired here today. As I... as I wrap up what will be by the time I leave here a twenty-three-year career in the Illinois House, and I certainly have no regrets, but what just happened is the single biggest disappointment that I've had since I've been here. Many of you have talked to me privately and said what can we do? We gave you an opportunity to do what you could do. Earlier, we had impassioned speeches about scratch-off lottery games doesn't divert money from education, it does. But what we just did diverts hundreds of millions of dollars from education. The only thing that I can take out of this is that the Leadership, in fact, controls the entire process. And Leadership certainly has a role to play in this process, but when we have been here in the Session without end, and our school districts are missing out on hundreds of millions of dollars, if our Leaders won't act or cannot act or wait for another Leader to blink, then it is our responsibility to go to our Leadership and say, while I respect the position that you hold, my district is more important than any loyalty I have to you. Now, I've... I've done this. In 1992 I was the only Republican Leader to break from the Republican Caucus and vote on an Educational Constitutional Amendment, later joined by five (5) other

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Republicans. It passed the House, passed the Senate, it failed to get the required 60 percent on the ballot in 1992. In 1997, I again broke with my Leadership and voted for the Jim Edgar tax increase for education, one of seven (7) Republicans. I don't recommend that. It isn't the most pleasant thing to do. In 1992, I don't think I've ever been yelled at like that since I was about five (5) years old. In 1997 I was threatened with expulsion, not only from Leadership, but from the caucus. Sobeit. If that's what had happened that's... I know there's generally a price to pay when you look your Leader in the eye and say I cannot do that or I will not do that. I... I've never been as disappointed in a Body collectively as I am right now, because we had a chance as individual Members to send a message to the Senate Leadership, the House Leadership, and the Governor, that we're tired of this standoff. Nobody's winning anything, we're all losing. And yet, because it can be construed as a vote against Leadership, many of you chose not to do that. The next one of you on your side of the aisle that complains to me privately, I'm walking away. I don't want to hear anymore about what you would do, what you could do, what you should do. When you're given an opportunity, you won't do it. Now you go home and you explain... or explain today to the press... you spin it however you want to do it. But when we sit down here drawing per diem, drawing a salary and that's what we're doing, we're sitting here at taxpayer expense doing nothing, voting on override Motions that in most cases don't amount to a hill of beans... goes on your resume, I guess, I passed House Bill

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or Senate Bill such and such. But when it came time to stand up and be counted for the millions of children in this state who would benefit by the budget implementation Bill, many of you turned your backs on them so that you could go to your Leadership and say, I'm with you Leader. I'm with you thick or thin. I'm with my Leader when I think he's right, I'm with my Leader if there's a question, I will not stand with my Leader when I think he is wrong. And he isn't the one that's wrong on this issue; he encouraged us to develop our own budget implementation Bill. But I'll guarantee you this, and I think Leader Cross would back it up, if Leader Cross came out here and said I don't like this Bill and I want you to vote 'no', I would have voted to overrule the Chair. And I would accept whatever consequences Leader Cross would have dealt to me personally. That's my job. That's why the people have sent me here twelve (12) times. I don't know what to go home anymore and tell people. What am I going to do, tell them that Mike Madigan won't let us vote on a 'bimp' Bill? That Emil Jones won't allow a vote on the Veto overrides? After a few days, that excuse is disingenuous. We have the votes, we can overrule Leadership, but you have to have the courage to do so. And you had an opportunity... and I've been here long enough, that 'bimp' Bill may never have been called on Third Reading. But it would have been out on the floor, it would have put pressure on and it would've shown a sense of the House that we've had enough. So, to the members of the Danville School Board, I apologize, but I will look all of you in the eye on the school board, and

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say, I tried to do what I thought was right and responsible and it's why you sent me here and it's why people have voted for me for twelve (12) terms, and then this is what happens. Shame on us. Shame on all of us, and what really bothers me... because when I leave here I will still have a firm belief that the process, when it's allowed to work, can work very well. But most of all, I feel a sense of shame because the process has been hijacked by three (3) people who need to get into a room and solve this problem before it paralyzes that State of Illinois if in fact it hasn't already. I think the State of Illinois is the laughing stock of the United States and for the first time in my life, I tell my supporters I'm embarrassed. I'm embarrassed to come down here and sit here three (3) days this week, four (4) days last week and accomplish absolutely nothing."

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

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

Speaker Hannig: "State your point."

Riley: "I'd just like to acknowledge members of the South Suburban Mayors and Managers Association that came down to Springfield to petition their government for funding equity in the south suburban region. And I think if they're still here, up in the galleries we have trustees and mayors from University Park, Country Club Hills, Richton Park and so if they could just stand. Any of you still here? Thank you, thank you for coming."

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

Osterman: "On the override vote on Senate Bill 247, I wish to be recorded as a 'no', please."

Speaker Hannig: "The record will reflect your intentions, Representative. Representative Jerry Mitchell, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Mitchell J.: "Ladies and Gentlemen of the House, I've been around here a little while too and... and I've worked with many of you. And... and I understand the process. I'm disappointed, but I understand the process. But my question to you now is, we're still in the same spot we were 30 minutes ago. If not now, when? Do some of you know something that we don't know? If... if you do, I'd be more than happy if you'd talk to me privately, because I'm really concerned with everything that Representative Eddy had said, Representative Black said and the things that I know happens in a school district when funds are not forthcoming. If not now, when? Now, you on your side of the aisle, since you're in the Majority, you can put pressure on your Leadership. And if nothing else happens, I hope that you will do so. Ask that question of your Leadership, if not now, when? Because that's the question the superintendents are going to ask you. And no matter how you answer, it's going to come back to the question, if

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not now, when? It's getting late folks, very, very late.
Thank you, Mr. Speaker.

Speaker Hannig: "Representatives Molaro, for what reason do you rise?"

Molaro: "Well, it's just a mundane announcement that Jud II will convene immediately after Session in Room C-1. It's one Bill, hopefully, it'll only take about twenty (20) minutes. It's an important Bill, Room C-1, immediately after Session. Thank you."

Speaker Hannig: "We're going to go back to page 15 of the Calendar, where we left off, and Representative Will Davis, you're now recognized on Senate Bill 1463, the Motion to override."

Davis, W.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to vote to override the Governor's Motion on Senate Bill 16... excuse me, 1463 which requires teachers to observe a moment of silence at the beginning of every school year... I mean... excuse me, at the beginning of every day. There were 86 Members of this chamber that voted in favor of this Bill, when it was first introduced. And I certainly ask that we vote to override the Governor's Veto. I'll be happy to answer any questions."

Speaker Hannig: "You've heard the Gentleman's Motion. The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I... what... what a fortuitous sense of timing. We can't vote to put a budget implementation on the floor... on the Calendar that would put hundreds of millions of dollars in new money into

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education, but we can vote to mandate a moment of silence before the start of the school day. Mandate. Kind of shows us where our priorities are. Ladies and Gentlemen, I taught school for twenty (20) years. If I wanted to observe a moment of silence, I would do so. There were times when I taught I would.. I prayed for a moment of silence, didn't often get it. The current law states you can do this. You may do this if you want to. A school board can say every school in their district will start the day with a moment of silence if they want to do that. That's why we have locally elected school boards. They're free to do this. The students are free to do it, the teachers are free to do it. It was just two (2) weeks ago that students all over the State of Illinois met at the flagpole and engaged in silent prayer and they can do that. You know, I.. I have no doubt that this Bill will pass. I saw the original vote. In all due respect to you, Mr. Sponsor, I appreciate what you're trying to do, but you can already do it. The teacher can do it, the school board can do it, the principal can say we're going to do this in our school. I know teachers that already do it. But why is it necessary to say, you shall. The school.. the General Assembly is telling schools you have to, you have no choice, you must observe a moment of silence. If you've ever taught school, the start of the school day can be rather hectic. Attendance, milk money, lunch money, excused absences, doctor's appointments, call slips, you name it. And it's being interpreted that this means we're going to pray and that's why some of you are afraid to vote

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against it. I can pray in school. Every time I had a test in organic chemistry when I was a senior at Danville High School, I prayed for the solid hour. I prayed that I could understand the question and then I prayed for guidance as to what was the answer. When I was a teacher, may God forgive me, I prayed that a few students would be absent. I don't understand this fascination with mandates. See how quiet it can be in here and there's no State Law that says we have to. We've chosen to do that and I know when I leave here in fifteen (15) months it'll be a lot more quiet. Those of you cheering will not be invited to my party. But I use that simply as an example, Ladies and Gentlemen. We don't have to mandate that every school in the State of Illinois shall begin the day with a moment of silence. If they want to do that, under the current law, they are free to do so. Isn't this a matter of choice? I... again, I respect the Sponsor, I respect what he's trying to do. I don't see this as a prayer in school issue. When I was a student and when I was a teacher, I prayed all the time in school. And I know students still do. At some point, and I don't vote for many school mandates anymore, you're going to have to make up your mind. You won't vote for a 'bimp' Bill to come to the floor to fund education, but you will vote for a Bill that says all schools must observe a moment of silence. Well, when the Bill becomes law, as my good friend Representative Stephens said, at least during that moment of silence they can pray that the General Assembly will finally send them the money that they need."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. While I have great respect for the Sponsor and know what he's trying to do and he and I have discussed this, I am very much supportive of the Governor's Veto and opposed to the Motion. And I know that there aren't too many gubernatorial Vetoes this spring that I've supported, but this is one I must support. The... Mr. Black, of course, was correct. We already have a law in the State of Illinois that permits teachers and school districts to observe a moment of silence if they wish to observe one. Why we must mandate this is way beyond me and when we passed this out of the House originally with, I think, 86 votes, many voted for it for certain purposes beyond that which the Bill anticipates. Maybe some of us voted for it because they wanted to send a message to some people of certain religious persuasions in their district. Some of it voted for it because they have maybe what they think is a conservative district. That's fine. And maybe you didn't expect to see it back here, but back here it is. I think many on this floor who voted for this Bill originally know this is really not the right thing to do. If there were no law on the books and this were the law that said you could observe a moment of silence, I would probably vote against that too, but I would recognize that there'd be far less debate about it. But take a look at what we have here. You're telling to school teachers and to school districts and to school administrators what they must do. So, it's wrong from so many points of view. The separation of

