

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Speaker Lyons: "Good afternoon Illinois. Your House Representatives will come to order. Members are asked to please be at your desks. We shall be led in prayer today by Wayne Padget, who is our Assistant Doorkeeper. Members and guests are asked to please refrain from starting their laptops... laptops, turn off cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. Wayne Padget."

Wayne Padget: "Let us pray. Bless this House and all who serve here, Amen."

Speaker Lyons: "We'll be led in the Pledge of Allegiance today by Representative Karen May."

May - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Lyons: "Roll Call for Attendance. Leader Barbara Flynn Currie, what's the status of the Democrats today?"

Currie: "Thank you very much, Speaker. Let the record show we have no excused Democrats to report today."

Speaker Lyons: "Thank you, Leader. Michael Bost, GOP."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present and ready to do the work of the people today."

Speaker Lyons: "Representative Leitch, would you like to be recorded 'present'? Mr. Clerk, take the record. We have 118 Members responding to the quorum call. We are prepared to do the work for the people in the State of Illinois. Mr. Clerk."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Clerk Mahoney: "Committee Reports. Representative Currie, Chairperson from the Committee on Redistricting reports the following committee action taken on May 24, 2011: do pass Standard Debate is Senate Bill 1177, Senate Bill 1178, and Senate Bill 1179; recommends be adopted is Floor Amendment #1 to House Bill 3760. Representative Dan Burke, Chairperson from the Committee on Executive reports the following committee action taken on May 24, 2011: do pass Short Debate is Senate Bill 2185; do pass as amended Short Debate is Senate Bill 87, Senate Bill 266, Senate Bill 1686, Senate Bill 1865, and Senate Bill 2172. Representative Greg Harris, Chairperson from the Committee on Human Services reports the following committee action taken on May 24, 2011: recommends be adopted is House Resolution 325; do pass Short Debate is Senate Bill 1235. Representative Verschoore, Chairperson from the Committee on Counties & Townships reports the following committee action taken on May 24, 2011: recommends be adopted is Floor Amendment #2 to Senate Bill 1697. Representative Ford, Chairperson from the Committee on Small Business Empowerment reports the following committee action taken on May 24, 2011: recommends be adopted is Floor Amendment #4 to House Bill 3469. Referred to the House Committee on Rules is House Resolution 405, offered by Representative Kay."

Speaker Lyons: "Representative Norine Hammond, for a point of personal privilege."

Hammond: "Thank you, Mr. Speaker. If I may, I'd like to direct your attention to the Republican side of the gallery. And I

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

have the pleasure of introducing to you Megan Jo Ervin, Miss Macomb 2011, Megan is a resident of Rushville, a student of Western Illinois University. Her platform that she will be competing for Miss Illinois, in a few short weeks, deals with childhood obesity and combating childhood obesity. She's joined by the longtime directors of the Miss Macomb pageant, Bob and Nancy Foote and welcome to Springfield."

Speaker Lyons: "Megan glad to have you at the Capitol. Good luck. Representative Pat Verschoore, point of personal privilege."

Verschoore: "Thank you, Mr. Chairman. I've got a couple of young ladies from my district being Pages today. Maggie Bowmen who is 16 and her sister Margo who is 13. Let's give them a warm welcome. Thank you."

Speaker Lyons: "Representative Chapin Rose, for what purpose do you seek recognition, Sir?"

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

Speaker Lyons: "Please proceed, Chapin."

Rose: "Ladies and Gentlemen, in the balcony behind me we have some guests from Mahomet. Representative Barickman and I currently split Mahomet. We have the Kimmes and also the Allemans who are from Putnam County. So thank you for being here today, and let's give them a big Springfield welcome."

Speaker Lyons: "Welcome to your Capitol. Glad to have you. Ladies and Gentlemen, on the Order of Senate Bills-Third Reading, in the middle of page 5, Representative McAsey, you have Senate Bill 1035. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Clerk Mahoney: "Senate Bill 1035, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lyons: "The Chair recognizes the Lady from Will, Representative Emily McAsey."

McAsey: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1035 is an initiative of Attorney General Lisa Madigan's Office, to help investigate... expedite rather investigations in cases of child pornography when the Internet is being used. That information is time sensitive. Oftentimes easily destroyed and when I say that I mean IP addresses. What this would do is to allow for a process where the Attorney General can issue a subpoena that is returnable to a court directly to the Internet service provider. It allows for more expediently getting that information, arresting offenders, and stopping ongoing abuse. In addition to that, there are changes with regards to sentencing, giving the judge's the opportunity to do consecutive rather than concurrent sentences. And I ask for the Body's support."

Speaker Lyons: "You've heard the Lady's explanation on Senate Bill 1035. The Chair recognizes the Gentleman from DuPage, Representative Dennis Reboletti."

Reboletti: "Thank you, Speaker, and to the Bill. Ladies and Gentlemen, many times in smaller counties a grand jury may only meet once a week, once every two weeks. When you are dealing with the situation of child pornography, and I've unfortunately had to investigate and work on those cases with adults with infants, you need the opportunity to get the information as soon as possible. We're fortunate in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

DuPage County where a grand jury can be convened every couple of days, but in these situations you might have to wait weeks. And I recall from the testimony in our committee that when one of Assistant Attorney General's talked about the fact that additional harm was done to children because they were unable to get subpoenas, unable to track the information, and by the time they had gotten a subpoena much of that information had dissipated. So, with that, Ladies and Gentlemen, I would urge an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Jim Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Durkin: "Representative for the subpoena duces tecum is it require member of the judiciary to sign off on that subpoena?"

McAsey: "The subpoena would be returnable to the court and the judge would review that subpoena."

