

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

148th Legislative Day

December 4, 2002

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Minister Warren Brosi, the Minister of the Berlin Christian Church in Berlin. Mr. Brosi is the guest of Representative Gwen Klingler. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Minister Brosi: "Let's pray. Lord God, I wanna say thank you for this day and God, You're a wonderful creator. And I thank for Your love. Lord, I wanna pray for these Representatives and their families and God I also wanna pray for the families and the households that they represent. God, I pray that this Assembly today that You will grant wisdom and discernment and guidance. Thank You for Jesus and it's in His name we pray. Amen."

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

Hartke - 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 show that Representatives Kenner and McCarthy are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Hoeft is excused today."

Speaker Madigan: "The Clerk shall take the record. There being 115 people responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Representative Dart, Chairperson from the Committee

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on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #2 to Senate Bill 1258. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to Senate Bill 1976. Representative Howard, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 800. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 1445. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Wednesday, December 4, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #2 to Senate Bill 616. Representative Fowler, Chairperson from the Committee on Counties & Townships, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 2277. Representative

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Steve Davis, Chairperson from the Committee on Constitutional Officers, to which the following measure/s was/were referred, action taken on Wednesday, December 4, 2002, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 2424. Representative Lyons, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendments #2 and 3 to Senate Bills 1650 and a Motion to Concur with Senate Amendment #1 to House Bill 1264. Representative Collins, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #3 to Senate Bill 1128. Representative O'Brien, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 5222. Representative Scully, Chairperson from the Committee on Conservation & Land Use, to which the following measure/s was/were referred, action taken on Tuesday, December 3, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to Senate Bill 1809."

Speaker Madigan: "Ladies and Gentlemen, we have a special guest and so if the staff could retire to the rear of the chamber and Mr. Franks if you would take your seat. Mr. McKeon, take your seat. Mr. Hartke, stay in your seat. We're very

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pleased to have a former Member of the House and soon to be a former Member of the Congress of the United States joining us today. A young man who has done a wonderful, wonderful job in government and in politics, the next Governor of the State of Illinois, Rod Blagojevich."

Governor-elect Blagojevich: "Thank you. Thank you. Thank you very much. Thanks. Thank you very much. Thank you. Speaker Madigan, thank you very much for your kindness and for your gracious hospitality to give me chance to come back to the House Floor where I once served. For those of you who are new to this chamber, a couple of years ago, I served for two terms in the Illinois House. In my first term I sat in that first row right next to Danny Burke and he showed me where the men's room was and then in my second term I sat in the back, right next to Judy Erwin and for four long years I kept dreaming about the opportunity to come up here and actually have the chance to give a speech right in this spot. And it took a race for Governor to finally get it done. I wanna just tell you how committed I am to work with all of you, Democrats and Republicans alike. I wanna acknowledge and congratulate my friend, Tom Cross for being the new Republican Leader, look forward to working with him and with all of you in the Republican Party as we work together. I look forward to being the Governor of this state who gets to hear his name yelled at by State Representative Bill Black. I missed that in the Congress. It's so good to see you again, Representative Black. And I hope we can work together because the State of Illinois confronts and faces many, many challenges and it's gonna take the efforts of the good men and women of the Illinois House and the Illinois Senate to work with us to try to change things in Illinois to move

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things forward. I can't do it by myself, in fact if it's just me, things ain't gonna change for the better. We're gonna need all of you to work with us and I look forward spending a lot of time to listen to you, to hear you, to pick your brains to get your knowledge and your expertise. I look forward to working in a constructive and a bipartisan way to move the cause of the hard working people of our state forward. We need you, look forward to working with and thank you so much for being here. God bless all of you. And see ya soon. Thank you."

Speaker Madigan: "On page 2 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 1128, Mr. Acevedo. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1128 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Acevedo, has been approved for consideration."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move for adoption of Amendment #3 to Senate Bill 1128 which would allow three members to be appointed to the advisory board for the McCormack Place. Currently, the number is two and it would raise the number to three members for Minority and Majority Leader."

Speaker Madigan: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. I'd like a point of personal privilege. I'd like to introduc..."

Speaker Madigan: "Representative, just one second."

Bellock: "Oh, sorry."

Speaker Madigan: "I'll come back to you as soon as we finish the

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Bill. Mr. Acevedo has moved for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1128, a Bill for an Act in relation to local governments. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker. I ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Mr. Acevedo, is this the part that says that it expands the board from 12 to 18?"

Acevedo: "Yes."

Mulligan: "How much salary do each one of those people get?"

Acevedo: "There's no salary whatsoever."

Mulligan: "There's no salary?"

Acevedo: "No."

Mulligan: "So expanding the board does not increase the cost?"

Acevedo: "No, there's no cost to it."

Mulligan: "And then it says that... something about it would let the terms expire, so would that mean that after the passage of this at the beginning of the year all terms would be expired and all those appointments would be up?"

Acevedo: "I'm sorry, Representative, I couldn't hear what you were saying."

Mulligan: "It also says something about the terms expiring. Does that mean that every member of that board's term would then be expired after the passage of this Bill and all the appointments would be up?"

Acevedo: "Yes."

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Mulligan: "Thank you."

Speaker Madigan: "Representative Mulligan, he's not referring to the governing board, he's referring to an advisory committee. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. My name was used in debate by the Governor-elect, I demand 30 minutes of rebuttal. Would this be the proper time?"

Speaker Madigan: "At 2:00, at 2:00 we'll do that."

Black: "I'll take that under advisement. Will the Sponsor of this fine piece of legislation yield?"

Speaker Madigan: "Sponsor yields."

Black: "Thank you. Representative, I've been around here long enough to know that there are good reasons for advancing legislation and there is generally a real reason for something that we do. Now, let's cut through all of the detours and thickets and brambles. Can you tell me what the real reason is for expanding this board?"

Acevedo: "Representative, the real reason is for more minority participation and... as far as overseeing the project."