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church and state is one, but let me talk to those of you on this floor who are constantly talking about why we shouldn't have mandates in our public schools. You don't want parenting classes mandated. That's okay. You don't want mandates to teach this thing or that thing or the other thing and we have one Member who will stand on the floor and read a thousand (1,000) of them to us every time there's a mandate on the floor. But some of the same people in this chamber who abhor mandates think it's perfectly okay to tell a teacher what they must do with the first 20 minutes of their day when school starts. Pick a side. Pick a philosophical side on the issue of mandates in schools and stay there, because I don't think it's right for some of us on this floor to speak on both sides of the mandate issue. If you think it's okay to do mandates, then don't give me a bunch of stuff later about how you can't be for mandates and the reverse is true as well. From the other point of view, a separation of church and state issue, yes, this doesn't mandate prayer, but let's face it that's what this is about. It may not be specifically about that to the Sponsor, but that's what it's about to many who are pushing this. That's what it's about to many who are listening to us today. Because the only calls I received about this Bill were people who were rabbis and priests and reverends and people who are interested in having prayer in the public schools. Those are the people in our state who want to pass this Bill. So let's not be afraid of those people of the cloth, if you will. Let's not be afraid of their wrath upon us, because we know from

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our own experiences, from our own reading of the Constitution, that this is simply not the right thing to do. It is simply not right to tell children when they come in in the morning, you must sit there quietly and if you don't want to pray, don't pray, go ahead and take that moment of silence and think about your math homework. Is that what you think they're going to do? Is that what you think they're intending for those children to do? Don't... don't pray during that moment of silence, think about recess or think about your brother home with the chickenpox. Do we think that's what any of this is all about? Of course not. So those of you who would say, well, I voted for this before, but it really doesn't violate the separation of church and state, you're fooling yourself. And you know what, you know you're fooling yourself. This is simply the wrong thing to do. It's wrong from a point of view of mandates to schools. It's wrong from the point of view of wasting valuable class time. And it's clearly wrong from the point of view of the constitutional separation of church and state. Those of you who voted for this before who still would keep your mind open to do the right thing here, I urge you to do this. I urge you to rethink this. And I urge you to do the right thing for the public schools of Illinois. Thank you, Mr. Chairman... Mr. Speaker."

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

Fritchey: "Thank you, Speaker. To the Bill. This was a bad Bill the first time it came through here. It's a bad issue

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now. I agree with some, but not everything that the previous two (2) speakers had to say on this issue and said eloquently. I have no problem taking the Sponsor at his word when he says that this Bill was not intended to foster prayer in the schools. Now, what's interesting though is, as Representative Lang stated, the idea that it was intended to foster prayer in schools is probably what drove a lot of the 'yes' votes on this Bill. So, if you take the Sponsor at his word that it's not about prayer, it's about having a quiet time of reflection, it's about getting yourself composed to start the school day, a bad Bill becomes even worse. The mandate issue is really the issue here. It's not the religion issue; it's not the prayer issue. When my daughter goes to school, I want the teachers teaching, I want the students learning, I want the appropriate school activities going on. I mean, what do any of us think that a eleven-year-old, fourteen-year-old, seventeen-year-old is going to sit there and reflect on at the beginning of the school day if they're just left to their own devices. They're going to think about things that kids may think about. But to take that time out of the school day and the Bill doesn't say what a moment of silence should be. Don't know if it's 10 seconds, we don't know if it's 10 minutes. Ten (10) minutes is too long, 10 seconds doesn't do anything. Bill doesn't specify that. What the Bill does is take something that was already codified in law and why it was... even needed to be codified is beyond me, but we had a law that stated that schools could do this. Now, it's saying that they would have to do

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this. No penalties in it. We don't know what would happen if there's noncompliance. You don't know if there's going to be litigation for... by a family seeking to enforce this, saying that the moment of silence that they have is not long enough or is too long. But at a time that we are debating about the critical issue of school funding and the terrible reports that we get on our local schools as far as school performance, we're now going to take even less learning time out of the day to give them an ambiguous moment of silence? Ladies and Gentlemen, the people in this room that have a vote right now are the only thing standing between a bad Bill becoming a bad law that will impact every school from one end of this state to the next. This isn't a vote that you are going to placate the religious community with. As the Sponsor said, it's not a Bill about religion. This isn't a Bill that you're going to placate the left or the right on; this is a Bill about not interfering with our kids' education. This is a Bill about not making the difficult job of teachers more difficult by eroding into their day and inserting an ambiguous, unenforceable, unpunishable, unproductive piece of legislation into our school systems at a time they don't need it. We all know, and we've seen probably more than ever when we go back to our districts, our constituents are frustrated. They are frustrated that the issues that are confronting this state are not being dealt with. Property tax reform isn't being dealt with. Mass transit funding isn't being dealt with. Fixing how we fund education isn't being dealt with. But we're going to take up the time on

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something like this? And not just the time in this debate, but the cumulative time of those minutes across every school in this state every day for years to come? We are losing hours upon hours of our students' education and their future. This is a bad idea. I don't fault the Sponsor, I think he was well intended, but it is a very bad idea and we are the only ones that can stop that bad idea from becoming a bad law. Please vote 'no'."

Speaker Hannig: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I do appreciate this quiet time. As a former educator for many years, I realize that our children today are bombarded with noise. They come to school listening to their Ipods. There's always a computer lesson or a computer class. A former Representative was absolutely correct when he stated all the things that must occur in that first hour: attendance, passing out lunch tickets, collecting milk money, getting note absences or the parent response for a child's absence, and all of this is quickly taking place upon usually that first hour of school. To ask our school districts to turn off the intercom, messages blaring from the intercom, would Mary come to the office or this is going to happen at this time. To just have a moment in a child's life, a moment in a child's life where he or she can be guaranteed a moment of silence. We don't want to give them that? Some of us may not. But do they deserve a moment of silence? Yes, they do. Even in high schools, you talk about a division class, the division teacher is passing out all of the new memos,

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the information for the week, what parties are going to occur, who's not allowed to come, who has a book missing. There is activity, there is action, there is talking, there's noise every minute of that child's day. Some of you think this is the best time to be a child. We are bombarding them. We are bombarding them with information, with music, with all the things they're going to have to supposedly need later on, but do they ever have a moment of silence to reflect, to listen to the rustling of leaves, to listen to the chirping of a bird, to listen to the tip-tap of a kid walking. Our children deserve, they deserve a moment of silence. Maybe we don't have that to give. Maybe we love having this rushed, exciting world in which they live that helps to create the violence that they're perpetuating because they're not allowed a time to reflect. They're not given a moment to breathe what their own thoughts may be. Give them that opportunity. And I commend the Sponsor for his bravery in bringing this very complex Bill before this Body. It may appear simple, but believe me, Ladies and Gentlemen, our children deserve an opportunity to reflect one moment in each day that they attend school. Thank you."

Speaker Hannig: "The Gentleman from McLean, Representative Brady."

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

Speaker Hannig: "He indicates he'll yield."

Brady: "Representative Davis, I got a quick question for you."

Davis, W.: "Yes."

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Brady: "And I certainly have great respect for you and mean this in all sincerity, but I just need some clarification. Regarding the legislation and its intent, my youngest son, Tommy, is in kindergarten in a special education transitional kindergarten class. And if I understand things correctly, the legislation would mandate to his teacher that she gets the children together in a very challenging setting to begin with, with children who have a lot of different challenges, and she is to bring those children together for a moment of silence. My question is this, if that doesn't occur, then what?"

Davis, W.: "You said if that doesn't occur, Representative?"

Brady: "If it doesn't occur, then what? The purpose behind if that doesn't occur. If she's not able to bring those children who have a lot of different challenges together to be quiet for that one minute or whatever time frame is specified, what's been accomplished?"

Davis, W.: "Let me make sure I understand you, Representative. You spoke of a classroom of special needs children? Is that what I...?"

Brady: "That's correct."

Davis, W.: "And the teacher's ability to quiet that class down before he or she starts her day, correct?"

Brady: "That... that's correct."

Davis, W.: "And you're saying what if that teacher can't do that?"

Brady: "If she doesn't bring the children together in a manner that most people would see fitting as a moment of silent reflection or pause, then what? I mean, nobody's going to

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knock on her door and say, excuse me, you haven't done your silent moment of reflection today, right?"

Davis, W.: "Well... well, Representative, and I think I appreciate what you're trying to say and at the very least with the legislation there's no penalty phase in there. Now, I'm no expert on dealing with children with special needs and maybe there is a student in that class, who, because of their situation won't be quiet or won't settle down, okay? And maybe that's one student out of a classroom of five (5), ten (10) or whatever the case may be, you know, but if the teacher's able to relax and calm down the majority of those kids, that's simply what were asking to... to make an attempt, to try to quiet those young people down before he or she starts the day. And if you're talking about children with special needs, and again I'm no expert on that, but... but if you're dealing with children with special needs, I would see where a teacher would want to at least try to make that attempt, to try to quiet them down. Now, there's no penalty in this..."

Brady: "Yeah."

Davis, W.: "...in this piece of legislation, so if that teacher can't do it, and I'm sure that's not speaking to that teacher's teaching abilities, you know, maybe she just... maybe there is that one student that, for whatever reason, just won't settle down, but simply the teacher is making an attempt to do so. And if in... and if that... if the... if that student's situation dictates that he or she can't settle down, but the teacher's able to quiet the rest of the class down, who knows, that one person may see what's going on

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around him and may respond positively to that. And I'm sure that's something that a teacher would appreciate."

