

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

164th Legislative Day

1/10/2011

Speaker Lyons: "Good morning, Illinois. Your House of Representatives will come to order. Members are asked to please be at your desks. We shall be led in prayer today by Bishop Larry Trotter, who is with the Sweet Holy Spirit Church in Chicago, Illinois. Bishop Trotter is the guest of Representative Barbara Flynn Currie. Members and guests are asked to please refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and the Pledge of Allegiance. Bishop Trotter."

Bishop Trotter: "Let us pray. Our Father and our God how we thank You for this day that we're never seen before knowing that we'll never see it again. We thank You for Your loving kindness and Your tender mercies allowing us to awaken to it in good health, protected our families, and our friends. And we are here now in Springfield; what would be a long week, difficult week for these Representatives, as they take care of the business of the people of the State of Illinois. It is our prayer that You would lead and guide us and order our steps that You would help them to make correct decisions, as it concerns Your people and that we will be fair in all that we do. And we have taken pledges to serve the people of Illinois. Pray that You keep us alert and that You keep us strong and that Your blessing will be upon this assembly on this week. It is our desire, Lord, that You would give us victory over any type of defeat or sickness or any other thing that may come upon us because Your name is excellent in all the earth. We praise You and thank You. In Your name we pray, Amen."

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Speaker Lyons: "Representative Jay Hoffman would you lead us in the Pledge of Allegiance."

Hoffman - 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. Representative Bost, what's the status of the GOP?"

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

Speaker Lyons: "Thank you Representative. Democrats. Representative Barbara Flynn Currie."

Currie: "Thank you, Speaker. Please let the record show that representative Golar is excused today."

Speaker Lyons: "Mr. Clerk, take the record. There's 112 Members present. A quorum is here. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative McCarthy, Chairperson from the Committee on Personnel & Pensions reports the following committee action taken on January 10, 2011: do pass as amended Short Debate for Senate Bill 1858."

Speaker Lyons: "Representative Raymond Poe, for what purpose do you seek recognition, Sir?"

Poe: "Yeah, I rise to a point of inquiry."

Speaker Lyons: "State your inquiry."

Poe: "Yeah. I filed a Motion December 1 of last year to consider the vote that failed of House Bill 6862 and I was inquiring when that Motion would be called?"

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Speaker Lyons: "Representative, we'll get right back to you."

Poe: "Thank you."

Speaker Lyons: "Mr. Clerk, read Senate Bill 1858. Supplemental Calendar #1, we have Senate Bill 1858. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1858, a Bill for an Act concerning public employee benefits. Second Reading of the Senate Bill Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lyons: "Third Reading. Mr. Clerk, Rules Report"

Clerk Bolin: "Committee Report. Representative Currie, Chairperson from the Committee on Rules reports the following action taken on January 10, 2011: recommends be adopted Floor Amendments 2 and 5 for Senate Bill 737 and Floor Amendment #2 for Senate Bill 3336."

Speaker Lyons: "On page 4 of the Calendar under Senate Bill- Third Reading, is Senate Bill 1014. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1014, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker and Members of the House. Blunt wraps are drug paraphernalia. There's virtually no debate on that score and certainly those who would argue otherwise do not have good facts at their disposal. Blunt wraps are used primarily by teenagers, primarily by kids in urban areas in order to roll your own, not cigar, to roll your own marijuana. Blunt wraps have been banned in Boston, in

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New York City and in all of Canada. Chicago itself has a ban on the sale of blunt wraps. Rarely are blunt wraps sold with any kind of tobacco whatsoever. And I would urge you to join me and join the Illinois Attorney General's Office, the Illinois Fraternal Order of Police, the State Police, the Department of Public Health, the DuPage County State's Attorney, the Chicago Fraternal Order of Police, the American Lung Association, and the Cigar Association, the Illinois Association of Tobacco and Candy Distributors, Bishop Larry Trotter who is here today and who did a wonderful prayer for us this morning. Join these distinguished institutions and individuals and vote 'yes' on the passage of Senate Bill 1014.

Speaker Lyons: "You've heard the Ladies explanation of the Bill. We have seven people waiting to respond. First up is our friend from Crawford County, Representative Roger Eddy."

Eddy: "Thank you, Speaker. Will the Sponsor yield? Well, first, an inquiry of the chair. Has Floor Amendment #1... can you give me the status of Floor Amendment #1?"

Speaker Lyons: "Mr. Clerk, Floor Amendment #1."

Clerk Bolin: "Floor Amendment #1 remains in the House Rules Committee."

Eddy: "Thank you."

Speaker Lyons: "Representative Eddy."

Eddy: "Representative... or Leader Currie, very quickly, the Floor Amendment that was offered on this Bill it's my understanding that that Amendment would've led to an agreement on the Bill and removed any opposition. It... was

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there any reason that particular Amendment was not adopted?"

Currie: "It was not an agreeable Amendment."

Eddy: "Well, thank you for the response. Ladies and Gentlemen of the House, I think it's important that we take a little bit of time and look at this Bill in its current form and look at the offering that was made to this Bill in the form of Floor Amendment #1 and the improvements that that would have made. Without those improvements, this Bill is not all it could be. Thank you."

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

Durkin: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Durkin: "Representative, what is the practical effect of having this product declared as paraphernalia?"

Currie: "What it means is that the police will be able to enforce restrictions against its use and against the people having possession, if there is some residue available for the police to examine."

Durkin: "If a retailer... if this law goes into effect and a retailer does sell this, what is the penalty that they would be subject to?"

Currie: "I believe it's a Class III felony."

Durkin: "A Class III felony, which possibly would subject someone to a term of imprisonment within the Department of Corrections, correct?"

Currie: "But it also could lead to different kinds of penalties, and I suspect if somebody had a reason other

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than an nefarious one for selling contraband products, they would not, in fact, face time in the jail."

Durkin: "But a Class III felony would.. someone would be a convicted felon, a felon for life. Could you ask the counsel to the right of rather or not his person could expunge that conviction? Is that an expugnable offense?"

Currie: "I can't answer that question, but I can say this would put the sale of these items on the same level as the sale bongos and other kinds of drug paraphernalia."

Durkin: "Ok. Who is Republic Tobacco?"

Currie: "I don't know."

Durkin: "They're the ones that are.. is.. What I find very interesting in it is this particular piece of legislation is being driven by the same co.. by a company that manufactures rolling papers, which is basically what joints are made from. So, I.. what's going on here is I think that there is a.. Well, I'll ask you. Do you know whether this is a commercial dispute business dispute between the.. I believe it's American Tobacco and Republic Tobacco?"

Currie: "Well, I can..."

Durkin: "Are you aware of that?"

Currie: "I can tell you the Illinois Association of Tobacco and Candy Distributors, the Cigar Association of America, and R.J. Reynolds are all in favor of this Bill. I hardly think that that kind of support suggests that this is merely a business dispute between two companies."

Durkin: "I've seen these lineups of supporters and opponents in the past and this Bill last Session was sponsored.. I was a cosponsor of the Bill last session, along with Art Turner.

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Art Turner, during committee, realized that this was not an issue about public health and public safety. This was more of a business dispute. That is why he supported the Amendment, which has not seen the light of day. Now, let me ask you this. Are we in a better position than the United States Customs and Border Protection to determine that this product is paraphernalia because the U.S. Customs and Border Protection Agency has determined that this product is not paraphernalia, but the Legislature is in a better position. Are you saying that the Legislature is in a better position to declare this product paraphernalia, when it has already been decided by the Customs and Border Protection that it isn't?"

Currie: "I have an order by the United States Customs and Border Patrol by an agent thereof saying that this is precisely is drug paraphernalia. So, if we were to support passage..."

Durkin: "Well, I have one, too, that says it isn't."

Currie: "...of Senate Bill 1014, we'd be following right along with what our Customs officials have decreed with respect to this particular item of drug paraphernalia."