Durkin: "Well..."

McAsey: "...before releasing any records that were returned."

Durkin: "All right. So let me just... just back up a little bit. The subpoena is going to be issued by the Attorney General Office, they will sign it..."

McAsey: "That's correct."

Durkin: "And then it will be returned..."

McAsey: "To the court."

Durkin: "To the court."

McAsey: "Right."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Durkin: "And... would the court then be under an obligation to disclose that information to the Attorney General?"

McAsey: "The court would have the opportunity to review whatever was returned and the court would have whatever... whatever procedures, whether they thought that something ought to be returnable, it would be within their discretion what to return to the Attorney General, but, as Representative who previously spoke mentioned, note this is about understanding that we have ongoing abuse, oftentimes with the individuals creating and trading these images. And that in so many counties in our state we don't have grand juries convening on a regular basis or at all. And so what this allows is for... especially in those situations to be able to serve the subpoenas more expediently, have that information, returnable to the court for review... and then..."

Durkin: "I... I understand. But, you know, a lot of times we make these procedural changes there is often questions about when we... when these situations are actually applied in a live situation about process. Now the subpoena would be issued by the Attorney General, it would go to a target. Would that individual be able to retain counsel and seek to quash the subpoena before the court?"

McAsey: "Yes."

Durkin: "And I guess it would be whether or not the... it would have to be an in camera hearing to determine whether or not... I mean... to determine whether or not the subpoena of what was disclosed by the... or was asked for is for the variety, maybe it's overbroad, maybe it's vague, but I

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

think there's a number of ways in which you can quash a subpoena."

McAsey: "Right or whether unreasonable, or process..."

Durkin: "In which the attorney who is representing the provider would be able to go in... before they disclose and I guess that would be the situation... before they... hand over any type of information they would have that opportunity to be able to at least make their case before the court to quash it for the variety of reasons that we are commonly use in a criminal court situation. Correct?"

McAsey: "That's my understanding."

Durkin: "Okay."

McAsey: "Correct."

Durkin: "Now on the consecutive sentencing, we're still giving the court discretion. We're not saying it is mandatory. Correct?"

McAsey: "Yes. That's correct."

Durkin: "Correct that it is still discretionary? Correct?"

McAsey: "Just one moment. The... In the language, page 5, of the full text of the Bill, it discusses the... being able to have a consecutive term, in the case of a conviction of child pornography or aggravated child pornography. It's adding that to an existing list of criminal sexual assault, aggravated criminal sexual assault, as well as predatory criminal sexual assault."

Durkin: "I guess... I guess the question I have is it a 'may' or is it a 'shall'?"

McAsey: "Actually the proceeding paragraph reads consecutive terms mandatory the court 'shall' impose..."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Durkin: "Okay. That's all I wanted to know."

McAsey: "...consecutive sentences in the following circumstances."

Durkin: "Great. Thank you."

Speaker Lyons: "Representative McAsey to close."

McAsey: "Thank you. Thank you to my colleagues for the debate on the legislation this morning. I appreciate the support of the Body, so that we can continue to assist to law enforcement providing them with this very important tool, so that they can go after individuals who are victimizing children in our communities, trading images online and to give them these expedited subpoena powers, as well as, appropriate sentencing in cases of child pornography. I appreciate your 'aye' votes. Thank you."

Speaker Lyons: "Representative McAsey moves for the passage of Senate Bill 1035. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 118 Members voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Bob Pritchard."

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

Speaker Lyons: "Please proceed, Representative."

Pritchard: "I'd like to introduce to the Body a Page that we have over on this of the chamber. Young, Emma Keicher, who is a 4th grader from Sycamore, who is trying to earn a college fund by working as a Page here in the House. Her

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

dad, Jeff, is a State Farm Agent in the balcony. Please welcome Emma to our chamber."

Speaker Lyons: "Representative Don Moffitt, on page 5 of the Calendar, under Senate Bills-Third Reading, you have Senate Bill 1253. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1253, a Bill for an Act concerning local government. Third Reading."

Lyons: "The Gentleman from Knox, Representative Don Moffitt."

Moffitt: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 1253 is a Senator Forby Bill and it passed unanimously in the Senate. And what it does is amends the Public Officer Prohibited Activities Act to permit county board members in a county of fewer than 40 thousand inhabitation. They may also be a member of a community college board. The voters would be the ones that would decide it. Current law does permit exceptions for education related offices and permits county board members in counties with a population of 40 thousand. So, we're consistent with that or smaller to be members of the Board of Education, Regional Board of School Trustee's, Board of School Director's, or Board of School Inspector's. So, it just simply allows a member to be a county board member as well as community college. I know of no opposition. Be happy to entertain questions."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, the question is, 'Should Senate Bill 1253 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

all voted who wish? Will Davis. Mr. Clerk, take the record. On this Bill there's 116 Members voting 'yes', 2 Members voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Chapa LaVia, on Senate Bills-Third Reading, you have Senate Bill 1270. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1270, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Lady from Kane, Representative Linda Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. Could we table House Floor Amendment #3, please? Could we take it back to Second and table? I'm sorry. Take it back to Second and table Amendment #3, and bring it back to Third?"

Speaker Lyons: "Representative, I'm advised by the Clerk that it is in the Rules Committee, you don't need to table it."

Chapa LaVia: "Okay. So I can go, proceed."

Speaker Lyons: "You can present the Bill as written."

