

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

143rd Legislative Day

5/25/2012

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on May 25, 2012: recommends be adopted, referred to the floor is Floor Amendment #2 to House Bill 5457, and Floor Amendment #2 to Senate Bill 1351."

Speaker Lyons: "Good afternoon, Illinois. Your House of Representatives will come order. Members are asked to please be at your desks. We shall be led in prayer today by Dr. Ahmad Boyd who is with the LeClaire Missionary Baptist Church in Chicago, Illinois. Dr. Ahmad is the guest of Representative Dan Burke. Members and guests are asked to please refrain from starting their laptops, turn off all electronic equipment, and rise for the invocation and the Pledge of Allegiance. Dr. Ahmad Boyd."

Dr. Boyd: "It is a great pleasure and privilege to be here today and we do acknowledge State Representative Daniel Burke for the great opportunity to come down and do the invocation for this great session. May we bow our heads at this time. Eternal God, Our Father, we come in dimensionless and mighty name of Jesus Christ. We come, God, as we open this Session for the General Assembly, we come asking that Your presence would be in this place right now. God, we pray that You will bless all of 118 Legislators that are represented here today, all of the Representatives of this great House. We pray, God, that You would grant them wisdom. We pray that You would grant them Your word. We pray that, oh God, that You would grant them

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guidance, as they will make decisions for the people of this great state, the State of Illinois. God, we're praying for our state, for we know that we're facing economic hard times. We know that we're facing deficits. We know that we're facing budget cuts, health care situations, but God, we're praying right now that You would lead them, that You would guide them in the path, in the way that they should go. Help them to forever behold the fact that they're serving the people of the State of Illinois. Help them to walk in humility knowing that You have appointed them, You have charged, called and commissioned them for this specific assignment. And God, I pray that You would grant each of them the knowledge that they need to fulfill the capacity wherein they serve the great people of this great state. In the name of Jesus this is our prayer. Let us say, Amen."

Speaker Lyons: "Representative Carol Sente would you please lead us in the Pledge of Allegiance."

Sente - 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, Democrats."

Currie: "Thank you, Speaker. Please let the record show that there are no excused absences among House Democrats today."

Speaker Lyons: "Thank you, Leader. Leader Bost, Republicans."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are here; therefore, we're at 118 again."

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Speaker Lyons: "Three days in row, Leader Bost."

Bost: "That... that..."

Speaker Lyons: "We're three for three with 118, doesn't happen very often. Mr. Clerk, take the record. There's 118 Members responding to the Roll Call, a quorum is present. We are prepared to do the work for the people of the State of Illinois. Mr. Clerk."

Clerk Hollman: "Committee Reports. Representative Daniel Burke, Chairperson from the Committee on the Executive reports the following committee actions taken on May 25, 2012: recommends be adopted is Floor Amendment #1 to Senate 3397. Introduction of Resolutions. House Resolution 1089, offered by Representative Flowers. House Resolution 108... correction... 1098, offered Representative Reboletti and House Joint Resolution 91, offered by Representative Daniel Burke. These are referred to the Rules Committee."

Speaker Lyons: "Leader Dan Burke on a point of personal privilege."

Burke, D.: "Thank you so much, Mr. Speaker. And on point of personal privilege. Ladies and Gentlemen, we just heard from Pastor Boyd that gave us a wonderful invocation this morning... Sorry about that, lost my sponge."

Speaker Lyons: "You've been a little lispy. We wanted to make sure the..."

Burke, D.: "But Ladies and Gentlemen, it's my privilege to also introduce to the Body a number of Pastor's congregation that have taken their day to join us in the House of Representatives. Would all those from the church please stand up and have my colleagues acknowledge you. And Mr.

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Speaker, if I might Ladies and Gentlemen, as I said to the congregation earlier, you don't just find your way to good people; sometimes you're introduced. And I couldn't let this day pass without introducing a very wonderful woman who I've met, a member of the Pastor's church, Angie Wonze. Angie, would you please stand. Angie is a... an inspiration to me each and every day. She lost her son, her only son, through gun violence in the streets of Chicago seven years ago. And I have to say that this woman, her strength, her character, her outlook, her compassion for other people has been an inspiration to me and certainly those in my community in particular, the church that she so loves. So, Angie, our love, our respect and keep up the good work; you're a wonderful person."

Speaker Lyons: "Angie and everyone from LeClaire Church, we're proud to have you at your Capitol, enjoy your day. Ladies and Gentlemen, we're going to start with a Death Resolution. So, I'd ask everybody to please be in their seats. Mr. Clerk, we have House Resolution 984. Shhh. Shhh. Mr. Clerk."

Clerk Bolin: "House Resolution 984, offered by Representatives Cross and Brady.

WHEREAS, The members of the Illinois House of Representatives are saddened to learn of the death of former Illinois Wesleyan University President Robert Eckley, who passed away on April 15, 2012; and

WHEREAS, In his 18 years overseeing the University, his contributions were unparalleled, and he is remembered as a man who changed Illinois Wesleyan for the better; and

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WHEREAS, He was born in Kankakee and had a passion for learning; he graduated from Peoria High School in 1939, and continued on to study economics at Bradley University, earning a master's degree in business administration from the University of Minnesota, and a master's degree and doctorate in economics at Harvard University; and

WHEREAS, He served in the United States Coast Guard Reserve, and was an assistant engineer aboard the USS Davenport from 1943 to 1946; and

WHEREAS, He taught students at Harvard and the University of Kansas, and was an industrial economist with the Federal Reserve Bank of Kansas City, Missouri; and

WHEREAS, More than 11,000 students received degrees during his years as president; to improve students' quality of life, he encouraged the formation of new student groups like the Black Student Association in 1969; his long-cherished dream to launch a campus radio station was also realized in 1972, when WESN-FM went on the air; and

WHEREAS, In addition to his presidential legacy at IWU, he also had an esteemed reputation as an economist, and authored 5 books; his articles appeared in publications like the Harvard Business Review, the American Economic Review, the Brookings Review, the Journal of the Illinois State Historical Society, and the Journal of the Abraham Lincoln Association; and

WHEREAS, He was director of State Farm Insurance Companies for 27 years, as well as a board member of Turbodyne Corporation of Minneapolis, McLean County Bank, and Central Illinois Public Service Company; and

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WHEREAS, He served as president of the Bradley United Christian Foundation, first vice president of the Illinois Council of Churches, a trustee of the Methodist Medical Center of Illinois, and a member of the Peoria Mayor's Commission on Human Relations; he was an emeritus member of the IWU Board of Trustees; and he was a member of the American Economic Association, the National Association of Business Economists, and the American Statistical Association; and

WHEREAS, He was preceded in death by his brother, Carson; and
WHEREAS, Robert Eckley is survived by his wife of 65 years, Nell B. (Mann) Eckley; his children and grandchildren, Paul N. and Penny and their daughter, Tessa; Robert George and Mary Anderson and their son, Will; Jane Lennon and David Gartshore; and Rebecca and Ken Melchert and their children, Adriane, John, and Alex; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with his family, friends, and former students, the passing of Robert Eckley; and be it further
RESOLVED, That a suitable copy of this resolution be presented to the family of Robert Eckley as a symbol of our sincere sympathy."

Speaker Lyons: "Leader Tom Cross."

Cross: "Thank you, Mr. Speaker. And I want to say thanks to Dan Brady who is, I think everybody knows, is Mr. Bloomington and Mr. Normal and takes very good care of McLean County and is a friend and a fan to both Illinois Wesleyan and Illinois State. And he said to me, Tom, we really need to

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do a Resolution to honor President Eckley. And I want to... I just went up beforehand and said hi to Mrs. Eckley and to Nell and his granddaughter Tessa. It turns out that Tessa's mom Penny and I were in school at the same time and it's a small world in that respect. But I... I'm involved in this as a Speaker and as a sponsor because I had the privilege of going to Illinois Wesleyan and was there during the time that Robert Eckley was the President. I was there from 1976 to 1980; back in the days where when you went to college you were expected to go for four years and no longer. For those of us that are sending kids to college, that idea of four years is very appealing. The... the track now seems to be a lot longer than that. But I'm... I'm... I cherish the opportunity to remember Bob Eckley and to thank Bob Eckley because I, with pride, have people say to me or ask me, where did you go to school. And I can, with a strong conviction, say Illinois Wesleyan, and be very proud of that. And I can be proud of that because of the leadership and the vision of Illinois Wesleyan's longest serving president, Bob Eckley. You heard in the Resolution about a man who had impeccable academic... an impeccable academic background, but he had a lot of vision and he was a Midwesterner who incidentally, I don't know that the Resolution mentioned it, was a huge fan of Abraham Lincoln, where... to the point where he... he told stories about his grandmother and great-grandparents having contacted knowing Abraham Lincoln. And he wrote about Abraham Lincoln and was involved in societies with him. But what he did is he took Illinois Wesleyan to a different level and made Illinois

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Wesleyan one of the finer liberal arts colleges in the country and it was because of that leadership and vision, when he said when he got there, I want to make sure that we have the best and the finest faculty around the school. And he recruited from around the country. He wanted to respect the diversity of a small liberal arts college that was growing and had kids from around the Chicago and the state and around the country in different ethnic groups and different nationalities. And he said I want that diversity and I want to... that to flourish. And whether it was speakers, whether it was the... the Black Student Association; but he also cared about the... the growth of Illinois Wesleyan from just a physical footprint that grew from a... a facility of about 34 acres to almost 60 acres. And you can imagine trying to do that within the confines of Bloomington-Normal. And then he also said, I want to make sure that I emphasize the... the fine arts and he had... he created our own chapel at Illinois Wesleyan with the physical facility that we didn't have and a fine arts theatre. And the other thing he did... that he... that you do as a President of a good university, he grew the endowment from when he started in 1968, where it was about \$6 million to when he left it was over 46 million dollars. So, he made a school great and even better than it was when he found it and we're, at Wesleyan, as an alumni, very grateful for that. But he also had a great partner in Mrs. Eckley and when you looked at what went on around that school when he was there and when he was gone from the school when he retired as a President, he continued with... with Mrs. Eckley

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as her... his partner to better that school in... in whatever way he could. So, to Mrs. Eckley and to Tessa, thank you for... for your... what your husband did and what your grandfather did. We were better as a school. We were better as a Bloomington-Normal community and I think we were better as a state. And we would very much appreciate all that he did and all that you've done. And we appreciate you being here today, thank you very much. And Dan, thank you for your... for your leadership in taking a role... a leadership role on this. Thank you, Mr. Speaker."

Speaker Lyons: "Representative Brady."

Brady: "Thank you very much, Mr. Speaker. Thank you, Leader. Ladies and Gentlemen, there's always sorrow when the passing of a community leader occurs, but with the sorrow also comes gratitude. And as Leader Cross has indicated for the legacy we have the gratitude, the legacy of one who has contributed so much such as President Robert Eckley has done. A couple points that I learned in researching President Eckley's major, major accomplishments at Illinois Wesleyan University was that the campus footprint increased by 71 percent from 34 acres to 58 acres under his direction and numerous facilities were renovated and new buildings constructed. President Eckley and his wife, Nell, oversaw the closing of University St. which was a major accomplishment and challenge in our community to allow the creation of the Quadrangle which was done in 1974 and also oversaw extensive replanting of trees in the wake of the Dutch Elm disease that destroyed most of Illinois Wesleyan's beautiful trees back in the '40s and the '50s.

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And in 1998 that area, the Quadrangle, was renamed in their honor. And just this past, well, last month... just last month before his death, the Eckley Family Foundation announced gifts totaling over \$500 thousand that will enable the school to provide more opportunities for the undergraduates, for more accomplishments and more events and research and to enhance the school's academic excellence as an undergraduate experience at Illinois Wesleyan University. As Tom indicated, we're joined today in the Speaker's Gallery by Mrs. Nell Eckley and her granddaughter Tessa. Numerous other family members wanted to be here but couldn't. But I would simply just ask the Body for a round of applause of our esteem gratitude for the Eckleys and all that President Eckley and his wife did. Thank you very much."

Speaker Lyons: "We'll take a moment of silence. Leader Cross and Leader Brady move for the adoption of House Resolution 984. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. House Resolution 984 is unanimously adopted. May the soul of Robert Eckley rest in peace, Amen. Mr. Clerk, on page 22, Leader Tom Cross, under the Order of Resolutions, has House Joint Resolution 89. Leader Cross."

Cross: "Thank you, Mr. Speaker. This is very simple. It designates a bridge we have in Oswego over the Fox River and at Rt. 34 in Oswego as the Ken and Jackie Pickerill Commemorative Bridge. I would appreciate an 'aye' vote."

Speaker Lyons: "Leader Cross moves for the adoption of House Joint Resolution 89. All those in favor signify by voting

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'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Ken Dunkin, like to be recorded? Mr. Clerk, take the record. On this Bill... on this re... Resolution, there's 117 Members voting 'yes', 0 voting 'no'. And House Joint Resolution 89 is hereby adopted. Mr. Clerk and Members, on page 3 on the Calendar, under House Bills-Second Reading, is House Bill 4239. Representative Zalewski, I believe the Amendment is ready. What's the status on that bur... on that Bill, Mr. Clerk?"

Clerk Hollman: "House Bill 4239, a Bill for an Act concerning revenue. This Bill was read a second time on a previous day. No Committee Amendments. No Floor Amendments have been approved for consideration."

Speaker Lyons: "I'll take that Bill out of the record, Representative Zalewski. Mr. Clerk, on page 4 of the Calendar, under House Bills-Second Readings, Representative Zalewski, you have House Bill 5192. What's the status on that Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 5192, a Bill for an Act concerning revenue. The Bill was read for a second time on a previous day. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration."

Speaker Lyons: "Mr. Clerk, take that Bill out of the record. Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker. Please let the record show that both Representatives Acevedo and McAsey are to be excused for the rest of this afternoon..."

Speaker Lyons: "The Clerk..."

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Currie: "...and/or evening."

Speaker Lyons: "...the Clerk will so note, Leader. Thank you. Ladies and Gentlemen of the House, I'll be starting on page 5 of the Calendar, under Senate Bills-Third Reading, starting on page 5 moving to page 6. So, if you have a Bill on 5 or 6, please, heads up. We'll start with Representative Dennis Reboletti on Senate Bill 180. Read the Bill, Mr. Clerk. Mr. Reboletti, we've been advised there's an Amendment to be adopted. We'd like to move that Bill back to the Order of Second Reading. Move that Bill back to the Order of Second Reading. Mr. Clerk, what's the status on the Bill?"

Clerk Hollman: "Senate Bill 180, a Bill for an Act concerning government. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendment #1, offered by Representative Reboletti, has been approved for consideration."

Speaker Lyons: "Representative Reb... Reboletti on Floor Amendment #1."

Reboletti: "Thank you, Speaker, Members of the Body. Floor Amendment #1, I'd ask for its adoption. It removes a \$75 minimum fee to be collected by the State's Attorneys Office when collecting overdue fees for court. Thank you."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the adoption of Floor Amendment #1 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. We'll leave that Bill on the Order of Third Reading, Representative. Representative Jack Franks, Senate Bill 408. Out of the record. Representative Camille Lilly, on the bottom of page 5, you have Senate Bill 2643. Read the Bill, Mr. Clerk. Representative, I've been advised by the Clerk there is an Amendment to be adopted. We'll move that Bill back to the Order of Second Reading. And what's the status on the Bill, Mr. Clerk?"

Clerk Hollman: "Senate Bill 2643, a Bill for an Act concerning employment. This Bill was read a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Lilly, has been approved for consideration."

Speaker Lyons: "Representative Camille Lilly, on Floor Amendment #2."

Lilly: "Thank you, Mr. Speaker and Ladies and Gentlemen of the General Assembly. Amendment #2 addresses and adding language where we further change the requirements to hours required for bidders to submit under the Amendment. In addition, submitting estimated hours identified as either journeyman and apprentice. A bidder has to submit an estimate of work performed by minorities and females as defined in the Business ent... Enterprise for Minorities, Females and Persons of a Disability Act and that's basis of the Amendment."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Seeing none, all those favor of the... Representative Reboletti on the Amendment, Dennis?"

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Reboletti: "Mr. Speaker, I could not really hear Representative Lilly. If she could give a brief explanation again."

Speaker Lyons: "Representative Lilly, we'll ask you to do another explanation. But let me try to get a little quiet on the floor. Ladies and Gentlemen, shhh. Thank you very much. Representative Lilly."

Lilly: "Thank you. And to be brief, the Amendment adds further participation in the Prevailing Wage Act so that we can include minorities, females, under the Business Ent... Enterprise for Minority, Females and Persons with Disability Act."

Reboletti: "Would the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, I know that there are numerous opponents to this Bill. Does Floor Amendment #2 alleviate any of those opponents concerns?"

Lilly: "Yes, it does."

Reboletti: "Which of the opponents does it take care of?"

Lilly: "Excuse me, Sir?"

Reboletti: "I said, which of the opponents does the Floor Amendment address the concerns of those individuals?"

Lilly: "We're working with individuals that may or may not be listed on this gro... that may be posted. So, it's a number of representatives and organizations that's come to my attention."

Reboletti: "Because I... I'm looking at our analysis and I've talked too many of these groups and there's probably at least a dozen or so that have major concerns, including many of my communities. And I know you have a Floor

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Amendment here, but I'm not sure if that's going to address their concerns. Will there be any additional Floor Amendments following this one?"

Lilly: "Not at this time."

Reboletti: "Thank you."

Speaker Lyons: "Seeing no further discussion on Floor Amendment #2, all those in favor of its adoption signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #2 is adopted. Anything further, Mr. Clerk?"

Clerk Hollman: "No further Amendments, but a fiscal note as amended by House Amendment #2 has been requested but not filed."

Speaker Lyons: "Hold that Bill on the Order of Second Reading. Leader Frank Mautino... Leader Mautino, you have, on the Order of Third Readings, on page 6 of the Calendar, Frank, Senate Bill 2706. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2706, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Bureau, Leader Frank Mautino."

Mautino: "Thank you, Speaker. 2706 is the... is basically the placing into statute the findings from the regional superintendents. And in this last year these... this chamber acted to fund these superintendents' salaries. They worked for most of the year without pay and we said that we would come back and we would look at the numbers, try to gain efficiencies on it and... and we've come back. The commission did a great job. Representative Chapa LaVia was part of it."

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There were Members from the House, from the private sector, school districts and communities and the results are embodied in this Bill. At the next election, January of 2015, the number of regional superintendents will reduce from... by 9 and what they're doing that by basically increasing the number of people within those districts. So, they're moving from 43 thousand up to, I believe, 61 thousand. Be happy to answer any questions."

Speaker Lyons: "The Gentlemen from Jackson, Leader Mike Bost."

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

Speaker Lyons: "Sponsor yields."