Durkin: "Well, there's a split within Customs Department 'cause I have an opinion that says it's not paraphernalia. So, I don't think that we're in a better position than the Customs Department and make a determination to in rather or not this is an illegal product. Let me also tell you this. The... in a past life I was a prosecutor in Cook County. I spent three years in a narcotics bureau. I never once, in any one of the prosecutions that I did for possession of

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cannabis or possession of cannabis with the intent to distribute, ever saw packaging with cigar wrap. It was with the rolling papers that the proponent of this Bill, Republic Tobacco, is the one who's responsible for putting the cigarette wraps out on the street, which allows drug dealers to manufacture, roll, and sell joints. This is absolutely not the rolling... the roll-your-own cigar is not the problem. And the fact is we should do what we do with the... what should be done is the same thing that we did a few years ago with ephedrine. Ephedrine is the active ingredient within using methamphetamine production. We do not outlaw it, but what we did is that we placed it in a location where it's not accessible. You have to go through, you have to sign sheets, and there's a lot of hoops you have to jump through. If that's the problem is with the roll-your-own cigar we should do the same thing. This is a bad Bill. This is a business dispute between two companies. This is not the place for us to be able to decide which company should have a competitive edge in Illinois. I really hope you think and listen about this. This is not the problem. The problem is not about cigar wraps causing some type of..."

Speaker Lyons: "Representative, your time has expired. We'll give you another minute, Jim, to finish your remarks."

Durkin: "I'll be finishing up. This is a bad Bill. It shouldn't be going at this time in the Session. What it is, is this is a business dispute and we should be voting 'no' on this. Take this up next Session, work this out. This should be worked between the two companies who are at

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odds on this, but this is the wrong place and the wrong time to do this."

Speaker Lyons: "The Chair recognizes the Gentleman from Boone, Representative Ron Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to reiterate that last spring I wrote a letter saying how I did some undercover work. I went to three different places just to check myself, to find out what is the story on this particular product. And every one of the places I went was they said this is only used by teenagers, kids in high school or college to roll marijuana. It is not used to roll your own cigar. And every place I went they said the same thing. I'd handed this sheet out to you. I hope you would look it over. If you want to know what the real world is, that's what I found out right here in Springfield. This is only to make marijuana and cigarettes. So, I'd hope you'd support the Bill. Thank you."

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

Davis, M.: "Thank you, Mr. Speaker. With all due respect to the Sponsor of this legislation, I passed the drug paraphernalia Bill in this Body a number of years ago. I researched what was drug paraphernalia and the Governor signed that legislation. I was a Sponsor... a cosponsor on this Bill, until I did the needed research, only to find this product is one of many used for many different things. This product in no way is used only for wrapping marijuana. Pipes are used for smoking marijuana. Are we going to

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prohibit the sale of pipes because some people choose to use them improperly? This legislation is just what Representative Durkin stated. It is a piece of legislation to solve a problem between two businessmen, one who is being more successful than the other. This Body should not be used for that purpose. This Body should not be used for that purpose. Drug paraphernalia is a serious problem in this state and in this country and to pick out just a few things to say, oh this is the problem, this is what it's used for, is wrong. I've talked to Bishop Trotter, who is here today, and I let him know that I had found out the truth about this, just as Representative Art Turner did. Art Turner was the Sponsor of this Bill until he investigated and found out the truth. Some people are trying to stop one businessman at the expense of all of them because once you pass this, it's going to hurt more than one businessman. Your objective may be to hurt that one, but because of this language you're going to have a lot of businessmen being arrested or what would you call it... arrested or harassed based upon what are legal products in the State of Illinois. Do we want children smoking marijuana, certainly not? We condemn that. But we cannot pick out certain legal pieces of property that children or young adults use illegally. They roll marijuana in a newspaper. Shall we stop selling newspapers? It is disturbing to me when we want to affect business negatively in Illinois and we claim we want business coming to Illinois. Vote 'no'."

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Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Skip Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. I rise in support of this Bill. You know, let's face it. You're not going to find these things in a legitimate smoke shop. You will find rolling papers in a smoke shop. You won't find these things in a legitimate smoke shop. You'll only find these things at a convenience store, where there's no tobacco being sold, where there's no pipe tobacco being sold. This is just a flavored... it's a flavored paper to entice our children to use that for illegal purposes. The other thing is my colleague brought up that it's a dispute between competitors. Well, the company he named are based in Illinois. The company that makes these is based outside of our state. So we're not really protecting an Illinois company by voting 'no'. We're protecting an Illinois company and companies by voting 'yes'. I would ask for your support on Senate Bill 1014."

Speaker Lyons: "The Gentleman from Winnebago, Representative Jim Sacia."

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

Speaker Lyons: "The Sponsor yields."

Sacia: "Leader Currie, I've had the privilege of knowing you for some nine years. I can honestly say I have seldom agreed with you, but I have always respected you, always respected you. I see this Bill that you are carrying and I am amazed, I am astounded, I am at a loss to understand how Republic Tobacco got to you, but quite honestly, I know how they did. I know the lobbyist that's been pushing this and

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the one thing all of us, Representatives and lobbyists alike, have down here is our credibility, our integrity, and our honor. The name of Leader Art Turner has already been mentioned. I was among those that worked with him when this Bill first came to us back in March. On March 25, Ladies and Gentlemen of the Body, this Bill, then known as House Bill 6234, had Amendment 4 put on it. That unanimously, Ladies and Gentlemen, unanimously passed out of the Judiciary II Committee and this morning we hear the Leader say it's not pertinent, it's not germane. And I look at the proponents. The Illinois State Police, I'll guarantee you they supported Amendment 4, which we tried to get on here as Amendment 1. You listed several other law enforcement agencies, Representative. I seriously question that they support this Bill. It has been articulated so well already that this is a dispute by Republic Tobacco against National Tobacco and 118 Members of this Body are being used as a bunch of jerks, a bunch of jerks, Ladies and Gentlemen. We have no business seeing this Bill. I hear a Gentleman that I have respected for years for his law background, his background as a CPA, his background as a State Representative and today I learned he's an undercover agent. And he has learned that this is only sold by disreputable organizations. Ladies and Gentlemen, if there was ever a turkey on this floor this Bill is an absolute turkey. Without Amendment 1, it is an absolute joke. Republic Tobacco should be ashamed of themselves. And I know you'll eat me alive, Leader Currie, but this Bill is an absolute joke. It's an insult to the intelligence of

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every one of us, without Amendment 1. And it would be a great courtesy to both sides of the aisle to pull this turkey out of the record."

Speaker Lyons: "The Chair will recognize the Gentleman from McLean, Representative Dan Brady."

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

Speaker Lyons: "Sponsor yields."

Brady: "Leader, in Executive Committee with this Bill, I was a little confused over the proponents and opponents. I thought that the State Police and a number of law enforcement were opposed in committee, including the Illinois Sheriff's Association. And we have an Amendment out there that... that was agreed upon with this particular piece of legislation, but the Amendment's not part of the Bill now and I... Can you explain why?"

Currie: "Because the Amendment was not agreeable. This Bill defines something that is clearly drug paraphernalia. You only buy it if you want to smoke a joint. The Amendment defined a variety of things as drug paraphernalia, things which are not drug paraphernalia. So, that was not an agreeable Amendment. And the Illinois Federation of Police, other law enforcement groups that I mentioned, the Attorney General's Office, the Illinois State Police, the Chicago Fraternal Order of Police, the Chiefs of Police Association, they continue to support Senate Bill 1014 as you find it before you this morning."

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Brady: "Well, with that being said, I got a dear friend who likes to smoke cigars and likes to use these wraps or buy these wraps and he has no intent to smoke a joint."

Currie: "All I can tell you is all the available evidence suggests, you heard from Representative Wait's fieldtrip, legitimate tobacco... legitimate smoke shops do not sell blunt wraps and the convenience stores that do sell them absent any kind of tobacco whatsoever. So, there's no question in the real world that blunt wraps are drug paraphernalia; that's the long and the short of the story."

