

STATE OF ILLINOIS  
94th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

117th Legislative Day

4/10/2006

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off their laptop computers, cell phones, and pagers, and we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Colonel Retired Randy Harrison."

Colonel Harrison: "Dear Lord, hear our thanks and prayers. Lord, thank You for giving us the freedom we so dearly cherish in this great nation of ours. Thank You for allowing us the privilege to carry freedom's righteous might to people in other countries that are oppressed. And Lord, thank You for the continual divine direction that defines and guides our humble lives. Lord, we pray for the families of our departed service members in their time of sorrow. Touch their lives like only You can and help them heal. Lord, we pray for the thousands of young service members who have lost sight, hearing, limbs, and emotional well-being. Lord, place Your loving and healing hands upon them and their families. And finally, Lord, bless the public servants who sit here today as they tirelessly work for the citizens of Illinois. Thank You, dear Lord. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Parke."

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

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Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Acevedo, Jones, and... and Patterson are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Please let the record reflect, with much disappointment, Representative Black is excused today."

Speaker Madigan: "The Clerk shall take the record. There being 111 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Resolutions referred to the House Committee on Rules. House Resolution 1172, offered by Representative Black. House Resolution 1177, offered by Representative Miller. House Resolution 1179, offered by Representative Granberg. Referred to the House Committee on Rules is Senate Bill 895, offered by Speaker Madigan, a Bill for an Act concerning regulation. House Resolution 1185, offered by Representative Will Davis. And Senate Joint Resolution 88, offered by Representative May. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on April 10, 2006, reported the same back with the following recommendation/s: 'approved for floor consideration' and referred to the Order of Second Reading is House Bill 1918 and House Bill 1969; 'recommends be adopted' Amendment #1 to House Resolution 1063; 'approved

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for consideration' and referred to the Order of Second Reading is Senate Bill 14, Senate Bill 49, Senate Bill 176, Senate Bill 230, Senate Bill 998, Senate Bill 1020, Senate Bill 1625, and Senate Bill 1977; 'recommends be adopted' and referred to the Floor is Senate Bill... Amendment #3 to Senate Bill 1682; 'recommends be adopted' and is a Motion to Recede to House Amendment #1 to Senate Bill 2579; and 'recommends be adopted' is Amendment #3 to Senate Bill 2673. On the Order of First Reading is Senate Bill 1216, offered by Representative Osterman, a Bill for an Act concerning civil law."

Speaker Madigan: "Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 1173, offered by Representative Verschoore. House Resolution 1174, offered by Representative Leitch. House Resolution 1175, offered by Representative Leitch. House Resolution 1176, offered by Representative Rose. And House Resolution 1178, offered by Representative Yarbrough. And House Resolution 1180, offered by Representative Flider."

Speaker Madigan: "You've all heard the Resolutions. Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Representative Feigenholtz, did you wish to call Senate Bill 2445? Did you respond, Representative? Mr. Reitz. Mr. Reitz, did you wish to call 2454? John Bradley. Senate Bill 2475. Mr. Clerk, read the Bill."

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Clerk Mahoney: "Senate Bill 2475, a Bill for an Act concerning families. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Bradley."

Bradley, J.: "Thank you, Chairman, Members of the House. This is a Bill that was requested by the State Bar Association. It simply makes a change in the law so that attorneys aren't required to sue their clients for fees while the case may still be pending. I would ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The question is, 'Shall the Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 108 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on Senate Bill 2487, put that Bill on the Order of Second Reading. Mr. Froehlich, did you wish to call 2868? Mr. Clerk, Senate Bill 2868. Read the Bill."

Clerk Mahoney: "Senate Bill 2868, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Froehlich: "Thank you, Mr. Speaker. Senate Bill 2868 simply amends the Capital Development Board Act to provide for use of the latest published edition instead of the 2000 edition of the International Energy Conservation Code. I know of no opposition and I ask for your support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Cultra voted? The Clerk shall take the

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record. On this question, there are 111 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Turner. Mr. Clerk, Senate Bill 2921. Read the Bill."