Bost: "Leader, I... I... we worked on this problem a long time. We... we've had three Governors that I know of try to completely abolish these offices. What kind of... now, does this consolidate in this language and to what level?"

Mautino: "Yes. They will... they will... and they're going to work on what the maps... it's almost like a redistricting structure, that we would do here through the legislature. But they're doing it voluntarily and the regional superintendents have been very cooperative. They have looked for efficiencies and they've gauged that the number of people within their districts that they could serve and do it effectively, since they by statute, carry out state functions that we've asked them to do and they want to provide good service to the schools and many... in very many areas that are tremendously important to us."

Bost: "And... and do you know... and I... and I know you probably don't know, but I mean is there... when you get deep to southern Illinois, what you run into is... is that if you

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start combining regions, what is maybe 3 counties could all of sudden grow to 10 or 12 counties. Do they have any guess on what... what they're looking at in the deep southern Illinois where, you know, so much travel, you know, to get the population you have to use?"

Mautino: "Well, that's... as I said, the regional superintendents have a working group and they are coming up with some preliminary maps so that they would not have regions that would be too vast to provide those services that are... that they do for many school districts throughout downstate and the suburbs."

Bost: "Will... will we be required as a Legislature to approve those maps?"

Mautino: "I'm just checking the... the language in the Bill."

Bost: "I was... I was just wondering..."

Mautino: "I believe they need to file them... they would need to be filed with the state board and... hold one second..."

Bost: "Okay."

Mautino: "Yes. It is correct. They will have to come back to the Legislature for approval of the reduction of the ROES as well as the districts that would be contained."

Bost: "Okay. This basically just allows them to work forward in this way for preparing those maps. And then... then the... it sets up... you say the first election, where these new maps... they'll run on these new maps, what year will that be?"

Mautino: "Their terms would be ending in 2015, so they've got a couple years."

Bost: "Their terms end in 2014..."

Mautino: "Yup."

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Bost: "...then they will..."

Mautino: "So, by January 1 they have to come up with the 35 new regions and present them to us voluntarily by January 1, 2014. And then if they can't come to an agreement..."

Bost: "Okay."

Mautino: "...then the maps would be drawn by the state board and they would do the... they would basically configure those."

Bost: "Okay. Just for purposes here of legislative intent, making sure that we know, we're... they need to prepare so the actual election cycle that these new areas, these ROEs will run in will be during the November 2014 year, correct?"

Mautino: "I believe that's correct."

Bost: "And then... and then they would follow up with taking office in January, similar to what would happen in the next election cycle as far as any Legislatures too?"

Mautino: "Correct."

Bost: "Okay. Thank you very much."

Speaker Lyons: "Representative Bob Pritchard."

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

Speaker Lyons: "Sponsor yields."

Pritchard: "Leader, what was the charge given this oversight group when they met and made this recommendation?"

Mautino: "Last year when... when we got together in the Veto Session, the funding was granted for the office and the promise made by Senator Sullivan, myself, the ROEs at the... was that a task force would convene. It would look for efficiencies in the office, whether there was a... a number which would be more appropriate. We would also look at the

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services that are rendered in the... in the offices they currently possess and they would report back to us with their recommendations as to what the appropriate number would be. And they did work in unison with regional superintendents; there were a few of those as... that were members of the task force itself."

Pritchard: "So, did they really transfer any responsibilities that the ROE has been doing to either schools or the State Board of Education?"

Mautino: "The... the Bill itself... they have... they have discussed that, but it's not in the Bill itself. The Bill is specifically dealing with the regions and the numbers of ROEs that I had, when I spoke before the House, had said we would come back and... and make the decision or the final decision of how many regions there would be."

Pritchard: "Okay."

Mautino: "And so that's this piece of the Bill."

Pritchard: "So... so we're looking at only a portion of what they were..."

Mautino: "The changes in state statute are... are ongoing."

Pritchard: "...what they were asked to do. The Governor also asked them to come back with a... the recommendation about either appointing or electing the ROE. Did they speak to this issue?"

Mautino: "The... Yes. The commission and the task force in their report came out and decided they should remain elected."

Pritchard: "So they did. I thought they didn't take a position on it? There was also an implied request that this commission look at ways to save money. Did they come up

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with any recommendation to save money other than re...
reducing the number of ROEs?"

Mautino: "The commission's decision on saving money in the two
specific line items of the budget, which are the operations
and the salary line items, were to reduce from 44 down to
35 ROEs. So, their savings they took were basically salary
and operational line items from the reductions."

Pritchard: "So, to the Bill. Ladies and Gentlemen, we have
before us a report that, I think, is a step in the right
direction. They recommend a way to reduce the number and to
some degree the cost of ROEs, but they didn't address some
other key areas that the Governor had wanted and I think
need to be answered. So, I would just, I guess, caution
this... this Body that this is an issue that isn't resolved.
We're going to have to come back and look at other areas
of... of the ROE function and how it can best be carried out.
Thank you."

Speaker Lyons: "Representative Don Moffitt."

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

Speaker Lyons: "Sponsor yields."

Moffitt: "Leader Mautino, last year or the current year there
was a problem on funding, preliminary budget, tentative
budget, figures. Is there funding for the salaries and for
operation of the regional offices?"

Mautino: "Yeah. The... well, the Bill itself deals with the
numbers and the size of the regions and the process that
they must go through to create it. So, they have to reduce
their numbers, increase the size of the region for the

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certain number of inhabitants and that'll be effective in 2015."

Moffitt: "Okay. So..."

Mautino: "As to the budget itself, I know that our Appropriation Committees have been working on... on the financing for both the operation and the salary lines. This Bill deals with actually the number of regional superintendents and the size of the districts."

Moffitt: "As you worked on this was there any discussion as to the source of the funding because that became a... and I realize that's still after the new term starts but was there any discussion on the source of the funding?"

Mautino: "There is... there is at the level of our Appropriation Committees and they're working through that now. The Bill that I'm doing here simply just reduces the number of ROEs to... to a number that the ROEs feel is appropriate and was concurred with by the task force to say for the state functions that you perform and the size of the populations that you represent, this would be the appropriate number."

Moffitt: "Do you have any projection on how much savings there would be if... if this is implemented?"

Mautino: "It would be the salaries... I'll... it depends on how the regions are consolidated. Your operations line would most likely remain the same; currently, that's about a \$2.4 million line, right now. But we're talking about 2015 when this comes about. And you would have 9 fewer salaries for regional superintendents and..."

Moffitt: "But no esti..."

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Mautino: "...and their first assistants as well. So, you'll have a number of reductions of those elected top officials for the schools."

Moffitt: "No... no estimate though on what that would really compute to based on..."

Mautino: "No, you're talking about 9 to 15 elected officials that do a tremendously important job throughout the state, but what their salaries would be in 2015 times 15."

Moffitt: "Thank you."

Speaker Lyons: "Representative Jerry Mitchell."

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

Speaker Lyons: "Sponsor yields."

Mitchell, J.: "Representative Mautino, I want to commend you on the work that's... you've done on this Bill. This is really the first step in... in kind of a three-pronged process. First of all, we had to do something with the regions themselves. That in itself will save quite a bit of money. Secondly, the duties of the superintendents will then be checked and realigned. Thirdly, we will then see these superintendents taking on a service region and areas that they had not had before so they will work with various school districts. I think this is a... a very good step. The regional superintendents themselves realized that although they'd have a very serious responsibility the state could no longer afford to have the number of service regions that... that we have at this time, so they voluntarily decided to cut to 35. Now, that doesn't mean we'll have 35. That population figure is vitally important. If they don't reach that 61 thousand population in each of the service

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regions. then the state board has the right to add to those service regions until that 61 thousand population is met. So, the maximum number of regions you'll have is 35. It could be less, but it won't be more. It's impossible to talk about the duties until we have some idea of what those regions will look like. And Representative, I don't know whether you know, I certainly don't know, when those will be available for study, but I'm sure that the Body will get a look at the... the new regions before they're completely set. Ladies and Gentlemen, this is the first step in many of the things that we have to do. Downstate Regional Offices of Education are very, very important; their... their functions are many. Those burdens would be put on our individual school districts, which are already overburdened with paperwork and things that have to be done. I think at this time, we need to pass this Bill, encourage the task force to continue its work and bring back to us new alignments, new duties for these new regions. Thank you, Mr. Speaker."

Speaker Lyons: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the House. First, I want to thank Leader Mautino for taking such a strong role in... throughout the state, especially in our fiscal realities of Illinois. And since we are at the historical marker of cutting everything these days, you know, Illinois, we're faced with a lot of challenges to... in maintaining historical funding levels for government services including public education. In 2010, we were tasked on this task force to come up with examining the

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state's educational service agencies, which are the ESAs, which are the Regional Offices of Education in Chicago and the Regional Offices of Education, ROEs. The task force, that I was part of, identified challenges that include overlapping services within similar geographic boundaries, varying levels of service quality and a lack of alignment between districts needs and service offerings across the state. It's much like a couple years back when the Governor got up in his State of the State Address saying we want 'X' amount of school districts and then we formed a task force to review that on consolidation. I just want to say, the task force itself has come up with five recommendations; this just being one of them. And the amazing thing is that all the pressures we put those ROEs through last year and last budget that they would even come down to the table with us as Legislators and as State Government and find out ways how to cut services to provide better services and how they could join forces with municipalities. I'd like to really give a short shout out to those Regional Offices of Education that came up with some really tough ideas. It's almost as if you're going to be sitting next to a person and you know they're going to be get... getting... you're going to have to get rid of them, you're their friend, but they sat at the table and helped us come up with a great plan. This is a really good first step. But think about that, if you had to lose your job sitting next to your friend and you guys came up with a plan that you had to do it, they did those things. So, I really want to put my hats off to everybody that was part of the task force. I want to say

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that the Lieutenant Governor's Office worked really hard on this. Everybody should be receiving a report of our five recommendations, but just briefly before we take a vote, I'd like to discuss a couple of the questions that came up. It's like what revenues are ROEs receiving and from what... from what sources. Some of you don't know, some ROEs get money from the county in which it serves. What... what funding formulas are used to distribute those funds? To what ex... extent does the funding distrib... distributed appear equitably among school districts that don't have the money? Now, we're going to be challenged with a budget that's going to hit our table on education that is definitely not equitable. So, a group of people that want to talk about where money should go when children don't have early child at a preschool, so I'm excited about that. And how many... and what kinds of students are the ROEs serving? Special needs, hearing impaired, et cetera et cetera et cetera. And how are the ROEs spending the funding? What services are they providing? And what is being produced? So, the ROEs want to be a partner with us on the issues that we're having and I really, once again, want to commend Leader Mautino on taking this role and really being a mentor to me over the years on budgeting issues in the state. So, thank you and I request an 'aye' vote. But this is just the beginning in those steps. Thank you very much."

Speaker Lyons: "Leader Rene' Kosel."

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

Speaker Lyons: "Sponsor yields."

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Kosel: "Thank you. This... this is a lot of... a lot of very hard work, a lot of good work, a lot of collaboration. One of the other speakers mentioned something and I want to make sure that we have an understanding. As this proceeds and we set up these new regions and these new areas, will the Legislature have a look at those before they are set in stone?"

Mautino: "I believe that we'll be... we will be shown those, but I think as the recommendation of the task force, the state board has the final say on those... on the district lines."

Kosel: "So there will be no input even in the planning by the Legislature? It will be... those will be closed meetings, they will not be open meetings where we could attend? There will be no input at all from..."

Mautino: "It is... it's basically the process. The way it's structured is that all of the locals who are involved, so the counties, the school districts, at the local level will get together and agree on these... the size of the district and who will be involved. And they need to report that back to us before January 1 of 2014. So, we're giving them time to get an agreement at the local level for all of these districts. A maximum of 35, it may be less. And then if they can't get that at the local board, then the State Board of Education will then set those parameters."

Kosel: "Who will establish... I mean this sounds like a pretty cumbersome group to be working with. You're going to involve all local school districts, all local boards of education, all local business officials, all local

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students. I mean, exactly who is going to be involved in setting those districts?"

Mautino: "It's the task force and I was just discussing this with Representative Mitchell. And all of the locals will have in... input to it, they will come back, they'll show it to the task force, who does have legislative Members on it."

Kosel: "Mmm mmm."

Mautino: "And hopefully the decision will be made at that local level because that's probably where the best decision would come."

Kosel: "Okay. So, will that... that local input be done through meetings, through to be determined, to..."

Mautino: "And... and then additionally there would need to be a joint resolution from the county boards. As the task force comes in and says these are going to be our districts, then your county boards will have to pass joint resolutions."

Kosel: "It doesn't seem to be a real clear path as to how this input's going to be going together. That was..."

Mautino: " It... it actually is pretty structured."

Kosel: "I think... I think it's a great idea."

Mautino: "It's actually very, very heavily structured. The task force contains members across all education, across county government. It's got a very broad spectrum."

Kosel: "The original task force does, yes. I was very impressed with that. I'm just... I'm just wondering, I saw a variety of maps, some of them I thought were really good, some of them I thought weren't so necessarily good."

Mautino: "Kind of like we do in redistricting."

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Kosel: "Yeah. Yeah, kind of like. So... so, I was... I just want to make sure that we have the input of everyone that can and that there is a clear intention. And I think it was Representative Pritchard who said, I assume we're going to have input in that and I didn't hear anyone say yes or no. So, I wanted to make sure that there was going to be a way for Legislators to have an input into that."

Mautino: "And... and there will be. I mean, Legislatures will be involved. As with any redistricting process, you have the county boards that must approve it and they must agree to the new regions by resolution from those county boards. The school districts and the regional superintendents are going to have to work together and we're giving them the opportunity to choose their own workable districts at the local level. And then from that point if they cannot do that by January 1, 2014, then the state board will set the parameters for the districts at 35..."

Kosel: "Okay."

Mautino: "...and so that's our process."

Kosel: "Thank you."

Speaker Lyons: "Leader Mautino to close."

Mautino: "Thank you. This has been a... quite a long process and I appreciate the work of the regional superintendents. They are elected officials who carry out state duties, as we have set forth in our statutes. They provide... provide great services and they worked and stayed at their posts for months upon months without any pay until we resolved that last year. At that time, Senator Sullivan and I came before you and said we will start this process to get

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efficiencies, to reduce the number of regional offices, to gain some savings and some accountability. And this is the first, but it is a major step. I ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 2706 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Crespo, Monique Davis, Representative Saviano. Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Rules Report."

Clerk Hollman: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on May 25, 2012: recommends be adopted, referred to the floor is Floor Amendment #6 to House Bill 4239, Floor Amendment #3 to House Bill 5192, Floor Amendment #1 to House Resolution.. Resolution 1032, House Amendment 4 to Senate Bill 1338, Floor Amendment #2 to Senate Bill 3241, Floor Amendment #2 to Senate Bill 3320, Floor Amendment #3 to Senate Bill 3572, Floor Amendment #2 to Senate Bill 3619, Floor Amendment #2 to Senate Bill 3629 and Floor Amendment #3 to Senate Bill 3794."

Speaker Lyons: "Continuing Members, on page 6, under Senate Bills-Third Reading, Will Davis, you have Senate Bill 2934. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2934, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

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Speaker Lyons: "Representative Will Davis."

Davis, W.: "Thank you very much, Mr. Speaker. Senate Bill 2934 has the support of the Health Facilities and Services Review Board and essentially what it's intended to do is to improve the operation of the Health Facilities and Services Review Board. The Bill proposes 12 substantive changes that relate to the conflict of interest of... for siblings of board members; the permit... the postpermit reporting requirements for permit holders, the opportunity for written public comment on board staff review until 10 days prior to a board meeting, the board staff timeline for reviewing permit applications, the opportunity to request a public hearing, board member appearance requirements at public hearing, the appointment of administrative law judges during the appeals process, the Illinois Department of Public Health's requirement to submit reports about the development of the center for comprehensive health planning to the Governor's Office and the General Assembly. The timelines for review of certain substantive projects, the requirements for written decisions re... written decision requests by applicants, the use of five-year population projections for utilization data and the notification requirements for fines and... for permit holders that do not comply with postpermit reporting requirements. I'll be more than happy to answer any additional questions."

Speaker Lyons: "The Chair recognizes the Gentleman from Jackson, Leader Mike Bost."

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

Speaker Lyons: "Sponsor yields."

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Bost: "Representative, and... and I want to tell you, I... the Illinois Health Facility Planning Board has been wrought with issue after issue and concern after concern over the years. And we've taken some authority away from them and we've put authority back. It... one of the... when you started down your list, how often do... 'cause... 'cause when they... they're planning these facilities, quite often it's a board that they're dealing with, a hospital board or a board of directors of a... a particular health facility. How often do you... is there a problem that their sibling might be involved? I mean, that one was kind of..."

Davis, W.: "Well, Rep..."

Bost: "...is that... is that something that's happened?"

Davis, W.: "Well, Representative, I don't know but my guess is that what we have here is probably in response to a variety of concerns that were raised by mir... by members presumably, and I guess, this could be one of them. And the fact that, you know, you have board members who are appointed, they're siblings... their other relatives work in various varieties and capacities in... all over the state. So, I guess you just never know when these situations might come up, but presumably it may have already come up."

Bost: "Okay. That's what I was going to ask. On any of these moving forward, are there particular incidences where that... that red flags that's popped up in the past? Has there... has there been some things that might have shown up and were questionable but the law did not stop? Are you familiar with ex... specific incidents where the... that we're trying to deal with here?"

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Davis, W.: "Well, particularly that one and I'll read to some information I have that says, the sibling language on I guess, page 2, 3 and 5 of the engrossed Bill is used to clarify which relationships qualify as a conflict of interest for board members."

Bost: "Okay. So... and this is... this is something that's been used in other language before... our... and... you probably don't know that, but... but this is probably some kind of language that has been used in controlling of other boards or other positions, is that correct?"

Davis, W.: "Well, let me... I will say this much, this Bill obviously was introduced originally by Senator Susan Garrett and I'm sure she does everything correctly. So, let's just assume that she's doing the right thing by this and I'm just trying to help her out."

Bost: "I... I don't know how to go on with that because you just said a Senator they always do things correctly. And I... I've been around long enough to know that they may try, but quite often we have to correct their mistakes when they come over here."

Davis, W.: "Well, not every Senator, but I'm sure Susan Garrett..."

Bost: "She... oh, I'm... yeah... she is a special case."

Davis, W.: "Ab... "

Bost: "So, basically, all the Bill is... is the list that you gave, is to make sure that the Health Facilities Planning Board is operating in the most ethical means possible. And that we will not fall into that area that we have in the

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other... in times before, that it may not have been illegal, but it was questionable, some things that might have done."

Davis, W.: "Yes, Sir, as well as, to clarify any discrepancies in the requirements for the board operations and guarantee more predictable and efficient outcome in the certificate of need process."

Bost: "Okay. Thank you very much."

Davis, W.: "Thank you."