Brady: "Well, thank you for that, Leader. Ladies and Gentlemen of the House, all I can add to the debate is the fact that this Bill was in the Executive Committee. It has a lengthy history as Representative Sacia has attest to. To me my interpretation is it is two companies pitted against each other. I don't think there's anybody here on the House Floor that wants to do something if the drug paraphernalia law is going to aid in individuals smoking marijuana. I mean, we can't even agree here to pass a Medical Marijuana Bill, so what are we going to put wraps in stores for trying to encourage the smoking of marijuana. The situation is that we have the Drug Paraphernalia law, which I worked on the Drug Paraphernalia law and there is a legitimate purpose for these wraps. It's been testified to time and time again. And I will simply ask for you to take serious consideration at the legislation and vote 'no'. Thank you."

Speaker Lyons: "The Gentleman from DuPage, Representative Dennis Reboletti."

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

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Speaker Lyons: "Sponsor yields"

Reboletti: "Leader, what part of the Drug Paraphernalia Act needs to be amended to cover this particular product because for four years of my eight years of prosecuting I was a narcotics prosecutor. And we relied on this statute for hundreds of prosecutions every year. What do we need to add to cover this particular product?"

Currie: "This is specifically added to the Section that defines what is drug paraphernalia; right up there with water pipes, smoking and carburetion masks, electric pipes, chillums, bongos, ice pipes, or chillers."

Reboletti: "But how do you prove that those sub... those actual products... This Bill does not make glass pipes illegal does it?"

Currie: "What this does is to add to the objects intended to be used unlawfully in ingesting, ex cetra, cannabis, cocaine hashish and so forth. These items... And so what this does is to add to that list of items these blunt wraps because they're only known utility is to be used to roll your own marijuana cigarette."

Reboletti: "Well, to the Bill. I prosecuted hundreds of these types of cases. Case law and the statute is clear. You have to show some intent of what the product is being used for and how do you prove intent? You have to show that the cannabis is in the actual product. You can go to any... go to the inner city, go into urban areas, and go into any gas station... you can buy glass pipes at the Shell gas station. What does anybody have to use glass pipes for but to smoke crack cocaine, but those aren't illegal. We're not seeking

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to ban that. The only way you can prove the intent is that you'd have to show that that product has some residue of marijuana that was found with scales, found with the actual product, so, I don't understand why we have to specifically ban this particular product. It was already being used to ingest the marijuana. The prosecutor in the State Police lab will be able to tell the people that by their lab saying that this product has marijuana residue. I agree with the other previous speakers that this is a business dispute. I worked with Representative Sacia, Representative Turner, and others and this Bill failed at the Criminal Law Committee and I'm amazed that it found its way to the Executive Committee. And here we are in lame duck Session with billions of dollars in debt and problems and we're now working on this particular issue. I would urge a 'no' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Morgan, Representative Jim Watson."

Watson: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen of the House, we have a huge budget deficit in this state and right now we're actually debating a Bill and using this process to give one company a competitive advantage over another company in the tobacco paper business. Is this the right use of our time? What is wrong with us? What is wrong with us? If you really care about... if you really care about this problem with tobacco papers, ex cetera, then you know that this Amendment is much more comprehensive. And if that's your true motive, pull this

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Bill out, add that Amendment, and we'll get down to business."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Harry Osterman."

Osterman: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Osterman: "Representative Currie.. Thank you, Representative Lyons. Your issue in this deals with public safety and trying to get out of the circulation, or off the streets, something that is used by young people to illegally sell marijuana."

Currie: "Absolutely."

Osterman: "You're not here representing a business on this issue. You're here to try to make illegal drug sales and illegal use of marijuana prohibited and off our streets."

Currie: "Absolutely."

Osterman: "To the Bill. I will tell you that I agree with my colleague's assessment about our priorities, but I will tell you this, no one's contacted me from either side on this issue. The issue of blunt cigarettes is one that I see in our community with young people that are out smoking dope on the streets. I got a high school two blocks from my house. I've got kids coming through my alley on the way to school. I got teachers chasing them down. I've got law enforcement who sees these blunt cigarettes filled with marijuana as convenient ways for teenagers and gangbangers to walk around smoking dope in my neighborhood. So, let's look at the issue before us and not the issue that the businessmen are asking us to advocate for. All of those

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people that so strongly on this floor are always talking about the welfare of law enforcement officers and their well-being should think about the vote on this and what the cops on the streets of Chicago would prefer. Do they want these blunt cigarette wrappers off the streets? I would say they would. And I'd ask for an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from McHenry, Representative Mike Tryon."

Tryon: "Thank you, Mr. Speaker. I rise to ask some questions of the Sponsor. Will she yield?"

Speaker Lyons: "Sponsor yields."

Tryon: "Representative Currie, I normally try to look at things that affect your district and my district as issues that you're passionate about and so forth, and when we... when you were in committee I supported this to get it out of committee, and I've since done some research on it. So, I have some questions for you as to how this is... how this works. If I understand this right, the use of blunt wraps is actually used to disguise the smell of marijuana. Is that correct?"

Currie: "Exactly right and it's a convenient kind of wrapper if what you had in mind is rolling your own marijuana cigarette."

Tryon: "Okay. But there are people who... these are basically a cigar paper, correct?"

Currie: "Yes. Except that they're not sold, surprisingly, they're not sold with cigar tobacco. No one sells them with tobacco. They sell them by themselves in legitimate

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smoke shops, as your colleague, Representative Wait, discovered on his field trip, don't sell them at all."

Tryon: "Right. Well, here's what I think I remember. Did we not have testimony in committee about how other states have regulated them so they are sold in smoke shops? They're sold in packages of 20 to 40, aren't in tins, and it end up 20 to 40. And those states have found that those legitimate users tend to go and buy them. Did we did not have testimony in that effect?"

Currie: "And there was some talk of that, but I never saw an Amendment materialize."

Tryon: "Right. To the Bill. I voted to get this out of committee, but as I look at this issue, it truly is an issue of one tobacco company pitting itself against another tobacco company to gain a competitive edge. While I agree with Representative Currie, when they are sold one paper at a time and they are packaged in a manner to provide convenience to a user who just wants one, I think maybe that's where we should eliminate the purchase of just one of these and look what other states have done and require them to be sold in smoke shops, require them to be packaged in tins of 20 to 40, where just those that are using them to roll their own cigars could actually use them, but to take them completely out of the marketplace, to make them drug paraphernalia, I think is a mistake. Because you know what I could do? I can hollow out a cigar. We're not making cigars illegal, so all I have to do is hollow out a cigar, put my marijuana in it, and I've done... I've achieved the same affect as a blunt wrap. So, if that doesn't tell

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you that this is one tobacco company going after another tobacco company, I don't know what does. So, let's regulate it. Let's make it sold in smoke shops. Let's make it purchasable by 20 to 40 of these wraps at a time, not as a single use wrap and do the right thing because I'm convinced that we're being used here as a Legislative Body to provide a competitive edge to another company. I urge you to vote 'no'. Thank you."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Mary Flowers."

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

Speaker Lyons: "She indicates she will."

Flowers: "Representative, I'm reading the analysis and just as Representative Tryon just stated, even in your analysis it states that some consumers cut open the commercially wrapped cigars and dump the tobacco and that, too, can be used as a blunt. But we are not outlawing the... the cigar."

Currie: "Right."

Flowers: "And cigars and cigarettes, they are hazardous to people's health."

Currie: "That's right. We don't."

Flowers: "People die as a result. They get asthma. The smoking itself causes asthma and cause children and other adults to become sick. We prohibit smoking at the casinos and other restaurants because of the ill effects that it can have on another human being. But just to talk about the paper, it's just mere paper and you could do lots of things, you know, with a legitimate cigarette. They, too, could empty the so called legal contents, legal toxic

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contents, of a cigarette and put the marijuana in the cigarette. So, again, if I may ask the question, like my other colleagues, what is the real purpose of this legislation other than to put one business out of business and allow more business for another company?"

