

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

55th Legislative Day

5/15/2009

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 cell phones, pagers, laptop computers, 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 Pastor John Norris, who is with the Riverside Baptist Church in Decatur, Illinois. Pastor Norris is the guest of Representative Robert Flider."

Pastor Norris: "Let us pray. Almighty God, in an ever-changing world we know that some change is good, but not all change is wise. We are glad, Oh Lord, that in You we find an unchanging God. Your wisdom and Your power are unequalled and Your ways are higher than our ways. We recognize the truth that men and women who serve in this place serve the people of this great state. But You, oh Lord, have granted them this privilege and responsibility, so they are also Your servants. May each Representative come to the realization that Dr. Martin Luther King had when 31 years ago in his final sermon in Memphis he proclaimed, 'I just want to do God's will.' Grant each one, Oh Lord, the wisdom and discernment that is needed. Help them to strengthen the weak, to be a source of supply for the needy, to protect and provide for those who seek safety and shelter, and to help those who seek to accomplish great things in our state for the betterment of the lives of all. May all the people of the State of Illinois, from the yet unborn child to the most senior citizen, benefit from the actions that this House undertakes today. Show them that

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the best way to serve our fellow citizens is to please the desires of You, our great Creator. Bless the State of Illinois this day, and protect us from our enemies. We ask this in Your holy name, Amen."

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

Black - 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 Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect the excused absences of Representatives Acevedo, DeLuca, Dugan, Feigenholtz, Reitz, Soto, and Zalewski."

Speaker Madigan: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. Please let the record reflect that Representative Bost and Representative Mulligan will not be with us today."

Speaker Madigan: "Clerk shall take the record. There being 108 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "The adoption of Resolutions. House Joint Resolution 57, offered by Representative Black. This Resolution is automatically referred to the House Rules Committee."

Speaker Madigan: "Page 6 of the Calendar, on the Order of Senate Bills-Third Reading, there appears Senate Bill 1743."

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Mr. Reis, do you wish to call that Bill? Reis. You wish to call the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1743, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1743 will codify into law something that we thought was in law for quite a few years, that would exempt agricultural and other employers from paying unemployment insurance on H2A workers, when in fact the Federal Government does not require it. Most of them have not been doing it. But with some recent changes at the Illinois Department of Revenue, they went back and audited these folks. So, we just need to codify what is currently law. And I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Has Mr. Winters voted? Winters. The Clerk shall take the record. On this question there are 108 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Page 6, Senate Bills-Third Reading, there appears Senate Bill 1750. Mr. Tryon. Do you wish to call the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1750, a Bill for an Act concerning revenue. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Tryon."

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Tryon: "Thank you, Mr. Speaker. Senate Bill 1750 makes a correction to the statutory language that allows a question to be on the ballot in a PTELL county, a county with a tax cap. And it allows for a unit of government that is a component unit of another government to actually be able to disclose what the purposes of the rate increase would be used for. And this will provide transparency in the question of... that is presented to voters. I'd be glad to answer any questions."

Speaker Madigan: "Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 71 people voting 'yes', 37 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1753, Representative McAsey. McAsey, do you wish to call the Bill, 1753? It's concerned with flags. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1753, a Bill for an Act concerning flags. Third Reading of this Senate Bill."

McAsey: "Thank you. What this Legislation does is require that state institutions purchase American flags that have been manufactured in the United States. And I would ask for an 'aye' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? The Chair recognizes Mr. Black."

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

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Speaker Madigan: "Sponsor yields."

Black: "Representative, what's the definition of state entity?"

McAsey: "State institution. The Legislation speaks specifically to flags that are used over courthouses, public school buildings, and state institutions. So, yes"

Black: "All right. So that wouldn't include courthouse, then. That's an... that's an institution of county government."

McAsey: "The Legislation does state flags for use over courthouses and public school buildings."

Black: "But is the language in sync? Used by any and all state institutions. Then it goes on to say, used over courthouses, public school buildings. I assume LRB says that's in sync. I just thought it was applied to state institutions. That's not worth the... I... I don't want to belabor the point. But would that include a legislative office? Would we be considered a state entity? The reason I ask is that sometimes in the Fourth of July parades, out of my campaign account, I will buy hundreds of flags to... to distribute, very small flags, along the parade route. And I've noticed over the years, it's very hard to find those little flags that are, in fact, made in the United States. So, if I were to continue that practice, which I won't now because of the constructive notice in your Bill, but would that... that include any of us spending campaign funds for items to give away at Fourth of July parades?"