Clerk Mahoney: "Senate Bill 2921, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 2921 is identical to House Bill 466 which passed this House on March 2 of this year. It's an initiative between the City of Chicago and... it's a compromise between them and the Illinois Emergency Management Agency and this is in regards to any disasters that may, Heaven forbid, ever take place here in this state. And I move for the adoption of Senate Bill 2921."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 111 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 2954. Read the Bill."

Clerk Mahoney: "Senate Bill 2954, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Froehlich."

Froehlich: "Thank you, Mr. Speaker. Senate Bill 2954 is another Bill that's reenacting provisions of a 1994 statute that was struck down last year by the State Supreme Court for violating the single subject rule. This particular Bill

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would reenact, without changing the provisions from '94, just reenact sections dealing with seizure of property used in the commission of crime, with employment in the prison industries, and making it illegal to bring electronic contraband into penal institutions. This Bill is supported by the Department of Corrections. I'm not aware of opposition. I ask for everyone's support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Has Mr. Rose voted? The Clerk shall take the record. On this question, there are 111 people voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Is Mr. Tryon in the chamber? Do you wish to call Senate Bill 1682? Mr. Clerk, what is the status of the Bill? 1682."

Clerk Mahoney: "Senate Bill 1682 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. Floor Amendment #3, offered by Representative Tryon, has been approved for consideration."

Speaker Madigan: "Mr. Tryon."

Tryon: "Thank you, Mr. Speaker. I would move to adopt Amendment #3 to Senate Bill 1682. Amendment #3 becomes the Bill, makes a technical change to provide consistency in language, and the changes are on page 17, line 8-14."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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Clerk Mahoney: "No further Amendments. All Motions have been filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Hannig in the Chair."

Speaker Hannig: "On page 4 of the Calendar, under the Order of Senate Bills-Second Reading, we're gonna proceed down the list with... starting with Senate Bill 835. Representative Bradley. Out of the record. Representative Smith on Senate Bill 860. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 860 has been read a second time, previously. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Bradley, you have Senate Bill 1183. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1183 has been read a second time, previously. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Currie on Senate Bill 1445. Out of the record. Representative Mathias on Senate Bill 8... 1827. Out of the record. On page 5 of the Calendar, Representative Nekritz, you have Senate Bill 2170. Representative... from Second to Third? Mr. Clerk, read the... From Second to Third. Okay, I understand there's an Amendment in Rules. Okay. So... oh, it's been... it's been recommended from Rules. So, Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2170 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Nekritz, has been approved for consideration."

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Speaker Hannig: "Okay, Representative Nekritz on the Amendment."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 2170 deals with a consumer issue. The question is what responsibility ambulances have when they pick up patients to notify them that their insurance may or may not cover it. This... the Amendment is an agreed Amendment between all the interested parties to remove the provisions regarding nursing homes so we can go forward with the provisions regarding ambulances."

Speaker Hannig: "The Lady has moved for the adoption of Floor Amendment #2. Is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. All Motions have been filed."

Speaker Hannig: "Third Reading. Representative Davis on Senate Bill 2199. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2199 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Will Davis, has been approved for consideration."

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

Davis, W.: "Thank you, Mr. Speaker. Senate Bill 21... 2199 is an initiative of the Department of Human Services. The Bill is to deal with the Alcoholism and Other Drug Abuse and Dependency Act by repealing the provisions of the Act, authorizing the Interagency Alcoholism and Other Drug Dependency Board. Apparently this was a board that had not met in a number of years, and to clean up their own administrative rules they decided to ask that this book...