Currie: "The reason is this, that in the case of cigarettes or cigars there are people, as you point out, legitimately entitled to use those items as long as they're not in public places, casinos and so forth. The difference is that blunt wraps are not used for anything but rolling your own marijuana cigarette. That is the difference and I think it's an important difference. And if you don't think it's an important difference, if you want to point out that bongs and chillums can be used in legitimate activities, then we ought to repeal the drug paraphernalia law. Because the extent that we have said those are drug paraphernalia it's because that's what they're used for. And in the real world when the convenience store sells the blunt wrap without the tobacco, when the legitimate smoke shop doesn't sell blunt wraps at all, it seems to me clear as it was clear to the custom's enforcers that these products are intended to be drug paraphernalia and we ought to ban them."

Flowers: "Well, you know what, Representative, I really agree. We should repeal that law because quite frankly people are using what's so-called legal to get high now. They're going into the parent's medicine cabinets, they're using pipes, they're using cigarettes, they're using regular cigar paper. So, that's a good idea. We should repeal it

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and as a result of repealing it we should not pass this legislation because this is only putting more people out of a job at a time when our economy cannot stand to have anymore unemployed people. Thank you, Representative."

Speaker Lyons: "Ladies and Gentlemen, I need your attention on a very important matter, heads up. We are going to join right now in an entire nationwide moment of silence for the tragedy that happened in Arizona. The hour of 10:00 is supposed to be a moment of silence for the repose souls of those that have passed away, those people clinging on to life and the reality of the violence that has taken part in this country at an unprecedented level. Let us bow our heads in silent prayer. Thank you, Ladies and Gentlemen. Appreciate your participation. Returning to the issue at hand, Senate Bill 1014. Representative Durkin, I know you have your light on, your name was used in debate."

Durkin: "Correct."

Speaker Lyons: "Representative Durkin."

Durkin: "I just have a few comments to make. Let's make it perfectly clear the Illinois Sheriff's Association is in opposition to this Bill. I spoke with Lieutenant Colonel Tim Becker, we know him with the Illinois State Police. Yes, they did support it, but he also told me and you can question him, he said the Amendment is the better way to go with this. But let's... there was some comments made earlier about the product being... has a sweet smell and it entices young kids to smoke marijuana. But here's what I think is more troubling is that Republic Tobacco produces, right here, blueberry cigarette papers. Right here, Republic

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Tobacco, mango cigarette papers, vanilla cigarette papers. Who is enticing young children to smoke marijuana? Is it a cigar wrap? No, it's these. It's these things right here, which are sold over the counter with no restriction at all. If we're going to play fair, everything should be outlawed, not only these cigar wraps, but also these types of rolling papers. I don't see the occasional roll-your-own cigarette person using a vanilla cigarette wrap, mango wrap, or a blueberry wrap. That's the hypocrisy of this Bill. But last at all, do you want someone... some dumb... excuse me, some poor clerk and retailer to be subject to a Class III felony, two to five years in the Illinois Department of Corrections for selling this product. This is wrong. What is this chamber come to? Vote this Bill down, negotiate it the way it should've been done. We can do it next Session."

Speaker Lyons: "Representative Currie to close."

Currie: "Thank you, Speaker and Members of the House. I think it's been a healthy discussion. This is not about a dispute between two companies. If this were a legitimate product, a legitimate product, then I can't imagine why the Cigar Association of America would support passage of 1014. If this is a legitimate product, I can't imagine why the Illinois Association of Tobacco and Candy Distributors would be supporting this Bill, nor R.J. Reynolds. I will tell you that this Bill has strong support from law enforcement, from the Attorney General's Office right down to the Illinois Federation of Police. Blunt wraps are used for one thing and one thing only. Check the Internet.

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Here's an inspirational message, it says, get high. And how does it say get high? It's spelled out with blunt wraps. You got it. Bishop Trotter was here to explain to us what kind of scourge this is on the streets of our urban America. Let us join Canada, let us join New York City, let us join Boston in recognizing the scourge that blunt wraps are. Let us say no to this public health hazard. I urge your 'yes' vote on Senate Bill 1014."

Speaker Lyons: "The question is, 'Should Senate Bill 1014 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? Arroyo, Feigenholtz, Gabel. Mr. Clerk, takes the record. On this Bill, there are 42 voting 'yes', 69 voting 'no', 1 Member voting present. And the Motion fails. Mr. Clerk, committee announcements."

Clerk Mahoney: "Committee announcements. Meeting at 2:30 p.m., 2:30 p.m., Elementary Secondary Education will meet in Room 114. At 2:30, Jud II-Criminal Law will meet in Room D-1, and Revenue Finance will meet in Room 122B. The schedule is being distributed."

Speaker Lyons: "So, Ladies and Gentlemen, the House is prepared to now stand in recess 'til the hour of 3 p.m. At 3 p.m., we will begin... continue our proceedings. Those of you who are going over to the ceremonies, enjoy your afternoon, but please be back here at 3:00. The House stands in recess. The House shall come to order. Mr. Clerk, Committee Reports."

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Clerk Bolin: "Committee Reports. Representative Flowers, Chairperson from the Committee on Judiciary II-Criminal Law reports the following committee action taken on January 10, 2011: recommends be adopted Motion to Concur on Senate Amendments 1 and 2 to House Bill 6460 Representative Mautino, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on January 10, 2011: recommends be adopted Motion to Concur with Senate Amendments 1, 2, and 3 to House Bill 4599. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education reports the following committee action taken on January 10, 2011: recommends be adopted Motion to Concur on Senate Amendment #1 to House Bill 5289."

Speaker Lyons: "Mr. Clerk, we have House Bill 4599. On the Order of Concurrences, on page 10 of the Calendar, is House Bill 4599. Representative Gordon."

Gordon, C.: "Thank you, Mr. Speaker. I move to concur in Senate Amendments 1, 2, and 3. This... What these Senate Amendments do... Are we going to take them all at once or do you want to do them one at a time? Mr. Speaker, are we going to take them all at once?"

Speaker Lyons: "Yes. We're going to take all three of them if you wish, Representative."

Gordon, C.: "Thank you, Mr. Speaker. Senate Amendments 1, 2, and 3 expand the employees that are eligible for the small business job tax credit that we passed this past Session. It was the 2500 credit for businesses that created jobs here in the State of Illinois. What we're doing at this

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point is that now an applicant can be a business that hired someone participating in that program now between July 1 and December 31, which is just over the past 6 months. It also decreases the minimum wage to qualify for that program from \$13.75 to \$10, which I know a lot of us have heard a lot about back at home. And also, under the current credit the new employee must be maintained for 12 months. It's also expanding it to include worker trainees and those have to be maintained for 6 months, these trainees and they would get... the employer would get the half credit for that. And it also expands the tax years that a business can claim their credit for those trainees. It will make the program utilized by more employers in the state and what we found out is that they needed more ways to qualify for it. I'd ask for your 'aye' vote to concur in the Amendments. Thank you."

Speaker Lyons: "You've heard the Lady's explanation on Amendments 1, 2, and 3. Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendments #1, 2, and 3 to House Bill 4599?' This is final action. 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 DeLuca, Rita. Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur with Senate Amendments #1, 2, and 3 to House Bill 4599. This Bill, having received the Constitutional Majority, is

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hereby declared passed. Representative Chapin Rose, for what purpose do you seek recognition, Sir?"

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

Speaker Lyons: "Please proceed, Representative."

Rose: "Ladies and Gentlemen, it's a great privilege and honor of mine to introduce a young man, a great friend of mine. We've been friends for almost a decade. As Representative Shane Cultra's permanent replacement here in the House, he'll be sworn in with us on Wednesday. Can we welcome Jason Barickman to the Illinois House of Representatives. Congratulations, Representative."

Speaker Lyons: "Mr. Clerk, on the Order of Concurrences, on page 10, Representative Connie Howard has House Bill 6460. Representative Howard."

Howard: "Thank you very much, Speaker. House Bill 6460, as amended, would change the time period supervision... of supervision for retail thefts from five years to two years. It will also address organized retail crime that collectively results in the loss of \$30 billion a year, driving up the prices of goods for everyone. Money gained by ORT enterprises often goes to fund other illegal activity such as drug smuggling, prostitution, money laundering, and in extreme cases even terrorism. These fencing operations often operate in low-income communities and are often authorized to use the LINK system to sell their stolen goods to unwitting customers. These ORT crimes are growing due in large part to the ineffectiveness of the law at punishing participants in these enterprises. They need stiff penalties, which currently do not allow for

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the forfeiture of assets. And so, I would like all of my colleagues to support this."