Brady: "And I appreciate your answer to the question, which is simply, there's no penalties assessed with this. The enforcement's aspect of this will be left up to obviously the teacher to try and create what your intent here, the legislative intent is. But I simply wonder and out loud here I guess, the teacher, if I understand the debate so far correctly, the teachers right now presently have the ability to do that on a volunteer basis if they wish in their classroom. Is that... is that correct?"

Davis, W.: "Correct. They currently have the ability to do that."

Brady: "Thank you very much."

Davis, W.: "Thank you."

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

Durkin: "Thank you, Mr. Speaker. I would like to silence this overextended debate and move the previous question."

Speaker Hannig: "Actually, you're the last one asking for recognition. So, we're just going to have Representative Davis close."

Davis, W.: "Thank you, Mr. Speaker. I appreciate all the comments of the previous speakers and to echo the comments of my colleague, Representative Monique Davis, who talked about a teacher's need to do a number of things before he or she starts class. I can see why doing this would be necessary so that that teacher can focus and make sure that those young people start their day... that their day off

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correct. I'm reminded by my colleague, Senator Lightford standing behind me, of an incident that took place in another state, you know, that resulted in the unfortunate death of a few... a couple of teachers and young students as well as the person that was doing the shooting in Ohio. And just think if that student had an opportunity maybe to sit and reflect, he even mentioned what he was going to do possibly to a couple of other students and maybe if those students had an opportunity to sit and reflect, they may have decided to let someone know what that young person was going to do before he did it. You know, but probably in the chaos of a day because, you know, students are moving around, there's a lot of noise, maybe they said, oh well, I won't worry about that. But nevertheless, and that's maybe an extraordinary situation, but to ask that we have this opportunity for young people to settle down, for them to reflect on their day, I think is... is something that's positive and could bode positive for students in our school system. So, again, 86 of you voted to support this piece of legislation when it was called during general Session and I certainly ask that you vote to override the Governor's Veto today. Thank you."

Speaker Hannig: "Representative Will Davis moves that Senate Bill 1463 do pass, notwithstanding the Veto of the Governor. All those in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? This requires 71 votes. 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. On this question,

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there are 74 voting 'yes' and 37 voting 'no'. The Motion, having received a Supermajority, Senate Bill 1463 is hereby declared passed, notwithstanding the Veto of the Governor. On Supplemental Calendar #1 is House Bill... Second Reading is House Bill 2544. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2544, a Bill for an Act concerning education. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hannig: "Let's hold this on Second Reading, Mr. Clerk. On the Order of Amendatory Veto Motions on the Supplemental Calendar, Representative Mathias, you have Senate Bill 229."

Mathias: "Thank you, Mr. Speaker. Senate Bill 229 originally passed, I believe, unanimously in this House and in the Senate. It... or it came very close, I'm sorry. It had 112 votes in this House and actually passed unanimously in the Senate. It made some changes to the Code of Civil Procedure with regarding... with regard to supplemental proceedings. The Governor made some... actually, some small changes to... to that Bill. And I move to override the Governor's Amendatory Veto."

Speaker Hannig: "You heard the Gentleman's Motion. Is there any discussion? The Lady from Cook, Representative Feigenholtz."

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

Speaker Hannig: "Indicates he'll yield."

Feigenholtz: "Representative Mathias, I have a couple of questions for you about this legislation and I'm a little

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concerned about some... some extraneous circumstances that might happen that may marginalize some people. In this legislation you have... you removed the word 'maximum' in the underlying Bill in the language. Is that correct?"

Mathias: "That's correct."

Feigenholtz: "So, right now, judges have discretion when deciding how much wages are to be garnished. Is that correct?"

Mathias: "Well, actually, I don't believe they do have that discretion. I think the law is clear as it... as it's written, but because of the wording of the law one (1)... I believe one (1) judge in particular in Cook County and that's the only one (1) that was brought to my knowledge has interpreted that that he could, in effect, not follow the percentage that's listed in the law and lower that percentage and basically, that's what we're trying to correct. I believe it was the original intent of the Bill to make it a set amount and to follow the... it was not a guideline, it was actually a set amount."

Feigenholtz: "So, under the circumstances, when someone... I believe earlier you and I discussed this, you mentioned that there was... that statutorily, I don't have the whole Act in front of me, it's forty-five (45) times the minimum wage."

Mathias: "That's correct. There was an exemption for anyone that earns forty-five (45) times the minimum wage which obviously, as we have done in Illinois, raised that amount, that then that raises that amount also, so we can protect those who really can't afford to pay or have moneys taken

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out of their wages. This is an exemption to basically, you know, for part-time workers, for people who are just at... even a little bit above the minimum wage, they would not have any funds deducted from their wages."

Feigenholtz: "So, in current statute and also the intent of this Bill is to continue under those circumstances that are unique to allow certain discretions for the judiciary. Is that true? It is not... is it... it's not..."

Mathias: "The exemption is not discretionary. Everyone who fits the... and meets the wages that are, you know, as the forty-five (45) time... the forty-five (45) times the federal minimum wage, there's no discretion. They do not get their wages, any of their wages... deduction or deducted pursuant to a wage deduction order."

Feigenholtz: "So, is what you're saying that judges will still have the flexibility in hardship cases to order a smaller percentage of garnishment?"

Mathias: "No, that isn't correct and I don't think that was ever the intent of the law. The intent of the law was to give those who really cannot afford to have their wages deducted and that was determined in the law of who those would be, they would not have their wages deducted, everyone else would. And as you remember, these are supplemental proceedings to a judgment already entered. So, a court has already previously found that these individuals owe the money, a judgment has been entered and now the plaintiff is allowed to attempt to collect the moneys that are due to him."

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Feigenholtz: "But if the life circumstances of the defendant or the person whose wages are to be garnished change, they have an opportunity to go back to the judge?"

Mathias: "No, they do not."

Feigenholtz: "So... so, for instance, if a father of... you know, if there's a person who's got seven (7) children who makes under, you know, who essentially has a lot of... has to provide a lot of support for a family, they're not allowed to go back to court? You know, I... I think that the premise of this law is excellent. I just think that... I'm a little concerned that there are going to be some, a few situations, a few hardship cases, where a smaller percentage of garnishment might be more livable."

Mathias: "Again, if someone's wages go below the formula in the Bill, then they would not have any of their wages deduction... deducted. These, again, if they do not meet that criteria, then the law is followed."

Feigenholtz: "And it doesn't have anything to do with how big their family is, the federal poverty level rate, the only mathematical calculation is forty-five (45) times minimum wage?"

Mathias: "Yeah. And I believe that should be above the federal poverty level anyway, so and we're not talking about..."

Feigenholtz: "For some but not... it depends on the family situation, though."

Mathias: "Well, yes. But no, that's... if we want to change that part of the law, that... that's certainly you're welcome, you know, to attempt to do that. That's a separate issue. This has been the law in Illinois for as long as I've been

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practicing, which I don't want to say how many years that is, but it's been a set..."

Feigenholtz: "Yeah, please don't tell us."

Mathias: "Yes. It's been a set amount and obviously, you're welcome to revisit that part of the Bill at a future date."

Feigenholtz: "Could you tell me what the Veto message said? Did it address some of the issues that I'm asking you about?"

Mathias: "I'm sorry. Just one (1) second. I'm sorry. I'm just looking for the Veto message. Basically, the Veto message, the actual message, does not state any reasons. So, in other words, it just makes, I believe, three (3) changes, but it does not... what I'm looking at, give any reasons why the changes are being made."

Feigenholtz: "Does it address the word 'maximum' and the..."

Mathias: "Yeah. That's one of the changes, but it... I... You asked me whether the message gave a reason..."

Feigenholtz: "Well, I have a..."

Mathias: "There's no reason given by the Governor in his message. It just makes three (3) changes."

Feigenholtz: "I have an e-mail here from somebody who has done a tremendous amount of work in the area of human services and around the issue of poverty by the name of John Bouman from the Shriver Center on Poverty Law who thinks that there is some laudable aspects to this Bill, but is not very comfortable in taking away complete and utter discretion from judges for some of these extraneous cases on garnishment. But I..."

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Mathias: "Again, this was, you know, a small portion of the Bill. I will be glad to work with you and the... both sides of this issue in the future if... if need be, but at this, obviously, late stage, because the Senate I believe, unanimously... I may be wrong on that, but I know they originally passed it unanimously. I can tell you, I believe, they may have..."

Feigenholtz: "Sounds like they did. It sounds like they did."

Mathias: "Yeah. I think they unanimously passed that..."

Feigenholtz: "Well..."

Mathias: "...in the Senate, so I can be glad to work with you and the Senate Sponsor in the future, but you know, this was just a small portion of the Bill."

Feigenholtz: "Well, Representative Mathias, I... I know you're a person of your word and I will definitely take you up on that should any problems arise. I appreciate all of your answers."