Black: "And is there specific language in there that says the new appointments must be reserved either by ethnicity or neighborhood or some kind of representation factor or is the language just says you can appointment six new members?"

Acevedo: "Actually, there's certain... you have the Speaker of the House, the Minority Leader of the House, you have the President of the Senate, Minority President of the Senate, you have the Mayor of the City of Chicago, and the Governor who will appoint three members each."

Black: "This Amendment however does not add any gender, racial, ethnicity qualification, this Amendment is silent. In the underlying Bill... in the underlying law, is there language

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that specifies that these appointments must be reflective of the diversity of the... of the entity that you're being appointed to oversee?"

Acevedo: "No, it just says a member of a minority group, I believe, if you read on line 20, on page 5."

Black: "All right. I mean, that's a concern that I have, Representative. I don't see anything in the Amendment that we're talking about that specifies that some seats should be reserved or made available to people representing the diversity of the area. Now, before I vote for this I want to know if there is such language in the underlying law, in other words, I'd like some reasonable guarantee that the... of the six new members to be appointed that they don't all come from the same square block in the City of Chicago, or that they don't all come from the same ward in the City of Chicago, or that they don't all come from the same social club. I mean, I don't think that's what you're after and I'm sure it isn't what you're after. But I'd like some reasonable assurance that somewhere in this law there will be language or direction that says this board must be made up of people who reflect the diversity of the largest city in the state."

Acevedo: "Representative, I understand completely what you're saying and to that I just have to say that we have to have trust in the people who are gonna appointment these three members. We know whether it's gonna be a female, black, or Hispanic, Asian, Indian. We just have to have faith in the people who are gonna be able to pick the three members, the Leaders and then the Mayor and the Governor."

Black: "All right. Is there any provision that a downstater could be put on the board?"

Acevedo: "Yeah, it doesn't exclude them."

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Black: "Well, I... if it doesn't prohibit it, I may put my name in, I've always had a deep and abiding interest in the Metropolitan Exposition Authority and besides that, I might be able to get tickets to certain trade shows, who knows."

Acevedo: "Well, I'm sure you'd do a heck of a job, Representative."

Black: "But I'll... I'll talk to the Minority Leader when that time is due. I appreciate your indulgence. Thank you."

Speaker Madigan: "Representative Bellock, on your announcement. Just one second, I think we're ready to do the Roll Call. Mr. Acevedo has moved for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Mr. Granberg voted? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 2 people voting 'no'. This Bill, having received a Constitutional Super Majority, is hereby declared passed. The Chair recognizes Representative Bellock. Bellock, for the purpose of an announcement."

Bellock: "Thank you very much, Mr. Speaker. A point of personal privilege. I'd like to introduce some students who are down visiting from Hinsdale Central High School who are part of the AP Government class and they're down here studying the government of Illinois. Thank you. I'd like to acknowledge them, they're back up there."

Speaker Madigan: "Mr. Fowler."

Fowler: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Madigan: "State your point."

Fowler: "I had quite a surprise this morning, I had some family to drive up to spend their final days with me in the Legislature. They're up in the balcony up here and they

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brought with 'em several boxes of homemade cookies from downstate, they're up here. Representative Delgado is trying to sell 'em. And I just invite everybody to indulge in them. Thank you."

Speaker Madigan: "Mr. Berns."

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

Speaker Madigan: "State your point."

Berns: "I'm here to introduce my wife, Jeannie, who is also the grandmother of my new grandson, Breccan William Berns."

Speaker Madigan: "The Chair recognizes Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, I believe we have a Resolution or two Resolutions, House Resolution 1140, sponsored by myself, Representative Biggins and Representative Durkin."

Speaker Madigan: "Mr. Clerk, on HR 1140, please read the Resolution."

Clerk Bolin: "House Resolution 1140."

WHEREAS, The members of the Illinois House of Representatives offer sincere congratulations to the 2002 York Community High School Boys Cross Country Team and Coach Joe Newton on winning the Class AA State Championship Title; and

WHEREAS, The Dukes won the State boys cross country meet with 125 points, with the assistance of sophomore Sean McNamara and senior Adam Manta who received all-state honors for finishing in the top 25, placing 13th and 23rd respectively; and

WHEREAS, Coach Joe Newton, one of the most talented cross country and track coaches in history, has finished his 43rd season with York Community High School, leading the Dukes to a remarkable 22 State titles; and

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WHEREAS, Under Coach Newton's supervision, the Dukes won their first State Championship Title in 1962; the Dukes have won 10 second-place and three third-place trophies; and

WHEREAS, Sean McNamara, Adam Manta, Matt Montgomery, Eric Dettman, Matt Dettman, Mike Corry, and Josh Sharko came together as a team to win by a 73 point margin; and

WHEREAS, We recognize the dedication of Coach Newton, the Athletic Department, and the entire York High School community in their tireless efforts to train and educate superior athletes and well-rounded students; and

WHEREAS, The Dukes have given countless hours and all their energy in reclaiming the Cross Country State Championship; and

WHEREAS, This victory is shared with the families, friends, York Community High School, and the entire Elmhurst community, who have cheered on the team all season; and

WHEREAS, This title is a source of great pride for the team, school, and community; and

WHEREAS, We recognize the talent of these young athletes and their coaches; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we do hereby offer our congratulations to Coach Joe Newton and the members of the York Community High School Boys Cross Country Team on their 22nd State Championship Title; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Coach Joe Newton, York Community High School, and the members of the team."

Speaker Madigan: "Mr. Daniels."

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Daniels: "Mr. Speaker, there's another Resolution which I wonder if we could read as well, House Resolution 1141 and we can handle both of them at the same time."

Speaker Madigan: "Mr. Clerk, read House Resolution 1141."

Clerk Bolin: "House Resolution 1141.