Speaker Lyons: "Heard the Lady's explanation on the Amendments. Is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative Dennis Reboletti."

Reboletti: "Thank you, Speaker. And to the Bill. The first Amendment deals with ways to expunge a retail theft case. Every other misdemeanor in the Illinois Criminal Code, if you have supervision, you can expunge it after two years after successfully completing your supervision term. Retail theft is at five years. This would bring consistency throughout the Code. The other part is the organized retail crime that has been plaguing the City of Chicago, especially the inner city in small stores. Recently the Cook County State's Attorneys Office had a sting where they were able to eventually track down over four and a half million dollars of cash that was gotten through ill-gotten gains. What this does is these are groups that actually travel. They're crime rings. These aren't people stealing shoes or baby bottles or anything else. These are people that are organized to steal tens of thousands of dollars throughout a day, and it costs the retail industry billions of dollars. We lose revenue here in the state, and an important part of this is that through forfeiture the State's Attorneys Offices can track back all those proceeds and take cars, or homes, or other things that the money is being used to be washed through and to hide from the IRS and from the State of Illinois. So, with that, I would ask

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the Lady if I could join in as a cosponsor and would urge the passage of this Bill."

Speaker Lyons: "No one seeking any further recognition, Representative Howard to close."

Howard: "Yes. Thank you very much, Representative Reboletti for your continue... your other explanation, and I am appreciative of all of the green votes from my colleagues."

Speaker Lyons: "You've heard the Lady's explanation on the Amendments. The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 6460?' This is final action. 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 105 Members voting 'yes', 9 Members voting 'no', 0 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 6460. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 10 of the Calendar on the Order of Concurrences, Representative Chapa LaVia has House Bill 5289."

Chapa LaVia: "Thank you."

Speaker Lyons: "The Lady from Kane, Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the committee. I'd like to concur with Amendment #1... Senate Amendment #1. It would allow the Valley View School District the ability to refund bonds with a term up to 25 years. Right now it's 20. What they'll be doing is just restructuring their

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debt. We presently passed current legislation last... this Legislative Session to allow park districts throughout the state the option to refinance their debt over 25 years, and local governments have the option, but this school district would like the option also."

Speaker Lyons: "You've heard the Lady's explanation on the Amendment to House Bill 5289. Is there any discussion? The Chair recognizes the Gentleman from Knox, Representative Don Moffitt."

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

Speaker Lyons: "Sponsor yields."

Moffitt: "Representative, you said this is a school district or... a library or a school district?"

Chapa LaVia: "It's a school district, Sir. And this just gives them the ability to... the option to take it to their school board and then they would have to run a referendum and make sure it gets done. So, it'll expand it to 25 years; right now it's at 20."

Moffitt: "Is it their hope or belief that they're actually going to get a better rate by doing this?"

Chapa LaVia: "Correct. Correct. I mean, it's all tied into what we do here right now, but they just want to make sure that they have this in their toolbox in order, if they have to, that we don't pay them on their bills."

Moffitt: "All right. So, I mean, their objective, their hope, their probability is they're going to save the taxpayers money."

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Chapa LaVia: "Correct. In the long run 'cause it's going to be run out for 25 years as opposed to 20. So, it's a cost savings."

Moffitt: "This is really just fiscal management, debt management, something that we might even need to look at here in the State of Illinois."

Chapa LaVia: "Correct."

Moffitt: "I know there's been some discussion of debt restructuring and... or consolidation, and this is a local example of actually saving money. Maybe the same thing could happen to the state. We hope we could save money by some debt consolidation, at least it's worth taking a look at."

Chapa LaVia: "Correct."

Moffitt: "Thank you for bringing this Bill."

Chapa LaVia: "Thank you."

Moffitt: "And helping your taxpayers."

Chapa LaVia: "Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Lake, Representative Ed Sullivan."

Sullivan: "Thank you, Mr. Speaker. To the Bill. I rise in support of this Bill. Under current detail laws, a school district does not have the ability to provide property tax relief the way they want to do it here. That's why we need this law today. So, this is a school district that actually by doing some debt restructuring will provide property tax relief to the school district. Kind of a novel concept in the State of Illinois, but this is

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definitely a good law and I urge everybody to support this.
Thank you."

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

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

Speaker Lyons: "Sponsor yields."

Mitchell, J.: "Representative Chapa LaVia, we just had this in
committee. I don't have any problem with it, but, folks,
you do have to understand that this will cost the taxpayers
more money over the long run, than the way that that's
structured now. Yeah, it'll give property tax relief
simply because you're stretching out that debt, but
remember if you have something that... that... your house, for
instance, that you have financed for 20 years and you want
to go to 25 years, you're going to pay more in the long
run. However, the payments themselves will be lower. So,
it's kind of a two-edged sword, but certainly for this
school district it will help them out. So, I do recommend
an 'aye' vote. Thank you."

Chapa LaVia: "Thank you."

Speaker Lyons: "Representative Chapa LaVia to close."

Chapa LaVia: "Thank you. I would just ask that we concur with
the Senate."

Speaker Lyons: "You've heard the Lady's explanation on Amendment
#1 to House Bill 5289. The question is, 'Shall the House
concur on this Amendment?' This is final action. All
those in favor signify by voting 'yes'; those opposed vote
'no'. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Osterman, Dunkin, Brauer. Mr. Clerk, take the record. On this Bill, there are 93 Members voting 'yes', 21 Members voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 5289. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Bolin: "Members should be reminded to go to the Speaker's Conference Room to obtain ID badges for the 97th General Assembly. If you have not already done so, go to the Speaker's Conference Room today to get your ID badge for the 97th General Assembly."

Speaker Lyons: "Representative Sacia, I think you're looking for recognition for the point of personal privilege."

Sacia: "Thank you, Mr. Speaker."

Speaker Lyons: "You got it."

Sacia: "Thank you, Mr. Speaker, I appreciate that. Ladies and Gentlemen, in the gallery today we're very, very fortunate to have here visiting, I'm sure for all of the festivities, but the very dignified and tremendous mayor of Freeport, Illinois, George Gaulrapp, his lovely wife Karrie. They're accompanied by Dick Lamb and his wife Becky. Would you give them a warm round of applause, please; just some great folks from Freeport. And if I may, Mr. Speaker, much like here on the floor of the House, even though we're in opposite Parties, we work the best together and he's just a tremendous advocate for good government in general. So, once again, George Gaulrapp, the mayor of Freeport, Illinois.

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Speaker Lyons: "Welcome, Mr. Mayor. Glad to have you in Springfield here at the Capitol. Representative Hammond, for what purpose do you seek recognition?"

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

Speaker Lyons: "Please proceed, Representative."

Hammond: "If you would join me, I would like to welcome Judy Dudek and her husband, John, that are joining us in the gallery. Judy is the Fulton County Republican Chair and the 17th Congressional Chair. Welcome, Judy."

Speaker Lyons: "Judy, welcome to Springfield. Enjoy your time here, glad to have you. The Chair recognizes the Lady from Lake, Representative JoAnn Osmond."

Osmond: "Thank you, Mr. Speaker. I'd like the General Assembly to welcome the mayor of Old Mill Creek, Tim Smith. He's up in the gallery."

Speaker Lyons: "Welcome to Springfield, Mr. Mayor, glad to have you. Representative Rita, for what purpose do you seek recognition, Sir? Representative David Reis, for what purpose do you seek recognition, Sir?"

Reis: "Inquiry of the Chair."

Speaker Lyons: "State your inquiry."

Reis: "Do we have a master plan for the rest of today?"

Speaker Lyons: "indirectly we have a plan. I don't know what it is and you don't know what it is, but there is a plan for today, Representative, yes."

Reis: "I know I don't now what it is, but you're the wise and wisdom one, Mr. Speaker."