Mathias: "Thank you."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Gentleman's Motion. I understand the underpinnings of the questioning of the previous Representative, but let's take a look at what this Bill does and what the Governor did to it. This Bill was necessary because there are one (1) or more judges in courtrooms around the state, particular in Cook County Circuit Court, who are misinterpreting the stat... the garnishment statute. They're misinterpreting it and making it seem as if they have the discretion on every case to

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decide who's going to pay their bills and who is not going to pay their bills. Understand that we already have in our law a pretty large exemption. You are exempted up to forty-five (45) times the hourly minimum wage, in other words, you're exempted up to sixteen, seventeen thousand dollars (\$16,000 to \$17,000), whatever that multiplies out to. Now, to not override this Veto is to say that people don't have to pay their bills. To not override this Veto means that you're saying to businesses, well, maybe you'll collect the money people owe you, maybe you won't. To not override the Veto says that we're going to allow judges their own discretion as to who's going to pay their bills and who is not. And to not override this Veto says that we don't understand what the law was supposed to do in the first place. The Wage Deduction Law is in place so that in a fair way, in a way that everybody sta... understands in the law, people that have debts owed to them after they get a judgment can collect those debts. This is after judgment. So, this... the wage deduction laws do not allow a creditor to go get a wage deduction order on somebody who they haven't already taken to court. These are people who owe the debt, the court has decided they owe the debt, and the person hasn't paid the debt. The wage deduction laws allow creditors to find a way under the law, in a fair and measured way, by a... a deduction of a small amount from a weekly wage to recover the money owed. The size of the person's family is an interesting issue, but it's not important because if you buy a TV and you don't pay it back whether you've got twelve (12) children or no children, you

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should pay back the money for the TV you bought. If we don't do this, we're going to continue to have judges who decide on their own who pays what, under what circumstances they pay it. That was never the intention of the Wage Deduction Law. The Wage Deduction Law was in place to make sure that there was an absolute understanding in the law how dollars would be collected through the wage deduction process and what the rules were. We have a judge or two (2) who have decided on their own that that's not what the law says. This Bill is basically here to clarify that provision. With the Governor's Amendatory Veto, we might as well not have the Bill at all, because the Amendatory Veto renders what we did in this chamber basically null and void. And so, whether you're for uniformity in the law, whether you're for making sure business gets fair compensation for the goods and services they sell, or whatever reason you might have, this is an appropriate Bill the way it was written. The Governor was misguided. The Governor doesn't understand the purpose of the Wage Deduction Law. And I strongly rec... rec... I strongly urge 'aye' votes on the Motion to override."

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

Turner: "Thank you, Mr. Speaker. I have one (1) question, if the Sponsor will yield. It was about the..."

Speaker Hannig: "Indicates he'll yield."

Turner: "I wanted to be clear again about the 45 percent... people who make 45 percent over the minimum wage, they're

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the only ones that this provision would qualify for. Am I correct?"

Mathias: "No. What I'm saying is, the law... the existing law today, not... this does not affect that provision. That's the law on the books before this Bill, states that anyone who earns forty-five (45) times the minimum wage, I don't recall what that figure would add up to, but they're exempt. In other words, you cannot garnish their wages. That's been existing law; this does not change it. It's to help people who are working part-time, to help people who are at minimum wage. So, if someone was, again, earning minimum wage and working forty (40) hours a week, they would not have their... they would not be subject to a wage deduction order. This even raises it to forty-five (45) times, but this Bill didn't do that. That's the law today. We're not changing that. That's a protection for people who can't afford to have their wages deducted. That is not affected by this Bill."

Turner: "So, if you were to summarize what we're doing with this Bill, it pretty much is dealing with the issue of judicial discretion. Am I correct?"

Mathias: "Yes. And also, there's a lot of other matter... this was only one (1) small part of the Bill."

Turner: "Right, right."

Mathias: "If you're... I mean, there's a lot of other good parts to this Bill that, in fact, that's the reason the Illinois State Bar Association supported the original Bill because it does clear up a lot of... over the years we haven't had a

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Bill like this and it clears up some of the other collection authority."

Turner: "What's their position... what's their position now since the override, the Illinois State Bar?"

Mathias: "I have not heard from... Well, obviously, I have not... no, I shouldn't say obviously... but I have not heard from them one way or the other. I just assume if they supported it..."

Turner: "Yeah."

Mathias: "...in its original form and did not ask to have it changed, that they would still support it now."

Turner: "Well, according to my analysis, it says that the Illinois State Bar has no position on this issue at this point. If they were a proponent early, since the override has been... or since the Veto has been implemented, it says that they have no position on this Bill."

Mathias: "I do not have that information and no one has contacted me on that..."

Turner: "Yeah."

Mathias: "...from the Bar Association, but obviously, and again, they're not opposed to it."

Turner: "Representative, you know that I have had an issue with judicial discretion, especially regarding criminal law and I think that we have, over the last few years, we've constantly moved towards taking the ability of the judiciary to decide in criminal cases and unfortunately, I would take the same position regarding the civil issues. I think that the judges are... are the people who are there to hear those cases and I think that judicial discretion is

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something that should be left in that... in the courtroom and we should not remove that discretion away from them. I respectfully rise in opposition to overriding the Veto."

Speaker Hannig: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "I just have one (1) question for the Representative. Representative, currently, if a person is going to have their wages garnisheed, what happens? Who makes the decision of how much?"

Mathias: "The law does. I mean, and right now, the pers... In order to have a court order wage deduction, there must be a judgment against that person ordering him, basically, or a judgment saying that he owes the money. Then under our rules, a plaintiff may file a wage deduction with the court..."

Davis, M.: "Mmm mmm."

Mathias: "...and that is then served upon the employer and the employer then must honor that wage deduction, fill out the form, based on the formula that's the current law."

Davis, M.: "And the current law says that they can deduct how much from that paycheck?"

Mathias: "Fifteen percent of a payche... 15 percent of the net... or I'm sorry... 15 percent of the... of the..."

Davis, M.: "Gross."

Mathias: "I'm not su... It could be 15 percent of the gross, but anyone who's under the forty-five (45) times the Federal Minimum Law gets zero deduction."

Davis, M.: "So, if a person... Well, is your Bill asking that... that it be more than 15 percent or..."

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Mathias: "No. My Bill has nothing to do with the 15 percent. It's always been the law. I don't change that 15 percent figure at all."

Davis, M.: "But currently, the judge can decide to make it less than 15 percent, right?"

Mathias: "Well, that's an issue that I and the... basically, believe that the judge didn't have that discretion and that the wording of the law was, you know, nebulous and because of that there were a couple judges, one (1) only that I've known at that handles that in Cook County that felt that he had the discretion to do that. Of course, the problem is the wages are being deducted at the statutory amount until... it doesn't get to court until the end of the period of time in the wage deduction. In other words, it's... there's no court hearing until the wages already have been deducted. So, it's... so, if someone would have to co... go to court and object to that, of course, they could object to the judgment if, you know, depending on the circumstances and the rules under that, but assuming they owe the money here, and that's not an issue, their money is deducted as soon as the employer gets it anyway and then you have to go to court on the re... they call it the return date of the summons and get a judgment on that wage deduction order, meaning an order turning over the money."

Davis, M.: "My concern... my concern, Representative, is what amount does the current law say you can deduct and what amount does your Bill say you can deduct?"

Mathias: "The Bill and the current law says 15 percent. Where the discrepancy..."

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Davis, M.: "They both say up to. Are you saying they both say zero to 15 percent?"

Mathias: "No. The law says 15 percent abo... it's... unfortunately, I believe the original history of the Bill is and as long as I've been practicing, it's always been a set amount of 15 percent."

Davis, M.: "Why... what did the Governor say in vetoing your Bill? What did the Governor say? What... what..."

Mathias: "He did not say anything."

Davis, M.: "He didn't say anything?"

Mathias: "I mean, he didn't say anything as far as any... he did not give any reasons in his message."

Davis, M.: "So, you don't the reason?"

Mathias: "I do not know the reason. He didn't... he didn't tell us."

Davis, M.: "Could it be that..."

Mathias: "Well, I can't speculate as to what the Governor says. I..."

Davis, M.: "Well, it says here, 'under current law a wage garnishment order that shall not exceed 15 percent of gross pay unless the debtor is a minimum wage earner. Senate Bill 229 provides that a wage garnishment order shall be 15 percent of gross pay unless the debtor is a minimum wage earner. An attempt by proponents to restore what they consider to be a misinterpretation of the law whereby wage garnishment orders are entered with deduction amounts anywhere between zero and 15 percent of an employer's gross wages.' Now, Representative, don't you think that the discretion of the judge is important, because the judge

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gets an opportunity to know if this man has more than one (1) family he's taking care of at the current time, maybe has a new family, maybe he has an old family, but he's responsible for both. So, a judge hearing this case would be able to make the decision."

Mathias: "Again, the decision's already made. After the wages have already been deducted, in order to get the money back, that that's a possibility. Again, I contend as that was the original intent of the law and hadn't been followed in a couple cases and that's why we asked to change it as part of an omnibus Bill to change other provisions."

Davis, M.: "I see the... the Bar Association is not a proponent of your Bill."

Mathias: "It was originally with that provision in there. I... I... My computer does not say anything else than they originally were. They did not contact me afterwards, so I... They supported it as it was before the Veto. They didn't..."

Davis, M.: "To the Bill, Mr. Speaker."

Mathias: "...and they didn't again ask me to change it."

Davis, M.: "Thank you very much. Thank you, Sir. To the Bill, Mr. Speaker. I believe we should sustain the Governor's Veto. And the reason I think it should be sustained is because at this time the economy in our state is not good and the economy for many families is not good. I think that if a person owes a debt he should be responsible for paying it, but I do not believe there should be no consideration for his other responsibilities, a new family, college students, a baby that's ill. You know, there are many considerations and I really like the law currently

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that allows a judge to make a determination of should it be a 15 percent deduction, a zero, a 1 percent, a 2 percent. I don't like the idea of someone settling how much it should be before they know any of the circumstances. I think the current law, as it exists, has not been... no constituent has asked you to change this Bill. This is a Bill to help someone else, but it is not to help constituents or working people in the State of Illinois. And I urge you to vote to sustain the Governor's Veto. Thank you."

Speaker Hannig: "Representative Mathias to close."

Mathias: "Again, as it was brought out before, this is a Bill to allow someone to collect on a debt that's already established by a court to be owed. There is protection in this Bill by exempting those, you know, individuals who are making forty-five (45) times the minimum wage. They are protected; they will have zero deductions. In order to be fair to the person who's owed the money, who also needs that money, in some cases they're not all big companies, but can be individual debtors. In order to be fair to them also, some standard has to be set. That standard was set at previously at 15 percent and the exemption was set. I'd be glad to work with anybody here if you believe the exemption is not high enough, we can sit down and talk about that. But there is an exemption for people earning under a certain amount and that should be that way because they really can't afford to pay and that's why the law recognizes that. This is for those who are above that

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exemption. And I urge you to overturn the Governor's Amendatory Veto."