WHEREAS, Joe Newton, one of the most successful cross country coaches in the history of the sport, has completed his 46th year at York High School in Elmhurst, Illinois; and

WHEREAS, On November 9th, 2002, at Detweiller Park in Peoria, he led the York High School Dukes to an unprecedented 22nd State Class AA Championship Title; and

WHEREAS, Coach Joe Newton has a rich athletic background of his own, attending Parker High School on Chicago's South Side where he won 12 major letters and in 1947 was named a High School All-American; and

WHEREAS, An outstanding sprinter at Northwestern University, he received his Bachelor of Science from Northwestern in 1951 and his Master of Arts from Northwestern in 1952; and

WHEREAS, After serving in the Army for two years, he began his coaching career in 1954 in Waterman, Illinois, before moving to York High School in 1956; and

WHEREAS, In addition to 22 State cross country titles at York, Coach Joe Newton's teams have won 24 sectional titles plus a State track championship in 2000, York's first track title since 1939; and

WHEREAS, Coach Joe Newton has been named the High School Cross Country Coach of the Year sixteen times by the Northern Illinois Track Coaches Association and was honored fifteen times as the Illinois High School Coaches Association's Coach of the Year; and

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WHEREAS, Coach Joe Newton became the first high school coach selected as an Olympic coach for the U.S. Men's Track and Field Team in 1988; and

WHEREAS, Coach Joe Newton is a Hall of Fame inductee of numerous organizations, including the National High School Athletic Coaches Association Hall of Fame, the United States Track Coaches Association Hall of Fame, the Northwestern University Hall of Fame, the United States Track and Field Federation Hall of Fame, the Northern Illinois Track and Cross Country Association Hall of Fame, and the Gatorade Coaches Hall of Fame, among many others; and

WHEREAS, Coach Joe Newton has inspired thousands of young athletes to excel both on and off the field; and

WHEREAS, Coach Joe Newton's devotion and commitment to his students over the past 46 years has taught us the true definition of the word "champion"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we do hereby honor the achievements of Coach Joe Newton as a dedicated coach, teacher, and friend to many, and that we offer our sincere congratulations on his 46th year at York High School and 22nd State Class AA Cross Country Championship Title; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Coach Joe Newton."

Speaker Madigan: "Mr. Daniels."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Standing beside me is one of America's premier high school cross country coaches in the history of this country. Remarkably, this man has brought to the State of

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Illinois and specifically to my alma mater, York High School, 22 State Championships for the cross country team that he has coached. That in and of itself is a feat unparalleled in this country or in the history of cross country running. Remarkably, York High School is known throughout the country as the premier 'long green line' shaping, molding and helping young people to feel the excitement of victory and the pleasure of being able to set goals and achieve those goals. A lot of credit goes to the man standing along side of me and being honored today and that's the legendary coach, Joe Newton. In the Speaker's Gallery now coming in are what we call the men of York High School, the Dukes of York, the AA State Championship Cross Country team. Please honor them with your applause. Joe Newton has had a remarkable career as you heard when the Resolution was read, but you cannot tell the measure of his success solely by these accomplishments. Coach Newton has done much more than just bring state championships to my hometown, Elmhurst, Illinois. He's helped inspire and mold hundreds of young men and women into better citizens through his concepts of teamwork and fair play. For 46 years Joe Newton has produced champions, champions such as the young men who traveled to Springfield to be with you today, champions that we are looking at today, men that have established their goals, sought their goals, worked hard to achieve them. Let's all remember, when you have your child who is lucky enough to be coached by a living legend it means a lot more than just an opportunity to win a state championship. It means that you're entrusting them to a part of a program that produces leaders and winners in all avenues of life. And for you young men who are part of this team, I suggest you treasure the moments and the

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memories of your championship and your years of winning and never forget the lessons in life that you have learned from your experiences with Coach Joe Newton. Mr. Speaker, Ladies, and Gentlemen of the House, as we honor these young men, champions all of them, victorious in their efforts, in setting their goals and their establishment in leadership for the future, we also pay great honor to this legendary coach, my friend, your person to honor today, Coach Joe Newton and the Dukes of York. Congratulations. I move for the adoption of House Resolution 1140 and House Resolution 1141."

Speaker Madigan: "Mr. Daniels moves for the adoption of the Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolutions are adopted. Mr. Black, you will now have your time to respond to Governor Blagojevich, but before you start, the House Democrats shall go to Room 114 for the purpose of our caucus. The new Members, the Members for the next term should go to Room 114 for the purpose of our caucus to select a candidate for Speaker and we should do that now. But Mr. Black, you have a good time."

Speaker Hartke: "The House shall come to order. Representative Hartke in the Chair. On page 2 of the Calendar appears Senate Bill 1650, Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1650 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Brunsvold, has been approved for consideration."

Speaker Hartke: "Representative Brunsvold, Floor Amendment #2."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. This Amendment would become the Bill. It clarifies language dealing with agreements and insurance companies. This is in fact in practice what the Illinois Department of Insurance does and we're putting it into statute so we are... in-state insurers can be on the same level as our out-of-state insurance agencies and companies. And I know of no opposition and would ask for the adoption of Floor Amendment #2."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Are any additional Amendments filed on the Bill?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "Amendment #3 has been filed and has been approved by the... has been approved for consideration. There's also an Amendment 4 that is in the Rules Committee."

Black: "All right. Will the Sponsor of the Amendment yield?"

Speaker Hartke: "The Sponsor of the Amendment will yield."

Black: "Representative, just so that we don't surprise each other, Amendment #2 appears to be an Amendment that many of us on our side of the aisle can support. Amendment #3 however, may endanger the the underlying Bill and I know that's not your Amendment and we'll debate that if and when we get to Amendment #3, but I wanted you to be aware of that."

Brunsvold: "Let me apologize to the House. I have two Bills with Amendments right now and I just explained a different Bill."

Black: "I thought maybe you did."

Brunsvold: "So, I apologize."

Black: "This one deals with TIF districts, as I recall."