Speaker Lyons: "I'll be glad to tell you as soon as I find out what the plan is, Representative, so stay tuned."

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Reis: "I know you'll do that."

Speaker Lyons: "Thank you for your patience. Representative Brauer, for what purpose do you seek recognition, Sir?"

Brauer: "Thank you, Mr. Speaker, personal privilege."

Speaker Lyons: "Please proceed."

Brauer: "Ladies and Gentlemen of the House, if I could have your attention, please. We have an ex-Member of our House here from Washington, Congressman Schock and he's back here telling stories about what it feels like to be in the Majority."

Speaker Lyons: "Aaron, welcome home. Congratulations, Congressman. Mr. Clerk, on page 7 of the Calendar is Senate Bill 3644. What's the status on that Bill, Mr. Clerk?"

Clerk Bolin: "Senate Bill 3644, a Bill for an Act concerning employment. The Bill was read a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Lyons: "Leader Barbara Flynn Currie on..."

Currie: "Thank you..."

Speaker Lyons: "...Floor Amendment #2."

Currie: "Thank you, Speaker. This Amendment just clarifies that the underlying Bill applies only to the employees in the control of the State Constitutional Officers. There was a question in the committee whether this might apply to local public workers, and the answer is that it doesn't. And this Amendment clarifies the accuracy of that statement."

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Speaker Lyons: "Is there any discussion on the Amendment?"

Currie: "Sorry, sorry."

Speaker Lyons: "The Chair recognizes the Gentleman from Bond, Representative Ron Stephens."

Stephens: "Thank you, Mr. Speaker."

Speaker Lyons: "Wait a minute. Mr. Bond... hold on. Representative Currie."

Currie: "Thank you. I had my Amendments turned right-round. This Amendment 2 was one that was approved by the committee, but of course it needs to be adopted on the floor. And what this Amendment does... this Amendment is basically the Bill. And what it says is that at will and appointments and managerial people in Illinois State Government employ will not be subject to becoming members of collective bargaining units. And there are some... almost 200 today, including legislative liaisons, people who are political appointees, who have ended up as members of the union. And this measure would say that they aren't, and it would give the administration the opportunity to go to the Illinois Public Labor Relations Board and make the case that these people really don't qualify because of their managerial activities because they are political appointees that they do not belong in the union. And in addition, there are some 1200... 1600 petitions waiting at the Illinois Public Labor Relations Board. And what this measure would do would be to give the administration the opportunity to say no to those as well. These positions include things like Chief Fiscal Officer, a General Counsel, people who are in, not only decision-making positions, but who have

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access to all manner of confidential information. I think that today... in 1982, some almost 80 percent of the state workforce was part of our collective bargaining unit. By today, we're talking about 96 percent, which is more, I believe, than just about any other state in the nation. And if the petition currently pending before the Illinois Labor Relations Board were approved, we'd be at 99 percent. I think it's important that the only employee of the State of Illinois who is not a member of the union... I think it's important that we not leave the situation where everybody except the Governor is a member of a collective bargaining unit. I'd be happy to answer your questions about the Amendment and I'd appreciate your support."

Speaker Lyons: "Representative Currie, I... the Chair would like to make the suggestion that we adopt the Amendment and then debate the Bill on Third Reading. Representative Saviano, could you hold your questions until we adopt the Amendment? Okay. Representative Stephens wishes to be recognized. Representative Ron Stephens."

Stephens: "Mr. Speaker, we have been waiting all day. We came in early this weekend and what I see is that we're going to move an Amendment of all of that legendary issues in the State of Illinois a couple of hundred political appointees and 1600 other people on some sort of a line or a list of app... applying to be in a union and the taxpayers of the State of Illinois they pray to know. We have just sworn in a new Governor, all statewide offices. We're going to be swearing in our Legislative Body on Wednesday and before this Session is over you have terrified us, the taxpayers

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of Illinois, by talking about a huge, huge historic income tax increase, expansion of gambling, legalizing marijuana, changing the death penalty. All of these issues, some of which you've dealt with, but most of which the ones that mean the most to the taxpayers we have yet to address. And yet, here comes the Majority Leader wanting to move an Amendment, and oh, don't be discourteous, don't move it to Third Reading, don't adopt... don't refuse to adopt the Amendment. The Majority Leader comes to us with this Amendment, with all these issues pending, worker's compensation, tax increases, budget cuts, a budget, all pending. A budget, as we speak, that has yet to be written for this fiscal year. So, I would say, let's get rid of the minutia, this stuff, and get to the real issues. Real Majority Leaders would do that."

Speaker Lyons: "Representative Saviano, do you wish to speak to the Amendment or may we adopt it? Okay. The Motion is to adopt Amendment #2. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk, any thing further?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Currie."

Speaker Lyons: "Representative Currie, Amendment #3."

Currie: "Thank you, Speaker and Members of the House. This is the Amendment I thought was Amendment 2. All it does is clarify that these are all employees under the jurisdiction of the State Constitutional Officers. It makes consistent

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all the language in each part of the statute and clarifies that no local public employees are covered by the Bill."

Speaker Lyons: "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. 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 3644, a Bill for an act concerning employment. Third Reading of this Senate Bill."

Speaker Lyons: "Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker and Members of the House. I've always been a strong supporter of collective bargaining. In fact, I voted for the measure that was adopted some 20... more than 20 years ago. It made it possible for public workers to become members of the unions and collectively bargain in the State of Illinois in the government, both at the state level and at the local level. But I still believe in the concept that some people are the workers and some are the managers and I think you cannot run a government, as you cannot run a private sector operation, efficiently and effectively if everybody is a worker bee and nobody has any responsibility for the way the work is conducted. Today, in the State of Illinois, there are some worksites where there is nobody in charge. There's nobody able to hand out a discipline slip. Nobody able to say this is the way things have to happen going forward. Twenty-five years ago, in 1982, some close to 80 percent of

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our state workforce, public workforce, were members of unions. Today that figure is 96 percent, and if petitions currently pending before the State Labor Relations Board were approved then the number would move to 99 percent. I don't know a state in the nation that has numbers like that and it is my view that people who are, for example, legislative liaisons, who are wardens, who are chief counsels, who are chiefs of staff, ought not to be part of the collective bargaining unit. It seems to me that we need managers, as well as workers and people who are Rutan exempt, people who are political appointees ought not to be a part of the bargaining unit, and people who are given confidential information and who are actually making manage... management decisions ought not as well. So, I would appreciate your support for this Bill. Nothing automatic comes of passage of the Bill. The administration would have to go back to the Labor Relations Board on those people out there today who are political appointees, legislative liaisons, and so forth. They would have to go back through the administrative procedure, but this would give them the tools they need to do that. The tools this administration needs to make sure that we are actually running this ship of state, we're running this railroad. I'd be happy to answer your questions and I'd appreciate your support for what is essentially good, reasonable, sensible, efficient government."

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

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

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Speaker Lyons: "Sponsor yields."

Eddy: "Representative, I'm just trying to get a little better handle on this. I'm getting some calls and I have a couple of... I have a couple of prison facilities in my legislative district. And the calls I seem to be getting are coming from I think some of the classifications of individuals who are... have been in union positions that are concerned that their position may now be subject to some type of review. Does this immediately impact those positions in any way by taking them from a union position to a management position?"

Currie: "I don't believe that any of them would be among the 196, the at-will four-year appointments, and the SPSAs. So, I don't think any would be directly affected. In the petition before the Labor Relations Board, there are some people, SPSAs, and that would include wardens, assistant wardens, and those are not currently covered by collective bargaining contracts, and in my view they ought not be. I think I want wardens who are able to run the establishment, not wardens who are part of the collective bargaining unit as are the other workers in that facility."

Eddy: "So..."

Currie: "But among the 196, I don't believe there are any correctional employees."

Eddy: "So, right now individuals who are not union members are seeking through a process involving the Labor Relations Board to become eligible and this would clarify that those individuals: a warden, assistant warden, some of the lieutenants, some of the other... I guess supervisory

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personnel, those who you might consider to be involved in management type evaluatory practices."