Speaker Hannig: "Representative Mathias moves that Senate Bill 229 do pass, notwithstanding the specific recommendations for change of the Governor. All those 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 92 voting 'yes' and 9 voting 'no'. This Motion, having received a Supermajority, Senate Bill 229 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. On page 8 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 934. Mr. Clerk, would you read the Bill, please."

Clerk Bolin: "Senate Bill 934, a Bill for an Act concerning health. The Bill's 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 Bolin: "Senate Bill 934, a Bill for an Act concerning health. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Bellock, the Chair's advised that in Representative Hamos's absence you will handle this Bill. Is that correct?"

Bellock: "This Bill was gutted from what the original Bill was. And I think it's with the Local Government Health Insurance Fund. Yeah. As amended the State Employees Group

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Insurance Act to change the Local Government Health Insurance Reserve Fund to a nonappropriated fund. I don't know of any opposition."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Fritchey."

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

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

Fritchey: "According to this legis... to the summary we have at least, this will be a nonappropriated trust fund to be held outside of the State Treasury with the State Treasurer as the custodian. Correct?"

Bellock: "Correct."

Fritchey: "Does the... does the Treasurer's Office have a position on this, because it's not indicated on our analysis?"

Bellock: "There was no opposition and there was no other comment at the meeting yesterday."

Fritchey: "Is the... is the Treasurer's Office aware of this Bill?"

Bellock: "I assume so, but I don't know."

Fritchey: "Well..."

Bellock: "I mean, Julie presented this Bill yesterday. It was gutted and that was the first time I ever saw it."

Fritchey: "No, and... and I understand that it's not fair to do to you, but it is fair to do it to the Members just to be... at least be advised of this because the state... We will be directing the State Treasurer to be the custodian of a trust fund that's actually held outside the State Treasury, yet we don't know if this Treasurer's Office has an opinion

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that this is a good idea, a bad idea, something that they want to undertake, something that they should undertake."

Bellock: "I think the Treasurer is aware of it. They're moving it out of the state fund because it doesn't include any GRF funding. It's the funding from the local governments paying in for health insurance by the local governments themselves. It's not state dollars."

Fritchey: "Yeah. You know, and this may well be an innocuous piece of legislation; it may well be a good piece of legislation. It's not my intention to derail it. I would suggest and you can proceed obviously as you want that maybe this be called tomorrow and that somebody actually find out if the Treasurer's Office has an opinion one way or the other on this. You're... I'm not going to take offense if..."

Bellock: "Want to hold on one (1) second. Hold on one (1) second. We're going to pull it out, 'cause I'm not familiar enough to know that. I don't know."

Fritchey: "I appreciate that."

Bellock: "I just know there wasn't any opposition there, but I'm not sure if he's aware of it or not."

Fritchey: "Thank you."

Bellock: "Thank you."

Speaker Hannig: "Okay. So, we're going to move to the Order of Concurrences, House Bill 719. Representative Smith has moved... is recognized for a Motion to Concur."

Smith: "Thank you, Mr. Speaker. I would like to move to concur with Senate Amendment #1 to House Bill 719. This... this legislation that we passed earlier this year on reliability

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issues with electric utilities. Senate Amendment #1 was added at the request of the Municipal League to address some of their concerns about vegetation management or tree trimming requirements in the legislation and so, this... Senate Amendment #1 is on... at the... on the behalf of the Municipal League. And I would, again, move to concur with Senate Amendment #1."

Speaker Hannig: "Does anyone... So, the Gentleman's Motion will be to concur in Senate Amendment #1 and I believe, to nonconcur in Senate Amendment #2. Is that correct?"

Smith: "Mr. Speaker, I think there was a previous Motion, we need to withdraw, that would concur with Amendment #2."

Speaker Hannig: "Right. So..."

Smith: "So, I would... I'd like to move to concur with Amendment #1 and not concur with Amendment #2."

Speaker Hannig: "Okay. So, now, everyone's heard the Gentleman's Motion. Is there any discussion?"

Smith: "That's what I sa..."

Speaker Hannig: "Representative Eddy."

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

Speaker Hannig: "Indicates he'll yield."

Eddy: "Representative, I just have a few questions. First, I want to make sure that the Body is in tune with what Senate Amendment #1 did as opposed to Senate Amendment #2. Senate Amendment #1, you're withdrawing or you're not concurring with?"

Smith: "No, just the opposite. Senate Amendment #1 is language that the Municipal League requested on the tree trimming requirements. Senate Amendment #2 had to do with shutoffs

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for utilities when we were back in the whole rate crisis conversation and so that point is moot at this time and so that's why we're withdrawing it."

Eddy: "Okay. Thank you for that clarification. I just have a question or two (2). This... this particular Bill, the underlying Bill, has some requirements for utility companies related to tree trimming and are there any other types of things in the underlying Bill, staffing changes, those types of things?"

Smith: "Yeah. The underlying Bill, which we passed out of here on March 8, with 84 'yes' votes, that underlying Bill did three (3) things. First of all, it... it... they were all related to reliability of our electric utilities. The first thing it did is extend statewide the... some of the penalties, if you will, that are in place currently under ComEd territory when there are power outages. If you recall, back in the late '90s, there were many brownouts and at that time there was an effort put forward that there would be certain penalties if a utility did not provide power back to their customers, if a certain percentage of their customers in their territory were affected over a certain amount of time. I think that's been good policy in the ComEd territory and this legislation would extend that statewide. The other thing it does is the tree trimming issues which simply says that utilities have to file with the Commerce Commission their schedule for vegetation management or tree trimming and that's a four-year schedule."

Eddy: "What was..."

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Smith: "The third thing it does..."

Eddy: "Okay."

Smith: "...is require a report that the utilities report what they're staffing levels are and that's just added to the reports that they have to give the Commerce Commission every year."

Eddy: "Okay. Was any of this the subject of the negotiations on the electric rate relief package? Was there any understanding related to this legislation that... that was covered or discussed or agreed to in that package?"

Smith: "No, there wasn't. I think, you know, that was... that was the hope of many folks, but no..."

Eddy: "Okay."

Smith: "...it was not. We did pass..."

Eddy: "So, this legislation is outside the realm of that. In no way was there any expectation by the utility companies that this would be... not pursued or there would be Amendments or that... that... Those two are totally separate things."

Smith: "Well, Representative Eddy, I wasn't a party to the negotiations on that issue. I certainly didn't make that commitment on this Bill. As I said, it passed out in March, it passed the Senate overwhelmingly and Senator Clayborne and I have come to agreement on it as far as what to do with the Senate Amendments."

Eddy: "Okay. Thank you and I think Representative Scully's indicating to me at least that... that really this wasn't part of that. Here's my question. Is there a possibility that any of the requirements in the underlying Bill will

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cause the companies to have to go to the ICC with a rate case that could cause an increase in electric rates in order to institute the staffing changes or any of the tree trimming regulations that are in this?"

Smith: "No. I don't see that, Representative Eddy. All... all this does with regard to tree trimming and with the staffing requirements is require the utilities to file those reports with the Commerce Commission."

Eddy: "Well..."

Smith: "It doesn't mandate certain levels or... or certain practices."

Eddy: "Representative, from conversations that I've had with individuals related to the utility industries, their concern is that this could cause them, at some point, to have to request a rate increase and I don't think that's your intention, but... but they have... they have stated that..."

Smith: "I think..."

Eddy: "...as a possibility."

Smith: "I think and I guess I don't necessarily want to state their argument, but I think what they're... what they were saying is that if... if under the reliability standards they were forced to pay a penalty to the ICC, that they would have to pass that penalty cost on to their consumers."

Eddy: "Well, but..."

Smith: "So, I... I think that's the case."

Eddy: "But if there is an increase in cost related to the once in every four-year trimming and some of the other things, that is possible that they would use that as a reasoning before the Commerce Commission to..."

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Smith: "Well..."

Eddy: "...substantiate a rate increase. That's my concern here..."

Smith: "I think..."

Eddy: "...especially after people have had some rate relief that... that..."

Smith: "I think they'd be hard-pressed to that because then what they're saying is, we've got to raise our costs because we haven't been diligent in keeping up our... our infrastructure our... and in keeping our service reliable. So, that's... that's really what this is all about is reliability of service and as you know, one of the concerns has been over the last ten (10) years of deregulation that they have not invested the money, the manpower, in... in maintaining the system. And so, that's what this legislation hopes to address."

Eddy: "But nothing in this requires them to absorb that cost. It would just be us relying on the ICC not to allow the rate increase based on their case to them and then they might come in and claim that this Bill causes these increases and therefore, we have a substantiated reason. But this doesn't cause them to..."

Smith: "No."

Eddy: "...absorb that cost. This could be passed on. And that was my concern."

Smith: "No, it doesn't. And I would... would remind the Body this is... these are the same standards that ComEd has been operating under for, I believe, about eight (8) years."

Eddy: "Okay. Well, thank you for your answers. Inquiry of the Chair."

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Speaker Hannig: "Inquiry."

Eddy: "How many votes does this particular legislation take?
Does this..."

Speaker Hannig: "The Motion to Concur would take 71."

Eddy: "It would take 71. To... to the Motion. I... I rise in
opposition. I was opposed to the underlying Bill, as well.
This is the kind of thing that I think unintended
consequences come from. I know that's not the intent of
the Sponsor; however, there is a distinct possibility here
that the costs incurred due to these requirements could
allow the utility companies a legitimate case before the
ICC for a rate increase. I don't think that's what anybody
wants. I don't think that's what the Sponsor wants, but I
think that's what could happen. And I would urge a 'no'
vote on the Motion. Thank you."

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

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

Speaker Hannig: "Indicates he'll yield."