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Brunsvold: "Yeah, this is a TIF district. The insurance Bill is coming in a little bit and it's unopposed. This Amendment deals with the TIF district in Moline and also has some language cleaning up some issues with the Village of Milan. And again, I don't know of any opposition to this Amendment dealing with these TIF districts. And would answer any questions, Bill, you'd have."

Black: "Okay. Joel, just two quick questions. The Municipal League has no objection to this TIF language?"

Brunsvold: "I'm not aware... I'm not aware of any objection."

Black: "All right. And the problems that relate to the TIF district in Moline, is that traceable back to a former mayor of that city?"

Brunsvold: "In Moline?"

Black: "Yes. Who would that mayor have been?"

Brunsvold: "If it was in Milan it might have been me."

Black: "Milan, Milan, that's where, that's where it originated. So, does this clean up...?"

Brunsvold: "And I don't think it's traceable back to me, I hope."

Black: "So... so this originates from the Brunsvold Administration?"

Brunsvold: "I hope not, 20 some years ago."

Black: "Boy, you must of been... were you old enough to vote 20 years ago and be Mayor of Milan?"

Brunsvold: "Boy, I'll tell you what... I'll tell you, it's a... ya know, I've got people now, Sir, that are gonna be serving on this House Floor that I came in here with their fathers."

Black: "All right. I appreciate you discussing the proper Amendment and we have no concerns with #2, but just to let you know that Amendment #3 will perhaps change our outlook on the Bill."

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Brunsvold: "Well, Bill, I think the committee made some suggestions on Amendment #3..."

Black: "All right."

Brunsvold: "... and Representative Yarbrough, I think, has made those corrections and it will be in the Amendment #4, those corrections."

Black: "All right, fine. Thank you, Representative."

Speaker Hartke: "Further discussion? Chair recognizes Representative Leitch."

Leitch: "Thank you, Mr. Chairman. I'd just like to speak in favor of this. This was my Bill and I gave it to Representative Brunsvold to straighten out some TIF issues that he has in his district and I think it's appropriate that he does so and appropriate that he does it as soon as possible. So, I just want the Body to know that I'm fully in favor of this Bill."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Brunsvold to close."

Brunsvold: "Just ask for the adoption of Amendment #2."

Speaker Hartke: "All those in favor of the adoption of Amendment #2 on Senate Bill 1650 signify by saying 'aye'; opposed 'no'. Opinion of the Chair the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Yarbrough, has been approved for consideration."

Speaker Hartke: "Representative Yarbrough."

Yarbrough: "Yes, I wanted to table the Amendment #3 and substitute Amendment..."

Speaker Hartke: "Withdraw Amendment #3."

Yarbrough: "Could you hold that on Second Reading? I need Amendment 4 and it's not out of Rules yet."

Speaker Hartke: "Representative Yarbrough has moved to table..."

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withdraw Amendment #3. Representative Black."

Black: "Thank you, Mr. Speaker. I just wanted to correct you. She's not moving to table #3, she's withdrawing 3."

Speaker Hartke: "Withdrawing #3."

Black: "All right. Thank you."

Speaker Hartke: "Hold that Bill on Second Reading. On page 2 on the Calendar, on Senate Bills-Second Reading, appears Senate Bill 616, Representative Beaubien. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 616 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie on Amendment 2."

Currie: "Thank you, Speaker and Members of the House. When we in the Legislature seven or eight years ago decided to redo the Regional Superintendents of Educations Office in Cook County and created a separate Regional Superintendent for Suburban Cook County the statute was silent on the question of what to do in case of a vacancy. There was no way to fill a vacant position. What's happened is that the initial person elected to that office has died, the first deputy is acting superintendent. The State Board of Education says that he may act as acting but there is no legal basis for that decision. This legislation would correct the oversight by establishing that the first deputy become the Regional Superintendent in Suburban Cook County. The legislation sunsets next year, because the next Assembly may decide that there's a better way in the long run to solve the problems of a vacancy in that office. In the meantime, in order to make sure that the acting

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superintendent does have full authority to carry on his job, I purpose Amendment 2 to Senate Bill 615 (sic-616)."

Speaker Hartke: "Is there any discussion on Floor Amendment #2 to Senate Bill 616? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 616?' All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair, 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments?"

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

Clerk Rossi: "Senate Bill 616, a Bill for an Act concerning school district financial oversight panels. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Yes, the explanation of this Bill was just given by Representative Currie and I would urge a positive vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 616?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Three-fifths Majority, is hereby declared passed. The Chair recognizes Representative Hamos. For what reason do you seek recognition? No. On page 2 of the Calendar, on Senate Bills-Second Reading, appears Senate Bill 1809, Representative Hamos. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1809 has been read a Second time, previously. Senate Bill 1809 has been read a second time,

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previously. No Committee Amendments. Floor Amendment #1, offered by Representative Schmitz, has been approved for consideration."

Speaker Hartke: "On Floor Amendment #1, Representative Schmitz. Chair recognizes Representative Schmitz. Representative Cross, for what reason do you seek recognition?"

Cross: "Can you pass on... hold on Representative Schmitz for just a moment or a few minutes?"

Speaker Hartke: "Sure. We'll just..."

Cross: "Is there something you can get back to in a little bit?"

Speaker Hartke: "Okay."

Cross: "Thanks."

Speaker Hartke: "Representative Hamos, do you want to take this out of the record a minute? Mr. Clerk, take this Bill out of the record momentarily. On page 3 on the calendar, on the Order of Concurrence, appears House Bill 1445, Representative Mitchell. Jerry Mitchell, on Senate Amendment #1, on your Concurrence Motion."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wish to concur with the Senate on Senate Amendment #1. Basically, this is an Amendment that allows Focus House to recoup their funding from the State Board of Education. It's a technical change in the School Code that allows for county-owned sheltered care facilities on an individual basis to recoup tuition money for students with disabilities. This has been past practice for the past five years. The money's already built into the State Board's budget. It is no change in what has been done, this only codifies and actually puts in law what has been past practice. Without this, the State Board can deny the tuition money and basically the only county-owned facility for kids that are under the Orphanage Act and wards of the

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state would have no place to be educated. Focus House in Rochelle, Illinois, in Ogle County does a great job. We're behind 'em a hundred percent. I'd appreciate your 'aye' vote. Thank you."