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this board be taken off their books. The board serves a number of functions, and what came out in discussion was that the functions that was also an advisory council who had similar responsibilities to do the... provide the same services as this board. Unfortunately, that council had not met as well. So in order to satisfy some of the questions that came up in committee, there was an Amendment drafted that did a number of different things, particularly as it relates to the council. It says, 'Revises the duties and membership of the existing advisory council on alcoholism and other drug dependency.' It requires the council to meet quarterly. Again, it had not been meeting on a regular basis. Requires the council to meet quarterly. Expands the scope of the council's duties to include advising the Department of Human Services in planning, developing, and coordinating programs among all agencies and departments of State Government to reduce alcoholism and drug addiction; prevent the use of illegal drugs and the abuse of legal drugs by persons of all ages and prevent the use of alcohol by minors. These were previously duties that were assigned to the now defunct Interagency Alcoholism and Other Drug Dependency Board. Another function requires the council to annually report to the General Assembly regarding the activities and recommendations made by the council. It adds several Members to the advisory council, including the directors of the Illinois Departments of Aging, Children and Family Services, Corrections, Juvenile Justice, Health Care and Family Services, Revenue, Public Health, Financial and Professional Regulations, the State Superintendent of

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Education, the directors of the State Police, the administrative office of the Illinois Courts and Criminal Justice Information Authority, the Secretary of State, the Secretary of the Department of Transportation, and the Chairman on the Board of Higher Education. This will... this will ensure that existing advising... that the existing advisory committee assumes the duties of the now defunct Interagency Alcoholism and Other Drug Dependency Board. And lastly, to satisfy requests of the dependents, it codifies an administrative... it codifies an existing administrative rule that provides for the licensure of certain alcohol treatment facilities, including residential treatment for alcoholism and other drug dependency, subacute inpatient treatment, clinically managed or medically monitored detoxification, residential extended care, formally referred to as a halfway house, and recovery home services."

Speaker Hannig: "The Gentleman has moved for the adoption of Floor Amendment #2. And on that question, the Lady from DuPage, Representative Bellock."

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

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

Bellock: "We just... we had a lot of discussion about this Bill in the Human Service Committee..."

Davis, W.: "Yes."

Bellock: "...Representative, and we just wanted to ask you about the changes in Amendment 2. Is there a change of the makeup of that advisory board?"

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Davis, W.: "I don't believe there is a... well, according to the information I have, it add memb... I think additional members to the advi... what is now the advisory council... or what would be the advisory council, which includes the directors of all the agencies that I just listed, previously."

Bellock: "And are there... are there any other members outside of that... of the agency that are appointed?"

Davis, W.: "Not with this Amendment. I think if you're... if you're asking about Members of the General Assembly maybe being assigned to that committee..."

Bellock: "This is strictly an agency."

Davis, W.: "Not according to this Amendment. This is just about agencies. But they will report to the General Assembly what their actions or activities will be."

Bellock: "Okay. Is there any opposition to this Amendment?"

Davis, W.: "None that I'm aware of."

Bellock: "Okay. 'Cause this Amendment becomes the Bill, correct?"

Davis, W.: "Correct."

Bellock: "Okay. And I think in our discussion what we mostly had the problem with was not so much this council, but that nobody was actually doing anything about substance abuse. So what we're asking you in the change... in this Amendment is that DHS will stay on top of that issue so that this, is it called the council, will actually meet and will actually give us a report."

Davis, W.: "Yes, Representative. To... to satisfy your concerns and other Members of the committee, to make sure that they are meeting and will be actively engaged in this, (a), to

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begin with, in the Amendment it says that they will meet quarterly. So, we will expect them to meet four times a year. They will meet quarterly. And then their findings will..."

Bellock: "Okay."

Davis, W.: "...be reported annually to the General Assembly. And I will see it as... as my personal responsibility, Representative, to make sure that they are meeting and that they are having substantive discussion."

Bellock: "Okay. So, I'm... instead of just twice annually, they're going to meet quarterly..."

Davis, W.: "Yes."

Bellock: "...and then prepare a report to give to the General Assembly?"

Davis, W.: "Yes. Annually."

Bellock: "Okay. Thank you very much."

Davis, W.: "Thank you."

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

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

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

Mulligan: "Representative, I noticed in this Amendment that it establishes licensing for the following types of residential alcohol and substance abuse treatment facilities: sub... subacute inpatient treatment, clinically managed or medically monitored detoxification, and residentially extended care, formerly considered a halfway house. Who will do that licensing?"

Davis, W.: "The... the Division of Alcohol and Substance Abuse, or DASA."