Black: "An inquiry of the Chair first, Mr. Speaker, with
apologies. An inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "We are only discussing the Motion to Concur in Senate
Amendment 1 not other parts of the Bill, correct?"

Speaker Hannig: "Yeah. I think the Sponsor made it clear that
he wishes to concur in 1..."

Black: "Okay. All right."

Speaker Hannig: "...and then he would nonconcur in 2."

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Black: "All right, all right. Thank you very much. Will the Sponsor yield?"

Speaker Hannig: "...cates he'll yield."

Black: "Representative, I have some problems with the underlying Bill, but that's not the issue at hand. The Amendment says that the Illinois Commerce Commission will set standards for tree trimming, staffing levels and safety and reliability requirements. What... what will they.. how will the ICC determine staffing levels?"

Smith: "Representative Black, you're talking about Senate Amendment #1?"

Black: "I thought that was in there 'cause I... I thought staffing levels were in there."

Smith: "Staffing levels are in the underlying Bill, right?"

Black: "I'm... I'm sorry."

Smith: "Yeah."

Black: "All right. And if I make another mistake like that, call me on it 'cause I... I want to discuss the Amendment. The Amendment allows... I remember when this Bill came up years ago, and it was sponsored by then Representative Dan Rutherford, now Senator Rutherford, I didn't like the Bill then. And it failed the first time and passed the second time. Senate Amendment #1 does allow, which the Bill some eight (8) or nine (9) years ago did not, it does allow for a municipality... for example, the City of Urbana, in Representative Jakobsson's district, is a tree city and they have professional arborists on their staff. And I remember at that time, cities that had strict standards did not want... and it's not the utility company that generally

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comes in, you and I know that, they hire a private contractor, Asplundh or somebody else, and their idea of trimming a tree, 'cause this has happened to me, it's like.. it would be similar to giving John Edwards a crew cut. You know, I mean, they just slash away. A four hundred dollar (\$400) crew cut, notwithstanding. So, in this case, a city like Urbana would say, no, you will trim those trees to our standards, correct?"

Smith: "That's right. That's the purpose of Amendment #.. Senate Amendment #1 was to address those concerns of some of the cities. It was at the request of the Municipal League. So, if a city has their own vegetation management program, this would certainly not interfere with that and simply would.. would say that that program or that schedule has to be filed with the ICC."

Black: "Okay. I.. Thank you very much for your answer. Mr. Speaker, to the Amendment. I.. I confess I'm not a fan of the underlying Bill and I'm not a fan of the Amendment and let me tell you why. Years ago, my wife and I bought our first house and most utilities have easements where the power lines either cross or run through your property. They have easements to get on that and I didn't know that at the time as a young house owner. When my wife and I got home from work later that afternoon, a private contractor hired by the utility had come on to our property, which we later found out they had every right to do, but their idea of trimming trees was to literally make what was a lovely maple tree look like an azalea bush. I mean, they just cut that little rascal down to about four (4) feet. I'll admit

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the tree was in the power lines, but I thought their trimming was... I don't want to say it was akin to butchery, but that's the only adjective I can think of... they really butchered that tree and as I feared, the tree later died and we had no recourse because the tree died. I just think you ought to be very, very careful before you give the Illinois Commerce Commission... remember their wonderful work on the reverse auction. I'm not comfortable giving the Commerce Commission the authority to mandate a tree trimming program, even though Senate Amendment 1 says certain cities that have a vegetation plan will prevail. Most of the cities in our districts don't have that plan and when the private contractor shows up to meet the underlying mandate of trimming trees, guess who they're going to complain to. They're going to complain to you, as they have complained to me in the past. I'm not opposed to preventative maintenance, but I am opposed to letting the utility companies more or less have carte blanche to come in... actually they hire a private contractor... and just whack away at shade trees or ornamental trees that you may have planted years ago on your property. I didn't like the Bill eight (8) or nine (9) years ago, I don't like it now. I intend to vote against the Motion to Concur with the Senate Amendment."

Speaker Hannig: "Representative McCarthy."

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

Speaker Hannig: "Indicates he'll yield."

McCarthy: "Representative, the... I have great concerns going along with the previous two (2) speakers there and I think

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in response to Representative Eddy you had mentioned that the... these costs would not be forwarded on to the consumers. And the rate relief that was important to so many Members of this chamber, I think they will be put on there, especially if this is a mandate from the Commerce Commission. Could you tell me where in the legislation it prohibits the Commerce Commission or the utilities from passing these costs on for things like the additional tree trimming?"

Smith: "Well, Representative, I'm not sure what costs we're talking about because two (2) of the three (3) requirements are simply that they file reports. The only possible cost would be if they're in violation of the reliability standards in terms of outages and those would be penalties then. So, you know, if they violate that part and again..."

McCarthy: "The... the... these reports that they have to file are basically would be about the tree trimming and whether it's adequate or not."

Smith: "There'd be..."

McCarthy: "Couldn't these reports then mandate that they will increase the level of tree trimming in the different service areas that they..."

Smith: "No."

McCarthy: "...provide service for it today?"

Smith: "The... the reports that are required are the tree trimming report and the annual report added to their annual report to the Commerce Commission, their staffing levels and whether there had been any changes in staffing levels."

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It doesn't mandate anything with regard to those two (2) things."

McCarthy: "Well, what if those staffing levels..."

Smith: "It simply requires reporting."

McCarthy: "...what if the staffing level are determined to be inadequate at the Commission..."

Smith: "That's something..."

McCarthy: "...and they're forced to increase..."

Smith: "...that's something that..."

McCarthy: "...at some levels that would increase the cost which would then..."

Smith: "Well, that's..."

McCarthy: "...of course..."

Smith: "...that's something the Commission could do now. All... all..."

McCarthy: "Okay. But is there anything in the thing that says that these reports force an increase in the service levels?"

Smith: "Absolutely not."

McCarthy: "Absolute. There's nothing in there that says it can't be moved on to the consumers?"

Smith: "That it cannot be, no."

McCarthy: "It cannot be pushed on to the consumers."

Smith: "I... I..."

McCarthy: "If they think it's a... it's a, you know, adequate..."

Smith: "Again, got cost... again, we're talking about..."

McCarthy: "...it's a... it's a verifiable cost, it will go on to the consumers eventually."

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Smith: "Well, again, we're talking about the reports being filed. You know, the only thing is..."

McCarthy: "Well, there will be possible a minimal cost with the reports, but those costs could mandate, you know, additional costs by increasing the service."

Smith: "They have... they have to file reports with the Commerce Commission every year now, so this would require those two (2) additional things."

McCarthy: "They do need to be, you know, to my... to my view these would be duplicative in, you know, some fashion, but there're still additional reports that have to be... go in there and I think they could end up, you know, putting more people on the street, costing more money and then that money could eventually be put on... If it's a cost mandate by the Commerce Commission, I don't know how they can then justify saying, you can't pass this along. It's got to come out of some other pocket and it won't come out of the... your consumers in the long run. But I think the answer is it doesn't mandate that it can't be passed along 'til in the... in the legislation and if that was your purpose, then I think the legislation was not written as well as it could be. Another thing is in the... the first page of the legislation, it talks about the mandate that every area in the electric utility service area would be trimmed at least once every four (4) years, every single area. So, like my house, for example, I have lived there for over twenty (20) years and I've never had any tree trimming done on my... by the utility. So, now, the way this Bill is written in paragraph (a) on the first page, it says that they have to

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trim some trees at least once every four (4) years in every part of their service area. So, you would include my house, correct?"

Smith: "I'm sorry. Could you tell me where you're reading that?"

McCarthy: "Under Section 8505-2, the nonemergency vegetation management schedules. The third sentence down it says, 'the schedule must ensure that all... that trees in all parts of the electric utility service areas are trimmed at least once every four (4) years.' I guess my question is, for places like..."

Smith: "Yes."

McCarthy: "...where I live, you know, why would you mandate trimming of trees in an area where I live where all the lines are underground? I don't see anything here that says..."

Smith: "They wouldn't have to trim them."

McCarthy: "...underground areas are exempt from this mandate. I mean, really. I mean, they've never done it to my... and I have no complaint, I don't want them to come and trim my trees."

Smith: "Well..."

McCarthy: "I have underground lines to my house and I've looked through the 9 pages here and I cannot see anything that says, in areas where there's underground lines that you're going to exempt them from this mandate. I think it would be common sense, but we know we have to deal with legislation the way it's written. There is no exemption in here."

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Smith: "With all due respect, Representative McCarthy, you're asking a question about the underlying Bill which on March 8, you voted for. This, what we're talking about today, is the concurrence to the Senate Amendment."

McCarthy: "Well, I'm looking at the part that's underlined. Okay. And it changes it and whether I voted for it before or not the question is whether I'm going to vote for it today and I don't think I am. But the... another thing you had in there and maybe this is in the underlying Bill, you were here before I was, but one of the... my first election cycle was November of 1996. In the south suburbs we made a big deal about reliability standards and that they should be increased and even if... the few of us who voted 'no' on the 1997 Bill, one of the things was we were happy that the reliability standards were increased, but we said they weren't even increased enough. And yet this Bill says that the rules and regulation shall require the quality and reliability to be the same as or better than levels that existed in July of 1996."

Smith: "Well, what we're wanting to do..."

McCarthy: "But do you... don't you think the service levels are better today than they were in July of 1996?"

Smith: "Perhaps in your territory, Representative McCarthy, but what we're wanting to do is extend those reliability standards that you're talking about which have only been for ComEd territory. We're wanting to extend that throughout the state. Now..."

McCarthy: "Oh, you're bringing it back to the standards as they were of July of 1996?"

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Smith: "No, no. We're extending the standards that were put in place for ComEd territory."

McCarthy: "To the entire..."

Smith: "To the entire..."

McCarthy: "...entire state."

Smith: "...state."

McCarthy: "But only in... for utilities that serve a certain number of people, correct? I mean, like municipal utilities, this won't include them?"

Smith: "Right, right."