Chapa LaVia: "Okay. Thank you. Thank you so much, Speaker and Members of the House. Senate Bill 1270 was established on a lot of work we did last year in the last General Assembly on a task force to make sure that percentage of the goal of awarding state contracts to stable veteran-owned businesses be part of the mix... it's just little bit something we can do for the men and women that wear our uniforms. But, House Amendment #1, did a gut and replacement. It removes language requiring a 3 percent set aside for business contracts to be preformed by professional services, architechul... or engineering firms. And also it Amended

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

portions of Senate Bill 1270, requiring a Criminal Code. In Amendment #2, did was it provides a physical year report to the General Assembly by March 1. Currently in the language, it was October 1. These reports include information on the total number of veteran-owned businesses and veteran-owned businesses with disabled veterans to submit bids for contracts and the total number of veteran-owned businesses and businesses owned by veterans who are disabled who enter into contracts with the state and total value of these contracts. So, we're just trying to get a hand with CMS on how many contracts are there being awarded to veteran-owned businesses and veteran-owned businesses which the veteran is disabled. And I ask for it's a... it's vote on affirmative. Thank you."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, Representative Chapa LaVia moves for the passage of Senate Bill 1270. All those in favor signify by voting 'yes'; those oppose vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Gordon. Representative Morrison. Mr. Clerk, take the record. On this Bill, there's 118 Members voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Jerry Mitchell, on the Order of Third Readings, you have Senate Bill 1364. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1364, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Speaker Lyons: "The Gentleman from Lee, Representative Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I bring you Senate Bill 1364. Basically this allows a couple of doctors to stay serving on the hospital board for CGH Hospital in Sterling. It effects only that one hospital and I'd appreciate your support. Thank you."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, Representative Mitchell moves for the passage of Senate Bill 1364. All those in favor signify by voting 'yes'; those oppose vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Patti Bellock. Dan Burke. Representative Hayes, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 85 Members voting 'yes', 33 Members voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bob Rita, on the bottom of page 5, under Senate Bills-Third Reading, you have Senate Bill 1386. Representative Rita, would you like to move your Bill 1386? Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1386, a Bill for an Act concerning revenue. Third Reading."

Speaker Lyons: "The Gentleman from Cook, Representative Bob Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1386 as amended is basically an Agreed Bill by all parties. What it does is it puts on cap on some

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

over property tax payments for Cook County only for a period of time that where people were intended to get their tax money back that weren't. I'd be happy to answer any questions."

Speaker Lyons: "You've heard the Gentleman's explanation, the chair recognizes the Lady from Cook, Representative Rosemary Mulligan."

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

Lyons: "Sponsor yields."

Mulligan: "What happens to a school district if the money is given back at that great length of time?"

Rita: "For which length of time? There's a specific amount of... there's a specific group of people that were intended to get some, a refund a few years back. That where the five year time lapsed that... with the intention is to get that money back to them people that were intended to receive that."

Mulligan: "All right..."

Rita: "So it's not... it doesn't keep it all to way for the 20 year period. It's been amended from the Senate's version to put a specific time period with a specific dollar amount of 350 thousand."

Mulligan: "All Right. So if the base goes down by that much doesn't is impact what happened to the school district, or are they just absolved and they get to keep the money that they had gotten..."

Rita: "It would have a minimal impact from my understanding because with the cap at 350 thousand. Depending on where

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

that refund came from, it wouldn't just be on one school district."

Mulligan: "Okay. Thank you."

Speaker Lyons: Seeing no further discussion, Representative Bob Rita moves for the passage of Senate Bill 1386. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Leitch, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 110 Members voting 'yes'; 6 Members voting 'no', 2 Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the top of page 6 of the Calendar, under Senate Bills-Third Reading, Representative Mussman has Senate Bill 1578. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1578, a Bill for an Act concerning education. Third Reading."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Michelle Mussman."

Mussman: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1578, will provide access to professional development training for educational support personal, custodians, teaching assist, secretary, et cetera, to upgrade their skills and to prepare them for to assume greater responsibilities in our school. Currently, some school districts routinely exclude education support personnel from their development activities on faculty development days. This legislation will require that schools support personnel attend the workshop or in-service provided that

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

the workshop is related to the field in which they work. Timely and firsthand professional development is an important element to increase student achievement and ensuring that all students are provided a quality learning environment. I can answer any questions."

Speaker Lyons: "You've heard the Lady's explanation of the Bill. Is there any discussion? The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

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

Speaker Lyons: "The Sponsor yields."

Eddy: "Representative, first I want to thank you for working on the Bill and taking the portion of the Bill that appeared to require individuals to attend for health life safety... really kind of a broad category and eliminating that. The... an individual would at the end of the day the superintendent makes a decision whether this is relevant, correct? And it's not an agreeable issue. It's just a decision that school districts can make, and if the individuals thought to need the training or have relevance to the training, they should attend. If not the superintendent doesn't believe so. That's the final say."

Mussman: "Yes."

Eddy: "Okay. Thank you. I think you did a good job with this. It's something important to point out to the school districts the need for that kind of in-service, and I think we should pass this out."

Mussman: "Thank you."

Speaker Lyons: "No one else seeking recognition. The Lady moves for the passage of Senate Bill 1578. All those in favor

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Pat Verschoore, you want to be recorded? Mr. Clerk, take the record. On this Bill, there's 118 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Greg Harris, on Senate Bills-Third Reading you have Senate Bill 1623, Greg. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1623, a Bill for an Act concerning health. Third Reading"

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Greg Harris."

Harris: "Thank you, Mr. Speaker and Members of the House. This legislation follows on the Quinn vs. Williams decision regarding IMD, Institutes of Mental Disease and the transition of people from institutional settings to community based settings. It requires the department report to the General Assembly each year on the report of that transition and also requires that studies to be done to allow the department and the General Assembly to determine the quality and quantity and adequacy of community based services, so that we know if people are being moved into safe environments. I would be happy to answer any questions."