Speaker Hartke: "Is there any discussion on the Concurrence Motion? Seeing no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1445?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1445. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, on Senate Bills-Second Reading, appears Senate Bill 1809. Representative Hamos. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1809 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Schmitz, has been approved for consideration."

Speaker Hartke: "Representative Schmitz on Amendment #1. Representative Cross."

Cross: "We would like to withdraw Amendment #1."

Speaker Hartke: "You've heard the Gentleman's Motion to withdraw Amendment #1. All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair, the 'ayes' have it. And the Amendment is withdrawn. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Hamos, has been approved for consideration."

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Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Speaker, Ladies, and Gentlemen. This Bill is not about municipal code TIF district. It is about a very important subject that we all care about, open space and land acquisition. And if you remember, in the spring we did take some money out of this fund and inadvertently change the balance of where the Real Estate Transfer Tax would go. This Bill restores it to the way it's been for the past 11 years, providing very important grants to various municipalities and park districts for open space and land acquisition. That's all this does is to change the distribution of the Real Estate Transfer Tax back to where it was. It is not going to impact this year's budget. It is beginning next fiscal year, next year's budget. And I'm... I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion on Floor Amendment #2? Seeing that no one is seeking recog... Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, I appreciate your clear and concise explanation of the impact on the fiscal... current fiscal year. At this late stage, my guess would be that this Bill will probably sit on the Governor's desk until the new Governor assumes office. Now, there would be an impact on FY04 revenue if this Bill becomes law. Do you have a reasonable estimate of how much the General Revenue Fund would lose if we... and I realize this is what we used to do and you're not changing anything that we haven't already done. But given the fiscal crisis, do you have any idea of how much money that OSLAD reinstatement or putting back

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into the equation taking the GRF transfer down to zero, how much money are we talking? Five million, 20 million, 30 million?"

Hamos: "The impact is \$15 million..."

Black: "15 million."

Hamos: "... and remembering that it doesn't take effect 'til next year..."

Black: "Right."

Hamos: "... there is an opportunity for the next Governor to push it back an additional year, but this at least establishes as public policy of Illinois that these funds are so important to our various communities."

Black: "All right and I think the new Governor is prepared to deal with this. I talked to him at some length today. And so, it's your intent that this would be revisited in FY04, depending on the budget situation and the new Governor's budget address. Fair assumption?"

Hamos: "I think it will be part of the overall mix of revenues available to the state."

Black: "Okay, all right, fine. Thank you very much."

Speaker Hartke: "Further discussion on Floor Amendment #2? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1809?' All those in favor signify by saying 'yes'; those opposed say 'no'. And the Motion... and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1809, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hamos on Senate Bill 1809."

Hamos: "Thank you, Speaker. I think we just had an explanation

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of what the Bill does. I would like to point out that for those of you who were cosponsors of another Bill that I introduced as a brand new Bill I took the liberty of adding you as cosponsors to this Bill. And you will find that in the Bill status because I think you will be proud to join the environmental community in restoring these funds and I made the assumption that you would want to be a cosponsor of this Bill. So, I appreciate your favorable support."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1809?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 Members voting 'yes', 10 Members voting 'no', and 0 voting 'present'. And the House does pass Senate Bill 1809. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 2 on the Calendar appears House Bill, on the Order of Concurrence, House Bill 800, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that the House concur in Senate Amendment #1 to House Bill 800. Senate Amendment #1 to House Bill 800 becomes the Bill. Essentially, what this does is it reinstates an age-old practice that went on for 17 years that allowed organizations such as PPOs and the HealthLink organization to charge a percentage as a fee to health care providers in order to help pay for marketing and other services they provide to physicians. I believe that this Bill will provide access to health care and continue to have affordable health care in areas of this state that

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sometimes are troubled with providing access. Amendment #1... Senate Amendment #1 to House Bill 800, essentially, just puts back into place what the practice was prior to an Attorney General opinion that said that you could not and you could no longer receive a fee based on a percentage basis when you put these provider networks together. I ask for a favorable Roll Call."

Speaker Hartke: "Is there any discussion on Senate Amendment #1 on the Concurrence Motion? The Chair recognizes Representative Black."

Black: "..., Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Representative, you made reference to an age-old practice of a claims administrator assessing a fee to process the claims for physicians or insureds. It's my understanding that this age-old practice only goes back about 16 years. Would that be right?"

Hoffman: "Yeah, in my opening... I guess it depends how old you are as to whether it's an age-old practice..."

Black: "I'm much older than you are."

Hoffman: "... 17 years. I believe it's 17 years, yes."

Black: "All right. My concern, and I think a concern shared by many people who have tried to follow this issue, is that we have a very definite difference of opinion on this arrangement. The Attorney General gave a written legal opinion, if I'm wrong correct me, that this... this practice being performed by a health claims assistance network of assessing fees to process the claims violates the Illinois Medical Practice Act in what is called the fee-splitting arrangement. Now, the provider maintains that... well, that can't be right because this isn't doctors splitting fees, it's a... we're assessing the

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doctor a fee for processing the claim. Not being an attorney, I guess my question is, rather than codify a practice that the Attorney General has cast doubt on as to it's legality, why doesn't HealthLink take this to court and get a definitive court opinion as to whether or not this fee assessment is, in fact, legal under Illinois Law?"

Hoffman: "Well, I think that the reason that I'm carrying the Bill, and that's a good question, I think there actually is some litigation. And I wanna make it very clear on the floor today that this legislation would in no way have... would be... would not be retroactive."