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Mulligan: "All right, so DASA will do the licensing. And will they have a set of regulations and how will they determine that regulations? Will it go through JCAR or is there already a model on what regulations would qualify for a license?"

Davis, W.: "Well, actually, Representative, they're actually performing the function currently. This Amendment simply takes the administrative rules and puts them in statute."

Mulligan: "All right, so..."

Davis, W.: "Or codifies the rules."

Mulligan: "But it... it said it establishes licensing for residential alcohol and substance abuse. So, I'm assuming there wasn't..."

Davis, W.: "Well, this... this is to codify what they currently do. Are you asking whether or not they're gonna establish new rules?"

Mulligan: "Right. There must be some... there would be some way of licensing them, some criteria for them to get a license. So I'm wondering if that's already in place, because it appears that your Amendment establishes those types of facilities being licensed."

Davis, W.: "Representative, this is... this codifies what they currently do. No new rules are anticipated with... with this Amendment."

Mulligan: "Well, if... if the Amendment... or our analysis of the Amendment says it establishes licensing, then there must be something new that they're doing. What staff is telling me is it breaks down the categories differently. That they're cur..."

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Davis, W.: "It... it does what, Ma'am?"

Mulligan: "What my staff is telling me is that it breaks down the categories that are gonna be licensed into different groups. Is that right?"

Davis, W.: "Well... well, currently, Representative, again, they are currently licensing the facilities. If... if it's a matter of whether or not they're categorizing them differently, but the function of licensing will still be the same and these are the entities that they will be licensing."

Mulligan: "Well, my understanding all to from what staff has said, IADDA wanted it established in statute and broken down in a different way for licensing, and this is what they requested from the department?"

Davis, W.: "I'm being told that that is essentially correct."

Mulligan: "All right. And then will the licensing include any inspection as time goes on to make... and any... once they're licensed do they have to be inspected and then the license redone every... periodically or...?"

Davis, W.: "You mean after... after they receive a license you mean?"

Mulligan: "Right. Once they receive a license what do they have to do to keep their license current?"

Davis, W.: "We believe that it's an annual licensure. So they will have to re-up, if you will, every year for relicensure."

Mulligan: "All right. So, would the way they do that be established by rule?"

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Davis, W.: "I be... yes. And I believe that is currently in rule."

Mulligan: "All right. I'm not looking at the actual Bill, I'm looking at our analysis of the Bill. So, I would have to go into the Bill to just make sure. So I'm just curious as to the actual changes because I don't think that part was in the original Amendment."

Davis, W.: "Okay. Well, Representative, if we can move forward with the adoption of the Amendment and subsequently move the Bill to Third, I can come over and find out specifically what you need and make sure that I answer your questions correctly."

Mulligan: "All right. In the meantime, I'll actually look at the language in the Bill. But I was just curious as to how they were gonna do that. Thank you."

Davis, W.: "Thank you."

Speaker Hannig: "Any further discussion? Representative Meyer on the Amendment."

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

Speaker Hannig: "Indicates he'll yield."

Meyer: "Representative, what exactly does this Amendment do with this board?"

Davis, W.: "With the board?"

Meyer: "Yeah."

Davis, W.: "Well, the... the Amendment essentially abolishes the first board, or what is referred to as the Interagency Alcoholism and Other Drug Dependency Board. It abolishes that board. Also, in rule there is an advisory council that was put together to perform a very similar function. So

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what we are doing is now putting more to what the advisory council will do, asking them to meet on a regular basis and provide annual reports to the General Assembly."

Meyer: "What was wrong with the board that you're doing away with? Was there something wrong with that?"

Davis, W.: "Well, this was an in... this was brought to me by DHS. And I don't think that there was anything wrong with it per se, other than the fact that for whatever reason, Representative, that board had not met in approximately 20 years."

Meyer: "Well, that's my... I guess the crux of my question. Why are you revitalizing something that there's been basically no role for for 20 years? What... what are you accomplishing?"