McAsey: "The Legislation states that the flags used by any and all state institutions would then..."

Black: "Well, does that mean us?"

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McAsey: "...would then be... they would need to be purchased in the United States, American made. And you spoke to potentially a difficulty related to this. Just because this may be difficult doesn't mean that we as a Body should not say this is something that we value, and... and would prevent us from passing this Legislation. I think that this is important and I would ask for your vote."

Black: "Representative, I didn't say it was difficult. And that doesn't imply that I have any intention of continuing that. I just stated a fact. But you didn't answer my question. Are individual Legislators covered under this Act? I give away 200 flags a year."

McAsey: "Well, I... I suppose looking at the Legislation, this does state that those flags paid for out of public funds, so I would say yes, if you are using public funds, that this Legislation would apply. I... I think though, that there is a greater message that regardless of what fund source you were using, Representative Black, I would hope that you would make an effort to... to comply with this... this Act."

Black: "Representative, I always make that effort. I've been buying flags since before you were born. So, I... I don't need any lecture from you on that. Let me ask you another question. If I go to a baseball game in Chicago and they're playing a Canadian team, and I want to buy a little Canadian flag to wave during the Canadian National Anthem, would the Canadian flag have to be made in Canada?"

McAsey: "This Legislation says that American flags for state institutions would need to be made in America. It doesn't

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 speak to any other country, or the source of any other country's flag."

Black: "Okay. I just... I just didn't want to get caught up in a trade war that might happen. What exactly does 'made in the United States of America' mean in your Bill? It means the flag actually has to be manufactured in the United States?"

McAsey: "That's the language in the Bill."

Black: "Okay."

McAsey: "Flag manufactured in the United States."

Black: "Well, that... that sounds very reasonable to me. A United States Flag being made in the United States of America. That... that's kind of common sense, isn't it? Evidently, it doesn't happen that way though, huh? I've never had one except those little bitty plastic ones, but I'll make sure I don't do that again. Thank you."

McAsey: "Thank you."

Speaker Madigan: "Mr. Stephens."

Stephens: "Will the Lady yield? Thank you, Mr. Speaker."

Speaker Madigan: "Sponsor yields."

Stephens: "Representative, the American flag made in the United States. Do... when you were working with the Senate Sponsor... you did work with a Senate Sponsor on this?"

McAsey: "I... I have talked with a Senate Sponsor on this Legislation."

Stephens: "Okay. Did he..."

McAsey: "But not... not in the same way that I've worked with a Senate Sponsor on other pieces of Legislation."

Stephens: "So, he asked you to carry this Bill?"

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McAsey: "This was a choice that I made seeing this
Legislation."

Stephens: "Oh, you picked this up. But Senator Dillard didn't
ask you to pick it up? All right. Why didn't... why didn't
you add that Illinois flags be made in Illinois?"

McAsey: "Well, this is legislation that... that I did pick up
from the Senate Sponsor. And the legislation before us is...
is what's being considered, and I would ask for a favorable
vote as to this legislation."

Stephens: "So, you didn't even consider adding Illinois flags
being made in Illinois? You didn't even consider that. Is
that what you're saying?"

McAsey: "Right now, this is the topic before the Body..."

Stephens: "Okay. So, you..."

McAsey: "and... and that's what is being deliberated. And that's
what I'm asking for your vote as to."

Stephens: "And I'm asking you, before I vote on this, why
didn't you add Illinois flags made in Illinois?"

McAsey: "Well, certainly for another piece of legislation..."

Stephens: "Okay. All right. Well..."

Stephens: "No, but... but this is the legislation before us right
now."

Stephens: "All right. To... to the Bill, Mr. Speaker. We've got
to get out of here, I guess. So, I would look forward to
the Lady's next piece of legislation which will have
Illinoisans making Illinois flags."

Speaker Madigan: "Mr. Watson."

Watson: "Sponsor yield?"