Black: "Okay."

Hoffman: "So, it would not affect and is not my intent to affect any type of actions that are currently existing and when this becomes law this would only be from that day forward, would not be retroactive. So, my answer to you, Representative, is I think what this does is it clarifies so that people who are in this business can actually charge a percentage. I mean, we can talk this... we had a very good discussion in the committee yesterday. And you can really, I think, really define this in a nutshell. This organization and organizations like HealthLink, what they do is they provide a service not only to the individuals who are members and get health care through them, but also to the providers, the doctors, the other people, the chiropractors who are part of their group, and are part of their 'provider' group. So, they provide this service of not only marketing, they provide the service of helping bill, they do all that. They're not gonna do this for free. And I don't think anybody should think that they or anybody like them are gonna do this for free. The only question about this Bill is whether they can do it on a

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percentage basis or do it on a flat-rate basis. This simply says that what they did for 17 years on a percentage basis will be allowed and that's why I think we need the legislation..."

Black: "Okay."

Hoffman: "...to clarify it."

Black: "Well, that... that brings up an interesting point that staff has raised. If you do it on a percentage basis the specialist in the medical community have some problems with that. If you're a neurosurgeon or you're an open heart specialist or a transplant surgical team, obviously, a percentage charged against your bill could be a substantial amount of money, could be in the thousands of dollars. If you're a general practitioner, a sports physical, the bill may be 40 bucks. The percentage of \$40 is not going to be a burden on the doctor. But if you're a highly-trained specialist who did a heart transplant and the total doctor bill... surgical bill could approach a quarter million dollars, a five percent fee is some serious money. So, staff has raised the question, since the opposition seems to be focused on the Medical Practice Act and whether or not this is legal under the Medical Practice Act, why doesn't your Bill amend the Medical Practice Act rather than the Insurance Code?"

Hoffman: "Well, I guess it could've, but I think the practical affect of amending the Insurance Code and the language that is contained in Senate Amendment #1 has the same practical affect. I guess we could have amended the Medical Practice Act and I wouldn't... I would not be opposed to that. But I think it has the same practical affect, no matter where you put it in the code, I think the language is very clear that this supersedes any conflicting law or language."

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Black: "I guess my only concern and it's one that we talk about all the time and we're not able to really get a handle on, Representative. If I'm a highly-trained medical specialist and my bill is going to be a \$25 thousand bill for a surgical procedure and I'm going to assessed a 5% fee to handling the insurance paperwork, then I probably am gonna raise my fee 5%. I'm not gonna take that 5% anymore than you and I would out of our salary. If we were able to do that we're gonna pass that cost on to the consumer. That's the way all of us do when we're in business. So, my fear is if you do this and you say you're codifying the percentage-based fee then doctors will perhaps be inclined to say, okay, fine, if it's a 7% fee I'm charging 7% more than I normally do under the practice. I'm not gonna cough up this fee out of my bill, I'm gonna have the customer, in this case the patient, pay the fee. I know I see looks of shock on some people's faces. Well, welcome to Economics 101. That's how business is whether they be in the health care profession or the retail trade, that's how they pass on their costs. They just simply raise the price to cover the tax or the fee and it would just seem to me it would be... I don't think there'd be any opposition if this was a flat-based fee, but the percentage-based fee I see may cause some further inflationary pressures on health care."

Hoffman: "Well, I think I can answer... I think that really requires two answers. Let me give the first one concerning the flat-based fee. It's my understanding the Attorney General's opinion does not preclude a flat-based fee. They can do that now. They could do it before, too. And they could still do it. This does not affect the ability to do a flat-based fee whether the consumer pays it or I believe, the doctor pays it. I don't believe that the Attorney

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General's opinion precluded anything to do with the flat-based fee. I might be wrong, but I don't think it did. The second issue is, this does not require a percentage basis, it allows it. And for 17 years, I believe that only a... I know that HealthLink and potentially maybe a few others did it on a percentage basis. Nobody requires a doctor to join or be part of the HealthLink provider network. I know as a practical factor, some areas of this state, that if you're not a part of the provider network you may not get much business. But let me just... if I might, address the whole issue of inflating medical care costs. I can tell you I think the best way to answer it, because I'm certainly not an expert. I do know Economics 101 'cause I had it at Illinois State University and I got a pretty darn good grade in it, believe it or not, which surprised me. But let me just tell ya, that the people who support this Bill are people that would share your concerns, I believe, people like the Manufacturers' Association, the Retail Merchants Association, organized labor, and the various entities of organized labor: AFL-CIO, AFSCME, SEIU. The people who I believe have a concern about making sure that they can provide affordable health care and access to health care for not only the members, but also potentially, their employees and do it on a basis that is affordable to them. If this is going to inflate the costs to them, I don't believe they would be as supportive of this legislation."

Black: "And I think that's the dilemma that I find myself in."

Hoffman: "Right."

Black: "This is... when you read this, this is much more complicated than it appears to be at first reading. And that's why I rely on those of you who are attorneys and

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those... for people like Lou Lang, who I wish would get off the phone and pay attention, 'cause I was counting on Representative Lang to help me out here, but..."

Hoffman: "I'm afraid that Representative Lang may be on your side, so I wish he would stay on the phone."

Black: "... Thank you. Jay, let me... Let me follow up with a question of some concern that again Representative Lang and I have had on occasion. Would a company like HealthLink not only process the claim, but could they tell under existing Illinois Law a provider that your fee for this is far above usual and customary and we're not gonna pay that? You've submitted a bill of 10 thousand and we're gonna pay you 45 hundred, take it or leave it. And that's called utilization review, something that Representative Lang and I have worked on. Would a HealthLink or a similar company be able not only to charge a fee for the processing of the claim, but to tell the provider that in their opinion the claim is excessive or above usual and customary and they're not gonna pay that amount?"

Hoffman: "I can read you and I think the Amendment is very clear as to when they can do this percentage fee. Okay? And I think and maybe I'm not getting your... if I'm not answering your question, please tell me..."