Davis, W.: "We were told by the Human Ser... Department of Human Services that the functions of that board were essentially being done by an advisory council. So to clean up their own rules, they asked that... they asked that we take away the other board and allow the advisory council to continue to function. But because of some concerns with the advisory council, that is what essentially prompted the text of the Amendment asking them to meet on a more regular basis and provide more information to the General Assembly about their activities."

Meyer: "So the advisory council has been meeting during that 20-year increment?"

Davis, W.: "I'm... I'm having a little trouble... Mr. Speaker. Mr. Speaker, just having a little trouble hearing."

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Meyer: "My question is, in other words, the... the appointed council has been meeting during that 20-some year hiatus that the board hasn't met?"

Davis, W.: "Well, actually, Representative, they... that council had not met on a regular basis either. So again, to try to help with the concerns of the committee, Department of Human Services went back and took a look at the council and said why don't we put in statute that they will meet on a regular basis and then provide subsequent reports to the General Assembly."

Meyer: "As a part of this Amendment, is there anything that is gonna require report be developed to indicate how successful this advisory council is in fulfilling the responsibilities that the board was originally set up to do?"

Davis, W.: "We certainly hope that in their annual report, Representative, that they will tell us about their progress."

Meyer: "Well, I... I guess my point here is that my understanding of the Bill... the Amendment is that part of the reason why this is being done is to meet certain audit requirements. Is that correct?"

Davis, W.: "Correct."

Meyer: "Well, then how are we gonna make certain that if there's no review of this being put into existence because of an audit requirement, how are we gonna make sure that it fulfills the need of that audit requirement without reviewing it?"

Davis, W.: "In... in addition to what we're asking this board to do, in the... in the Human Services Committees the chairman

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indicated his desire to make sure that this council does indeed do what it's supposed to do."

Meyer: "Is it going to be audited on an annual basis to ensure that it does accomplish what it's set up to do?"

Davis, W.: "It will on a regular basis, Representative."

Meyer: "What's regular to you? Okay, to the Bill."

Davis, W.: "We believe it's a regular 2 years."

Meyer: "The... the point that I'm making, Ladies and Gentlemen of the House, is the fact that we're implementing something here to... to respond to an audit, to respond to the department trying to do a better job, my understanding from the Sponsor. But there is no... there is no follow-up audit that, at this point, is being proposed whatsoever to make sure that this in fact does meet the... the requirements of the audit. I believe that anytime that we are responding to an audit we oughta put a follow-up review in. It's not a bad thing that the Sponsor's attempting to do, it's just that it falls short of the responsibilities, I think, of this Body in making sure that what..."

Speaker Hannig: "Representative, your time has expired. Would you bring your remarks to a close?"

Meyer: "When... when we are implementing legislation to respond to an audit for a department then I think it's imperative that we also require that a follow-up audit be done on a timely basis that will be... ensure that which we're attempting to do actually takes place. Thank you."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 5 of the Calendar, under Senate Bills-Second Reading, is Senate Bill 2368. Representative Monique Davis. Okay, out of the record. On page 6 of the Calendar, Senate Bill 2437. Representative Brosnahan. Do you wish to have us read this Bill, Representative Brosnahan? Out of the record. Representative Currie on Senate Bill 2477. Out of the record. Representatives... Representative Brady, you have Senate Bill 2673. Okay, we'll take that out of the record. Representa... Representative Dugan on Senate Bill 3016. I'm advised you'll... you'll handle that Bill. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3016 has been read a second time, previously. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, on page 6 of the Calendar, under Senate Bills-Second Reading, is Senate Bill 2477. Would you read the Bill?"

Clerk Mahoney: "Senate Bill 2477, a Bill for an Act concerning education, has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 9 of the Calendar, under the Order of Senate... on the Order of Senate Bills-Nonconcurrency, is Senate Bill 2579. Representative Smith. Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. At the Senate Sponsor's request, the Amendment that we put on

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really was a technical one for the department, and Senator Collins was not in favor of that and... and I concurred with her judgment. And so, I would move that we recede from House Amendment #1."