Speaker Lyons: "You've heard the Gentleman explanation. Is there any discussion? Seeing none, Representative Greg Harris moves for the passage of Senate Bill 1623. All those in favor signify by voting 'yes'; those opposed vote 'no'."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Jehan Gordon. Representative Jakobsson. Mr. Clerk, take the record. On this Bill, there's 118 Members voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 6 of the Calendar, Representative Beiser has Senate Bill 1644. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1644, a Bill for an Act concerning transportation. Third Reading."

Speaker Lyons: "The Gentleman from Madison, Representative Beiser."

Beiser: "Thank you, Mr. Speaker. Senate Bill 1644 makes changes to the Illinois Vehicle Code, regarding the enforcement of truck size and weight. It is the result of negotiations between the Illinois State Police, IDOT, Mid-West Truckers Association, and the Illinois Truck Enforcement Association. It passed unanimously out of the Senate. And I appreciate an 'aye' vote. Be welcome to answer any questions."

Speaker Lyons: "Are there any discussion? Seeing none, Representative Beiser moves for the passage of Senate Bill 1644. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 118 Members voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Jil Tracy, on page 6 of the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Calendar, under Senate Bills-Third, you have is Senate Bill 1688. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1688, a Bill for an Act concerning local government. Third Reading."

Speaker Lyons: "The Chair recognizes Representative Jil Tracy."

Tracy: "Thank you, Mr. Speaker. I think we need to move this back to Second as there is an Amendment in Rules at this moment."

Speaker Lyons: "Mr. Clerk, move this Bill back to the Order of Second Reading. What's the status of the Bill?"

Clerk Mahoney: "Floor Amendment #2, is referred to the House Rules Committee."

Speaker Lyons: "We'll hold that Bill on the Order of Second Reading, Representative. Representative Ann Williams, you have Senate Bill 1701. Out of the record. Representative Anthony DeLuca, on Order of Senate Bills-Third Readings, you have Senate Bill 1766. I hate to disturb you there Representative. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1766, a Bill for an Act concerning civil law. Third Reading."

Speaker Lyons: "The Gentleman from Cook, Representative Anthony Deluca."

DeLuca: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 1766, this is part the... one of two Bills I have regarding crime-free housing. And this Bill provides that a written lease shall notify the tenant that if the tenant or occupant on one or more occasion uses or permits the use of the lease premises for the commission of a felony or Class A misdemeanor, that the landlord shall have the right to

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

void the lease and evict the tenant. The Bill basically provides that leases shall include language stating that this is the case, so that the tenants are on notice that if they engage in criminal active on a premises, they could be evicted. It's very similar to language that we passed last year in a similar House Bill that I had. Additionally, it would allow cities to act on behalf of the landlord in cases where the landlord maybe reluctant to act against potentially dangerous criminals on the premises. I'd be happy to answer any questions."

Speaker Lyons: "The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, in the cases where the city can act on behalf of the owner, is that with... at the request of the owner only?"

DeLuca: "The request of the owner..."

Eddy: "...of the property. You said in your comments that..."

DeLuca: "...not only. Not only."

Eddy: "So..."

DeLuca: "It's not limited to request of the owner."

Eddy: "You said if they were reluctant, if an owner was reluctant or hesitant to bring charges against the tenant that the municipality could act..."

DeLuca: "Would you repeat your question? I'm sorry."

Eddy: "Yeah. So, the notion that in cases where the tenant may I guess... for whatever reason be someone that the owner doesn't want to act against, is it only if the owner of the

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

property requests the intervention that there be action or can the municipality do that without the request of the owner?"

DeLuca: "It's our belief that it would require permission from the owner."

Eddy: "Okay."

DeLuca: "For the municipality to bring action."

Eddy: "Okay. So, if though the municipality still considers it to be some unlawful activity that could still be pursued but these are cases where you want the city to intervene at the request of the owner, in what types of situations?"

DeLuca: "In criminal activity that would be classified as a felony or a Class A misdemeanor."

Eddy: "Okay. So, the city, if they felt that there was felonious active taking place, couldn't they act anyway?"

DeLuca: "The municipality, the police department..."

Eddy: "Right, right. At the direction of the municipality..."

DeLuca: "Not... they could take action through the police department, but not in terms of taking action to evict."

Eddy: "Okay."

DeLuca: "Not without the owner's permission."

Eddy: "Okay. Okay, I get the distinction. Thank you."

Speaker Lyons: "Representative Denis Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, when... in the Bill it talks about 'uses' or 'permits'. So, if a child... a juvenile... smoking marijuana and the parent knows about it, would that be

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

grounds then? Because that would be a misdemeanor. Is that something that your Bill would undertake?"

DeLuca: "Well, it would depend on the nature of the offense."

Reboletti: "And I see that there are some opponents to the legislation. Have you had a chance to talk to them to see what their opposition was? I'm trying to figure out because I have worked on some of these crime-free initiatives for one of my communities, and I'm trying to find out what... why they would be opposed. If somebody is using their apartment to sell drugs or sell stolen goods or something like that, I can't imagine why the... the landlord would want that for themselves or for the other tenants."

DeLuca: "The only opposition to this piece is the Illinois Rental Property Association, and he testified in committee in opposition, but that same gentleman is in support of the second Bill regarding crime-free housing which is House Bill 1309."

Reboletti: "Okay, because our..."

DeLuca: "It is... he states his opposition to this Bill because he didn't believe it went far enough."

Reboletti: "Okay. Because we're showing opposition from not only that gentleman, but from Sergeant Shriver, Center on Poverty Law, Housing Action Illinois, and Uptown People's Law Center. I don't know if your analysis shows the same thing."