Speaker Lyons: "Representative David Harris."

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

Speaker Lyons: "The Gentleman awaits your question, Sir."

Harris, D.: "Representative, oftentimes when somebody proposes a Bill regarding the RTA, you always ask, does this Bill abolish the RTA? Does this Bill abolish the Health Facilities Planning and Services Review Board?"

Davis, W.: "No, Sir. It does..."

Harris, D.: "That is too bad."

Davis, W.: "...it does not."

Speaker Lyons: "Representative Patti Bellock."

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

Speaker Lyons: "The Sponsor yields."

Bellock: "Good. I know we asked you this question in committee, but I just wanted to ask it one more time to make sure that none of the applicants who are already ahead of these changes, that these will pertain to them. These are just on or after the effective date, is that correct?"

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Davis, W.: "That is correct. The last Amendment that was adopted to this Bill specifically addresses that problem."

Bellock: "All right. Thank you very much, Representative."

Speaker Lyons: "Representative Jack Franks."

Franks: "Thank you, Mr. Speaker. I'm going to speak to the Bill. I understand what my friend Will's trying to do, but Mr. Harris asked the right question, whether this Bill would get rid of the Health Facilities Planning Board. No matter how you reform this pig, it's still a pig. Now understand that the only reason we have the Health Facilities Planning Board is to limit access to health care. Understand the only reason this exists is to preserve monopolies and to limit access to health care. Now, yesterday, we just limited health care to hundreds of thousands of people who desperately needed it, desperately. This is an organization that did not let Cook County close a hospital but Cook County needed it closed. This is an organization that is prohibiting McHenry County from getting health care. Right now, we talk about bringing business into this state. We talk about creating jobs. Right now, there are two applications for hospitals in my county and we cannot get health care in McHenry County. When Centegra asked for a hospital, the Health Facilities Planning Board tells them no. Mercy Hospital, from Janesville, Wisconsin, also wanted to build in McHenry County. So, this organization is stopping the ability of hundreds of millions of dollars... hundreds of millions of dollars to be spent in our county, creating high-paying jobs, and providing health care. We cannot reform the

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Health Facilities Planning Board; we shouldn't be nibbling around the edges. What we ought to be doing is getting rid of them. They serve no purpose other than to limit access to health care. Please vote 'no'; let's get rid of this terrible organization."

Speaker Lyons: "Representative Dugan."

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

Speaker Lyons: "Sponsor yields."

Dugan: "Representative, I just... Representative Davis, I just wanted to check with you as far as on this legislation as to address some concerns that came up because of the task force that was put into place and then some of the new ethical changes we made to the Health Facilities Planning Board in the CON process. There was just some confusion and some things that we thought we even had to tighten up more and that's what your Bill does, correct?"

Davis, W.: "Correct."

Dugan: "And so, again, I'm not going to speak long, but certainly the previous speaker... I want to make it very clear and most of you that know, this Health Facilities Planning Board and the problems that we had with it, there was a task force made up of Members from both sides of the aisle, both in the House and the Senate. We worked for a year and half to make sure that what this board does is make sure that there's access to health care all over this state. What was happening before is a lot of times, certain areas of this state are left out and it is the responsibility of this board and the CON process to make sure that access is everywhere and that the cost of health

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care is kept down. So, this is a very well-thought-out situation. The Health Facilities Planning Board, even though it did have problems in the past, is now moving forward because of what the task force did and the legislation that we passed. Representative Davis is just making sure that some of the issues that may have been confused we want to make sure that the board understands how we want it to move forward. It is a good Bill; it provides access in this state to health care. It is something that we need to continue. I would like to ask for an 'aye' vote."

Speaker Lyons: "Will Davis to close."

Davis, W.: "Thank you very much, Mr. Speaker. I don't know all of the Members that were on the task force that ultimately led to these kinds of recommendations, but I certainly want to this opportunity to take... to thank Representative Lisa Dugan who was on that task force. And I'm sure she put a tremendous amount of time and effort in making sure that this... that this organization moves appropriately. And just to briefly comment on one of the previous speakers who talked about maybe not having this board or the need to do away with this board. Well, quite frankly, there were probably some applications from my area that were rejected also. So, while I appreciate obviously what the Gentleman is suggesting, and maybe that's something that may happen down the road, but certainly we hope that the... the changes that were to the board will allow for a more fair... a more fair and auspicious review of applications and not limiting health care opportunities for people regardless of where

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these applications are being applied for. So, again, I thank the... the task force for all of their help, Representative Dugan for all of her hard work on that task force. And I simply ask for your support. Thank you."

Speaker Lyons: "Representative Davis moves for the passage of Senate Bill 2934. 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? Fortner, Chad Hays, Deb Mell, Dave Winters, would you like to be recorded? Dave Winters. Mr. Clerk, take the record. On this Bill, there's 98 Members voting 'yes', 16 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Chapin Rose, page 6 of the Calendar, Chapin, you have Senate Bill 2999. Out... out of the record. Representative Sid Mathias, on page 6 of the Calendar, under Senate Bills-Third Readings, you have Senate Bill 3252. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 3252, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "The Gentleman from Lake, Representative Sid Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 3252 is in response to some school districts throughout the state that they wish to try to consolidate their elementary and high school district into unit districts but are unable to because of the way the tax rate law is today, which limits them to 4 percent. What Senate Bill 3252 does is sets out a schedule to allow them, for their education fund and for

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their operations fund, if they decide they do want to merge which I think is certainly a goal, I think, of ours and task force that have been out there in the long-run to save money, it sets out a schedule of what that tax rate would be and then over a five-year period would decline back to the four percent rate for educational purpose and the .75 percent rate that is currently the law. Gives them an opportunity, however, during those years to come up with the funds necessary to consolidate and our goal is obviously, in the long-run, to save money to both the state and local districts. This is not a new concept and in fact, in 2004, Representative... I believe it was Representative Cultra had a sa... similar Bill for Crescent City which was passed by the 94th General Assembly and actually created this consolidation in his area which turned out to be a good thing for... for that district. The main thing to know and... you know, when looking at this, is this all requires a front-door referendum. So, in other words, it's all up to, if we give permission, all up to the voters in the various districts that want to consolidate. If they think it's not worth it for them to do it, then obviously they have that right to do it. We just want to give them an opportunity, an opportunity to, I think, is a goal of us to consolidate districts throughout the state voluntarily. And this would give them the impetus to do it. So, I ask for your 'aye' vote."

Speaker Lyons: "You've heard the Gentleman's... Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 3252 signify

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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... Sommer, Unes. Mr. Clerk, take the record. On this Bill, there's 72 Members voting 'yes'; 41 Members voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mike Connelly, we'll get back to you on Senate Bill 2945. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill... Senate Bill 2945, a Bill for an Act concerning health. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Mike Connelly."

Connelly: "Thank you, Mr. Speaker. Senate Bill 2945 allows a single for-profit hospital, whose sole purpose is to treat cancer patients, the option to consider tobacco usage in per... personnel decisions. I want to thank the numerous cosponsors of this Bill. And I ask for a favorable vote."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? The Chair recognizes Representative Joanne Osmond, Leader Osmond."

Osmond: "Thank you, Mr. Speaker. Cancer Treatment Centers of America is located in my district. They treat cancer; their main object... objective is to make people whole. Everyone on this floor has been hit by someone with cancer, a death from cancer. They fight to prevent that. What they're trying to do here is to set up their employee policies for nonsmoking. This particular issue is done at the Baylor Clinic, it's done at the Cleveland Clinic and all they're trying to do is try to make it conform with what the policies are in other clinics treating cancer. I would hope

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that you pay attention to this and try to support their efforts in making their employees understand the importance of what they're trying to defeat. Thank you very much."

Speaker Lyons: "Leader Lou Lang."

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

Speaker Lyons: "Sponsor yields."

Lang: "Mr. Connelly, you may recall I voted for this Bill in committee and when I did I don't think I quite understood the Bill fully. I've come to realize that this Bill is not just about controlling smoking at the facility, but would enable this particular facility to either refuse to hire or to terminate an employee for doing a legal activity, smoking, off premises, is that correct?"

Connelly: "Well, what it does is the Bill essentially is a... as Representative Osmond indicated, is a very narrowly tailored extension of existing law, which is mod... it... it comes from the Right to Privacy Act in the work... and the Workplace Act, which allows the American Cancer Society to do this today. The American Cancer Society being a non-for-profit enterprise. This hospital... this on... this one hospital is a for-profit cancer treatment only hospital; that's why it's just a very narrow extension of what is already the law in Illinois."

Lang: "However, th... that as artful as an attorney's answer that was, the fact is that this Bill would enable this particular organization to terminate the employment of an employee or refuse to hire an employee for smoking, off premises, at their home, on vacation, in their own car, any place that they might smoke. Is that correct?"

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Connelly: "Well, what they're trying to do is they're creat... that is correct. What they're trying to do and what they have done is create a... an environment, as JoAnn said, they're treating cancer patients. They're trying to create an overall wellness environment for their employees. They can consider that, like the Cancer Society does, in employment. I have been told that those current employees, who smoke, go to a cessation program where they try to encourage the cessation of the use of tobacco. They do not discharge those employees."

Lang: "But this Bill would enable them to do so, is that correct?"

Connelly: "It's... that's the law in Illinois already, yes."

Lang: "And so, while I share your view that we should encourage people not to smoke, I'm not sure why we would want to pass a piece of legislation where a business can control the private lives of its employees. What if they decided it was in their policy to say that they could fire someone for gambling or fire someone for being left-handed or fire something... fire someone for driving a foreign automobile. Would of all of those things be reasonable?"

Connelly: "No, they would not be reasonable. But that's why this Bill... And it's a great question, Leader... that's why this Bill is... is so narrowly tailored, it doesn't apply to any other entity but one."

Lang: "Well, so, my suggestion, Sir, is that they find a different incentive other than hanging a hammer over people's head, a different incentive for the cessation of smoking. Perhaps they should have smoking cessation

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programs for the employees on the premises. Mr. Speaker, to the Bill. I did vote for this Bill in committee, but I misunderstood it at the time. I don't think it's appropriate for businesses, however well-intentioned, to be controlling the private lives of its own employees nor do I think it's appropriate for a business to refuse to hire people who don't kowtow to their personal prejudices. I'm going to vote 'no'."

Speaker Lyons: "Ladies and Gentlemen, we've got about six speakers on this Bill. I'd appr... I'm not using the timer, but I'd appreciate if you'd be considerate of everybody else's time and keep your comments two to three minutes if possible. Marcus Evans, Representative Evans."

Evans, M.: "Thank you, Mr. Speaker. As a cancer survivor and as an individual who, you know, I've been to cancer treatment centers and clinics and hospitals; I think that it's key that we have not only the doctors but the staff of these facilities, kind of be on par with our recovery. I think recovery... recovery is two par. You know recovery has to do with your mental aspect of a cancer patient, as well as, the medicine that you receive. So, I'm 100 percent behind this. I think that, you know, when you agree to work at facilities like this, you must take into account, you know, what you do more so than any other facility. What you do as a... as a employee of these facilities and it's important that you be 100 percent behind the recovery, mentally and physically of a cancer patient. So, being a cancer survivor, I'm 100 percent supportive of this... of this Bill and I... and I encourage you to concur with me. Thank you."

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Speaker Lyons: "Representative Ann Williams."

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

Speaker Lyons: "Sponsor yields."

Williams: "Representative, how will the company know if their workers are smokers or what their smoking habits are?"

Connelly: "I couldn't hear that. I'm sorry."

Speaker Lyons: "Shhh..."

Williams: "I'm sorry. How will the company know what the smoking habits of their employees are? How will they find out that information?"

Connelly: "I... I would think in the, if you're applying for that job, it would be a... it would be a question on an employment application."

Williams: "But in terms of current employees, is there anything in the law that addresses how current employees would be handled?"

Connelly: "No."

Williams: "So, would... how would you envision it working or how could we envision finding out if someone smokes, has one cigarette on the weekend, smokes a cigar on their deck? How would they know that? Or how could they know that legally? Is there unlimited opportunities for them to monitor employees under this Bill?"

Connelly: "Well, I... I'm... I would think under the Smoke Free Illinois Act individuals can... can smoke on a working premises 15 feet, I believe, from a... from the doorway. But I... I don't know how else... I don't know how to answer your question."

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Williams: "But this Bill, as Representative Lang, indicated applies to people's smoking habits at home and off work hours, correct?"

Connelly: "It applies... it... it simply can consider whether or not you use those products. And that's the law today for the Cancer Society as well."

Williams: "Is there a grandfather clause for current employees that maybe unfortunately addicted to smoking?"

Connelly: "No. As I... as I indicated, current employees are put, through their insurance, through cessation programs..."

Williams: "But again, the law..."

Connelly: "...to try to encourage... I'm sorry."

Williams: "Excuse me. Again, the law does not address that, so they could just go in one day and fire anyone for the smoking issue."

Connelly: "No. They... they've already indicated they would not do that with their current employees. And this is a going forward basis, so those that they would consider for employment, they'd have that option."

Williams: "But the Bill doesn't say that. The language that I read didn't indicate that. If an employee is addicted to smoking or a tobacco product, are they provided time or resources to quit? Would that be an option?"

Connelly: "They are all..."

Williams: "Or additional language to maybe put in the Bill to ensure protection for current employees?"

Connelly: "It's all... it's already the... it's how they treat current employees already."

Williams: "But once again, it's..."

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Connelly: "The cessation programs."

Williams: "...it's not in the language of the Bill. To the Bill.

As a general rule, I strongly support any legislation which discourages smoking and I consider myself a strong antismoking advocate. So, I, too, voted 'yes' in committee thinking this is all about smoking, I'm voting 'no'. But the reality is, this Bill is not about discouraging smoking; it's not about cancer; and it doesn't impact the tobacco companies. Instead it punishes those who unfortunately might be addicted to this dangerous product or alternatively may pick up an occasional cigarette on their own time. At the core of this discussion is personal choice. It's widely known that lifestyle factors may cause almost 40 percent of cancer. This includes not only smoking but sun exposure, exercise and your diet. Will the next Bill provide for termination for eating chocolate chips cookies or McDonalds or not getting on the treadmill? I think it's a slippery slope. It may sound funny, but really which cancer causing items are we going to start including. The underlying statute specifically prohibits employment discrimination based on the use of lawful products. If we're going to start picking and choosing which lawful but perhaps dangerous or product that negatively impact someone's health, why don't we just eliminate the whole statute. Why don't we just repeal the whole thing? As part of their mission, couldn't this company utilize a different approach to discourage smoking such as forbidding smoking on the premises, smoking cessation programs, a positive incentive like health and wellness? As written, this Bill

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is overreaching and unfortunately I will be unable to support it when it comes to a full vote."

Speaker Lyons: "Representative Tracy. Two minutes.. three minutes, Jil, please."

Tracy: "Thank you, Mr. Speaker. I would yield my time to Representative Osmond."

Speaker Lyons: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. I need to clarify some things that have been just said. The previous speaker addressed the fact that this does actually involve smoking, this does actually involve cancer. The issue here is that there are 1,000 employees at the Zion Facility of the Cancer Treatment Centers of America. Of the 1,000, six percent, 60 employees, do have a smoking issue. The facility has told them that they will pay for them to go to the treatment needed to help them with the smoking. This is greatly needed. Again, I'll tell you that it's the same policy that's at the Baylor Clinic'; it's the same policy at the Clinic.. at Cleveland Clinic. Why can't it not be the same policy at Zion, Illinois? Please, please consider and vote for this."

Speaker Lyons: "Representative Greg Harris. Greg, two minutes."

Harris, G.: "Thank you, Mr. Speaker. To the Bill, Ladies and Gentlemen. I listened very carefully to those speaking in favor of the Bill and while cutting down on a behavior like smoking is certainly a laudable goal, we need to think about what this Bill actually does. It gives private entities, private for-profit corporations, the ability to ask an employee, as a condition of employment, about any

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behavior they may have in their personal life and to either not give them a job or terminate a job based on personal behavior in their own home, in their own time, in their own lives. Ladies and Gentlemen, no matter how laudable the goal is, should we begin to infringe on the constitutional rights of a person in his or her own home by a for-profit corporation to dictate behavior. I think, as the former Speaker said, we are going down a very slippery slope. I would urge a 'no' vote."

Speaker Lyons: "Representative DeLuca."

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

Speaker Lyons: "Sponsor yields."

DeLuca: "Representative Connelly, is there anything in this legislation that would allow for air filtration units?"

Connelly: "I didn't see any air filtration units in there."

DeLuca: "Okay. Does this allow for any licenses, smoking licenses to be issued?"

Connelly: "I don't know what you're talking... I don't know what you're talking about. What do you mean?"

DeLuca: "Okay. So, it doesn't allow for any licenses to be issued, smoking licenses?"

Connelly: "Not in this Bill. No."

DeLuca: "All right. That's too bad. My other question is, can you... a serious question now. You had indicated that this is current law. Could you please explain a little clearer on how it is current law now, where it is current law now and how we're going to, you know, expand it into this new facility? Thank you."

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Connelly: "Th... those are excellent questions. It's current law in Illinois. It's been that way for 20 years. In... there are many Members of your side of the aisle, unfortunately most of our side of the aisle who voted for the Bill are gone; who voted for this very exemption; a very limited... limited exemption for the American Cancer Society. And in the same token, I had the same concern when I saw this Bill about the slippery slope. Two things come to mind: 1) it's been 21 years... 21 years since anyone's even attempted to add an additional exemption to this existing law, 2) the attempted exemption today is so narrowly tailored, it only involves one facility, a cancer facility, that's for-profit. I would argue that if that cancer facility was non-for-profit it would be under the existing law."

DeLuca: "Thank you."

Connelly: "Thank you."

Speaker Lyons: "Representative Pritchard, two minutes."

Pritchard: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen, the question has been raised as to how an employer in this case, one employer, would know whether their employees are smoking. And I'd like to share an example from my personal family. My mother gets deathly sick when she smells smoke on someone's clothes or they happen to have just discarded a cigarette. The actions of employees do have serious consequences to a health care facility where people are suffering from cancer and may be suffering from lung cancer, where smoking and the air they breathe becomes very precious. I think we need to go back to what this Bill contains rather than what we fear it

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might contain and say it's limited to one type of facility that deals with people in health crisis. And it deals with a problem that can have serious consequences if it's on a person's clothing or... or skin. I would ask for your support."

Speaker Lyons: "Now, we have three speakers and we'll end debate. Nybo, Phelps and Sullivan. Representative Chris Nybo, two minutes."