Speaker Hannig: "The Gentleman moves that the House recede from the House Amendment #1 to Senate Bill 2579. Is there any discussion? Then this... then the question is, 'Shall the House recede from House Amendment #1 and shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Representative Boland, do you wish to be recorded? Representative Feigenholtz, do you wish to be recorded? Representative Soto, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 0 voting 'no'. And the House does recede from Floor Amendment #1 to Senate Bill 2579. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 6 of the Calendar, under Senate Bills-Second Reading, is Senate Bill 2570. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2570, a Bill for an Act concerning condominium property, has been read a second time, previously. Amendment 1 was adopted in committee. Floor Amendment #3, offered by Representative Nekritz, has been approved for consideration."

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

Nekritz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The underlying Bill in Senate Bill 2570 requires the purchaser of a condominium unit at a judicial foreclosure

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sale or other similar purchaser pay overdue monthly assessments. House Amendment 3 specifies that notice is required under the Code of Civil Procedure, along with other statutorily required notices under the foreclosure proceeding, include a statement that the purchaser is so obligated for these sums in the amount due."

Speaker Hannig: "The Lady has moved for the adoption of Floor Amendment #3. Is there any discussion? The Gentleman from McHenry, Representative Franks."

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

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

Franks: "Representative, my question is why this is necessary to do this notification. And... and then my... and for a way of background. If one files a foreclosure action in the State of Illinois, typically one does a... orders the minutes of foreclosure. In the minutes of foreclosure they will have in there who needs to be included for there to be a clean title. If there is a condo association or a homeowners association, they would be required to be a defendant in the underlying action. So why do we need also to give them notice when they already have to be included in the foreclosure action?"

Nekritz: "Representative, I'm not a hundred percent sure on the answer to your question, but I do believe that there is a lien established under existing condominium law for the condo... for back assessments owed under the condominium association. And I'm not... I'm not sure that they are of... recorded of record so that a purchaser might not know that those liens are outstanding."

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Franks: "They are, though. And what their differences are oftentimes in this type of case where the condominium association could file a lien... but in any event, they have to be notified by the plaintiff, which is typically a mortgage company or a... or a bank, and they have to be included. And what this Bill would do is to give the condominium association a super priority over other debtors. And what you're saying is just because they happen to be a condominium, that they should have priority over someone who might already have a judgment. And this is changing the foreclosure law drastically in the State of Illinois. This is not a minor change and I think it's poor public policy. So I wanna... I wanna talk to you about this because I think... I know about this. I lecture on this... on this section, on the foreclosure aspect. And I'm looking at this and I think this would be a major change and I'm wondering why you're trying to give someone super priority status."

Nekritz: "Representative, it does not give them a super priority over mortgages of record and others. And... and there are 13 other states that do this, and the reason we are doing this is because associations are losing thousands and thousands of dollars every year for back assessments that do not get paid."

Franks: "I disagree because they have the same opportunity as anyone else in a foreclosure to protect their lien. And how it works is if they are not the first lienholder... let's assume you have a junior mortgage and you're the second lienholder. What you're saying here is that these folks get a perfected lien over someone else who already has a

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perfected second mortgage. And what they say... and what they're trying to do is move them up in the ability to recover. Now, why should they have a higher position than a... someone else who has a recorded mortgage?"

Nekritz: "Representative, I'd... I am glad to discuss this with you. I don't think that's what this Bill does. I think it simply requires the purchaser at a foreclosure sale to pay those back assessments. It does not give them a super lien..."

Franks: "Sure it does."

Nekritz: "...in regard to those things."

Franks: "Because otherwise the lien would be extinguished like anyone else who would have a claim to color the title. So if there is a third mortgage or if there are other creditors who have judgments and they choose not to redeem or to buy out those in front of them, they are extinguished in foreclosure. What you're saying here is they would not be extinguished and their lien would survive when everyone else has been extinguished."

Nekritz: "Well, I... I don't... okay, I disagree. I don't think that's what it does, but I will be happy to... to talk about this with you, and that's... and that goes to the underlying Bill and not the Amendment."

Franks: "Okay. I'll be glad... if you wanna... I don't know if you're gonna move it to Third and then hold it and we can have a chance to discuss this."

Nekritz: "I'll be happy to discuss it with you."