McCarthy: "Okay. And as far as the... the fines are going to be developed by the Commission?"

Smith: "I'm sorry."

McCarthy: "The standards... are those under the current standards or are these new increased standards that the Commission would be able to allow fines on?"

Smith: "Well, they... they're... they would be new standards for territory outside of ComEd."

McCarthy: "Outside of ComEd."

Smith: "Right."

McCarthy: "Okay. And what would those standards be?"

Smith: "Well..."

McCarthy: "I mean, if they're..."

Smith: "The standards are that they... again, this is in the underlying Bill and not in the Motion before us, but the standard... just a second..."

McCarthy: "Representative, I don't want to delay any longer. I... I just think there's a lot of problems with the legislation. I..."

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Smith: "There's... I'm sorry. What I'm trying to get for you, Representative McCarthy, is the formula. If there's a power outage..."

McCarthy: "I have..."

Smith: "...and it's... it is for damages due to a continuous power interruption of four (4) hours or more at least 50 percent of the voltage or 2) the power surges affects more than .8 percent of the total customers then they would be subject to the penalty. And there's a..."

McCarthy: "And would all of the Ameren custom... would all of the Ameren companies be included under this?"

Smith: "Yes."

McCarthy: "All right. And that's new to them..."

Smith: "That's right."

McCarthy: "...as before. Okay. As I said, I do have concerns about the costs being brought back to the consumer. I think we've fought to give them, you know, close to a billion dollars (\$1,000,000,000) in relief which was important to everybody and anything that's going to cut away from that I don't think this is the proper time to do that. I do want to say though that I apologize for my seatmate voting me wrong on the original Bill, but you were right, I was recorded as a 'yes'."

Speaker Turner: "Representative Turner in the Chair. The Gentleman from Winnebago, Representative Winters, for what reason do you rise?"

Winters: "Would the Sponsor yield, please?"

Speaker Turner: "He indicates he will."

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Winters: "Thank you. Representative, one of the concerns I have with this Bill and we're dealing with the entire Bill. You have the Motion to Concur, but if we defeat that Motion to Concur and the Senate refuses to recede, this Bill can, in fact, be killed. I would like to take you back to March and say you may have had a great Bill in March when we were facing the potential for massive increases in the utility prices throughout the state. We had no solution in place yet at that time. This was one of the small aspects of the global agreement that we were trying to reach and we voted to... to move this forward at that time as one of the potential solutions. I'd like to quote from a hero of mine, Orson Wells, who had probably when you and I were growing up he had a very famous TV commercial that said, 'We will serve no wine before its time.' And your Bill, Sir, is not the right time for this Bill. That time has passed. We have moved beyond that time. We are dealing with a situation where the utilities have, in fact, a global agreement, you are going to impose standards on them and that's what this underlying Bill is about, it's mandatory staffing levels concerning the maintenance of the utilities, not just tree trimming, but mandatory staffing levels. You will freeze into place a... a system of how many people they have to have to answer phone calls..."

Smith: "Excuse me."

Winters: "...how many people they have to have for meters. All of those mandatory staffing can be passed along as rate increases..."

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Smith: "Representative Winters, could you... could you show me where it mandates staffing levels?"

Winters: "My understanding is that this Bill will not... we have House Bill 825 that is currently studying the staffing levels that's needed. That has passed and it already is law."

Smith: "That... that's studying staffing levels retroactively. You're looking backwards."

Winters: "That... that is. What... what you're doing is looking at the service levels, as I understand the Bill, you're looking at the service quality standards and if... if the feeling is that we are not reaching the quality levels that it will then be within the purview of the ICC to order additional staffing. That's what I'm telling you about, mandatory staffing. Now, what... the problem with that is is that you then freeze technology. If we come up with a study that goes through the ICC, they say, you know, we need three hundred (300) meter readers in the system so that peoples' meters get read. A year later the utility comes out and says, you know what, we've got this great radio-based technology, we'll put in new meters, we don't need meter readers anymore, but the underlying ICC rules and regulations will be set up that freezes technology as of the date that the study was done. So, I think this is..."

Smith: "Representative Winters, with all due respect, that has nothing to do with this legislation. We're talking about saying to the utilities, when you file your reports every year, you have to tell us what your staffing levels are, if you've had any staffing reductions. There's nothing about

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mandating staffing levels and that is not the intent of this legislation. This is simply to provide some sunshine on the tree trimming schedules and also on staffing levels."

Winters: "But staffing levels in..."

Smith: "And I think both of those are indications of reliability."

Winters: "But aren't we looking at staffing levels that are being determined to try to make sure that the reliability standards, you know, whether there's new subdivisions that are being serviced, whether repairs are done in a timely fashion, regardless of whether they're caused by untrimmed trees or by natural disasters, the reliability standards that are the basis of those studies would ultimately end up in specific requirements for additional employees?"

Smith: "That... that's not part of this legislation. I mean, that..."

Winters: "Well, that was the impression that I had from the utilities that were concerned about this."

Smith: "No, that... that is not part of this legislation, Representative Winters, and again, as I said to Representative McCarthy, I was pleased to have your 'yes' vote on this Bill in March. Unfortunately, these issues were not addressed in the rate crisis legislation."

Winters: "Well, I..."

Smith: "But reliability issues are still out there."

Winters: "Right."

Smith: "That's why we need to move this forward."

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Winters: "Well, I think, again, the overlying Bill is trying to look at electric reliability and instead of looking at the outcomes of how good it is, how quickly are repairs made, how quickly the utilities respond, that's outcome based, what we're doing is instead, under this legislation, saying we need to measure the inputs we're putting into it. How many hours of linemen do we have available? How many days? How many staff do we have available for answering a call center, for instance? How many staff do we have to read the meters? And we're looking at an input based that's, I think, trying... going at the wrong end of it. What we're doing is saying, we ought to spend twenty thousand dollars (\$20,000) per child in public schools and that's all we need to do. Once we get to twenty thousand (\$20,000), we're fine. What I'm saying is, we ought to look at the graduates of our schools and say, are they adequately prepared for today's workforce? That is an outcome that we need to go... let's staff it for that level. We ought to be doing the same thing to the utilities. And I urge a 'no' vote on this and I will be changing my vote from what might have been appropriate last March and no longer is. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Scully, for what reason do you rise? I'd like to advise the Membership that I wasn't in the Chair when this debate started, but we are going to implement the timer for the four (4) remaining speakers. And with that, Representative Scully."

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Scully: "Thank you, Mr. Speaker. I think it's rather poetic that you impose a time limit when it's my turn to talk."

Speaker Turner: "You're not going to talk very long. So, I didn't think that that would make a difference for you."

Scully: "Then I'll get to the point. To the Bill. Ladies and Gentlemen, this Bill originally... was originally voted in the House last... March 8, and last March 8, was a very, very different time in this General Assembly on the issue of electric utility companies and our relationship with those electric utility companies. Two and a half years ago I received the assignment to be the chairman of the Electric Utility Oversight Committee. At that time, I'd really tried to sit back and think about really what is our relationship with the utility companies. And at that time I came to the conclusion that it is man... the senior management of the utility companies have the job of running the company. The ICC has the job of overseeing the way the companies are operating their systems and to approve their rate structure. Our job, as the General Assembly, my job as the chairman of the Electric Utility Oversight Committee... my job was not to micromanage the utility companies or the ICC, my job was to try to oversee, is the process working? And I think we reached the conclusion that clearly the process was not working properly. We delivered the message loud and clear to the ICC and to the utility companies that they were not doing their job properly, but I do not now want to see us, the General Assembly, trying to micromanage the utility companies. One of the critical responsibilities they have is to properly

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structure their maintenance systems, including tree trimming. So, I rise in opposition of this Motion to Concur. I think it is now time for us to... to back away. We've sent the message to the utility companies about how we thought they were managing their systems. We sent to the ICC a message about their degree of oversight, their degree of objectivity. And now I suggest, Ladies and Gentlemen, that we should not move towards... take another step towards micromanaging the utility companies. We should step back and hold them responsible for managing their companies. A critical step in that process would be to vote 'no' on this Motion to Concur and to tell the utility companies we're not going to tell you how to run your companies. We are going to hold you responsible for running the companies properly and managing your systems properly. In response to those questions, there was nothing in the negotiations of last summer that even remotely addressed this Bill. This Bill is completely independent of any negotiated agreements that were reached last summer. Second, any increases that we impose, anything we do to increase the cost of the electric utility companies, to mandate that they take certain action, that will increase the cost to the consumers. The rates are based upon the prudently incurred costs of the utility companies. Certainly, anything that they do, any time they can point it to a cost and say that was mandated by the General Assembly, that cost obviously becomes a prudently incurred cost that was not merely prudently incurred it was mandated. Ladies and Gentlemen, I suggest we back off now;

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I suggest we not concur in these Amendments and we go back to the structure where we, the General Assembly, will have oversight over the ICC. The ICC will in turn have oversight over the utility companies. They are responsible for properly managing their companies. Thank you."

Speaker Turner: "The Lady from Kankakee, Representative Dugan, for what reason do you rise?"

Dugan: "Yes. Will the Sponsor yield?"

Speaker Turner: "...cates he will."

Dugan: "Yes. Representative, now when this particular Bill and I remember this particular Bill, as far as looking at some of the issues that we had as our responsibility as Representatives, it wasn't only the rates that we had heard issues about. We had also heard issues about reliability. And contrary to what may have been said as far as some of the hearings that were held throughout the summer, staffing levels did come up and staffing levels were questioned. Now, I can only speak the on behalf of the ComEd territory. I specifically asked because of the concern of reliability because of the understaffing of the ComEd territory. I asked Frank Clark, as the CEO of ComEd, as to whether or not he believed that there was issues as far as staffing... and... and Representative, he did indicate that yes, in fact, they were looking at hiring more staff because they know there is an issue. Right now, in my area, a new business goes to get a ComEd service and it is a minimum of six (6) months before they can even get electrical service to a new business in a town. Now, when you look at economic development, when you look at reliability, then, you know,

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it's something that we do have to make sure that we also look at. So, I think if we're going to continue to look at this and maybe you're going to be talking about this and maybe pulling it out and we can look at it. But I think for this General Assembly to not understand that it's not just about the rates, it's about our responsibility as Legislators to make sure the reliability is still there, you have to address staffing and the problems that may exist in the utility companies. So, I'll be willing to work with you as we continue to look forward as to how we can fix this Bill to make sure that it does do what we need and if we are responsible to do. Thank you."