Nybo: "Thank you, Mr. Speaker. I stand in support of the Bill as well; and... and from a broader general perspective. I'm an employment lawyer and I think we should be generally supportive of employer's ability to subject their employees and hold their organizations to a certain code of conduct. I think the lawful product statute itself is something that we should be looking at, as to whether we should have that. And I think if you look at... you know, consider this from a different perspective, an organization that sells a product. And if you have an employee of your organization out there engaging and... and using a competitor's product and telling people, hey, this is a better product than the company I work for, the organization should have the ability to terminate that employee. That employee is not upholding the mission and the objective of the business that he works for. So, I support the Member's Bill here and I would encourage an 'aye' vote on this one."

Speaker Lyons: "Representative Phelps and then Represe... Representative Sullivan and then Representative Connelly to close."

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

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Speaker Lyons: "Sponsor yields."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Connelly, on our analysis, I just want you... for the record and for clarification, this is site specific only, am I right?"

Connelly: "That's correct."

Phelps: "Thank you. And please support the Bill."

Speaker Lyons: "Representative Sullivan."

Sullivan: "Thank you. To the Bill. I rise in support of this. Ladies and Gentlemen, Representative Pritchard probably said it more eloquently than I am. We need to go back to why we're here and that's patient care. Many of you in this chamber know my wife; she is a nurse practitioner that has been in the field of oncology for the better part of her career as a nurse practitioner. She dealt with people with head, neck and lung cancer for many, many years down at Northwestern Hospital. She helped in the treatment of the toxicities for all the treatments that they have been going through. Imagine your loved one battling these diseases; imagine the troubles they have to go through to try and get cured and then imagine that they have to be forced to battle one more toxicity that they would rather not. Ladies and Gentlemen, let's get back to what this Bill is about and it's about helping people survive devastating disease. Please vote 'aye'."

Speaker Lyons: "Representative Connelly to close."

Connelly: "Thank you, Mr. Speaker. I appreciate the spirited debate. I appreciate the concerns that many have. I had those a well, but they've been addressed to my

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satisfaction. And for purposes of the record, other states have this very law: Massachusetts, Texas, Ohio, Pennsylvania have adopted a tobacco free environment. I respectfully ask for a 'yes' vote."

Speaker Lyons: "Representative Connelly moves for the passage of Senate Bill 2945. 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 are 65 Members voting 'yes', 48 Members voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Hollman: "Introduction of Resolutions. Senate Joint Resolution 71, offered by Representative Williams is referred to the Rules Committee. Senate Bills-First Reading. Senate Bill 2534, offered by Representative Cross, a Bill for an Act concerning civil law. Senate Bill 2915, offered by Representative Dugan, a Bill for an Act concerning regulation. These are referred to the Rules Committee."

Speaker Lyons: "Mr. Clerk, committee announcements."

Clerk Hollman: "The following committees will be meeting at 3:00 the Executive Committee is meeting in Room 114 and the Human Services Committee is meeting in Room 115."

Speaker Lyons: "The House will stand at ease, Ladies and Gentlemen, 'til the hour of 3:30. We will stand at ease for a half hour. House will come to Order. Mr. Clerk."

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Clerk Hollman: "Committee Reports. Representative Daniel Burke, Chairperson from the Committee on the Executive reports the following committee action taken on May 25, 2012: recommends be adopted is Floor Amendment #3 to Senate Bill 1355. Representative Greg Harris, Chairperson from the Committee on Human Services reports the following committee action taken on May 25, 2012: recommends be adopted is Floor Amendment #3 to Senate Bill 2194."

Speaker Lyons: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. If the record could reflect that Representative Schmitz will be excused for the rest of the day."

Speaker Lyons: "Thank you, Leader. The Clerk will so note. Leader Currie."

Currie: "Thank you, Speaker. Please let the record reflect that Representative Kelly Burke is excused for the remainder of the day and night."

Speaker Lyons: "Thank you, Leader. The Clerk will so note. Mr. Clerk, Leader Barbara Flynn Currie, has on page 10 of the Calendar, under Senate Bills-Second Reading, Senate Bill 2194. What's the status on that Bill, Mr. Clerk?"

Clerk Hollman: "Senate Bill 2194, a Bill for an Act concerning revenue. This Bill was read a second time on a previous day. Amendment #2 was adopted in committee. Floor Amendment #3, offered by Representative Currie, has been approved for consideration."

Speaker Lyons: "Leader Currie on Floor Amendment #3."

Currie: "May we go ahead and amend the Bill and then discuss it on Third Reading?"

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Speaker Lyons: "That's fine with me, Barb."

Currie: "With the leave of the Body, I would hope that would be okay."

Speaker Lyons: "Lady moves for the adoption of Floor Amendment #3. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #3 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Hollman: "Senate Bill 2194, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lyons: "Majority Leader Barbara Flynn Currie on Senate Bill 2194."

Currie: "Thank you, Speaker and Members of the House. This is another major piece of our major Medicaid puzzle. This measure would do three things. It would increase the state tax on cigarettes by a dollar, so it would \$1.98 total. It would, at the same time, increase taxes on other tobacco products to the same degree so that there is parity. Second, it would create a new hospital assessment worth \$290 million; 50 million of those dollars would come to the state. So, we would be able to match that with \$50 million at the federal level for \$100 million, the value that... the dollar value of the increase in the... in the tobacco taxes would be 350 million again matchable by the Federal Government. So, this is a total of \$800 million. In addition, because all this is relevant to what hospitals do for our health and the health of our people, in addition,

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we would... we would create a... a list of items the hospitals would need to show if they were trying to achieve property tax-free status from the Illinois Department of Revenue. As you know, there was a Supreme Court decision that said that they could not access the charitable exemption. And what this measure does is provide for a large number of items that they could show to the department and if that total matched their property tax liability, they would then be able to use that exemption. This is critical... critical to the... the effective work that we did yesterday when we passed Senate Bill 2840 because this is 800 million that we did not cut. If we don't adopt this Bill, we're going to have go back and cut Medicaid by another 800 million or we will find ourselves having to make proportional cuts to all other areas of State Government. Let me tell you also that there are some significant good health results from passage of this Bill. The expectation is that close to 80 thousand children would not start smoking; 60 thousand grown-ups would stop smoking. And we can expect 60 thousand fewer deaths from tobacco related causes. This is a key issue for the Medicaid budget. It's also a key issue for the health of the Illinois public. I would be happy to answer your questions. And I certainly hope you will give me your 'yes' votes on passage of Senate Bill 2194."

Speaker Lyons: "Thank you, Leader. I will implement the 3 million time... 3-minute timer, but will certainly be considerate and as generous as I can with additional time. That having been said, the Chair recognizes Leader Mike Bost."

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

Speaker Lyons: "Sponsor yields."

Bost: "Leader, I... I want to make sure that everyone understands. If this would not pass, it would require us to go back and revisit the language that was in the Bill that we passed yesterday according to... I think Amendment #5 is what that was I'm... I'm not sure."

Currie: "Right, that's exactly right. We, yesterday, we're able to save about \$1.6 billion in the state's Medicaid Program. As you know, those cuts are real and they will hurt real people. The prospect of going back and finding more cuts, provide more pain for vulnerable citizens of Illinois is certainly not one that the people who worked in the Medicaid working group would welcome. And again, if we did... if we were not able to do that, then we would just be cutting our way across all other areas of State Government. And if you talk to people who are working in the five House Appropriations Committees, you will find that they feel they have cut enough; they have cut in some cases to the bone. So, this is a key piece of the Medicaid funding issue that we have been working on all Session and I think you're wise to underscore the impact if this Bill fails to pass."

Bost: "Also, what I wanted to... to ask specifically is that the dollar amount that is projected... and understand that it's... it's a projected dollar amount, that will... will be generated by this. What is that again?"

Currie: "It is total 800 million; 350 from the tobacco taxes match 350 by the feds, 50 million comes to the state out of the new hospital assessment, the second hospital

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assessment. That, too, could be matched by the feds. So, that's a total of 100 million, altogether it's 800 million."

Bost: "What would be, I mean, it... basically, with the hospital assessment, that can be applied and whatever that amount is can be applied to that level. But... but the con... only concern I would have is, what if it does not reach that level that is now projected? Are we spending at... all the way to that level or is there a cushion in there?"

Currie: "I think there... first of all, there is a cushion. Second, my numbers are very conservative. We had an expert from the University of Illinois who has spent the last 25 years studying tobacco taxes and he actually puts the number, not at 350 million from the dollar tax increase, but at 375 or 380. So, I think we've taken a very conservative approach. Obviously, if the numbers don't come in the way we hope they will, then we'll have to go back to the drawing boards, but I think that this is a... a pretty safe, pretty conservative estimate."

Bost: "And just... just finally, where... where does this put us... and you know what, if people stop smoking, I know that would be a con... it's kind of a double-edged sword. We..."

Currie: "You got it."

Bost: "...we would like to encourage people not to smoke because of the health concerns and because of the cost to..."

Speaker Lyons: "Leader, your time has expired. I'll give you another minute or two to conclude your remarks."

Bost: "Thank you, Mr. Speaker. Because of Medicaid costs and of all these costs, but as that goes down, it will still allow

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us to... to apply it where we need it, but our hope is that we actually reduce the overall income from this. I mean, really..."

Currie: "Right... right... right. Well, so, let me just tell you that, again, the numbers of expected revenues are conservative, but also they take into account the likely decision of some 60 thousand adult Illinoisans to stop smoking. They take into account the likelihood that 80 thousand kids won't start. And in fact, what we found from the last time we increased cigarette taxes, 10 years ago, yes, there's a bit of decline over time because nationwide smoking rates are on the decline, but we still have a lot more revenue from that tax increase than we would have had had we not raised taxes in the first place. So, it turns out it's actually a relatively stable source of revenue for a very long time."

Bost: "Thank you."

Speaker Lyons: "Representative Jim Sacia. Three minutes, Jim."

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

Speaker Lyons: "Sponsor yields."

Sacia: "Leader Currie, more than once I have stood in opposition of your legislations. That is not the case today."

Currie: "All right. Yea, Yea."

Sacia: "I have a very unique situation, Leader. I represent 105 miles of the Wisconsin border. I represent 64 miles of the Iowa border. That being said, I don't have a lot of constituents that support this legislation. They are telling me, be opposed to cigarette tax. My response has

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evolved, Leader, and that response has evolved to, we are in the mid... midst of the worst crisis financially that this state has ever seen, not only financial, but our Medicaid situation. And I think the responsible vote today for all of us, be us newly elected, who I know will be off this for obvious reasons; for those of us that have been around for a few years, we should support it. It's a tough vote, but it's the right vote. I encourage this Body to stand with the Leader on this... this Bill and pass it for all the right reasons. She's already cited them; I will not be repetitive. But for even those of us that represent long spanses of border areas in this crucial, crucial financial time, we have an obligation to stand and vote 'yes' on a very necessary piece of legislation. Thank you, Leader."

Currie: "I appreciate that, Representative. And you can tell your constituents who didn't want you to vote 'yes' that, in fact, the Wisconsin tax will still be very significantly higher than the Illinois cigarette tax should Senate Bill 2194 become law."

Speaker Lyons: "Representative Mary Flowers."

Flowers: "Thank you, Mr. Speaker. Will the Lady yield? Representative, will..."

Speaker Lyons: "Lady yields."

Flowers: "...this restore the... RX program that we cut out yesterday?"

Currie: "No."

Flowers: "Okay. Will this restore the 563 people whose on life support with HIV?"

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Currie: "No... I think you mean the ventilator dependent fragile population."

Flowers: "Absolutely."

Currie: "And the answer is no."

Flowers: "Okay. And will we have to depend on more people smoking in order to garner these dollars..."

Currie: "No."

Flowers: "...that may have to go to the hospital that will not have insurance to pay for the services."

Currie: "No. And in fact, our number anticipates... the number of dollars we believe this will generate anticipates that a lot of people will stop smoking."

Flowers: "And so, if they stop smoking, Representative, where will we get the money from?"

Currie: "Yes. That was figured into the calculation."

Flowers: "So... I'm... I'm sorry? If they stop smoking?"

Currie: "No. I didn't... see what I said is that the revenue we anticipate the tax increase will generate, that number was calculated based on the proposition that there would be some people who would stop smoking, and a large number of young people who would never start."

Flowers: "Well, Representative, I understand what it is that you're trying to do, but the most important thing, will this piece of legislation balance the budget, will it fill the gap? Or this... will we still be looking at a hole despite the fact of the cuts that we made yesterday, despite the fact of the Bill that we're about to pass now, that I'm not going to support. Will this fill the hole?"

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Currie: It does not entirely fill the hole, no. There still are dollars missing between the \$2.7 billion, the Governor asked us to cut in the Medicaid program and the cuts that we did yesterday, the 1.6 billion and 800 million. That amounts to 2.4 billion, we're still short."

Flowers: "And so, we going to have find someplace else and someone else in order to... once again, the balance will not... the budget will not be balanced."

Currie: "I'm sorry, I'm sorry. I misspoke, Representative. We did... when we did the supplemental, you'll remember that we took some new revenue we had not anticipated to come in in the current fiscal year, 150 million. We put that into Medicaid bills which meant it generated 150 million in federal dollars. So, that 300 million is now part of the base for Medicaid funding in the coming fiscal year. So, we are actually right where we need to be \$2.7 billion."

Flowers: "So, you're saying with this piece of legislation, Senate Bill 2194, we need no other legislation and we'll be right where we're supposed to be."

Currie: "We will... given the cuts that we made yesterday..."

Speaker Lyons: "Representative Flowers, your time has expired. We'll give you one more minute. Leader Currie, if you want to answer that question."

Currie: "So, we will be right where we were supposed to be. We also have the section 25 Bill that has not yet passed, but we passed the Cook County waiver. We passed the Medicaid cut Bill. This is an important revenue generating measure so that we do not have to make further cuts in Medicaid or in all other state program."

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Flowers: "With all due respect, Representative, I will not be supporting your Bill. Thank you."

Speaker Lyons: "Representative David Leitch. Leader Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I really think it'd be difficult to underscore the importance, to exaggerate the importance of this measure. For this entire Session, the hospitals have... literally had a gun at their head as it relates to defining what's called charity care that resulted from a really crummy little hospital that wound up in court. And resulted in a, what I think was a lousy Supreme Court decision that puts hospitals under the gun from the Department of Revenue with threats of property taxation. Indeed, some hospitals have already had to pay some very high amounts in property taxation. What this Bill... what it does is it make that definition of 'charity care', define that definition and include in... within that definition some of the very important points that I think many of us would agree would... should be very relevant to qualifying for the sufficient exemption to avoid property tax assessments from the state. In addition, the Bill also addresses similar... a similar framework for being able to access state and income tax parts of this measure, all of which, again, I would emphasize are just extremely ho... important to the hospitals throughout our state and unfortunately put into this mess by a very, very poor Supreme Court decision. Indeed, two of the Supreme Court members have recused themselves and this... there weren't even a... all the members who voted on this... what I think was a very, very flawed decision. But we are

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where we are and without this Bill passing and without these provisions, I think our state will be far, far worse off. I know the cigarette tax is a controversial element. I certainly wouldn't be voting for this cigarette tax if it weren't an essential part of this Bill and a part of this agreement, but I would strongly encourage each of you to look at this matter very, very carefully. Think of the implications, without the passage of this Bill, to the hospitals in your community and reach the conclusion that I would hope we all reach and that is to pass this important measure. So, with that, thank you, Mr. Speaker. And I hope we can successfully pass this measure."

Speaker Lyons: "Thank you, Leader. Representative Chris Nybo. Three minutes, Chris."

Nybo: "Thank you, Mr. Speaker. Representative Leitch really said much better than what I was intending to say. We were all called down here to make tough decisions; we've been making tough decisions all week. And now it's, again, my turn to step up to the plate. I will be voting 'yes' on this matter, Mr. Speaker, but I don't support the manner in which this issue has come before us. This property exempt... tax exemption issue for hospitals has been lingering out there for a long time. The lack of resolution on this issue would be devastating for our non-profit hospitals, particularly in my district. I've got a brand new hospital that's been recently constructed; Elmhurst Memorial Hospital has invested \$600 million in a new facility. The lack of resolution on this issue would cost them alone at least \$5 million. I think too often in this state we take

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our hospitals for granted. I think this is an instance where we all need to step up to the plate and help them out. They need stability, they need predictability, and they need resolution with respect to how and if they're going to be subject to property taxes. Hospitals provide jobs. Elmhurst provides alone 3 thousand jobs in the nearby vicinity, in the district in which I work. If we subject these hospitals to additional taxation beyond what this Bill is attempting to limit them to, it will cost them jobs. And I will support any measure that protects jobs. As tough as this vote is, it's a Bill that's going to support jobs and it's going to support hospitals and it's going to support health care. So, I will support the Bill, but I wish that the property tax exemption issue had been considered separately."

Speaker Lyons: "Leader Lou Lang."

Lang: "Thank you, Mr. Speaker. For legislative intent, will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Lang: "Thank you. Representative, is this a proportional increase in the tax on moist snuff as on all other tobacco products?"

Currie: "No."

Lang: "Why would we not increase the tax on moist snuff just as much as on cigarettes and other tobacco products?"

Currie: "Well, first of all, moist snuff today is lumped in with several different types of tobacco products, other tobacco products: cigars, chew, loose tobacco, to name a few, very different kinds of products currently taxed as if

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they were the same. This is not unusual. Twenty other states tax moist snuff tobacco based on weight or unit. In fact, a tax of 30 cents per ounce, as this tax will provide, would put Illinois in line with some of our surrounding states. Kentucky is at 19 cents a can; Indiana at 40 cents an ounce; Iowa, \$1.19 an ounce. So, really this change would mean that we'll tax this product just like we tax cigarettes, which is a fixed price per unit; 1.98 a pack for cigarettes verses 30 cents an ounce for the moist snuff."

Lang: "Thank you, Mr. Speaker."

Speaker Lyons: "Representative Ken Dunkin. I'm going to cut you back to two minutes, three minutes."

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

Speaker Lyons: "Sponsor yields."

Dunkin: "I was about to... sorry for the delay. I was telling Members that we're meeting immediately after we adjourn, the Higher Ed. Approp. Committee. Representative, how are you?"

Currie: "Very well, thank you."

Dunkin: "You know, I understand there's... there's going to be a tremendous of support here for this legislation to pass. Do you understand that as well?"

Currie: "We'll find out in just a few minutes."

Dunkin: "Because I also have another revenue generator and it's called hemp agriculture here in our state. Hemp agriculture, Representative Currie, is... it gives farmers off season to grow a fresh product here in our state, so they can produce things like, sweaters, bags, recyclable

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bags, ropes, candlesticks, waffles, pancakes. It's a... it's a product... it's a cousin of the tobacco family. Except we can... we import about \$1 billion across this country and into this state, as well, millions of hemp products that if you burn and try to smoke, they'll be no affect really. I think if we had hemp as a... as an agricultural product, boy, the tax on that would be tremendous. We could generate a good healthy tax revenue. So, I would like to... to implore my Members on both sides of the aisle to really let us push for additional revenue with hemp legislation and this can fit right within the hemp taxing category. Thank you, Representative. Well, by the way, before I let you off, would you be supporting my hemp Bill?"