Speaker Madigan: "Sponsor yields."

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Watson: "The definition of American flags, would... would it include any state flag? Because it doesn't say and... and I'm totally serious...where it says, 'or agency may purchase any American flags.' Is that... do you think that's too broad to get to your point?"

McAsey: "That's too broad to get to the point. I'm sorry..."

Watson: "Yeah. I mean, is it too broad of a term?"

McAsey: "Well, I... I think that... that that term has a... an understood meaning... an American flag, United States Flag."

Watson: "So, you don't think that would include any state?"

McAsey: "Although, it... perhaps, in looking at that language, that a state flag is an American flag, a flag of one of the states here in our country."

Watson: "Right. Okay. I just want to make sure where the... that there could be some blurriness here with this. And somebody could say, well, then any flag that we fly in the states has to be manufactured here. Which, if that's your intent, that's fine. But it doesn't seem, based on the debate, that that was your intent."

McAsey: "Well, my intent is speaking to American flags."

Watson: "Thank you."

Speaker Madigan: "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 108 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1769. Representative May. Mr. Clerk, read the Bill."

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Clerk Bolin: Senate Bill 1769, a Bill for an Act concerning safety. Third Reading of this Senate Bill."

Speaker Madigan: "Representative May."

May: "Thank you, Speaker, Ladies and Gentlemen. Senate Bill 1769 amends the Lawn Care Product Application and Notice Act. This is with the application of pesticides and lawn care products on school and day-care yards. We are adding daycares, which means eight or more children in a home, or three or more in a facility other than a home, and also tweaking to the notification in schools. It came out of the Senate unanimously. There is no known opposition. Amendments were made and the School Management Alliance is in agreement."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, you have language in here that, for a school, a staff member shall be designated to make sure that notice is properly given. What... what liability might that staff member then assume if he or she does not give the proper notice and somebody says, as a result, their child gets sick?"

May: "Representative, the staff member appointment is something that is already in place for the Structural Pest Control Act. So, this is... the school districts... you're asking about what would be the... the fine. Their compliance would be... many of our school districts are putting it on their... their yearly calendar, their monthly calendar. They can give written or telephonic notification. They can notify

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everyone or they can compile a registry of those who wish to be notified."

Black: "Well, what does the language mean, 'that further requires that the State Board of Education adopt a procedure to comply with the two Acts and designate a staff person, who is responsible for compliance.' Does that mean the state board designates a staff person?"

May: "No, it does not. The state board has... or both the Structural Pest Control Act and the Lawn Care Products Act has provided sort of a template of notification that school districts can use."

Black: "Just trying to find that language in the statute. You'll bear with me for just a second... in the... in the actual Bill. All right. The language in... in the Bill dealing with day-care centers... the day-care operator will have to, through telephonic means, notify the parents of when the fertilizer company is putting something down in the yard."

May: "Give... give notification, yes. They are already doing that. The lawn care application is for the exterior buildings. The Structural Pest Control Act is for the interiors. They're already used to doing this for the Structural Pest Control Act, interiors of day-care centers, I believe Representative Coulson passed that Bill three or five years ago."

Black: "All right. If you'll look on line 17 of the Bill. Underlined, so it means it's new language. Starts out talking about the board of education. I don't know whether that means the State Board of Education or the locally

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elected board of education, because I'm not familiar with 105 ILCS. The last sentence on page 17... or excuse me, line 17, 18 on page 1. 'the superintendent must designate a staff person who is responsible for compliance with the requirements of these Acts'. Now, that's new language. You told me it was already in the... the original Bill."

May: "Those two Sections that are... I believe this was the Senate Bill. The School Management Alliance wanted to make it more parallel to the Structural Pest Control Act and I believe, that's it. The paragraph before that applies to school districts and the second paragraph that you're referencing applies to school boards."

Black: "Well, Representative, you... your Bill does not ref... does not reference the original Act. This Bill references the School Code. So, you are, in effect, creating a mandate upon a board of education designating a staff person who is responsible for compliance. You can't... you can't marry the two Acts. This... this Act impacts the School Code. The original Act does not."

May: "You are... you are correct. You are correct. And..."

Black: "So, you are mandating that a staff person be designated to make sure that that school follows the purpose of the Act."