Speaker Turner: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker. It's amazing how quickly things change around here. As the previous speaker just said, our whole debate with the utilities over the last year was not just about rates, reliability was an important factor in that debate and I'm amazed, particularly at my fellow downstate colleagues, that don't want to extend the same type of reliability standards that are in ComEd territory for our constituents for utility customers in non-ComEd territory. That's what this legislation is about. I'm amazed that downstate Legislators would have a problem with that. Reliability continues to be an issue and this needs to be addressed. This legislation, I think, is a reasonable approach at that. It extends the reliability standards statewide. It only requires that utilities file reports. There aren't huge additional costs

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to those with regard to tree trimming and with regard to employee staffing levels. But I think there's some confusion and misunderstanding on this issue and so, Mr. Speaker, I'd like to pull it out of the record at this time and hope to be able to... to recall it in the future."

Speaker Turner: "The Gentleman asks leave to take the Bill out of the record. The Bill will so be removed. Under the Order of Amendatory Vetoes on page 15, we have Representative Yarbrough on Senate Bill 774."

Yarbrough: "Thank you, Mr. Speaker. I ask for a reconsideration on this vote for Senate Bill 774, which is a measure that creates an instant scratch-off lottery ticket. I'm simply going to ask for an override of the Governor's Veto."

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

Black: "Thank you very much, Mr. Speaker. I won't waste your time nor my energy. The Leaders have decided that this Bill will pass. My Leader, your Leader, have decided that this Bill will pass regardless of what I think about it, regardless of what those of you who voted against it the last time thought about it, the Leaders have said it will pass. And since most all of you follow the Leader, I'm just... I'm amazed. You know, look at what you did today. You go home and explain this. You pass two (2) lottery scratch-offs, the proceeds of which will go to education, excuse me, that's right, the proceeds of which will go to special and noble purposes. You refused to let a budget implementation Bill come to the floor and we passed a

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moment of silence Bill. I'm going to observe a moment of silence before I go to bed tonight and pray that the process that I knew when I came down here in 1985 and '86 will someday be resurrected. When individual Members had rights, when individual Members could vote on individual appropriation Bills, when individual Members could file Amendments and have to have them heard, and when individual Members could talk to their Leaders about, I don't want to do that. Those days are gone. We all know what we are anymore. All you want to argue about is the price. Well, I'm not going down that road. I don't care what my Leader said on this issue. I think he's wrong. And you know what really makes me mad, he doesn't have the common courtesy or the courage to come out and tell me that he has decided, along with your Leader, that this is going to pass. Shame on him and shame on the Speaker and shame on all of you who do whatever the Leaders tell you. I'll tell you what I told the Republican Leader eighteen (18) years ago. I will never serve down here when the only defense I have is what the Germans used at the Nuremberg Trials. I was only following orders. That's all. How can you punish me? I was only following orders. Well, I'm not following your orders, Mr. Leader. I was a 'no' awhile ago; I'm a 'no' now. Go ahead and pass the Bill, because the Leaders have decreed that it will pass."

Speaker Turner: "The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

Stephens: "I must not have got the message or the memo. I've been down here a long time, Representative, and we've had

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days when there were hard up arrow... down arrows, you've got to be up, you've got to be neutral on this Bill, they talk and do this, talk and do that. I didn't get a message today. I'm a Republican Leader, an elected Leader on our side of the aisle, one of several. We... I don't... we don't have a Leadership position on this. I'm sorry. I'm sorry. I didn't get a message on how to vote. Representative Mitchell's been here all day. He didn't... he wasn't told, hey, you've got to do this or got to do that. And I... you know what, Representative, the record will be what the record will be. I'm telling you as a Representative of the 102nd District and as a Republican Leader, I've not been told to vote 'yes', or 'no', or 'maybe'. And if you've been told and... or any Member's been told what to do and you can't handle that heat, well then, maybe you're... it's time to get out of the kitchen."

Speaker Turner: "The Lady from Cook, Representative Mulligan, for what reason do you rise?"

Mulligan: "Thank you, Mr. Speaker. I just want to reiterate one more time. I voted 'no' on Representative Mathias, I'm going to vote 'no' again on this. It has nothing to do with what particular issue that it's supporting, it's the underlying issue. Now, I know we're not real big on what's going on here for a lot of reasons, but I think the Governor's Amendatory Veto, whether it applies to this or how the Bill was written, is a good idea because once we've opened Pandora's Box when we did the breast cancer one and we started moving on, on changing the lotto, I think the idea that we have a revolving way of doing this so one (1)

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or two (2) people get to do it, so one (1) or two (2) groups a year get to do it, you know, nine (9) months and out and then somebody else's group gets in is probably the only way we're going to solve this issue without taking money away from what the lottery was intended for, even though it seems to be a joke that we're not really funding education. I don't think it has anything to do with any particular group, because there are many worthy people that have come to us, so I think it has to do with how... what the process is and then perhaps introduce... legislation ought to be introduced next year to go after what the Governor's Amendatory Veto was because that would solve the problem and give everybody a chance to have their group raise that extra money for nine (9) months. But I will also say that as far as supporting money for an issue, compared to some of the other issues that have been put on for the lottery check-off, AIDS/HIV has had the biggest amount of support in general from the Legislature, the largest amount of money that we have put in from the budget and from the federal level compared to any other issue that has been supported by this particular way of doing business of putting it on to the lottery. So, I still disagree because when we first passed the first one everybody said, oh, no, this will be the only one. And now, many people come to us and say, would you do my group and it's really hard to turn them down. So, once again, I will be voting 'no', but for the reasons I've stated. It's not any particular issue; I'm trying to vote 'no' on all of them now."

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Speaker Turner: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Well, first, just an inquiry, Mr. Speaker. Is there anyone else waiting to speak on this Bill?"

Speaker Turner: "It's quiet; it's pretty quiet."

Lang: "Then I have nothing to say."

Speaker Turner: "The Lady from Cook, Representative Yarbrough to close."

Yarbrough: "I just ask for a favorable vote."

Speaker Turner: "So, Representative Yarbrough moves that House Bill 77... Senate Bill 774 do pass, notwithstanding the specific recommendation for change of the Governor. All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... Representative Rose. Sommer. The Clerk shall take the record. On this question, there are 72 voting 'aye', 38 voting 'no'. The Motion, having received the Supermajority, Senate Bill 774 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. The Gentleman from Cook, Representative Molaro, for what reason do you rise?"

Molaro: "Well, Mr. Speaker, we have a Jud II Committee that's going to meet when we adjourn. As you can tell, I don't feel too well today, I'm under the weather. And I've got to take medication that may make me groggy. How much longer are we going to be working and when can I take my medication?"

Speaker Turner: "Sorry, I thought you took it already."

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Molaro: "Well, I don't think you want to see me without my meds, Mr. Speaker. How much... No, all kidding aside, and I'm serious about this now. How much longer are we going to be in so I know when my committee's going to meet?"

Speaker Turner: "...long, not long."

Molaro: "Not... Oh, thank you. I appreciate that."

Speaker Turner: "The Gentleman from Cook, Representative Lyons, Joe Lyons."

Lyons: "Thank you, Speaker, Ladies and Gentlemen of the House. It's my privilege and my honor to be talking to be you before we go home tonight, especially us men in the... in the Assembly. The American Cancer Society is putting a rather light-hearted spin on a very serious subject. They had a bunch of articles going on through the newspapers, Real Men Wear Pink. As most of us know, this is Breast Cancer Awareness Month, the month of October and they wanted us to make the effort on Fridays in October to wear something pink. So, like probably many of you, if we would have thought of it, we cert... my pink shirt is hanging in a closet back in the northwest side of Chicago. I may take a ride out to the mall and find a pink tie or a pink shirt, but let's support this wonderful effort. We do have some stickers we'll pass on the desk tomorrow morning so we can all put them on for the day. But if we could show our support to try to find a cure for this horrible cancer that affects so many women in America, it'd be a great statement. Wear something pink tomorrow, Members. Thank you very much."

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Speaker Turner: "The Gentleman from Crawford, Representative Eddy, for what reason do you rise? The Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you, Mr. Speaker. You are clairvoyant. You knew that I had a reason to rise before I knew. I... Your skills surpass everybody's understanding. I... I move to suspend the posting notices on House Resolution 749 so that it can be heard in Elementary & Secondary Education."

Speaker Turner: "The Gentleman asks leave to suspend the posting requirements for House Resolution 749. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the posting requirements are suspended. Mr. Clerk, committee announcements."

Clerk Bolin: "The following committees will meet immediately upon adjournment. The Elementary & Secondary Education Committee in Room 114 and the Judiciary II-Criminal Law Committee in Room C-1."

Speaker Turner: "Representative Molaro. And now allowing perfunctory time for the Clerk, Representative Molaro moves that the House stands adjourned until Friday, October 12, at the hour of 9 a.m. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair is the 'ayes' have it. And the House is adjourned until Friday, October 12 at the hour of 9 a.m."

Clerk Bolin: "House Perfunctory Session for the regular Session will come to order. Introduction and First Reading of House Bills. House Bill 4153, offered by Representative Burke, a Bill for an Act concerning transportation. First

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Reading of this House Bill. Committee Reports. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on October 11, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 749. Having no further business, the House Perfunctory Session will stand adjourned until Friday, October 12."