Currie: "I have done so."

Dunkin: "Well, thank you."

Speaker Lyons: "Representative David Harris."

Harris, D.: "Mr. Speaker, thank you and I'd like to make just a couple of comments. To the Bill. I rise, actually neither in support nor in opposition to the Bill, but I would like to offer some comments to put into the record, and they're really just... just a reemphasis of what some other people have already said. So, now let's see, on the one hand we have a cigarette tax in this Bill and on the other hand, we have property taxes on hospitals. Now, how in the world did these two issues get linked? If we take an assessment of Illinois's finances, I think most of us would agree that they are truly in shambles. We owe \$8 billion or more in back bills. We have the lowest credit rating of any state in the nation and we look around and we all know what the

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statistics are. And we probably have our own opinions on how we got there. So now, given our disastrous plight, what are we going to do? We're going to tax hospitals. Well, now there's a lame brain idea if ever there was one. Let's ask a question. Why do hospitals enjoy a tax exemption to begin with? Well, a simple answer would be because they perform a function of government. I guarantee you that if Washington County or Union County or Mason District or Fayette County or Mt. Zion or Swedish Covenant or Christ or Advocate... or Christ of Lutheran General didn't exist, government would have to provide the services to take care of those patients. So, hospitals perform a function of government and people in this country demand good health care. You know, they expect hospitals to be like... like airlines, high reliability organizations. When you get on an airplane, you expect it to take off and land safely. When you go into a hospital, you expect to go in there... if you're ill, you expect to come out, get the best care. And the way they get the best care is because hospitals are able to use their tax exemption to get good technology to provide the services that people need. You've heard somebody... you've heard a previous speaker talk about that horrendous Supreme Court case which the five justices that relied on it said, we need the Legislature to give us guidance. The Legislature could have given us guidance without linking this issue. The reason that the property tax issue is a fever issue is because the Governor and the director of Revenue say we're going to tax you. I guarantee you if he lay... levied taxes on hospitals, there would be hospitals

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downstate and in suburban Cook County that would close. Now, I know we have reservations about... many of us have serious reservations about the... the cigarette tax and I venture to say that the majority of us on this floor don't want to see our hospitals harmed. I simply want to emphasize we are not well served by linking these two issues."

Speaker Lyons: "Our final speaker will be Representative Karen May."

May: "Thank you. I just wanted to speak to the... the Bill on the cigarette tax because I think it's a very important thing to do. I stand strongly in favor of that portion, especially. So many of the votes we take down here are like... they're like lipstick on a pig. There's just enough beauty on them to get... you know, help us do... with something that's really ugly, but for the essential component of getting to financial stability in our state I am really pleased that we are finally going to, hopefully, be able to pass the cigarette tax. It's not a tough vote for me because I've surveyed my constituents repeatedly on this issue and overwhelmingly they've told me that they support this. So, I am very happy that we are faced with a win-win situation that people... more people and especially young children will be stopping smoking. It will be bringing in revenues. Again, this isn't lipstick on a pig for me; this is something we need to do. I strongly ask for an 'aye' vote."

Speaker Lyons: "Leader Barbara Flynn Currie to close."

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Currie: "Thank you, Speaker and Members of the House. The Senate Sponsor of this Bill and I have agreed to add some language to the record for legislative intent. So, overall, let me just point out, we're dealing with the issue of health care related taxes. We're raising taxes on tobacco products, we're raising money for the health care system. We're putting an assessment, which is to say a tax, on the hospitals, again, in order to put money into our state health care system. And for the record, it was the Illinois Hospital Association that recommended this approach and recommended this new assessment. The third prong of the Bill relates to possible tax exemptions for hospitals. Hospitals are the largest provider of health care in the state and they are being taxed through the new hospital assessment. Some of these hospitals are going to be hard to get by the assessment and the tax exemptions that we are offering in the Bill may help blunt the financial impact on many hospitals in the state. Obviously, the tax exemptions are something the hospitals will have to earn; they are not a free pass, but if they can earn them, we want to give them the right to try to do so. So, in this Bill we're raising money for health care through a tobacco tax, we're taxing hospitals directly to raise more money for health care and we're giving hospitals an opportunity to earn tax exemptions to help lessen the effect of that hospital tax. For this reason, I think these three items are completely related and deserve your support as part of a health care funding package. I want to make a separate observation about the property tax exemption for hospitals. We realize

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that that issue is a constitutional issue and that the su... Illinois Supreme Court has spoken more than once on this topic. We have done our best in this Bill to work with the hospital industry and others to craft language that we believe will meet the dictates of the Supreme Court holding. We hope we've done so, but we understand that ultimately the decision will be up to the courts. And I want to say very clearly, very emphatically for this record, that it's my intention that the language related to property taxes should be considered severable from the other provisions. In other words, if the courts decide that our best efforts to comply with the Supreme Court precedent had failed, it's my clear intention that the remainder of the legislation would still go into effect. It would be a terrible result if the cigarette tax and the hospital assessment were to end if the courts were to invalidate the property tax exemption language. That's my statement for the record. And for all of us here, my statement is this, \$800 million to finish filling the gap in funding for the Medicaid budget in the State of Illinois, \$1.6 billion in cuts, 300 million in new money in the... in the basic budget and 800 million from these new revenue sources. We cannot afford to say no to the provisions of Senate Bill 2194 and as a plus we will... we will encourage people to stop smoking, we will discourage youngsters from taking up smoking. So, it's a win for hospitals; it's a win for health care for the poor. It is a win for the health of the people of the State of Illinois. I urge your 'aye' votes."

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Speaker Lyons: "Leader Currie moves for the passage of Senate Bill 2194. 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? Bradley, Gordon. Have all voted who wish? Take the record, Mr. Clerk. On this Bill, there's 60 Members voting 'yes', 52 Members voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Hollman: "Introduction of Resolutions. House Resolution 1107, offered by Representative Beiser and House Resolution 1110, offered by Representative Reis. These are referred to the Rules Committee. Introduction and First Reading of House Bills. House Bill 6176, offered by Representative Reis, a Bill for an Act concerning transportation. This is referred to the Rules Committee."

Speaker Lyons: "Representative Cassidy, on page 13 of the Calendar, under Senate Bills-Second Readings, Kelly, you have Senate Bill 3261. What's the status on that Bill, Mr. Clerk? Senate Bill... Senate Bill 3261, pardon me, Mr. Clerk."

Clerk Hollman: "Senate Bill 3261, a Bill for an Act concerning health facilities. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendments #1 and 2 have been approved for consideration. And Floor Amendment #1 is offered by Representative Cassidy."

Speaker Lyons: "Representative Cassidy on Floor Amendment #1."

Cassidy: "I'd like to adopt the Amendment and debate the Bill on... on Third Reading, please."

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Speaker Lyons: "I'm sorry, Representative, would you repeat your request? The Lady moves to adopt Floor Amendment #1. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

Clerk Hollman: "Floor Ame... Floor Amendment #2, offered by Representative Cassidy, has been approved for consideration."

Speaker Lyons: "Representative Cassidy on Floor Amendment #2."

Cassidy: "I would also ask that we adopt this Amendment and debate the Bill on Third."

Speaker Lyons: "The question is... Representative Cassidy moves for the adoption of Floor Amendment #2. All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #2 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Hollman: "Senate Bill 3261, a Bill for an Act concerning health facilities. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Kelly Cassidy."

Cassidy: "Thank you, Mr. Speaker, Members of the House. Senate Bill 3261 addresses a critical need in Illinois to provide adequate medical care for the most vulnerable in our state. Under current law, hospitals are required to provide discounted care at certain income levels. This Bill will establish another layer that will provide free care to those who are at the... who are really among the poorest of

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the poor. Currently, there are... there are so many uninsured patients for whom no discount is enough. These patients would still end up in collections. Under this Bill, hospitals will be... will be able to establish a process by which they can establish eligibility for patients who are most in need of free care. In urban areas, patients with a family income at 200 percent of the federal poverty level or lower will be eligible for free care; in rural areas, that would be 125 percent of the federal poverty level. Additionally in the Bill, the Attorney General along with stakeholders will establish rulemaking process by which to establish eligibility and standardized forms that hospitals can use to determine eligibility for the free care. And I look forward to your questions."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? Chair recognizes Leader Tom Cross. Shhh..."

Cross: "Thank you, Mr. Speaker. Just for a short moment."

Speaker Lyons: "Shhh... Tom."

Cross: "I rise in support of this. No questions asked. This is... you heard Representative Leitch, Representative Harris and others talk about the need to solve the charity care issue and problem with respect to hospitals and their ability to get tax-exempt status. This is a critical element of it. It is a... an agreement that the hospitals have reached with the other players including the Attorney General. The... the long-term ability for hospitals to solve this problem and address this issue as a result to the Supreme Court case is... is a reason for... for Senate Bill 3261. This has to, in people's mind and from the hospital community and others,

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has to happen. So, I rise in support of it. I think the Sponsor did a nice job explaining it and I hope others can support this as well so we can conclude this picture on the charity care/property tax exemption side. And I appreciate the opportunity to say a few words."

Speaker Lyons: "Representative Greg Harris."

Harris, G.: "Thank you, Mr. Speaker. And thank you certainly for working on this to give clarity to the hospitals in our community who have been trying to do the right thing and now have some firm guidance. Based on the hearing in our committee yesterday there was just one question I wanted to be sure that I understood the answer to. And that is that, in the legislation it says the Attorney General will develop rules for the implementation of this, including a standardized application. Is it... is it your intent that the Attorney General work with the Hospital Association, the other providers and community stakeholders in the development of such rules?"

Cassidy: "Absolutely. The Attorney General's Office and the Illinois Hospital Association have acknowledged that community organizations and patient advocates have critical knowledge about making the process work. And in fact, the Hos... Hospital Association's board passed a resolution on May 18, which was discussed in committee yesterday, in support of developing a process, committed themselves to seeking input, information and advice from organizations that work with individuals in need of financial assistance. And under this, the community organizations and patients

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advocate voices will absolutely be a critical part of... of the recommendation and rules process."

Harris, G.: "Thank you very much for your answer and I hope everyone will vote 'yes'."

Speaker Lyons: "Representative K... Representative Cassidy to close."

Cassidy: "This is a very important measure to ensure that our most vulnerable receive the care that they... that they need. And I ask for a... for a 'yes' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 3261 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Rosemary Mulligan. Mr. Clerk, take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Leader Cross, on page 10 of the Calendar, Tom, you have Senate Bill 1355. Read the Bill, Mr. Cl... what's the status on that Bill?"

Clerk Bolin: "Senate Bill 1355, a Bill for an Act concerning civil law. The Bill was read for a second time on a previous day. No Committee Amendments. Floor Amendment #3, offered by Representative Cross, has been approved for consideration."

Speaker Lyons: "Shhh. Leader Tom Cross on Floor Amendment #3."

Cross: "Thank you, Mr. Speaker. Floor Amendment 3 becomes the Bill. This deals with the issue of what a company would post, specifically a tobacco company, as that relates to the master settlement agreement when a post on a appeal

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bond in the event there's a verdict rendered against them in a civil case. It's an agreement worked out with the Speaker's Office, the President's Office. Senator Harmon has a comparable Bill... had a comparable Bill over in the Senate. And I would appreciate the Amendment being adopted."

Speaker Lyons: "You've heard the Gentleman's explanation. Representative Thapedi, do you want to speak? No. Representative Franks, do you want to speak to the Amendment or do you want to wait 'til we run it on Third? Okay. All those in favor of the adoption of Floor Amendment #3 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #3 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Bolin: "Senate Bill 1355, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Lyons: "Leader Cross."

Cross: "Thank you, Mr. Speaker. As I said, Amendment 3 became the Bill. Just a couple other points. We had a situation here in Illinois where there was a sizeable verdict against a company, \$12 billion to be exact and there was a question about whether or not they had to post \$12 billion in cash. Obviously, that renders many people unable to even appeal. So, the idea is to have a amp... ample amount of a bond, make sure it's significant, but not to the point where it prevents you from going through the appeal process. There are 44 other states that have appeal bond caps ranging from

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anywhere from 25 million to a hundred. This one is at 250 million. As I said, it's something we worked out with both the Speaker's Office and President Cullerton's Office. I would appreciate an 'aye' vote and I appreciate the opportunity to present the Bill."

Speaker Lyons: "Chair recognizes Gentleman from Cook, Representative André Thapedi."

Thapedi: "Thank you, Mr. Speaker. Will the Leader yield?"

Speaker Lyons: "Leader Cross yields."

Thapedi: "Leader Cross, would you be kind enough to reconcile this particular Bill with Supreme Court Rule 305(a) and (b) which was amended after the Price case which prompted a lot of these changes?"

Cross: "What do you mean reconcile?"

Thapedi: "Well, how does this affect Supreme Court Rule 305 (a) and (b)?"

Cross: "I don't know off the top of my head."

Thapedi: "So, you can't reconcile them?"

Cross: "I don't know the answer to the question off the top of my head. All I can tell you is that this sets an amount of an appeal bond at \$250 million. If somebody has a question that they want answered, I'll certainly try to get it to either you or somebody else afterwards. I just don't have the answer off the top of my head, Representative."

Thapedi: "Would it be fair to say then that your intent is not to supersede the Supreme Court Rule 305 (a) and (b), correct?"

Cross: "I'm sorry. Representative, I apologize. Can you repeat that?"

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Thapedi: "What would you like me to repeat?"

Speaker Lyons: "Shhh."

Cross: "What you just said. I was talking to Andrew. I apologize."

Thapedi: "Okay. No... no and I'm trying to act as respectfully as I can. I'm just trying to understand how this Bill, if passed, will have an impact on the Supreme Court Rule 305 (a) and (b). I know you have your lawyers with you, so if you could give me some direction."

Cross: "I'm being told and I'm taking my time 'cause I want to make sure I say this correctly. The Supreme Court Rule would not be... they would not be in a position to ex... to go over the cap amount of \$250 million."

Thapedi: "Okay. So, it's your position then that this particular Bill, if enacted, would essentially rewrite Supreme Court Rule 305 (a) and (b), from a legislative perspective?"

Cross: "My reproach or our belief on this, Representative, is that it would add a limit to Supreme Court Rule 305."

Thapedi: "Thank you."

Speaker Lyons: "Representative Jack Franks, three minutes."

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

Speaker Lyons: "Representative... Leader Cross yields."

Franks: "Thank you. Leader, I don't know what Supreme Court Rule 305 (a) and (b) is. I just... I'm not sure why we would be limiting bonds through and I wanted to ask. It seems that we're doing this for a... could be for a specific company that this is done solely for the tobacco settlement agreement, correct?"

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Cross: "It... it is limited to the tobacco settlement agreements and that is what's happened actually in other states, Representative, not just Illinois. So, I think specifically, Alabama, Florida, Kansas, Louisiana, Missouri, New Jersey, Nevada, Rhode Island, Pennsylvania and Washington have all had appeal bond limits as part of their master settlement agreements."

Franks: "But..."

Cross: "And... and... I, just real quick, all range from 50 to 125 million dollars. As you can see, ours is at 250."

Franks: "Now, why would we need that now if we've already entered into the master settlement agreement? Hasn't those moneys already been deposited? 'Cause I know that we were spending some of those moneys. And I'm wondering why we would now put a limit on bonds."

Cross: "Well, I... it would... it would apply to any litigation going forward, Representative. So, I think part of the thought process as well is that if you want to make sure there's adequate funding on master settlement agreements, you... you... if you're required as a company to post 12 b... \$12 billion in cash, as was the case here, it's not a matter of anybody not honoring a verdict, but when you start looking at those kinds of amounts on appeal it can have very, very devastating effects on a company's bottom line."

Franks: "Was this one company that got a \$12 billion judgment or was it a consortium?"

Cross: "I... I don't remember or I don't know. I shouldn't say I don't remember, I don't know, Representative."

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Franks: "Because I just want to make... I'd like to know if there's a list of them because I'm concerned if we're lim..."

Cross: "Apparently it was against Phillip Morris."

Franks: "Okay. It was against Phillip Morris. Now... now, Phillip Morris no longer sells products in the United States. I believe they only sell products internationally now. And as a result of the master settlement agreement, I think about 12 years ago, they've spun off and created Altria, as I recall. So, I'm just... I'm concerned if we were doing a special legislation for one company, would this..."

Cross: "No."

Franks: "...have constitutional muster?"

Cross: "I don't... we're not doing it for one company. Again, as I stated in the presentation, this was actually a Bill of Senator Harmon's that he originally filed last year in an amount of \$75 million. So, to make sure that we are not going underboard, we raised that number to 250, to... to be fair, twice the limit of any other state in the... in the country that has appeal bond caps. This is not unique to Illinois nor is it unique to one company."

Franks: "Are there any appeal bond caps anywhere else in statute or is this... would this be unique?"

Cross: "I... Jack, I listed... we have"

Franks: "I know other..."

Speaker Lyons: "Representative Franks, your time's expired. We'll give you another minute to finish this discussion. Leader Cross."

Franks: "I know other states have them. I don't know if we have any other... any other limits in Illinois."

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Cross: "Oh... I don't... you know what, Representative, I don't know."

Franks: "Okay. Well, to the Bill. And I appreciate and I understand what you're trying to do. I'm just concerned if we do this and have an appeal bond, especially that would benefit a company that's based now primarily overseas and should they go bankrupt, which is happening all the time with companies to avoid judgments, but if we have a bond that's so low that we would not be able to get the benefit of the judgment. I certainly understand what the Leader is trying to do. I'm just not sure it's the right thing to do at this time. I think if we were going to do a bond with a limit, I'd like to see it at least five times this. I think \$250 million for a multibillion dollar corporation is probably, I don't know, not a... not a good enough deterrent. Thank you."

Speaker Lyons: "Representative Dwight Kay."

Kay: "Thank you, Mr. Speaker. Does the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Cross: "Yes. I do... I do yield."

Kay: "Thank you. Leader Cross, are you familiar with where the... the situation developed with regard to a outrageous off the track bond was called for by a judge against a company?"

Cross: "I think, I've... I've... I think it was Madison County?"

Kay: "Yeah, it was Madison County. And the... the intent of... of inflicting a bond of that size was to basically say, don't come back to this jurisdiction and ever try and do anything beside ke... settle a case. That led to Madison County receiving the award of being the fifth worst jurisdiction

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in United States of America when it comes to judicial fairness. That means we abuse people. Now, if I understand this correctly, I think what the Leader is trying to do here today is take the monkey off our back, so to speak, in Madison County and indeed the State of Illinois because if this can happen to a Phillip Morris, it can happen to any company in Madison County. You see, intimidation in suits like this is very common because no one dare, no one dare take on a trial lawyer in Madison County. Well, I'm sorry to tell you that that's not only wrong, but it's driven away potential businesses who can create jobs in one of the greatest areas of the state, the crossroads of the United States, the crossroads of Illinois. And what Leader Cross is trying to do here is to bring some common sense and balance back to a system that's been abused. And if you vote 'no' against this today, you're voting against not only development in the State of Illinois but development in my own county. And you say, well, it's no big deal, but it is because having the reputation of abusing the judicial system in the county and having the reputation of being the fifth worst in the nation, well, go figure. It's not going to play; it's not going to be helpful and it's just going to continue to degrade the reputation of the State of Illinois. And I encourage you to vote 'yes'. Thank you, Leader, for this Bill."