May: "The superintendent of that school district. This law has... of the lawn care application notification has been on the books for 20 years."

Black: "No, no, no, it does not, Representative."

May: "This portion about the designation is new."

Black: "No."

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May: "This..."

Black: "You're amen... this is new language amending the School Code. Now, it can't be underlined and you sit there and tell me it's been in the law for 20 years."

May: "I'm not suggesting that, Sir."

Black: "Well, that's what you said."

May: "This is about notification."

Black: "Good grief. You sound like Nancy Pelosi. You were briefed yesterday, but not today."

May: "Representative, the new part is the notification. And that was the request of the School Management Alliance, so that it parallels the Structural Pest Control Act. I'm not... I..."

Black: "This doesn't parallel... these aren't parallel Acts."

May: "As far as notification."

Black: "Representative, I'll tell you what, could you take this out of the record so your staff and our staff can get together? These are two separate statutory Acts. And I just am trying to figure out what staff person's going to be designated, what liability that person may then assume and is that subject to collective bargaining? I don't want to be the deputy director for lawn care unless I bargain that. You... you tried to tell me that this was all in one Act. It is not in one Act. You're amending the School Code. And I think your language is just a little bit heavy-handed. If you take it out of the record, we can figure out what you're trying to do here. I have no doubt you can pass the Bill, but you misrepresented this from your opening statements."

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May: "Representative, I will be happy to talk to you. I've already talked to the staffer about this. I bel... you know, if there are additional questions, I will be happy to talk to you about it. I am sorry, I did not represent that the notify... the designation of a person, that is new. You are absolutely correct. I'm sorry if you thought I was saying otherwise. And that is done so that it..."

Black: "I accept your... I accept your apology. Will you take the Bill out of the record so we can figure out just what Acts we are amending with this?"

May: "I'll be happy to talk to you. Thank you."

Black: "Thank you."

Speaker Madigan: "Mr. Clerk, take this Bill out of the record. And Mr. Clerk, do you have any Agreed Resolutions?"

Clerk Bolin: "Agreed Resolutions. House Resolution 399, offered by Representative Washington. House Resolution 400, offered by Representative Washington. House Resolution 401, offered by Representative D'Amico. House Resolution 402, offered by Representative Rita. House Resolution 403, offered by Representative Washington. House Resolution 404, offered by Representative Saviano. House Resolution 405, offered by Representative Bradley. House Resolution 406, offered by Representative Sacia. House Resolution 407, offered by Representative Brady. House Resolution 408, offered by Representative Currie. And House Resolution 409, offered by Representative Fritchey."

Speaker Madigan: "You've all heard the Agreed Resolutions. Representative Lang moves for the adoption of the Agreed

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Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolutions are adopted. Mr. Clerk, is there an Adjournment Resolution?"

Clerk Bolin: "House Joint Resolution 58, offered by Representative Currie.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Friday, May 15, 2009, the House of Representatives stands adjourned until Monday, May 18, 2009 at 4:00 p.m.; and the Senate stands adjourned until Sunday, May 17, 2009, at 4:00 p.m."

Speaker Madigan: "You've all heard the Adjournment Resolution. Representative Lang moves for the adoption of the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Representative Osmond, are you seeking recognition?"

Osmond: "Thank you, Mr. Speaker. I would like to announce that the House Republicans will caucus immediately in the Howlett Auditorium. We are having Illinois Commission Chairman, Patrick Collins, come and speak with the recommendations contained in Commission's 100 day report. Because of the significance and the importance of this topic to be discussed, we are opening our caucus to all Members of the General Assembly, Constitutional Officers, press, and the general public. Chairman Collins is giving a presentation on contents and recommendations contained in this report. And then there will be questions from those

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who are attending. We again invite everyone to come and hear more of the items contained in the commission's report. The presentation will last approximately one hour. Thank you, Mr. Speaker."

Speaker Madigan: "If there's nothing further, the Chair is prepared to adjourn. Those in favor of the Adjournment Resolution until Monday, May 18 at 4 p.m. say 'aye'; those opposed say 'no'. The 'ayes' have it. The House stands adjourned until Monday, May 18 at 4 p.m., providing perfunctory time for the Clerk."