DeLuca: "Shriver has no... Shriver is not opposed to this without the Amendment."

Reboletti: "Thank you, Representative."

Speaker Lyons: "Representative David Harris."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Harris, D.: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Lyons: "He awaits your question, Sir."

Harris, D.: "For purposes of legislative intent, I've received a couple of letters on this. You are not... it is not your intent that the landlord be the one to control... watch for or control the criminal activity that is taking place? Correct? In other words, they don't have to be the enforcer."

DeLuca: "No."

Harris, D.: "Okay you're..."

DeLuca: "The municipality or the police department."

Harris: "You want... you want to give the landlord the opportunity to more easily evict that individual if there is criminal activity taking place."

DeLuca: "Yes. Yes, that's correct."

Harris, D.: "Thank you very much."

Speaker Lyons: "Representative Rosemary Mulligan."

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

Speaker Lyons: "Sponsors yields."

Mulligan: "What happens if a husband beats up his wife and he is arrested for it and it's consider a felony? There's wife and kids in the apartment. Do they have to move? I mean it doesn't seem fair if the husband is either a drug dealer or he particularly if he's a wife beater. And then that puts the wife and kids out on the street. So, how do you handle that? Is there any exception made for that, if he was to be permanently removed from the residence?"

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

DeLuca: "Well, the intent of this is to create an environment for people living in rental properties, a safe and comfortable environment. So, if those type of actives are taking place and would be classified as a felony or a Class A misdemeanor and a landlord chooses to take action and then yes, they have the right to do that."

Mulligan: "So, the husband's a bumner, and he's the one that's convicted and the wife and kids are thrown out on the street along with him. There's no concept of what may be fair if they were allowed to stay? Don't you think that's a little punitive to the wife and kids?"

DeLuca: "Not necessarily. It doesn't mean the whole family. It doesn't necessarily compel that result that you said. That the whole family would be convicted."

Mulligan: "So, how would you get around the rest of the family being evicted from the premises, if that were to happen?"

DeLuca: "This could be enforced against the offender, specifically."

Mulligan: "Is this Bill coming from the Senate and its passed the Senate already, so you're the last resort?"

DeLuca: "I'm not sure, what you mean by the last resort? That it... this is... this Bi... this language is substantially similar to a Bill that I carried last year in the House. That passed the House..."

Mulligan: "I remember this, that's why I am asking the question."

DeLuca: "...and didn't go anywhere and now it is a Senate Bill this year."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Mulligan: "You know, what I'm saying is it's final action and the Senate passed it..."

DeLuca: "Yes."

Mulligan: "...if it passes here it goes to the Governor."

DeLuca: "That's correct."

Mulligan: "Well I want it on the record, so when the Governor goes to sign it, he sees what could happen. Because I think there's a problem with the Bill. And the problem is there is no obvious way to protect the innocent people that live in that apartment if one of them is a jerk or a convict or, you know, one gets out of jail and comes home and beats up the wife or sells drugs. Vice versa the could wife could, you know, I'm not just saying men beats spouses, I think there are wife's that do that too or might like too, or might like to. But, or they might be drug dealers, you know, it's hard to tell. But, I think there should be something in this Bill that says, under certain circumstances if the spouse is the one that's convicted, it doesn't automatically eject an innocent rest of the family, the wife and maybe kids. I find a problem with that."

Speaker Lyons: "Representative Al Riley."

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

Speaker Lyons: "Sponsor yields."

Riley: "Representative, I just want to get a point of clarity. So, essentially what this Bill is... is the un-amended version. The Amendment was table, Amendment #1?"

DeLuca: "That is correct."

Riley: "Okay. What are the big differences between this Bill and 1309 from the 96th General Assembly? Or is this..."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

DeLuca: "No, 1309 is the current Bill."

Riley: "I'm sorry curr..."

DeLuca: "It's a current... the main differences is about the notification 1309 deals with reducing the notification for non-criminal violations from 10 days to 5 days, so that in the event there's criminal activity with 5 days notice, you could bring before the court both the criminal and the non-violent criminal activities."

Riley: "Okay. And again Sergeant Shriver has taken a 'no' position on this Bill?"

DeLuca: "They are not opposed to this Bill."

Riley: "Thank you."

Speaker Lyons: "Representative Lou... Lou Lang."

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

Speaker Lyons: "Sponsor yields."

Lang: "Representative, I might have missed this, but in all this talk about being able to evict the tenant who's committed a crime. I didn't hear whether the person has to be convicted of this crime before this Bill kicks in. Do they have to be convicted?"

DeLuca: "No, they do not."

Lang: "So this all kicks in just on a charge?"

DeLuca: "Yes."

Lang: "So... so I understand what you're trying to do on behalf of landlords, but why would we want to make it easier for a landlord to evict someone when they've been charged with a crime, if they may end up being found not guilty?"

DeLuca: "It's a different threshold between what the criminal court would require and what this legislation requires in

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

an attempt to try and create a safe and livable and comfortable environment for people living in rental properties."

Lang: "So, is there some civil standard of proof that the person has committed the crime that would happen in the eviction court?"

DeLuca: "It would be the preponderance of the evidence."

Lang: "And so I just... I just want to see how this works. So, the landlord believes the tenant has committed a crime. It changes the threshold on the notice that has to be given to the tenant and then eventually there is an eviction case just like all others, and if this is going to be bases of the eviction, then the landlord has to prove by a preponderance of the evidence that the tenant committed the crime."

DeLuca: "This Bill does not. That's 1309 deals with the notification timeline. This Bill does not."

Lang: "So... so talk... talk me though the mechanism here. So, you're a landlord, and you've got a tenant who you believe that has committed a crime, and you want that person off you property. What do you have to do?"