Black: "Yeah."

Hoffman: "... and I'll try and do it better. In the instance when there's a nonhealth care service provided... has to be nonhealth care service, so the issue that you talked about earlier about the Attorney General's opinion..."

Black: "Right."

Hoffman: "... with regards to fee splitting, I think the intent of all of that was so the people who were in the health care services did not split fees. In other words, if I am

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a general practitioner I didn't send all my patients to an orthopedic surgeon because I'm gonna get a percentage of that fee. I would do what is best for that patient and send him to the orthopedic surgeon that would treat him the best as opposed to me having a monetary interest involved. I think that was the intent of the fee-splitting legislation initially. So, first of all, I think that that's taken of in this Amendment. We're only talking about nonhealth care services that are provided in conjunction with management, marketing, administration, formation, and maintenance of a provider network. Okay? So, I think it's very, very clear that we're limiting the ability to charge a percentage fee to those types... for those types of services. If you don't provide those types of services or if you're a... or a health care provider, you cannot do it on a percentage basis."

Black: "Okay."

Hoffman: "Okay."

Black: "And... and... and I appreciate that because the issue of utilization review may not be applicable here but it's something that has given me great concern because in Illinois it's almost totally unregulated. You and I could go into that business tomorrow and just charge a commission on what we saved by denying coverage, just saying it's above usual and customary. And I don't think this is applicable, but if it is, then I think companies like HealthLink could get two very large bites out of the apple. And that... that's a real concern that I have. I appreciate your forthright answers. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "Ladies and Gentlemen of the House, I don't know whether

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there will be any additional debate on this Bill or not. If there is I certainly intend to listen very carefully to those involved in the health care field, to those who practice law on a daily basis. I really don't know how I'm gonna vote on this Bill. It is not as simple as many people have led me to believe. And I guess my reluctance is whenever I see a company that gets an adverse court ruling or an adverse Attorney General's opinion that says hey, you can't do that, in our opinion, it always makes me a little nervous when their first reaction is to come to the General Assembly and tell us, hey, you make our practice legal. The Attorney General has said we may be doing business illegally. So, rather than fight that out in the court, you just make it legal. You codify it into law. Now, as the Representative said, it doesn't preclude action for what has transpired, but it certainly will preclude ease of action for what will transpire. And I'm always a little bit nervous when the General Assembly is put into the position of acting as the court of a final opinion in changing a legal ruling or an Attorney General's opinion by codifying it into practice. I hope there is additional discussion on this Bill because I think it's a great deal more complicated than we have been led to believe."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. First of all, I'd ask for a verification on this... on this..."

Speaker Hartke: "There will be a verification as requested."

Saviano: "Also, I have some... I wanna make a few statements and ask the Sponsor some questions. First of all, I was the co-chair of the Fairness in Contracting Task Force. I

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co-chaired that task force with Senator Walsh over the last couple years. And a lot of issues which are sort of similar to this issue we're talking about today came up through that process. These contracts that are... that health care providers such as doctors, nurses, podiatrists, dentists are... that they sign to provide their services are really not contracts. They're contracts... they're contracts of adhesion, which means they're not binding contracts from the insurance company's side. And in essence, doctors really don't have any other choice than sign these contracts if they wanna get paid and they wanna serve the... serve the patients that they have treated for long periods of time. So, what this could end up causing, and I agree with Representative Black, it's a lot more complicated than what appears during the debate and what you've read so far. It's... it's a part of a bigger picture of the relationship between health care providers and insurance companies and how they interact when they have to get reimbursed for the services they provide. And it's about tossing a football in each other's lap. In these situations, though, the insurance companies pretty much hold all the footballs, because doctors are dedicated and committed to serving these patients. So, when a contract is thrown on their desk and no matter what the terms of the contract are, if they're a dedicated physician and they wanna continue serving and treating that patient, they have to sign that contract regardless what is in the contract. And this is one of the provisions that end up being in the contract. I want to a... if I could ask Representative Hoffman a few questions. First of all, I think maybe Representative Black touched on this, but I'm interested in knowing what the ethics in the medical

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profession say about fee splitting? I know what the Attorney General's opinion says."

Hoffman: "Well, I'm... I'm not a doctor, but I would assume that the... that the ethical cannons indicate that you cannot fee split. I would assume that's the case."

Saviano: "Yeah, that's my assumption, also. I wanted to make sure I verified that. Also now, is HealthLink a licensed insurance company?"

Hoffman: "In the testimony... it's my understanding that the testimony yesterday in committee is that they are not a licensed insurance company, they're a licensed, I believe... and I don't know all the separate distinctions. They're not a licensed insurance company, but they are a licensed HMO and PPO."

Saviano: "All right. If they aren't a licensed insurance company, why would the Senate Amendment #1 allow insurer and HMOs to demand the payments?"

Hoffman: "Again, let me just... this isn't... I don't view this Bill as just something for HealthLink. I view it as something that's going to help affordability and accessibility to health care, particularly in medically underserved areas, so that if you're a nonhealth care service provider and you provide management, marketing, administration, formation, maintenance, and provider networks, you can do it on... charge a fee on a percentage basis. You understand... you understand, these aren't gonna be done for free anyway. They're... people aren't gonna be in the business of doing it for free. They're providing a service. They're providing it to a doctor's office or another health care provider and they're getting something... the medical provider is getting something for that service. The only question and the only issue is

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whether they can do it on a percentage basis or they have to do it base... or they have to recoup their costs on a flat-fee basis. That's the issue about this Bill."

Saviano: "Is there any cap on what percentage the insurance companies could charge or HealthLink could charge?"