Speaker Lyons: "Representative Will Davis will be our final speaker and then Leader Cross to close. Will Davis."

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

Speaker Lyons: "Sponsor yields."

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Davis, W.: "Leader Cross, this \$250 million that you're look... I'm right here, right here. This \$250 million that you are seeking in terms of limiting these bonds, does this represent a certain percentage of this... of these settlements?"

Cross: "No. It's just trying to find a number that's significant. Representative, as I... and I think I said in the opening, most states are anywhere from 25 to 50; Alabama being the highest at 125. So, we wanted to make sure that we had an adequate number. Senator Harmon originally put it at 75. Someone has to pick a number and this is the one we picked, at 250 to try to find one that we could pass."

Davis, W.: "Well, don't you think it's reasonable to suggest that this bond limit should be a percentage of what the overall settlement could be?"

Cross: "Some look at... some look at percentages. I think in this case, also, there's a requirement that you have a minimum 30 percent of the appeal bond be posted in cash."

Davis, W.: "Okay. And we're talking about multibillion dollar companies. Again, based on the settlement if it's a percentage and those types of factors are taking into consideration, then to me it seems reasonable that a percentage could be 10 percent, 20 percent. I don't know and I don't know what the overall settlement of the tobacco settlement was in this case, but it seems to me that it could be a reasonable percentage of whatever the settlement could be. I guess the concern is... is that for a multibillion dollar company even \$250 million is not

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difficult for them to achieve. You know, they can liquidate enough assets to reach that number so why not choose a number like half a billion or something of that nature. Or even if look at the worth of the company in some respects and come up with a reasonable percentage than that's going to fluctuate from company to company.."

Cross: "Well.."

Davis, W.: "...so what you're suggesting is something that fits across the board."

Cross: "Well, let's remember, we're talking about the appeal. We're not talking about whether someone collects or not. We're talking about what someone posts to exercise their right to ap... an appeal on a bond. If you make it too onerous, now I realize that cigarette companies are... it's... they're easy to not like and they have a lot of money, but if you have a... an appeal amount that's too high, it may prevent somebody from (1) posting or in the alternative it may completely rid them of their assets. In this case, to post \$12 billion on incidentally a case that was ultimately thrown out, I think most would argue is excessive. We tried to compare this to other states where Indiana only requires \$25 million, Wisconsin 100, Louisiana 50, so I think our number 250 doubles anywhere else in the country, doubles anywhere else in the country. And incidentally, to a question that a previous Representative asked and it was a legitimate one, if the court believes that the... the company is at... at any time trying to dissipate assets then there's an exception in here that they can raise it."

Davis, W.: "But that's..."

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Speaker Lyons: "Representative Davis, your time is expired. We'll give you another minute, Will."

Davis, W.: "Ver... very quickly. Well, that's the discretion of the court. I think one of previous speakers said that he really doesn't trust the courts to make appropriate judgments in this case. So, you're suggesting that it's now okay or that the courts would have some discretion in doing so."

Cross: "No... No, what I said was there's an exception in the Bill."

Davis, W.: "Okay, Sir. Well, I'm going to respectfully vote 'no' on the Bill 'cause I feel that in situations such as this one that these companies have the appropriate ability to post significant dollars for their appeal rights, if that's essentially what it calls for and there's no reason why we should limit that to only \$250 million across the board. If you wanted to come back with a percentage based on some varying factors, I think that would even be more reasonable for Members to accept. So, thank you very much, Sir."

Speaker Lyons: "Representative Cross to close. Leader Cross to close."

Cross: "Quickly, I appreciate Senator Harmon, the Senate Democrats, House Democrat staff working with us to come up with what I believe is a fair and reasonable approach to this issue. And I would appreciate an 'aye' vote."

Speaker Lyons: "Leader Tom Cross moves for the passage of Senate Bill 1355. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Bradley, Feigenholtz, Keith Sommer. Mr. Clerk, take the record. On this Bill, there are 71 Member voting 'yes', 40 Members voting 'no', 1 Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Returning to page 6 of the Calendar, Senate Bills-Third Readings, Representative Cassidy, you have Senate Bill 3433. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3433, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Kelly Cassidy."

Cassidy: "Thank you, Mr. Speaker, Members of the House. Senate Bill 3433 addresses an issue that many people aren't even aware is a problem and would allow folks who have really achieved the... the most rare form of... of fresh start after a criminal... after criminal background... getting a criminal background to... to really move on with their lives and get a fresh start. These are folks for whom a pardon has been granted but their records are still available; they're not... they are frequently are unable to find employment or housing. This would seal their records. Their records would remain available to law enforcement in all cases and if there was a future criminal conviction or a criminal charge, those records would remain available. It passed the House with overw... or the Senate with overwhelming support and... and out of the... the Senate... our Judiciary Committee as well with... with bipartisan support. This provides relief to a very narrow category of people for whom a fresh start is

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indeed available and warranted. And I ask for your support."

Speaker Lyons: "You've heard the Lady's explanation. Is there any discussion? The Chair recognizes Representative Dennis Reboletti."

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

Speaker Lyons: "Sponsor yields."

Reboletti: "Representative, could you explain a situation in which this might apply? I... I realize the process but not everybody is as familiar with the process of how a pardon is accomplished and what would happen afterwards."

Cassidy: "When someone seeks a pardon from the Governor, which is a rare... rare circumstance, it... the language with that pardon is that the record would be expunged, which means that it would be destroyed. A conviction of this kind cannot be destroyed and therefore, that record remains there. The expectation is that that... that history is gone but it is not. And in order to allow the people who have achieved that pardon to begin again... begin new... fresh and... and seek employment and seek housing this sealing of their record would... would do that job for them."

Reboletti: "Is... is the Illinois State Police opposed to this legislation?"

Cassidy: "No. There is no opposition."

Reboletti: "And how many times could this be used? If there was another pard... I mean, I'd assume people don't get numerous pardons, but if somebody were to be pardoned on one case or two cases would this apply then to both of those cases or is it just a one-time deal?"

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Cassidy: "I am not certain, but I can't imagine... I... I don't envision that there are very many people for whom multiple pardons would be granted. I don't know that the Bill is specific to multiple par... pardons."

Reboletti: "Does this apply to all of the Criminal Code of Procedure?"

Cassidy: "I'm sorry, I couldn't hear you."

Reboletti: "Does this apply to al... Does it apply to all offenses in the Criminal Code?"

Cassidy: "I'm sorry again. I... I can't hear you."

Speaker Lyons: "Ladies and Gentlemen, can we please bring the noise level down. The Sponsor of the Bill is having a hard time hearing the discussion. Shhh. Shhh. Shhh. Thank you."

Reboletti: "Thank you, Speaker. The question is, does this apply to all criminal acts in the... in the Criminal Code? Can it be up to a murder case, all the way down to a Class A misdemeanor, as far as the pardon would be concerned?"

Cassidy: "If... if they... if they did get a pardon and an order for an expungement, yes, it is in the sealing code... sealing statute."

Reboletti: "Thank you."

Speaker Lyons: "Represen... Representative Cassidy to close."

Cassidy: "Once again, I ask for your support for... to give... give some... some people a chance at a fresh start."

Speaker Lyons: "Question is, 'Should Senate Bill 3433 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill,

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there are 64 Members voting 'yes', 46 Members voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lisa Dugan, on the Order of Senate Bills-Third Readings, you have Senate Bill 3441. Out of the record. Representative Sullivan, you have Senate Bill 3450. Out of the record. Representative Don Moffitt, you have Senate Bill 3518, Don. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3518, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Lyons: "Rep... Representative Don Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3518 is an initiative of the Associated Firefighters so they can continue a program that I think a lot of you are familiar with and a lot of you are cosponsors. Since 1954 the Muscular Dystrophy Association and the International Association of Firefighters have had a partnership in their fight against Muscular Dystrophy and other neuromuscular diseases including ALS. They have what you're probably familiar with, the Annual Fill the Boot Campaign. Over that time, in the last 58 years, they've raised hundreds of millions of dollars for frid.. for research, provide equipment and provide for summer camps for people, children and adults, afflicted by these diseases. It's a... been a great program. This simply is a way to protect their ability to continue to fight for us with this project. And it... want to mention just a few items that you might not be aware of. To begin with, five other states have adopted legislation like this that guarantees

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the right of them to be able to solicit for donation like this. It does require that they file an application, that they have insurance and that the local government may impose reasonable conditions, but in the last five years, MDA has provided \$4.3 million worth of services to individuals living in Illinois. There are seven MDA clinics throughout Illinois including Chicago, Oak Park, Springfield, Peoria and Urbana. This was... legislation is to continue to provide the ability for public safety employees to continue to solicit for charitable organizations like they have been in the case of MDA. I'll be happy to entertain any questions. We passed a very similar Bill last year that passed the House 111 to 0. There was some opposition. We have... I offered in committee... it passed out of committee unanimously to continue to work with them. One of the groups was the county engineers. We've agreed... have agreed language that's going to be put on a trailer Bill. It looks like that's not going make it through this Session, but it'll be in the Veto Session, but the... like the county engineers have re... removed their opposition because we've been working with them. Be happy to entertain any questions."

Speaker Lyons: "Representative Pat Verschoore."

Verschoore: "Thank you, Mr. Speak... Speaker. Will the Speaker yield?"

Speaker Lyons: "Sponsor yields."

Verschoore: "Yes. Don, this was in my committee and you're right there was some opposition from the Illinois Municipal League too. And I know we had a little meeting worked with

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them, but on this Bill it includes the language that allows a local unit of government to impose reasonable conditions on an applicant in writing that are consistent with the intent of a section and are based on articulated public safety concerns. For the purpose of legislative intent, what is the intent of this language?"

Moffitt: "Well, Representative, thank you for the question. It allows the local unit of government to impose reasonable conditions on the applicant if the public roadway is defined by the local unit of government as a location of frequent accidents or has been proven to be unsafe. Reasonable conditions may be the applicant's selection of an alternative public roadway. Reasonable conditions may also be the applicant's selection of an alternative time to conduct the solicitation. In either case, the local unit of government shall grant the application unless there are verifiable safety concerns on the proposed public roadway."

Verschoore: "Thank you very much. And I want to thank you, the Sponsor, for working with these two groups that had some questions. Thank you."

Moffitt: "Thank you."

Speaker Lyons: "Representative Brandon Phelps."

Phelps: "To the Bill. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to commend, too, Representative Don Moffitt in his leadership for this. If it wasn't for the Associated Firefighters of Illinois, MDS would not exist. It's a... they do great work and because of their hard work, they're able to get out there and raise a lot of money for this needed charity. And for the life of

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me, I cannot believe that any municipality would stand in their way. So, I want to thank Representative Moffitt, my seatmate, Representative Verschoore and all the Associated Firefighters of Illinois for making this happen. And I urge an 'aye' vote."

Speaker Lyons: "Representative Moffitt to close."

Moffitt: "Thank you, Mr. Speaker and Members of the House. I appreciate your... your vote for this. You know, we call on firefighters to help us, protect us 24/7. They're always there for us. They're asking for us to pass this legislation. Appreciate a 'yes' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 3518 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cole, D'Amico, Monique Davis, Leitch, Morrison, Unes, would you like to be recorded? Mr. Clerk, take the record. On this Bill, there's 110 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mulligan, I know you were seeking recognition previously. Representative Mulligan, did you want to seek recognition? Rosemary."

Mulligan: "Did I just press the wrong one..."

Speaker Lyons: "Hello."

Mulligan: "Thank you, Mr. Speaker. I wonder if I just pressed the wrong button. I wanted the record to reflect that I would have voted 'yes' on Senate Bill 3261."

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Speaker Lyons: "The Journal will reflect your request, Representative. Dave Winters, on page 6 of the Calendar, you have Senate Bill 3530. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3530, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Winters."

Winters: "Thank you, Mr. Speaker. As we approach the Memorial Day weekend, this Bill is I think particularly appropriate. It amends the Illinois Vehicle Code by creating a new category for registration of former military vehicles can only be used for non-commercial purposes, but many cases hobbyists, people who are interested in military vehicles, have to pay the current commercial rate, if they want to put them on the road. They may want to go to a parade; they wan... may want to use them for reenactment. The Commercial Code license fees are very cost prohibitive. These vehicles are, again, not on the road very much and it sets a fee schedule quite bit a below the Commercial Vehicle Code. There's no opposition; supported by the VFW. And I would appreciate a 'yes' vote."

Speaker Lyons: "You've heard the Gentleman's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 3530 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? David Harris, Sacia, Unes, would you like to be recorded? Mr. Clerk. Jim Sacia. Take the record. On this Bill, there's 112 Members voting 'yes', 0 voting 'no', 1 Member 'present'. This Bill, having received the Constitutional

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Majority, is hereby declared passed. Representative Rosenthal, on the bottom of page 6 of the Calendar, you have Senate Bill 3533. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3533, a Bill for an Act concerning wildlife. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Wayne Rosenthal."

Rosenthal: "Thank you, Mr. Speaker. Senate Bill 3533 merely amends the Wildlife Code and changes th... the definition of 'case' to mean any case: firearm, carrying box, shipping box or container, acceptable under the specified provisions of the Criminal Code of 1961."

Speaker Lyons: "You've heard the Gentlemen's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 3533 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? Biss, Will Davis, Dunkin, Hernandez, Pihos, Jim Watson. Mr. Clerk, take the record. On this Bill, there are 90 Members voting 'yes', 23 Members voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the top of page 7... Ladies and Gentlemen, if you have a Senate Bill on Third Reading on page 7, please, heads up. Representative Phelps, you have Senate Bill 3538. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3538, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Brandon Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3538 is an initiative of the Illinois

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Optometric Association. It's an agreed Bill, there was no opposition. The Senate vote was 53-0. It does two things: allows for files to be stored off premise at a secured site and also allows the Department of Financial and Professional Regulation to levy a fine without disciplinary action for minor offenses. I ask for an 'aye' vote."

Speaker Lyons: "You've heard the Gentlemen's explanation. Is there any discussion? Seeing none, all those in favor of the passage of Senate Bill 3538 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 Bradley, Karen May. Mr. Clerk, take the record. On this Bill, there's 113 Members voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Michelle Mussman, you have Senate Bill 3544. Read the Bill... Out of the record. Representative Sandy Pihos, you have Senate Bill 3549. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3549, a Bill for an Act concerning child support. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Sandy Pihos."

Pihos: "Thank... thank you, Mr. Speaker. This provides that if a person who is found guilty of contempt for fail... failing to pay child support conducts a business or is self-employed, the court may, in addition to other penalties provide by law, order the person to do one more of the following: and that's to provide a monthly financial statement from their business or self-employment, to tell them to seek employment and report to the court information about that

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employment search or to report to the Department of Employment Security for job search services. And I'd be happy to answer any questions."

Speaker Lyons: "Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "Representative, I just... how did you come up with this idea?"

Pihos: "Actually, I... I have had several people in my district who had difficulties in getting child support payments when their spouse, that was required to pay, were self-employed because it was hard for them to prove records. And then, actually, it was the Senator that came up with the idea, but I've had several issues that I've had to deal with myself."

Franks: "I think it's a wonderful idea because I've seen it... I've been stymied that way as well for some of my constituents. I think this will go a long way. And hopefully, we'll be able to expand this law for other people who are deadbeats as well. So, I think... I encourage the entire Body to vote 'aye'. I think it's a wonderful piece of legislation."

Pihos: "Thank you for your support."

Speaker Lyons: "Representative Pihos moves for the passage of Senate Bill 3549. 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 113 Members voting 'yes', 0 voting 'no'. This Bill, having

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received the Constitutional Majority, is hereby declared passed. Representative Sid Mathias, Senate Bill 3552. Read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 3552, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Lyons: "Representative Sid Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 3552 is basically a technical Bill that changes a... the provisions in the Bill dealing with exemptions of personal property and it just adds revocable or irrevocable trust which names the wife or husband. Right now, it basically states that in the Bill, but this would also include if it's... if their names are in a trust as the primary beneficiary. So, I ask for your 'aye' vote."

Speaker Lyons: "You've heard the Gentlemen's explanation. Is there any discussion? Representative Jack Franks."

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

Speaker Lyons: "Sponsor yields."

Franks: "My only question on this is... at... because of the last Bill, what would happen if the decedent owed child support? Would this be some way to avoid paying child support, if there was a pourover trust and the money went right to this because they named a husband or... or a wife, would that avoid paying any child support obligations?"

Mathias: "I... I think it's the same situation right now where it... it exempts them, if they're a husband or wife anyway, they're already exempted. So, whatever would change that and that was... it wouldn't change anything just by stating if they were to put their name in a trust. They really

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could... it... I don't think it creates anymore rights than they have already under your... the way the Bill is exempted right now."

Franks: "But I'm not sure... then what does this Bill do?"

Mathias: "It just states, in other words, a lot... rather than having it in their individual names, they're just saying if they have previously or obviously, previously to death, put... put that same property into a trust, it would basically be in the... in... they would stand in the same way as if they just kept it in their own name. If you look at the..."

Franks: "But that would be... but it would be different because if you did keep it in your own name, for instance and let's go back to the child support issue. Let's assume you owe, you know, \$100 thousand in child support and... and you..."

Mathias: "But now, just remember, this only applies to li... to life insurance policies."

Franks: "Right. And you had a life insurance policy..."

Mathias: "Right."

Franks: "...and you died and then the beneficiaries could be named whoever they may be, but if it didn't go into a trust, would those life insurance pol... proceeds be subject to garnishment under the child support statute now as opposed to if you put it into a trust and they would not be able to be garnish able?"

Mathias: "Obviously, that's a legal question that I would need somebody to answer because right now it... it has their names already as exempted. If they kept it in their own names, I... I don't think the fact that they put it into a trust or

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just kept it just saying payable to a wife or husband would change any of that."

Franks: "Are life insurance proceeds exempt as a class?"

Mathias: "Right now it says... the way the law reads right now it says that all proceeds payable because of the death of the insured and the aggregate net cash value of any and all life insurance and endowment policies, annuity... payable to a wife or husband. So, if it's already payable to a wife... or to a child, parent or other person dependent on the insured, all we're saying is that if those same people held it in a trust, whatever laws on child support I believe would apply to both situations."