Franks: "Okay, then that's fine. I wanted to bring that up. Thank you."

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Speaker Hannig: "Is there any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 7 of the Calendar is Senate Bill 2841. Representative Reitz, do you wish us to read this Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2841 has been read a second time, previously. Amendment #1 was approved in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hannig: "Representative Reitz, do you wish us to move that to Third? Okay. Third Reading. Representative Chapa LaVia, you have Senate Bill 3018. Do you wish us to read that on Second? Second Reading? Representative Chapa LaVia. Do you wish us to read this Bill on Second Reading? Okay, out of the record. On page 7 of the Calendar is Senate Bill 2917. Representative Mautino, do you wish us to read this Bill, 2917? Out of the record. Okay, on page 6 of the Calendar Representative Saviano has Senate Bill 2556. Out of the record. On page 8 of the Calendar, under the Order of Concurrence, is House Bill 4298. Representative Verschoore."

Verschoore: "Thank you, Mr. Speaker. My original Bill on this was... it set... set up an International Sex Offender Task Force Act. This Bill was drafted by the Department of Corrections and the Office of the Attorney General. The task force, which consists of members of the DOC, the AG's Office, the

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Illinois State Police, the sexual assault victims service provided (sic-providers), and other organizations deemed appropriate by the Illinois State Police. It should meet 30 days after the effective date of this Act and as frequently as necessary to carry out the duties. It was a system of communication between states regarding interstate movement of registered offenders, laws of Illinois and its bordering states that restrict and affect would convicted or registered sex offenders may reside, the extent to which law enforcement resources are affected by residency restrictions, impact of residents and restrictions on parole, mandatory supervised release, and probation systems in Illinois, and requires that the task force report the findings to the Department of Corrections, provide the staff and administrative support... they would provide that staff and administrative support for this task force. The Senate... when it went to the Senate... the Senate was basically the same as my Bill except they wanted to specify certain people on this task force. And it's my belief that the Department of Corrections and, more specifically, the Illinois State Police who have to monitor this, I think it'd be better if they were the ones that would be appointing these people. That was number one. Number two, there was a provision in there where there would not... not so much be... they will not receive compensation, but they may be reimbursed, which my... my Bill did not have. And on... on the other hand, the very last thing, they wanted to extend it out to 208 (sic-2008) and I was wanted it to be done in 207 (sic-2007). So,

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that's the reason I'm asking to revert back to my original Bill."

Speaker Hannig: "Okay. So, the Gentleman moves that the House nonconcur with Senate Amendments 1 and 2. All in favor say 'aye'... excuse me. Representative Durkin, do you wish to address the Motion?"

Durkin: "I would like to address the Motion. May I ask the Sponsor a question?"

Speaker Hannig: "The Gentleman will yield."

Durkin: "Representative, before we take a vote on this I just wanna make perfectly clear what we're voting on. Now, this retains still... the chairman of this task force..."

Verschoore: "Mr. Speaker, I can't hear him."

Durkin: "The chairman of this task force is a appointee of the Governor, correct?"

Verschoore: "I couldn't hear you, Sir."

Durkin: "The chairman of the task force is a... an appointee from the Governor's Office or is it from the Department of Corrections?"

Verschoore: "The Department of Corrections would be over this."

Durkin: "Who would be the chairman of the task force? Who would that... the appointment would come from what agency to chair this commission?"

Verschoore: "Department of Corrections."

Durkin: "All right. Now, it also states in your legislation that it's up to... the chairman can add as many members to the committee as he deems appropriate."

Verschoore: "As they deem necessary, yes."

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Durkin: "Is there any... do other members of the board have to vote on adding members or is this at the complete discretion of the chairman of the board?"

Verschoore: "It'd be the chairman of the board, as I understand it."

Durkin: "All right. What about somebody... Here's my only question, and I talked about this a little bit in committee, is that, ya know, there's a..."

Verschoore: "Wait... wait a minute. Mr... Mr. Chairman, I can't hear him."

Speaker Hannig: "I would ask the Members to please refrain from conversations and allow the Gentlemen to discuss the issue. Okay. Any further discussion?"