Currie: "Exactly, exactly. But the numbers that will take us.. the 1600 or so those are not now members of unions and were they approved, we would have 99 percent of the state workforce part of the collective bargaining unit."

Eddy: "So, in your opinion, and based on numbers and data, have.. there's been, I think, since about 2003, given the information that I've read, there's been a kind of steady movement toward a higher percentage of individuals who work in these facilities and for State Government even, moving toward 'union title jobs' at a pace when you wonder where the union ends and where the supervisors begin."

Currie: "You got it."

Eddy: "Okay. And this is just an attempt to clarify that, to say public policy wise in this state we have to draw this line somewhere. Now, I want to make sure, too, that individuals have a place to make their case related to their position. What process would they be allowed to go through if they just disagree? Let's say it's not that group that's now petitioning, but it's a current position and those individuals would be affected by this law by kind of returning them away from a union position. What... is there a process here or does this law automatically do that?"

Currie: "They would be able to go before the Labor Relations Board with a due process hearing."

Eddy: "So, they could appeal this?"

Currie: "Yes."

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Eddy: "So, does this Bill automatically reclassify them or does..."

Currie: "No."

Eddy: "...is there another step that the Governor has to take or the Executive Branch?"

Currie: "It would require the Governor to go to the Labor Relations Board."

Eddy: "So, this is true for other Executive Branch offices as well for..."

Currie: "This covers all of the Executive Branch officeholders."

Eddy: "Okay. And... So, though, the claim that these individuals are automatically being taken out of the union really isn't 100 percent. They could be, but there's a process still to go through."

Currie: "A due process process."

Eddy: "Okay. All right. And their case there would be to show how they should remain in the union as opposed to a definition that would be management."

Currie: "Exactly."

Eddy: "Okay. Thank you, Representative. I think that clears up the questions I have. And those individuals I think... you said Amendment #3 makes it clear that some of the local government type, firefighters and those types that all of a sudden we were worried about those individuals being affected by this it makes it clear that they are not."

Currie: "In fact, we didn't think as we drafted as if they were, but this clarifies. There's one Section where we lacked the language that is in every other Section..."

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Eddy: "Okay."

Currie: "...clarifying that this is only about the employees of the State Constitutional Offices."

Eddy: "Okay. Thank you. That's been very helpful."

Speaker Lyons: "The Chair recognizes the Gentleman from White, Representative Brandon Phelps."

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

Speaker Lyons: "Sponsor yields."

Phelps: "Leader Currie, I have been talking to a lot of the unions here recently on this Bill and they are really, really worried about this precedent we're setting here. And just today, AFSCME has asked the Governor to negotiate this and asked for some titles and things like that. Do you know where we are on some of those meetings?"

Currie: "My understanding is that there have been negotiations that were not fruitful."

Phelps: "Okay. Okay. And then do you know how many employees, I mean, you may have said this 'cause SEIU said they think that this is going to affect 250 bargaining unit members in their union alone. Do you know how many number this would..."

Currie: "I don't. I can... I can only tell you that of 196... there are 196 that currently are in collective bargaining units and those people are people who are term appointments. Those are not people who come through the seniority system and all the rest of it. And they are people who have access to confidential information and they are people who have some discretionary management authority. And those 196, under this legislation, the

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administration would have the opportunity to go back to the Labor Relations Board and say, hey, have another look; we think these ought to be classified as management, not collective bargaining employees. There are an additional 1600 applications pending before the board. Those are not now members of the union. And under this legislation, the administration would have the opportunity to go to the board and say these ought not be included. And again, among that group are positions like Chief Fiscal Officer, Chief of Staff, Warden and in my view, I'm a strong supporter of collective bargaining..."

Phelps: "Right."

Currie: "...but I also think that there has to be a balance between management and workers. And I think that we... we have unbalanced our workforce in the State of Illinois and I think it is time to correct it."

Phelps: "But some of these people, these workers, that this Bill effects they may have some managerial rights or what have you in the Bill, but they're... some of them are not the main boss though, correct?"

Currie: "Are not... I'm sorry."

Phelps: "They're not the main boss though? Some of them have managerial rights, but they're not the main boss, right?"

Currie: "Well, they aren't. The effort here is to try to identify people who have supervisory, management, decision-making authority, confidential information. It define those as people who ought to be on the management side of the balance of the scale, rather than the worker side."

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Phelps: "And how far back does this go? 'Cause of the way I understand it... the way the Bill is written and I know it's not because of you, but the way the Bill is written, this could go back and take for people that's been in the union for decades."

Currie: "I think that extremely unlikely. You know, we've got a definitional issue, but I can't imagine somebody going back decades. I mean, in fact, if you just listen to what I said, in 1982, less than 80 percent of the workforce was organized in collective bargaining units. Today it's 96, tomorrow it'll be 99 and my sense is that somewhere around 90 percent is probably reasonable and probably realistic. And I do believe that the language here is likely to move in that direction rather than in something draconian that pushes you back to 80 percent or 75 percent or what have you."

Phelps: "Okay. To the Bill. As many of you know, for 15 years in my previous life, I was an organizer for the Labors International Union of North America and I actually know a lot of these people that are in these unions that enjoy this job protection. I've seen firsthand many of these employees that are getting passed up for promotions, not being treated fairly by their boss or bosses, seeing favoritism over one employee to another. That's why a lot of these people have joined unions, not only for the job protection. I just believe, in all the respect to the Sponsor in the world, but Ladies and Gentlemen, I believe this is a horrible precedent that we're setting here. I know AFSCME and all the other unions are willing to

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negotiate this. They have asked the Governor to get back with them on what the titles are. They don't even know what the titles are of these employees to be affected in this. So, all I'm saying let them enjoy their constitutional right, let them keep their job security, and let the union and the Governor's Office negotiate this out. The way this Bill is written, this is going to go back and affect people that have enjoyed union membership for decades. And like I said, I have all the respect to the Sponsor, I just think we ought to let the unions and the Governor's Office negotiate this out. I just ask for a strong 'no' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Skip Saviano."

Saviano: "Thank you, Mr. Speaker. I'm going to sort of reiterate what I... what I went through in committee yesterday. I had a... have a couple problems with this Bill. I mean, under normal circumstances the concept... the concept itself isn't a bad one. It's a wholesale approach in addressing this issue. Each agency is a different animal. I mean, our goal is to provide efficient government service from our agencies. This Bill doesn't provide that. Now, I understand that the unions have talked to the Governor's Office earlier, and as the Sponsor said, it wasn't fruitful, but that's the problem around here. We do everything in mass, with a broad brush and that never ensures... never ensures the efficiency of the government that we're supposed to be delivering to our constituencies. Also, this scenario, which takes away certain protections

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to state employees, these are fairly good paying positions. SPSAs pay ranges are quite generous. I could see this being used a future patronage ground for future hirees. All... all taken, I don't think that we as Legislators should be sitting here taking away these rights from people who may otherwise have some retribution towards them because they're from a different... a different administration or previous administration. Again, I think it's very prudent for all the parties to sit down and go through these positions as they relate to each agency and make sure this is addressed in the most efficient manner. I think, again, the concept isn't bad, but the way we're doing this is just a wholesale approach to possibly getting rid of a lot of good employees, who are paid very well, so that we can pass them on to other people. I would urge a 'no' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Morgan, Representative Jim Watson."

Watson: "Will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Watson: "Leader Currie, how did these individuals get into the union? How did we get from this 70 percent number to this 94 percent number?"

Currie: "Ninety-six and..."

Watson: "Ninety-six."

Currie: "...tomorrow 99. What happens is a petitioning process and the petitions are generally filed by the collective bargaining unit. And sometimes people know that they're being petitioned in and sometimes they don't. You'll remember that not very many years ago the former occupant

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of the Governor's Office had a policy of requiring a lot of furlough days from people who were not part of a collective bargaining unit..."

Watson: "Right."