DeLuca: "It wouldn't just be the belief of the landlord that criminal activity took place. This would require, I'm assuming, a police intervention in case of a felony or a Class A misdemeanor. It wouldn't just be a landlord claiming that criminal activity is taking place."

Lang: "All right. But... but the person has not been convicted, and so the charge has been made and now the landlord wants to evict the person. What is the mechanism? Do they still

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

have to give a notice, just like if it was not un-paid rent?"

DeLuca: "Yes. The required notice that's being addressed in House Bill 1309, that's still current law now. So, that notification would have to take place and would be required to be followed."

Lang: "All right. So... and that doesn't change the notice requirements, the length, or how the notice is served?"

DeLuca: "No. This does not."

Lang: "All right. So it's just in essence another check box on the five day that says you've been charged with a crime we want you out of here and now there's a court case. Is that correct?"

DeLuca: "Yes. This Bill also requires that current law, the current language in the law requiring criminal activity on lease premises be attached to the lease. So that the tenant is notified in advanced at the time that they sign the lease that certain activities could jeopardize their lease."

Lang: "So it goes to a court room and then the only issue assuming there's... assuming the person's paid their rent and isn't being evicted for some other reason and then the only issue is whether they've committed this crime?"

DeLuca: "Yes, that's correct. That's current law."

Lang: "And the attorney for the landlord has to prove by clear and convincing evidence or preponderance of the evidence, whichever you said, that this person has committed the crime and then the eviction judge is given the authority to

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

determine whether this person has committed this crime. Is that correct?"

DeLuca: "Yes, it is."

Lang: "And there could be a totally different result in that court room than in the other court room when the actual trial and the criminal case takes places. Is that also correct?"

DeLuca: "Yes. That is correct."

Lang: "So, what would have been the problem with making this Bill subject to conviction?"

DeLuca: "Part of the problem with that is it does not alleviate the problem that may exist. The amount of time it could take from when the criminal activity is taking place on the premises to the time a conviction could take place could be a long period of time, so that the problem is not resolved. And it's also two different standards between what the criminal court and the eviction court."

Lang: "Well, Representative, I almost always support your Bills and I would say I like supporting landlords who are trying to stop really nasty things going on on their premises, but I also believe in due process. I'm not sure this Bill provides appropriate due process. So, I don't think I'll be able to support the Bill but thank you for answering my questions."

Speaker Lyons: "Representative Mary Flowers."

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

DeLuca: "Sponsor yields."

Flowers: "Representative, you're saying that the tenant does not have to be prove... found guilty of a crime. It could be

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

just hearsay. And there's a possibility that he and his family or she and their... her family could be evicted on hearsay."

DeLuca: "No. Not hearsay. I... If I said that I misspoke. I don't think I said that, but no, it would still require evidence."

Flowers: "But if... if the family has not gone to court and been found guilty of the crime and you're saying that before they go to criminal court, they will be in eviction court because it may take a long period of time. They have not been found guilty of anything. It's just hearsay."

DeLuca: "They have not been found guilty in a criminal court of anything."

Flowers: "So, why is it that they're being evicted?"

DeLuca: "Because of criminal activity on the premises."

Flowers: "Who proved that they were the ones doing the criminal activity on the premises?"

DeLuca: "Who proved... who proved it? Was that your question?"

Flowers: "Yes."

DeLuca: "Well, it would be brought before the court."

Flowers: "Who would bring it before the court?"

DeLuca: "The landlord or the States Attorney."

Flowers: "Where is the proof?"

DeLuca: "Well, the proof would most likely be in a police report."

Flowers: "But he has not been found guilty of what's in the police report. Just because it is written because the... is strictly from hearsay because the landlord don't necessarily have to live on the premise. So, someone had

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

to report or make a call. So, its hearsay. It's the tenants word against someone else's word."

DeLuca: "No, it's not hearsay. If someone is caught by the police engaged in criminal activity, that would be classified as a Class A misdemeanor or a felony, that is not hearsay. That police report, that arrest is not hearsay. That is proof of criminal activity taking place on the premises, which under current law... which under current law would allow for an eviction. So let's not misunderstand that. This is not changing current law. This is stating that current law must be included in the lease, so that the tenant is notified in advance at the time that they sign that lease agreement that certain criminal activity could jeopardize their lease agreement."

Flowers: "According to the analysis, do the landlord have to notify the tenant?"

DeLuca: "Yeah, the current law would require that, yes. And this Bill does not address the notification timeline."

Flowers: "So, I guess..."

DeLuca: "This... this Amendment was not adopted just so you know."

Flowers: "Pardon me?"

DeLuca: "This Amendment was not adopted."

Flowers: "Okay."

DeLuca: "In case you're looking at that Amendment."

Flowers: "Okay. So one of the... I just want to get this straight. The tenant has not been found guilty of the crime. It's just been alluded because of a police report that was submitted in. He hasn't gone to court. He hasn't

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

been found guilty and... but he can be evicted because of what the police report says. That's number 1. Will the landlord have to return the security deposit and a portion of the rent?"

DeLuca: "I... I think it would depend on the situation. I'm assuming that if the tenant has the right to recoup that that they would. They do not forfeit it. It does state in the Bill. It does not... they would not have to forfeit it."

Flowers: "I'm sorry. It does not forfeit the security deposit?"

DeLuca: "That is correct."

Flowers: "And so what about someone that's just visiting and the tenant was not aware of what the guest was doing. Maybe it was a friend with a guest and the tenant was not aware and the police report is made and the tenant is not aware of what's going on, these are just friends of friends. He will still have the possibility of being evicted because of what a friend of a friend has done?"