Durkin: "Just one last thought. I mean, my only concern is that when I talked about this in committee, and this hasn't been addressed, is that we're giving the chairman of this committee this unlimited right to put members on this... the chairman of the committee to put unlimited members on a committee at his free will, and I think that that may draw some problems in trying to get some progress done with committee. But now you're sending it back to the Senate. Is that the idea today? You're nonconcurring with their..."

Verschoore: "Right."

Durkin: "...with their Amendments and..."

Verschoore: "Yes."

Durkin: "What is your hope that we're gonna... we're gonna happen?"

Verschoore: "Go back to my original Bill."

Durkin: "All right. Thanks. All right. Thank you."

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Verschoore: "Thank you."

Speaker Hannig: "Any further discussion? Then the... then the question is, 'Shall the House... shall the House nonconcur in Senate Amendments #1 and 2?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House nonconcur in Senate Amendments 1 and 2 to House Bill 4298. On page 5 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 2368. Representative Monique Davis. Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "Senate Bill 2368 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Mr. Clerk, I was advised that there was an Amendment on this Bill. Is it... what is the status of that? Representative Davis."

Davis, M.: "There is House Amendment 1 to Senate Bill 2368."

Speaker Hannig: "We're trying to find the status of that Amendment."

Davis, M.: "The... the Amendment was approved... or recommended in committee."

Speaker Hannig: "Was it... Mr. Clerk, what is the status of this Amendment?"

Clerk Mahoney: "Amendment #1 was adopted in committee to Senate Bill 2368."

Speaker Hannig: "Okay. So, Representative, the Amendment is adopted. Do you wish us to move the Bill to Third?"

Davis, M.: "Yes, I do. Thank you."

Speaker Hannig: "Okay. Mr. Clerk, could you read the Bill? Would you... would you read the Bill, please? Did... did you

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read the Bill on Second? Okay. Then move the Bill to Third. Third Reading. Okay, so the Chair is preparing to adjourn. I hope that everyone has gotten the schedule for tomorrow. If not, Represent... the Clerk will read the... Mr. Clerk, read the schedule of committees for tomorrow."

Clerk Mahoney: "Committee announcements for tomorrow, Tuesday, April 11, 2006. At 10 a.m.: Adoption Reform will meet in Room 115, Executive will meet in Room 118, Local Government in Room C-1, Judiciary-Criminal Law will meet in Room D-1, Registration & Regulation will meet in Room 114. At 10:30 a.m.: Housing & Urban Development will meet in Room D-1, Agriculture & Conservation in Room 114, and Higher Education in Room 122-B."

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

McCarthy: "Thank you, Mr. Speaker. I'd like to make a Motion to waive the posting requirements on House Joint Resolution 122 so that we can hear it in Higher Ed tomorrow. I do have the permission of the Minority Spokesperson on the Higher Ed Committee."

Speaker Hannig: "That's House Joint Resolution 1..."

McCarthy: "122."

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

Parke: "Thank you, Mr. Speaker. Can you wait one minute? Our staff is checking on this."

Speaker Hannig: "Representative Parke."

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Parke: "It's... it's my understanding that Bill is not out of Rules yet, so I don't know if you can waive the posting requirements."

Speaker Hannig: "Okay."

Parke: "That's our concern."

Speaker Hannig: "Okay, the Gentleman withdraws the Motion. Is that correct? Okay."

Parke: "Thank you."

Speaker Hannig: "Thank you, Representative Parke."

Parke: "Thank you."

Speaker Hannig: "Are there any announcements? Okay, then Representative Currie moves that, allowing perfunctory time for the Clerk, that the House stand adjourned until Tuesday, April 11, at the hour of 11 a.m. Eleven a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Motion is adopted and the House stands adjourned."

Clerk Mahoney: "Introduction and reading of Senate Bills-First Reading. Senate Bill 859, offered by Representative Dugan, a Bill for an Act concerning education. Introduction and First Reading of that Senate... this Senate Bill. There being no further business, the House Perfunctory Session will stand adjourned."