Franks: Okay. Because right... 'cause sometimes in a business situation a company will buy life insurance on a key employee and then that life insurance when that employee would die would be turned over to the corporation. How would that affect this?"

Mathias: "Again, if you want me to investigate that for you, I will certainly be glad to do this. I don't think it makes a difference, but I want to be accurate."

Franks: "Can we take that out of the record for a few minutes?"

Speaker Lyons: "Representative Franks, could you bring your questions to a close, Representative Franks."

Franks: "Sure. I'd ask the Sponsor if we take it out of the record just for a few minutes just to..."

Mathias: "I'd be..."

Franks: "...answer some of those questions?"

Mathias: "I would be glad to try to answer those questions."

Franks: "Thank you."

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Mathias: "Thank you."

Speaker Lyons: "Take the Bill out of the record. Leader Lou Lang in the Chair."

Speaker Lang: "Mr. Clerk."

Clerk Hollman: "Introduction of Resolution. House Resolution 1111, offered by Representative Monique Davis, is referred to the Rules Committee."

Speaker Lang: "Next Bill is 3555, Mr. Rita. Please read the Bill."

Clerk Hollman: "Senate Bill 3555, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3555 is an initiative of the Secretary of State. What it basically does three things: it cleans up some studies that have been already completed and... by the Secretary of State's Office and submitted to the General Assembly. It also allows for motorcycle sports team license plates, and it also allows for the Secretary of State to expedite registrations that they currently can't do now."

Speaker Lang: "Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Reboletti: "Representative, I'm looking here. There's... there's an additional \$10 fee that's associated with this. Could you explain what that fee is about?"

Rita: "It's so that they allow them to expedite the registration fees."

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Reboletti: "Are those fees something that can be swept, or is that a whole separate issue?"

Rita: "Not to my understanding. And the additional fee of the \$10 per service will cover the cost of shipping the vehicle registrations plates via express."

Reboletti: "I'm sorry. I didn't hear that... the answer?"

Rita: "The... the fee... the fee is so that they can expedite registration fees which they currently don't do now."

Reboletti: "Thank you."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Brady, May, Mulligan. Representative Mulligan. Please take the record. On this question, there are 75 voting 'yes', 38 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3576, Mr. Fortner. Please read the Bill."

Clerk Hollman: "Senate Bill 3576, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Fortner."

Fortner: "Thank you, Speaker. Senate Bill 3576 deals with a couple provisions having to do with the upcoming round of municipal redistricting and subsequent elections. One, it carries on a provision that we established really starting 10 years ago, continuing with a Bill last year, whereby we will allow municipalities who by ordinance want to keep at the same number of wards to do so if they've acted in a timely manner after receiving the census. The second thing

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is to clarify a part of the law that makes it clear that is the goal of the Municipal Code that any alderman who is elected for four years still gets to serve that four years even if they would be subject to redistricting. That has been the common practice. There is a little bit vagueness. This clarifies that."

Speaker Lang: "Gentleman moves for the passage of the Bill. There being no debate, those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mulligan. Please take the record. On this question, there are 73 voting 'yes', 40 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3591, Representative Berrios. Please read the Bill."

Clerk Hollman: "Senate Bill 3591, a Bill for an Act concerning utilities. Third Reading of this Senate Bill."

Speaker Lang: "Representative Berrios."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3591 provides options to electric utility and alternative retail electric suppliers. So, they're supposed to inform their customers of environmental disclosures, usually it's in the mail. Now, they can actually do it via e-mail if it makes easier and there is still the option for seniors, who might not have access to e-mail or any other... any others, that they can do it via mail if requested."

Speaker Lang: "Lady moves for the passage of the Bill. There being no debate, those in favor vote 'yes'; opposed 'no'."

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The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Monique Davis. Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3593, Representative Kelly Burke. Out of the record. Senate Bill 3594, Representative Feigenholtz. Please read the Bill. On Senate Bill 3594, move that back... Bill back to the Order of Second Reading and read the Bill."

Clerk Hollman: "Senate Bill 3594, a Bill for an Act concerning civil law. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendment, #1 offered by Representative Feigenholtz, has been approved for consideration."

Speaker Lang: "Representative Feigenholtz on the Amendment."

Feigenholtz: "Thank you, Mr. Speaker. Amendment #1 to Senate Bill 3594 requires that an appointment of the guardianship cannot be suspended just because opposed judgment motion is filed contesting guardianship. It exempts the public guardian from having to pay a respondent's attorney fee. I'd be glad to answer any questions. This is an initiative of Robert Harris and the Cook County Public Guardian."

Speaker Lang: "Lady moves for the adoption of the Amendment. There being no discussion, those in favor say 'yes'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk."

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

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Speaker Lang: "Third Reading. Senate Bill 3601, Representative Hernandez. Please read the Bill."

Clerk Hollman: "Senate Bill 3601, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lang: "Representative Hernandez."

Hernandez: "Thank you, Speaker and Members of the... of the House. Senate Bill 3601 will help improve child day care licensing by the Department of Children and Family Services. Infrequent reporting due to lack of data collection to track performance measures has caused concern, so the goal of the Bill is to create the data collection and accountability necessary to improve the DCFS child care licensing process. I ask for your 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. And on that question, the Chair recognizes Mr. Reboletti."

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

Speaker Lang: "Lady yields."

Reboletti: "Representative, as I look here at a progress report, who will be drafting this progress report?"

Hernandez: "Just give me one second. So, currently the department... it would be the department."

Reboletti: "Is there any particular person who'd be tasked with this? I... the reason I ask, Representative, is because I know that DCFS has issues with their staffing levels and I realize that... and I've talked to day care providers in my district and they issues with DCFS coming out and... and dealing with some of the licensing portions. Are they going to have enough staff to... to conduct this?"

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Hernandez: "So, what has... what has happened is DCFS has had this advisory committee it... that's not codified by law, but now that the new law... this Bill will require that DCFS work with the Early Learning Council, which is a newly organized structure. So..."

Reboletti: "Thank you."

Speaker Lang: "There being no further debate, those in favor of the Bill vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Tracy. Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3602, Representative Williams. Please read the Bill."

Clerk Hollman: "Senate Bill 3602, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Representative Williams."

Williams: "Thank you, Mr. Speaker. This Bill deals with the Violent Crime Victim Assistance Fund which imposes fees on offenders to provide services to victim of violent crimes such as: domestic violence, sexual assault programs, elder abuse programming and State's Attorney Victim Assist... Assistance Programs. It also provides funding for the AVN system, which is the Automatic Victim Notification System. Current law provides for the assessment of this fee based on a complicated calculation which sometimes results in the fine not being assessed or not being assessed completely, jeopardizing these important programs. This Bill simply provides for a flat fee to be assessed, in lieu of the

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complicated calculation, making it easier for clerks to collect the funds. The Bill was negotiated between the metro counties, circuit court clerks, the Attorney General and the Administrative Office of the Illinois Courts. I know of no opposition."

Speaker Lang: "Lady moves for the passage of the Bill. And the Chair recognizes Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Reboletti: "Representative, does this mean that... I'm looking at the analysis, it says that any... for a felony case is \$100, that Vehicle Code offenses are \$50 and misdemeanors are at 75. Is that for every disposition regarding those types of cases?"

Williams: "That's for convictions."

Reboletti: "For convictions. Would supervision be considered... I know it's not a conviction, but that's why I was asking you about dispositions, would that be a part of it? So, if you get supervision on a possession of a controlled substance, you get 410 probation that's not a conviction or supervision on a DUI or a reckless driving, would that be included in the fee structure?"

Williams: "Well I've not prosecuted. I know you have so you may know better than me how that is considered, but it's one of many fines, in fact, dozens of fines that can be assessed in these cases. So."

Reboletti: "Well, and that's why I ask if it's upon conviction or upon disposition and that's how the statute's read if

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you want to include supervision as far as collecting those fees."

Speaker Lang: "There being no fur..."

Williams: "Let me read the Bill. Oh..."

Speaker Lang: "Sorry, I thought you we're finished, Sir."

Reboletti: "I... I'm..."

Williams: "...he's asked me a question, give me a minute."

Speaker Lang: "Thought you were finished."

Williams: "Convicted."

Reboletti: "Upon conviction."

Williams: "So, I can... certainly upon conviction."

Reboletti: "And this would replace the way everything else is collected 'cause I know it's... it's a all over the board on how to collect it. And when we used to fill out those sheets as a prosecutor it was difficult to track each one of those, so this will make it more clear for the courts, for the prosecutors, for the circuit clerks then, right?"

Williams: "Exactly. You hit... hit on the problem underlying this Bill. The way... like I said there's dozen of fees that can be assessed. The way the current... the current way that these are assessed is \$4 for every \$40 of fines, but it doesn't necessarily list which fines apply and which percentages to use. So, it's a very complicated calculation. As a result, sometimes in the rush to take care of paperwork, they get overlooked, but again, because of the nature of the programs that are being funded by this fund, we thought it critical to establish a more straightforward way of making the assessment of these funds. And as an additional note, the fund... the amounts

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that we discussed are based on what the calculations should be, so we're not changing the fee amount."

Reboletti: "I... I think it helps unravel the hodgepodge of statutes that have been put together and make it much more clear. So, I will be supporting your legislation. Thank you very much."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Fortner, Gordon, Lyons. Mr. Lyons. Please take the record. On this question, there are 110 voting 'yes', 2 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3607, Mr. Tryon. Please read the Bill."

Clerk Hollman: "Senate Bill 3607, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Tryon."

Tryon: "Thank you, Mr. Speaker and Members of the House. House Bill 3607 amends the Property Tax Code; codifies county deadlines for the filing of assessments, complaints by changing the date to 30 calendar days after the date of publication of the assessment list. Currently that varies by county and size. And what happens is that counties up to 150 thousand, if they... if they get their notices in prior to a certain date, there's a longer period of time for the appeal to take place, but if it gets... and after a certain date, people don't get a full 30 days. So, su... so what we're trying to do is make a consistent, if they go after that publication date it's always 30 days. So, this will

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this treat all the assessment deadlines the same. Be glad to answer any questions."

Speaker Lang: "Gentleman moves for the passage of the Bill. There being no debate. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr... Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3614, Mr. Beiser. Please read the Bill."

Clerk Hollman: "Senate Bill 3614, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Beiser."

Beiser: "Thank you, Mr. Speaker, Members of the House. Senate Bill 3614 is an initiative of the Health Care Council of Illinois. It authorizes the Health Services Review Boards Long-Term Care Facility Advisory sub... Subcommittee to make recommendations to develop a bed exchange program."

Speaker Lang: "Gentleman moves for the passage of the Bill. There being no debate. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mulligan, Saviano, Unes. Representative Mulligan. Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3619, Mr. Biss. Please read the Bill. Mr. Biss, you have an Amendment in Rules. Are you... do you wish to proceed without the Amendment or hold the Bill?"

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Biss: "I believe the Amendment has been recommended a... the adoption has been recommended by Rules earlier today."

Speaker Lang: "All right. Mr. Clerk, let's move this Bill back to the Order of Second Reading and please read the Bill."

Clerk Hollman: "Senate Bill 3619, a Bill for an Act concerning revenue. This Bill was read a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Biss, has been approved for consideration."

Speaker Lang: "Mr. Biss."

Biss: "Thank you, Speaker. Floor Amendment #2 is the following; House Bill 5440 passed out of this chamber unanimously a few weeks ago. It made a technical correction to a sunset date in the Business Location Efficiency Act. It's since been... that Bill has since been used as a vehicle for something else in the Senate, so we've decided to append that language to the underlying Bill here. I ask for adoption of the Amendment."

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

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

Speaker Lang: "Third Reading. Senate Bill 3621, Mr. Acevedo. Out of the record. Senate Bill 3631, Greg Harris. Please read the Bill."

Clerk Hollman: "Senate Bill 3631, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Harris."

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Harris, G.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is another in the series of Acts we need to take to reform the Metropolitan Pier and Exposition Authority in the City of Chicago. This merges the boards of the Chicago Convention and Tourism Bureau and the Chicago Office of Tourism. There are two reasons we are doing this. One is for cost effectiveness and savings. This will save millions of dollars a year in expenses. And the other is in avoiding duplication and overlap of services, where previously one office did one part of tourism, the other office did another part of tourism, this puts it all under one roof. It'll save us a lot of money; it'll get a better result for the people who represent... or in Rosemont, McCormick Place and the other convention and tourism destinations. I'd appreciate an 'aye' vote."

Speaker Lang: "Gentleman moves for the passage of the Bill. And on that question, the Chair recognizes Mr. Reboletti."

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

Speaker Lang: "Gentleman is proud to yield, Sir."

Reboletti: "Representative Harris, you had indicated that this merger would save millions of dollars. Could you tell us a little bit more about that 'cause I see that the board actually expands in numbers, so...?"

Harris, G.: "The board expands in numbers but there were previously two different op... operating entities: one within the City of Chicago, the other within the MPEA that employed all kinds of people. There were duplicative personnel expenses, IT expenses, lease expenses, et cetera. This will consolidate it. It's what we try to do around

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here is consolidate government functions to save the taxpayers money."

Reboletti: "So, there is... there is major savings but the board expands because you're taking two bigger boards to make one smaller one."

Harris, G.: "And to make sure that there's representation that is fairly divided for all."

Reboletti: "Thank you very much."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Evans and Franks. Mr. Franks. Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Turning now, Members, to page 8, Senate Bill 3635, Mr. Cunningham, who is standing. Please read the Bill."

Clerk Hollman: "Senate Bill 3635, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Cunningham."

Cunningham: "Thank you, Mr. Speaker, Members of the House. 3635 is an... is an exact duplicate of House Bill 5248 which we passed back in March: this is merely the Senate version of that Bill. It amends the Community College Act and allows community colleges to follow the same rules that the state universities follow when it comes to accepting gifts and grants particularly when the gifts call for the purchase of certain goods. There's... I know of no opposition. The Bill

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passed the Senate unanimously. And I ask for an 'aye' vote."

Speaker Lang: "Gentleman moves for the passage of the Bill. There being no debate. Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Have all voted who wish? Coladipietro, Gordon, Leitch, Phelps. Representative Gordon. Please take the record. On this question, there are 61 voting 'yes', 52 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Reboletti."

Reboletti: "Mr. Speaker, I do appreciate you slowing things down. Please take the record. Thank you, Mr. Speaker. I appreciate that. We appreciate your due diligence up there and I hope you have that same consideration for some of my Bills that are coming up."

Speaker Lang: "I would be happy to go as slow as you want on your Bill, Sir. The next Bill is Senate Bill 3638, Representative Williams. Please read.. please read the Bill."

Clerk Bolin: "Senate Bill 3638, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Representative Williams."

Williams: "Thank you, Mr. Speaker. This Bill is an initiative of the Illinois Attorney General's Office and it does three important things in our ongoing efforts to address sex offenders to protect our communities. First, it codifies licensure requirements for professionals who treat and

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evaluate sex offenders. It also clarifies the role of the SOMB and requires the board... that's the Sex Offender Management Board, excuse me... and requires the board to provide ongoing training to the criminal justice system regarding best practice in the handling of sex offenders. And finally, restructures the sex offender registration fee to direct a greater percentage to local law enforcement. I know of no opposition and ask for an 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. There being no debate. Those in favor of its... vote 'aye'; those opposed vote 'no'. The voting is open. How fast would you like me to do this, Mr. Reboletti? Have all voted who wish? Have all voted who wish? Mr. Turner. Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3665, Mr. Costello, who is standing. Please read the Bill."

Clerk Bolin: "Senate Bill 3665, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Costello."

Costello: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3665 enhances to aggravated assault or aggravated battery, the assault or battery of a letter carrier or a postal worker while they are performing their duty. Thank you. And I ask for an 'aye' vote."

Speaker Lang: "Gentleman moves for the passage of the Bill. There being no debate, those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3672, Mr. Tryon. Please read the Bill."

Clerk Bolin: "Senate Bill 3672, a Bill for an Act concerning safety. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Tryon."

Tryon: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3672 amends the Environmental Protection Act and the Illinois Administrative Procedure Act to require that the Illinois Pollution Control Board adopt ambient air quality standards that are identical in substance to the standards promulgated by U.S. EPA. We do this already for the Clean Water Act. Whenever the Federal Government makes a change, we just adopt them, we don't put them through the normal process. And I would urge an 'aye' vote, if there are no questions."

Speaker Lang: "Mr. Tryon has moved for the passage of the Bill. And the only light on is Mr. Tryon's. Do you want to debate your Bill, Sir? Those in favor of the Bill vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Brauer, Durkin. Mr. Brauer. Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 3673, Mr. Sacia. Please read the Bill."

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Clerk Bolin: "Senate Bill 3673, a Bill for an Act concerning human immunodeficiency virus. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is a unique piece of legislation that comes out of Whiteside County, Illinois, where a Gentleman was incarcerated, known to have HIV. When he got out of prison, of course, HIV records are highly confidential. He openly engaged in sex, was extremely promiscuous, made no effort to protect himself or protect others and infected many individuals. What this Bill will do is allow the courts to get those records so that when the person is charged an adequate charge can be created. I await your questions."

Speaker Lang: "Mr. Sacia has moved for the passage of the Bill. And on this question, the Chair recognizes Representative Will Davis."

Davis, W.: "Thank... thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Davis, W.: "So, why... the... let me make sure I understand. So it allows the courts to receive records about his positive test while in prison?"

Sacia: "That's right... that's... that's right, Sir."

Davis, W.: "Well, then, how can someone be charged with that if they don't know that they have it?"

Sacia: "That's the very issue, Representative Davis. In this particular case, this Gentleman was extremely proq... promiscuous to the point of other... anything that didn't

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move, if you understand what I'm saying. He was extremely promiscuous and he infected many, many people. I understand, I have not confirmed this, but in one case, death. And the... the state's attorney could not charge anything other than disorderly and because those records were not available. There's a very, very stringent legality when it comes to the protection of HIV records, as I'm sure you understand."

Davis, W.: "Well, then, are you suggesting that it allows for the amending of charges? Because again, if... if you don't know it... 'cause you're saying the courts can receive that information..."

Sacia: "Yes, Sir."

Davis, W.: "...presumably an individual may be charged with... and... and I'm not a lawyer, but..."

Sacia: "No."

Davis, W.: "I'm thinking, you know, you can be arrested, subsequently charged with something without having gone before a judge. So... so... so, how do the judge getting the records help charge someone if that charge is leveled before then unless you're talking about at the ability of a state's attorney to be able to, maybe, amend those charges moving forward?"

Sacia: "Will, you hit it right on the head. Normally, after a charge is made that can't happen, but in this case the court can request the records. There will be an in camera review of the records and the judge will make the determination. I would have little doubt that some attorneys will probably chime in on this because it was a

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heinous crime that this Gentleman committed, knowing that he was HIV positive, never making any effort to protect himself and infecting many others."