Currie: "...and denying pay raises to people who were not part of a collective bargaining unit. So, we had a situation, and I'm not apologizing for it, I think it was a bad situation, in which there were certain enticements to people who were not in a collective bargaining unit to make them think that that would be a better place for them to be. I think that was not the right way for the railroad to run in those years under the administration of the former occupant, but I think that was the reality. And I think it is time to wake up, smell the coffee, and right the ship of state."

Watson: "I guess... So, my question is, if it did not take legislation to move them in to the union, why does it take legislation to move them out?"

Currie: "Because in the mean time, the Labor Relations Board made determinations that said that people who were managers or not, the people who have access to confidential information were, nevertheless, people who ought to be in a collective bargaining unit, or that people who were at-will employees, Rutan exempt employees, ought to be in a collective bargaining unit. So, I would argue that it was failure of the administration to make for a reasonable workplace and it was the failure of our agency that was making final determinations. I also think that in those years the administration often didn't step up to the plate and say no, you ought not do this. So today, I think the

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only way to correct the problem is with state legislation and that's why I invite your support of this Bill."

Watson: "Thank you, Leader. To the Bill. I would just encourage from this point forward that when we see this type of abuse of non labor employees that we stick up for them, and not sit back and let a certain chief executive run over them for year, after year, after year because when Leaders don't step up and say stuff this is the situation that happens. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from McHenry, Representative Mike Tryon."

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

Speaker Lyons: "The Sponsor yields."

Tryon: "Representative Currie, let me ask you this. In the process of a group of employees who have in the past been in a management level petition the Illinois Labor Relations Board the Governor has the ability to object to that, is that not correct?"

Currie: "That is correct."

Tryon: "And the Governor has objected in the past, correct?"

Currie: "Sometimes yes, and sometimes no."

Tryon: "Okay. When he has objected, how many times has the Governor won that objection?"

Currie: "I believe only once."

Tryon: "So, only one time did the Labor Relations Board ever rule in favor of the Governor's Office. When... when they become union or part of a bargaining unit and they have in the past, inherently, been managers that apply the administration's personnel policies, they enforce them, as

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well as, do employee reviews and employee evaluations. Do they not?"

Currie: "Yes. I'm not sure I follow your question."

Tryon: "Okay. What... what I'm saying..."

Currie: "If they're no longer managers, they're not permitted to make those determinations."

Tryon: "Okay. Now, if this... if the requests that are in front of the Labor Relations Board go now, is it not true that we're going to have one agency that only has one person who's not an employee? I heard..."

Currie: "Oh, listen, you could end up with the only person in State Government who's not a member of the union. It could be the Governor..."

Tryon: "So, who would..."

Currie: "...the Attorney General, and the other Constitutional Officers themselves."

Tryon: "So, then there really is no independent management from the union that is there to provide employee evaluations..."

Currie: "Correct."

Tryon: "...or enforce the personnel policies of the Governor?"

Currie: "Correct."

Tryon: "Correct. Okay. To the Bill. Clearly, if you ask the question, how does somebody who is inherently management in the past become part of a bargaining unit? At the Illinois Labor Relations Board, they present the fact that it's a preponderance of the duties that are done have to be management. Clearly, in my opinion, the Governor has the right in his agencies to have individuals who enforce his personnel policies, who actually perform employee

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evaluations, and manage an agency from the standpoint that the bargaining unit has rights to bargain with management. If there isn't management and all we have are bargaining unit employees, the Governor really isn't in a position to have hands-on, day-to-day management. So, I rise to support Representative Currie in her effort. I don't think it's unreasonable to give the Governor of this state the ability to have managers in place to enforce his policies, to perform personnel evaluations, and do the functions inherent to an administration's management. So, I would urge an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Marlow Colvin."

Collins: "Thank you, Mr. Speaker. Real briefly. To the Bill. I rise, currently, in opposition to the measure. I think, quite frankly, that... it's my understanding that a number of the organized labor groups met with the Governor's Office today and I think that is the proper way to go with respect to what they're asking the General Assembly to do by weighing in and passing a law to deal with something that clearly falls under the purview of a negotiation. You know, we have lived with organized labor in this country for more than two centuries and as a result of negotiations between management and labor, has always been the standard bearer by which agreement between organized labor and management has worked. And it has worked for more than 200 years. I think it is probably a little disingenuous, at this point in particular, but we haven't been given an awful lot of time to digest and understand and study these

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issues. We are being asked to make decisions that impact the lives of thousands of people based on fact sheets and five minute conversations. And I'm a little hesitant, at this point, to make that decision. The Governor's position may very well be right. Organized labor's position may very well be right, but I think it's very difficult for the Legislature to make that distinction based on the kind of information we've been given. I've heard everything from 10 people to 10 thousand people will be impacted by this. I think, right now, the proper thing for all of us to do is to take pause, allow what has always worked in regards to organized labor, negotiation to take place, and not to pick up and say, well, we're not going to talk to the Governor anymore, we're not going to talk to organized labor, we're going to let the lawmakers decide based on flawed information that's given to us in very small snippets. I think the cautionary thing to do right now, for the Members of the General Assembly, is to recuse or remove ourselves from this debate and vote 'no' or 'present'. Thank you."

Speaker Lyons: "Barbara Flynn Currie to close."

Currie: "Thank you, Speaker and Members of the House. I think it's been well debated. I don't think this is an issue that can be resolved through the collective bargaining process. The collective bargaining process never suggests that the union should voluntarily give up membership, but I think this is an issue that only we can resolve and I think we must resolve it. The idea that today 96 percent of our workforce is members of collective bargaining units and tomorrow it's 99 percent is to say that our managers are

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not managing State Government. I don't think we can say to our taxpayers, I don't think we can say to the people who depend on our services, that we are providing either taxpayer efficiency or expeditious service unless we have people who are running State Government, and the only way you have them running State Government is if you recognize that they are not part of the collective bargaining process. We do not want, at the end of the day, to say that agency heads are part of the union, that everybody is part of the union except the Governor. Passage of this Bill will ensure that Chief Counsels, Chiefs of Staff, people who are appointed because the Governor wants their help because they are policymakers, because they are managers that they will be loyal to the Governor, to the Attorney General, to the Treasurer, not to the collective bargaining unit. So, I urge passage of this Bill so we can rebalance the workforce in the State of Illinois. I would appreciate your support for passage of Senate Bill 3644."

Speaker Lyons: "The question is, 'Should Senate Bill 3644 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? Mr. Clerk, take the record. On this, there are 64 Members voting 'yes, 49 Members voting 'no', 2 Members voting 'present'. This Bill, having received the Constitutional Majority is hereby declared passed. Mr. Clerk"

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules reports the following committee action taken on January 10, 2011:

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recommends be adopted Floor Amendment #3 for Senate Bill 3336."

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

Clerk Bolin: "Agreed Resolutions. House Resolution 1593, offered by Representative O'Sullivan."

Speaker Lyons: "Representative Currie moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Committee announcements, Mr. Clerk."

Clerk Bolin: "Attention, Members. The committee on Revenue & Finance will meet at 1 p.m. in Room 114. The Revenue Committee will meet at 1 p.m. in Room 114."

Speaker Lyons: "So, all Members of the Revenue Committee are aware that they'll be meeting at 6:00 in Room 118, Mr. Clerk?"

Clerk Bolin: "114."

Speaker Lyons: "Ladies and Gentlemen, there no further business to be conducted in the House today. The House will adjourn to the hour of 9:00 a.m. on Tuesday, January 11. Representative Currie moves for the adjournment. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And allowing perfunctory time for the Clerk, the House stands adjourned 'til tomorrow Tuesday, January 11 at the hour of 9 a.m. Have an enjoyable evening everyone, have a safe evening everyone. See you at 9:00."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Bradley, Chairperson

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from the Committee on Revenue & Finance reports the following committee action taken on January 10, 2011: recommends be adopted is Floor Amendment #2 to Senate Bill 2797. Introduction and reading of House Bills-First Reading. House Bill 6961, offered by Representative May, a Bill for an Act concerning public employee benefits. There being no further business, the House Perfunctory Session will stand adjourned."