DeLuca: "It might depend on the circumstances surrounding whatever..."

Flowers: "And... I... think that's..."

DeLuca: "...would take place."

Flowers: "...that's the biggest problem that I have with what you're doing here, Representative. There's nothing concrete. You know, there's no innocent until proven guilty. Everything is subject to what someone else said or what is written on paper, and it's almost like the tenant has no voice. He or she has no opportunity to defend themselves, and if they're not aware of what their company

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

is doing or whatever, I don't think they should be held liable and I don't think that their families should be in jeopardy of losing their roof over their head because of what someone else has to say. And there's... I just find all kinds of problems with this legislation. It's very vague, and I will be respectfully voting 'no'. Thank you."

Speaker Lyons: "Representative Mathias."

Mathias: "Will the former Mayor yield."

Speaker Lyons: "The former mayor yields, former mayor."

Mathias: "Thank you, thank you. Representative, is it correct that current law and the section that you're adding to already gives the landlord the right to void the lease, if there is a commission of a felony or a Class A misdemeanor?"

DeLuca: "Yes, that is correct."

Mathias: "So you're not changing any rights of the landlord towards his current lease, is that correct?"

DeLuca: "That is correct."

Mathias: "Am I correct in saying that the only thing you're doing is adding a provision, or at least one of the things you are doing, is adding a provision in the lease notifying the tenant that if they should commit a felony or a misdemeanor, Class A misdemeanor, they are liable... or that the lease can be terminated and they can be evicted. It's just a notice provision, is that correct?"

DeLuca: "That's part of what were doing, yes."

Mathias: "And even without this in the law, as I stated earlier, even without adding this notice, which puts the tenant on notice, the landlord can still do that."

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

DeLuca: "Yes, that's correct."

Mathias: "So, we're not really... the debate of what the burden of proof and when the landlord can do it and what he has to prove is already the law. And all this basically does is notify the tenant of what the current law is."

DeLuca: "Yes, that's correct."

Mathias: "Well, under those circumstances I will be supporting your Bill, and I ask everyone else here to really look at the changes in the Bill. It actually protects the tenant more by telling them what can happen. It doesn't change any of their rights, and it doesn't change any rights of the landlord to do what he can do, even if this law does not pass. Thank you."

Speaker Lyons: "Chair recognizes Representative Jim Durkin."

Durkin: "To the Bill. Previous Speaker makes a good point. There's a big difference between commission and conviction and I... you know I spent some time in the criminal justice system and I do know that we do live in an imperfect world and our criminal justice system, while it strives to do well, it is imperfect. And we do have situations were people who are charged with these offenses, they walk into court, witnesses don't show up, case is dismissed. That these people are subject to the whim of the landlord, but we also have situations were charges are reduced because the case was not what it was anticipated at the time of the charging. So, even though the law gave that provision... that type of power in the past, doesn't mean its right. And this is something, which you know, I listen to this debate I think it makes... you know the comments made earlier

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

make a lot of sense. And I do have concerns about the distinction between a commission and a conviction and I regret that I will be voting no."

Speaker Lyons: "Representative DeLuca to close."

DeLuca: "Thank you, Mr. Speaker. And we certainly had a thorough debate on this issue. Two years ago, we had a Crime Free Housing Bill that would license and regulate landlords. It was very expansive. We did pass it in the House. It didn't go anywhere. After that, last year passed a Bill scaled down very similar to what this language is, basically just requiring that the language that if criminal activity would take place on the premises that it could jeopardized you're lease, that that be included in the lease, which primarily is... of what this Bill does. Crime-free housing is not a simple issue as we're hearing today, and I'm finding out over the last two years of working on this. There's good points brought up on both sides. It's very complex. Some of the groups that have been involved in this and have worked closely with me, I thank them. We have worked tirelessly, whether it's on this Bill 1766 or 1309, which will be forthcoming. It's very complex and we put a lot of time and energy into trying to come up with a solution that solves the problem because there is a problem. And those people that might be living in a rental property in an environment that is not as comfortable as some of us may live in, and it may be for reasons beyond their control, but they have to live their daily life with a criminal element taking place and they deserve every right, just like everyone in this room does,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

to live in a safe and comfortable environment. And this piece of legislation helps get us to that point. So, I thank you for your indulgence, and I ask you for a 'yes' vote."

Speaker Lyons: "Representative DeLuca moves for the passage of Senate Bill 1766. All those in favor signify by voting 'yes'; those opposed vote 'no.' The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Crespo. Mr. Clerk, take the record. On this Bill, there are 67 Members voting 'yes', 48 Members voting 'no', 3 voting 'present'. This Bill, now having received the Constitutional Majority, is hereby declared passed."

Speaker Lyons: "The Chair recognizes the Gentleman from Kane, Representative Tim Schmitz, for a personal privilege."

Schmitz: "Thank you, Speaker. If I could direct the Body's attention behind us to the Republican side of the aisle are two people that are responsible for me being here, literally. It's my mom and dad, Tom and Nancy Schmitz."

Speaker Lyons: "Mr. and Mrs. Schmitz, welcome to the Capitol. You do nice work. You've got a great son. Representative Jerry Mitchell, what purpose do you seek recognition, Sir?"

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

Speaker Lyons: "Please proceed, Jerry."

Mitchell: "Ladies and Gentleman of the House, I'd like to introduce you to a gentleman that's been a good friend of mine over the years. He's the editor-in-chief of the Sauk

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Valley Newspaper, Mr. Jim Dunn. Please give him a warm Springfield welcome."

Speaker Lyons: "Jim, welcome to your Capitol. Representative Chapin Rose, on the order of the Third Readings, on page 6 of the Calendar, you have Senate Bill 1702. Read the Bill Mr. Clerk."