Davis, W.: "Well... well, then, Representative, why not just, unless it already exists, which I don't think it does 'cause of your Bill, then why not just create the... the category of criminal transition of a... I'm not sure what it would be called. Then why not just do a Bill to create the offense versus... it seems like it's kind of an end around so to speak. So, if... the..."

Sacia: "Well, I... I think..."

Davis, W.: "...if that state's attorney is certain that that's what they want charge the individual with, then why not just do that walking in the door. Why does it have to come on the back end?"

Sacia: "I think the best explanation I can give you, Representative, is it really prevents creating a significant amount of cumbersome legislation. It's a very commonsense approach to dealing with an issue when a person is knowingly infected, he knows that his rights are protected, and he is... now, I'm going to make an assumption here that he was angry that he was positive and he didn't care if he gave it to you or anybody else. So, that's basically why."

Davis, W.: "Again, I'm... I guess I'm just a little confused and... and I appreciate what you said about cumbersome legislation, but we deal with cumbersome legislation all the time, designed to get to, you know, a particular end and to do what we think is the right thing. And I just

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wonder if... if what you're suggesting just kind of goes about it the wrong way instead of..."

Sacia: "May... maybe I can answer it this way, Representative. I think my learned colleague two seats back, who is a gifted prosecutor, well-loved attorney, plans on chiming in and I... I think he will be far more eloquent."

Davis, W.: "Well, maybe he can and again, like I said I'm not an attorney, I just happen to play one on TV, but just in the sense of what you're suggesting, I just... I just wonder, you know, and again, not that... not that I'm necessarily against what you're getting at because someone who is affected, knows it and knowingly spreads HIV in this case, certainly should be dealt with in a... in a cert... in a cert... in a certain manner. I'm not disagreeing with that."

Sacia: "And... and I think you just answered the question. The state's attorney in Whiteside County had his hands tied. He could not charge anything more and he had a significant number of people in the area infected."

Davis, W.: "Well, what did... what did you say he charged again, if I may ask?"

Sacia: "I... I... "

Davis, W.: "Do you remember?"

Sacia: "...you know, I believe it was disorderly."

Davis, W.: "Disorderly conduct."

Sacia: "Yes, Sir."

Davis, W.: "So... so, if you consider the spread of HIV to be a deadly or something that..."

Sacia: "It... it is."

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Davis, W.: "...could cause that kind of death, so... so that doesn't mean that he could have been charged with battery or, you know, whatever those offenses are where you intend to far... to cause bodily harm to someone."

Sacia: "But... but here's the thing, Representative. He denied that he knew he was HIV positive. The prison records proved that he knew he was HIV positive. You know, he... he said no, I didn't know I was HIV positive. Oh yeah, he did."

Speaker Lang: "Mr. Davis, could I ask you to complete your remarks, sir?"

Davis, W.: "I'm done. Thank... thank you very much, Representative."

Sacia: "Thank you, Sir."

Speaker Lang: "Thank you. Well, you didn't have to be that quick, but thank you. Representative Feigenholtz."

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

Speaker Lang: "Gentleman yields."

Feigenholtz: "Representative Sacia, could you tell me again what you're trying to do here. I have a couple of questions. I'm not sure I really understand what you're doing here."

Sacia: "Sure. I'll do the best I can, Representative. Whiteside County, Illinois, man gets out of prison knowing he is HIV positive. Records from prison prove that he knows he is HIV positive. Those records are sealed; they cannot be obtained by the state's attorney. The man is extremely promiscuous, uses no protection, knows he's HIV positive, infects many. I don't know the number, I've heard in the twenties. He's very, very promiscuous. All the state's attorney can do is

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charge him with I believe disorderly. It's a very minimal charge. What this Bill will do will allow the court, in an in camera examination, where the judge will say, Joe Smultz did know he was HIV positive. And he... even though he had denied that he was these records will prove that he did and it will give the state's attorney, after the fact, the opportunity to charge a higher crime. This doesn't create a new offense."

Feigenholtz: "I have a... a question for you. You said earlier in your comments, you... you said that the courts cannot obtain his sealed record. Is that... is that accurate?"

Sacia: "The way the law currently is, that is correct."

Feigenholtz: "Do you... do... is that a State or Federal Law?"

Sacia: "It's a State law, Representative."

Feigenholtz: "There is a State Law that keeps his record sealed, is that what you're saying?"

Sacia: "You cannot access the records in Illinois for a person that is HIV positive."

Feigenholtz: "And this is a Bill that attempts to... to change that particular law in all instances, where a person's health records are open to the courts?"

Sacia: "No... no, Representative. It would be an instance, such as this. I mean, again, think what we had happen here."

Feigenholtz: "Is this not a violation of HIPAA?"

Sacia: "No. That... that's... here... here's the thing."

Feigenholtz: "These are private health records, Representative."

Sacia: "Yes."

Feigenholtz: "And private health records are covered by HIPAA."

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Sacia: "That's incorrect, Representative."

Feigenholtz: "Are you sure?"

Sacia: "I'm being advised by legal counsel that I am. Representative, if... I can read this to you. I just have two sentences here. HIV records can only be obtained upon a courts reasonable suspicion that an individual has committed the crime of Criminal Transmission of HIV. Pursuant to a subpoena, the records must be submitted for an in camera inspection."

Feigenholtz: "What is an 'in camera inspection'?"

Sacia: "That means in the... in the chambers of the... in the judge's chambers. The judge will determine if he can release them to the state's attorney and the defense attorney."

Feigenholtz: "And it's only someone with HIV. What about hepatitis or..."

Sacia: "No, Representative. This is HIV specific."

Feigenholtz: "And... and you're sure it doesn't violate HIPAA?"

Sacia: "Representative, absolutely, I'm sure."

Feigenholtz: "I'm going to check on that and I'll be back with you."

Sacia: "I have no doubt that you will."

Feigenholtz: "Thank you."

Speaker Lang: "Representative Cassidy."

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

Speaker Lang: "Sponsor yields."

Cassidy: "Representative Sacia, has there been any involvement with advocacy organizations such as the AIDS Foundation of Chicago on the..."

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Sacia: "Yes."

Cassidy: "...on the work on this Bill?"

Sacia: "Representative, it was further negotiated and I discussed this earlier today with the gentleman that I know is extremely familiar with the issue in Chicago and we did discuss that very thing. It was thoroughly negotiated with both the... the ACLU and the HIV Foundation in Chicago."

Cassidy: "And are they in opposition to this Bill?"

Sacia: "No, they are neutral on the Bill."

Cassidy: "Do you know, Representative, if a partner consents to sexual activity with someone who knows that they are HIV positive, does that provide an affirmative defense? Can that... can that... can this crime still be charged?"

Sacia: "No, not if it's consensual and if the party knew, if... if the person openly admitted that he was HIV positive and engaged in the sex act but openly up front... but in this case, Representative, I ask you to... if I may, Representative..."

Cassidy: "Yes, I'm sorry."

Sacia: "...if... if I may, in this particular case, I ask you to recognize what happened. This man denied that he was HIV positive at the time of arrest, denied it. Apparently denied it, if it ever came up, with anybody along the way. Knowing he was HIV positive, according to conversations that I have had with those in the know involving this case, was somewhat bitter about being positive and was rather... I will use the word desirous. Now, understand that's my term of infecting anybody that he could engage with."

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Cassidy: "And I understand this situation is particularly egregious. Can you tell me where in the legislation it says that the consenting... that consent would provide that there would not be a charge?"

Sacia: "Give me a moment, would you?"

Cassidy: "Sure."

Sacia: "Representative, I stand corrected. My verbiage, it is not in the legislation. But if a person does consent and openly admits that in the court, it wouldn't be charged in that particular instance. But again, please un..."

Cassidy: "How... I'm sorry... how would it not be charged?"

Sacia: "It wouldn't be a criminal transmission at that point because the person knowingly agreed to engage in the sex act knowing that that other person was HIV positive."

Cassidy: "But it does not provide for that in... in the legislation, so someone could still be charged under that circumstance?"

Sacia: "They... they wouldn't be charged, Representative. I mean, if it was two consenting adults, there's no charge here. This was..."

Cassidy: "Well, if the... if the consenting partner... I'm sorry. I didn't mean to step on your toe there. If the consenting partner later was... had regrets and then made a complaint, would that..."

Sacia: "No, because you entered the act consensually at the time."

Cassidy: "Okay. And then one more, back to Representative Feigenholtz's question about HIPAA. Are there other circumstances where court orders sort of override that

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privacy concern such as, say, mental health records. Are there other circumstances where this... where a disclosure of this kind would occur?"

Sacia: "It... it... it's the same situation where in certain cases health records could be... could be shared."

Cassidy: "I... I... to the Bill. I am... I understand what you're trying to accomplish because of the circumstance that... that happened in your area. I am concerned about this issue of consent, you know, we have... you see it when partners break up, somebody gets angry and makes a complaint. Would you be willing to... to take this back and get some language in there that provides for that defense?"

Sacia: "I... I'm somewhat shocked, Representative, that you would be in opposition and the people that have worked on this and brought it to me have worked on it for three years. They were very, very concerned about the issues with the HIV Foundation in Chicago; they were very, very concerned about the ACLU. They... they were... you know, they got these folks to be neutral or in support."

Cassidy: "Let me be clear, I am not in opposition to your Bill, Representative..."

Sacia: "If I may..."

Cassidy: "...I actually am trying to... to because I know that you've worked so hard with the AIDS Foundation with the ACLU..."

Sacia: "Could... could I share this with you?"

Cassidy: "...I want to help you out with this Bill."

Sacia: "Well..."

Cassidy: "I do."

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Sacia: "I... I appreciate that, Representative. It shall be an affirmative defense that the person exposed knew that the infected person was..."

Cassidy: "Excellent."

Sacia: "...infected with HIV..."

Cassidy: "That's what I was looking for."

Sacia: "...knew that the action could result in infection with HIV and consented to the action with that knowledge."

Cassidy: "That's exactly what I was looking for. Thank you very much."

Sacia: "Thank... thank you, Representative."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker. Just to let the record show that Representative Mautino is excused for the remainder of the day."

Speaker Lang: "Thank you. The record will reflect that. Chair recognizes Mr. Reboletti."

Reboletti: "Mr. Speaker, to the Bill. I don't know how we've kind of lost our way with this discussion. You had somebody who basically was a serial rapist of sorts who knew he had HIV, was charged with basically 20 counts of Criminal Transmission of HIV and the prosecution could not prove the case because they could not access his master file at the Department of Corrections. So, he could continue on, basically with his conspiracy, to move forward and have relations with male and females knowing that he had this disease. And while the state's attorney tried to prosecute him, they were basically helpless. So, there is defenses to it. It call... it calls for a specific intent. The individual

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has to know they have the disease, that they are engaging in sex with somebody when they have not informed the person of their status and then there is protections based off of the status of the person because you're doing it in camera with both the lawyers, the judge looks at the documents and decides if they are relevant and should be allowed to be used in the prosecution. That's as simple as that. I would urge an 'aye' vote."

Speaker Lang: "Mr. Franks. No running, Mr. Franks."

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

Speaker Lang: "Gentleman yields."

Franks: "Representative, I... I stand in support of your Bill, but I want to... I want to take you to the Bill text itself but I have a concern on the drafting. If you please go to page 5, where we talk Section 12-5.01."

Sacia: "Under the actual Bill itself, correct?"

Franks: "Yes, Sir."

Sacia: "You're talking page 5..."

Franks: "Yes, Sir. It's on page 5, the first full paragraph, starting on line 2 of the Engrossed Bill, Section 12-5.01."

Sacia: "Would you give me the Section again? I'm on page 5."

Franks: "It's the very top, Section 12-5.01."

Sacia: "I've got it."

Franks: "You got it?"

Sacia: "Yes."

Franks: "And this is my concern in the drafting. I think there may be an error in the drafting and maybe I'm wrong, but I want you to... I want you to look at this. Where it says a person commits Criminal Transmission of HIV when he or she

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with the specific intent to commit the offense, which is a specific intent crime presently it is a general intent crime. So, this would be increasing the burden of proof to a specific intent crime which would actually make it harder to prosecute. Wouldn't it be better to leave this as a general intent crime?"

Sacia: "I'm told that this is language that has been modernized, Representative Franks. The key word there is modernized and... and you as an attorney would understand that better than me."

Franks: "I'm not sure... what... which... when you said modernized, I'm not sure what you meant? I'm just... I'm just concerned with the drafting that it's not getting what you want it to do. I understand the ultimate conclusion. I think we all agree with that, but I... I think it actually weakens your... what you're trying to do."

Sacia: "It makes it specific, I'm being advised by counsel, Representative, but also, maybe if... let... let me share this with you. It also cleans up and modernizes the language for transmission of HIV to reflect what science tells us are methods of transmission; that is, spitting on someone is not a method of transmission. I think you would agree, Representative Franks, years ago when HIV started becoming an issue that was kind of the belief."

Franks: "Right."

Sacia: "That if you spit on someone or..."

Franks: "Yup."

Sacia: "...anyway."

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Franks: "Okay. I just wanted to point that out to make sure you were aware of that drafting. I think..."

Sacia: "Thank... Representative Franks... and I... I have the greatest respect for your legal knowledge and I... I really appreciate where you're coming from. Most of you in here know Matt Jones and he worked for three years getting this drafted into a Bill that he felt was the right thing to have for this type of a situation."

Franks: "And I've... and I've talked to my colleagues on the floor have given me some background on why it drafted since I brought this up and I think you're right, so. Thank you. I will sp... I will stand in support of the Bill."

Sacia: "Thanks very much, Representative."

Franks: "Thank you."

Speaker Lang: "Leader Currie. Leader Currie."

Currie: "Thank you. Please let the record show that Representative Zalewski is excused for the rest of the day."

Speaker Lang: "The record will reflect that. Mr. Sacia to close."

Sacia: "Thank you, Mr. Speaker. I ask for your 'aye' vote and your support."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Rita. Mr. Rita. Please take the record. On this question, there are 112 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority,

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is hereby declared passed. Chair recognizes the Majority Leader on a Motion."

Currie: "Thank you, Speaker and Members of the House. I move to suspend the posting requirements so that Senate Bill 2621 can be heard Monday in Judiciary II, Senate Bill 3766 in Executive Committee also on Monday, May 28th, House Resolution 1110 so that it can be heard tomorrow, Saturday, May 26th, in Appropriations-Public Safety and House Resolution 1111 which would be heard in State Government Administration on Monday, May 28th. I know of no opposition and I'd appreciate leave for this Motion."

Speaker Lang: "You heard the Lady's Motion. Is there leave? Hearing no objection, leave is granted and the Lady's Motion carries. Returning on the Calendar to page 7 of the Calendar, under the Order of Senate Bills-Third Reading, appears Senate Bill 3552, Mr. Mathias. Please read the Bill."

Clerk Bolin: "Senate Bill 3552, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Mathias."

Mathias: "Yes. Thank you, again, Mr. Speaker. I had an opportunity to talk to Representative Franks and I think I've explained the Bill to his satisfaction unless there... and then be ready to answer any other questions. Otherwise, I ask for an 'aye' vote."

Speaker Lang: "Gentleman's moved for the passage of the Bill. The Chair recognizes Mr. Brady."

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

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Speaker Lang: "The Gentleman yields."

Brady: "Representative Mathias, we had a... a discussion shortly after the previous discussion when the question of the Bill came up. Is... is your intent to change any of the existing Medicaid rules as it pertains to insurance, or irrevocable insurance or spin down as it pertains to prearrangement and prepayment of funeral services in the state?"

Mathias: "No, it is not."

Brady: "Okay. Thank you very much."

Speaker Lang: "Mr. Franks."

Franks: "Thank you, Mr... thank you, Mr. Speaker. I want to thank my friend, Mr. Mathias. He did explain it and he answered the questions and we have no objection."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Please record yourselves. Please take the record. On this question, there are 112 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 1090, offered by Representative Brady. House Resolution 1092, offered by Representative Carli. House Resolution 1093, offered by Representative Howard. House Resolution 1094, offered by Representative D'Amico. House Resolution 1095 and 1096, offered by Representative Saviano. House Resolution 1097, offered by Representative Burke. House Resolution 1099, offered by Representative Pihos. House

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Resolution 1100, offered by Representative Zalewski. And House Resolution 1101, offered by Representative Dugan."

Speaker Lang: "Leader Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Clerk, Committee announcements."

Clerk Bolin: "The following committees will meet immediately upon adjournment: Appropriations-Higher Education Committee will meet in Room 114, the Judiciary I-Civil Law Committee will meet in Room D-1, and the Human Services Committee will meet in Room 115. The following committees will meet tomorrow morning. At 8:30a.m., the Appropriations-Elementary & Secondary Committee will meet in Room 114 and at 9 a.m., the Appropriations-Public Safety Committee will meet in Room C-1."

Speaker Lang: "Members, before we adjourn just.. please note the Calendar that's just been passed out to you. There will be Session at 9:30 a.m. tomorrow, Sunday's Session will be canceled, Monday's Session will be at 12 noon. Happy Holiday. And with that, Leader Currie moves that allowing perfunctory time for Clerk, the House does stand adjourned 'til Saturday, May 26th at the hour of 9:30 a.m. And before we go to the vote, the Chair recognizes Mr. Reis."

Reis: "Just one quick question of the Chair. Any timeframe for tomorrow, are we going to be here all day, 'til noon?"

Speaker Lang: "The answer, Sir, is we don't know. We'll certainly try to send you on your way as early as we can. Mr. Arroyo."

Arroyo: "Never mind, Leader."

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Speaker Lang: "Mr. Dunkin."

Dunkin: "Point of... point of announcement. Okay, all those Members who are on Higher Ed. Approp., we're going to meet immediately, like right now, downstairs. The sooner we're in there, the sooner we're gone. Thank you."

Speaker Lang: "Those in favor of the Leader Currie's Motion say 'yes'; opposed 'no'. The 'ayes' have it. The Motion carries. And the House does stand adjourned 'til tomorrow, Saturday, May 26 at the hour of 9:30 A.M."

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Dunkin, Chairperson from the Committee on Appropriations-Higher Education reports the following committee action taken on May 25, 2012: recommends be adopted is Floor Amendment #2 to Senate Bill 2443. Representative Nekritz, Chairperson from the Committee on Judiciary I-Civil Law reports the following committee action taken on May 25, 2012: do pass as amended Short Debate is Senate Bill 3592. Representative Greg Harris, Chairperson from the Committee on Human Services reports the following committee action taken on May 25, 2012: do pass as amended short debate is Senate Bill 2578. Second Readings of Senate Bills. Senate Bill 2578, offered by Representative Currie, a Bill for an Act concerning health. Senate Bill 3592, offered by Representative Feigenholtz, a Bill for an Act concerning civil law. These Bills will be held on the Order of Second Reading. There being no further business, the House Perfunctory Session will stand adjourned."