Clerk Mahoney: "Senate Bill 1702, a Bill for an Act concerning criminal law. Third Reading."

Speaker Lyons: "Gentleman from Champaign, Representative Chapin Rose."

Rose: "Sorry, Speaker, out of the record."

Speaker Lyons: "Out of the quest... out of the record. Mr. Clerk, take that Bill out of the record. Representative David Reis, for what purpose do you seek recognition, Sir?"

Reis: "Thank you, Mr. Speaker. On Senate Bill 1766... I inadvertently hit 'yes' and I wish to be recorded as a 'no'."

Speaker Lyons: "Representative, the Journal will reflect your wishes. Representative Ann Williams for what purpose do you seek recognition, Ma'am?"

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

Speaker Lyons: "Please proceed, Ann."

Williams: "I just wanted to announce and invite all Legislators to a reception tonight put on by the American Cancer Society, the American Lung Association, and a number of other groups to celebrate the number of legislative accomplishments this session and thank the Members for their help of cancer patients. And it's from 6 to 8

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

tonight at HG's, which is formally Rummy's and hope to see you there."

Speaker Lyons: "Thank you, Representative. Representative Roger Eddy for what purpose do you seek recognition, Sir."

Eddy: "An Inquiry of the Chair."

Speaker Lyons: "State your Inquiry."

Eddy: "Are... are we cruising at 30,000 feet? Is there... is there like autopilot on... do we need to see if Shaw has a plan? Is there some light you can shed on the proceeding, Sir?"

Speaker Lyons: "I was wondering when somebody was going to ask that question, Representative Eddy."

Eddy: "I've tried to be patient."

Speaker Lyons: "I'm... awaiting... I'm awaiting a direction from the home office in Room 300... "

Eddy: "In St. Paul, Minnesota..."

Speaker Lyons: "...so as soon as I find out Representative. I'll be..."

Eddy: "I... I just wondered..."

Speaker Lyons: "...as soon as the home office lets me know what direction to go in."

Eddy: "Well, Shaw's here and I didn't know if he... the home office is... I see. Okay, thank you. Appreciate it."

Speaker Lyons: "Thank you, Representative sorry I couldn't be more helpful."

Speaker Lyons: "Mr. Clerk, on Supplemental Calendar #1 is Senate Bill 1177. What's the status of that Bill, Mr. Clerk?"

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

Clerk Mahoney: "Senate Bill 1177, a Bill for an Act concerning redistricting. Second Reading of this Senate Bill. No Amendments. No Motions filed."

Speaker Lyons: "Hold that Bill on the order of Second Reading. What's the status of Senate Bill 1178?"

Clerk Mahoney: "Senate Bill 1178, a Bill for an Act concerning redistricting. Second Reading of this Senate Bill. No Amendments. No Motions filed."

Speaker Lyons: "Hold that Bill on the order of Second Reading. Mr. Clerk what's the status of Senate Bill 1179?"

Clerk Mahoney: "Senate Bill 1179, a Bill for an Act concerning redistricting. No Amendments. No Motions filed. Second Reading."

Speaker Lyons: "Hold that Bill on the order of Second Reading. Representative Dunkin, for what purpose do you seek recognition?"

Dunkin: "Thank you, Mr. Speaker. Point of clarification."

Speaker Lyons: "State your point."

Dunkin: "On Senate Bill 1766, I wish to change my vote from a 'yes' to a 'no'. Thank you."

Speaker Lyons: "Mr. Clerk, the Journal will reflect your wishes. Representative Don Moffitt, for an announcement for personal privilege. Ladies and Gentlemen heads up."

Moffitt: "Thank you, Mr. Speaker. And if I could have the attention of the Body. I think it would be appropriate if you would rise. I certainly was caught and very troubled by the national news of the storm that hit our neighbors. The terrible storm that hit Joplin, Missouri. And this was really an example of the worst that nature has to offer,

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

has brought out the best in terms of the citizens reacting and our fire, and our police, and our EMS, and our National Guard. We saw some heroic acts and people total disregard for their own safety trying to help and rescue their neighbors and fellow citizens. Even though it wasn't Illinois, it could have been and I think we just need to take a moment to reflect and have them in are thoughts and prayers. And certainly Southern Illinois got hit with the flood but this is another act and we need to keep Southern Illinois residents in our thoughts too. So, if we could just have a moment to reflect and remember and thanks. And if you feel like... however you want to honor them to thank the people that have responded and lift up those who were so severely impacted. Thank you, Mr. Speaker and Members of the House."

Speaker Lyons: "Thank you, Representative Moffitt, well done. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the order of Agreed Resolutions is House Resolution 409, offered by Representative Currie."

Speaker Lyons: "Representative Currie moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'yes'; those opposed say 'no', and in the opinion of the Chair the 'ayes' have it. And the Agreed Resolutions are adopted. And now seeing no further business to come before the Illinois House of Representatives, Representative Currie moves that the House stand adjourned to the hour of 1 p.m. on Wednesday, May 25. Allowing perfunctory time for the Clerk. All those in favor of adjournment signify by saying 'yes'; those oppose say 'no'.

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

63rd Legislative Day

5/24/2011

In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned 'til tomorrow, Wednesday, May 25 at the hour of 1 p.m. Better luck this time folks. Go Chicago Bulls. Have a great evening everybody."

Clerk Mahoney: "House Perfunctory Session come to order. Introduction of House Bill First Reading. House Bill 3785, offered by Representative Sosnowski, a Bill for an Act concerning local government. First Reading. There being no further business, the House Perfunctory Session will stand adjourned."