Hoffman: "Under this Bill, there is not and let me just tell you, that for the 17 years that it was done the other way, it was traditionally done at 5% and the market is going to bear what can be charged, more or less. Because ultimately, here's what we're talking about, we're talking about a provider network that a doctor does not have to be a part of, they can be a part of if they believe it's going to bring them business and that they're providing a service that is good for them. See, the bottom line here is we want doctors to be doctors. They shouldn't have to worry about billing. They shouldn't have to worry about marketing. They should worry about healing people. And that's what these types of programs have allowed them to do. That's why I believe that... that HealthLink was started in the first place."

Saviano: "Thank you, Representative. To the Bill. I would ask that the... my colleagues here in the House hold off. This is a small part of a big picture, again on the relationships between health insurance companies and health providers. We're gonna be continually addressing this relationship in the future and I know like many things around here, things just don't go away and I think it's gonna be important to consider this issue along with many other issues that we're confronted with regarding the relationship between these two entities. And I would ask for a 'no' vote. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes the Lady

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from Lake, Representative Garrett."

Garrett: "Thank you, Mr. Speaker. Representative Hoffman..."

Speaker Hartke: "Sponsor will yield."

Garrett: "I, too, have some questions regarding this legislation.

The first one being, is there any other legislation in place that stipulates that any profession can get a percentage of any given fee, in legislation?"

Hoffman: "So... I don't know... I don't know the answer to that.

I do know that you can have a contingency fee contract if you provide legal services. Now, whether or not that is codified in law... I do know, that for instance, if you do a workers' compensation case you can get up to 20% contingency fee as an attorney for the... from the injured... from the fund that is a result of the injury that the Workers' Compensation Act provides. So, yeah, I know for workers' compensation. Are there other contingency fee contracts that I believe allow for the legal profession, I don't know about other types of professions."

Garrett: "It appears as if... I don't about the answer to this, but I think that what we have is that industry to industry negotiates their fee if it's a flat fee or a percentage. And the concern I have with this, I agree with all the other speakers, that this is a much bigger Bill that we probably really need to look at, a much bigger concept. But what worries me about this is that we are as Legislators getting involved in the negotiation process that will affect the bottom line of both industr... of the physicians, consumers, and the insurance industry. And... go ahead."

Hoffman: "Well, right now, as the current Attorney General... after the current Attorney General's opinion was written,

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the ability to negotiate is severely limited because it does not allow what had happened for 17 years and that's payment for these services on a percentage basis. You can't do it. So, this allows for further negotiations so that the marketplace will make a determination. I'm just telling ya, that currently, if... this fee is going to be paid by somebody. This fee is... for marketing and for billing and for formation is gonna be paid for by somebody. Under this, they can negotiate that with the physician. A physician does not have to be a part of this network, but if they wanna be a part of this network and they want to avail themselves to the services that are going to be provided to them they could do this on a percentage basis. If they don't wanna be a part of this network or don't wanna pay a percentage, don't be a part of the network. That's fine. So... so, I guess my point is, that is why the AFL-CIO, that is why AFSCME, that is why SEIU, as well as these business groups are for it because it provides an ability that the consumer will not have to bear the burden of this cost. If the doctors don't pay it, the consumers will."

Garrett: "And... and so, you're right. The consumers will ultimately somehow bear the burden one way or the other. The industry that stands to come out ahead, at least in my opinion from a pretty narrow understanding of this, is the insurance industry. HealthLink is owned my Wellstone, it is a insurance marketer. My concern to this is that we as Legislators are beginning to become negotiators in an industry that we probably have no right to participate in at this point in time. And to the Bill. The other issue I think that we should all be concerned about is that 5% of \$800 for the same kind of service is a lot different than

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5% on 8 thousand or \$80 thousand. So, the doctor then will be paying a lot more based on the dollars expended. That doesn't relate back to the paperwork. It may be exactly the same as on an \$800 service. So, I think that there's a fairness in equity issue that also needs to be addressed. I will be voting 'no' on this. I understand where HealthLink is coming from, I respect what they're trying to do, but I think as Legislators we have to be very careful that we don't become the intermediaries in a negotiation that should be handled between the professionals involved. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Miller."

Miller: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Miller: "Representative Hoffman, I've just a couple of questions. First, the legislation... Who is all included in this, as far as providers?"

Hoffman: "As far as providers?"

Miller: "Yeah. Anybody? Is it just limited to physicians?"

Hoffman: "It says... No. I'll read you the language. The first part of the lang... 'all noninstitutional providers and other providers shall be permitted to compensate on the basis of percentage providers fees or collection.' So, all noninstitutional providers."

Miller: "So, that would include pharmacists, optometrists, dentists, physicians?"

Hoffman: "This would allow... to continue to do what had been done prior to the Attorney General's opinion. Correct."

Miller: "Well, according to this..."

Hoffman: "And I think... I think, Representative Miller, I believe that prior to the Attorney General's opinion, those

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same specialties are dentists, optometrists, chiropractors, and doctors were included in the percentage."

Miller: "Okay, so I could have... and I want to announce that I could have a conflict of interest on this. So, it's not very specific to any particular group of individuals or practitioners. As far as the contractor, is it just limited to HealthLink, or is it just any group, or anybody, that can just come together on this? For instance, it's like myself and a few of my buddies decided to form this noninsurance company... then can this... will this apply to us?"

Hoffman: "Only if you provide nonhealth care services. So, you're... in your case, you're a dentist, so if you were going to provide some of the health care services, then you could not charge on a percentage basis for the services you provide."

Miller: "Okay. And so, is there any limit to the amount of compensation... so that means... let's say if I wasn't a dentist, if I was an attorney then I could form this corpora...? This is not limited to anybody or anything? There's no limitations to this. Right?"

Hoffman: "If you provide nonhealth care services such as management, marketing, administration, formation, maintenance provider networks then you could get paid on a percentage basis for those services."

Miller: "But a group of people can get together and form this?"

Hoffman: "Then I think you would still be subject to certain provisions under the Insurance Act that aren't contained in this legislation. But a group of people who comply with the Insurance Code could, under this legislation, form a provider network and if they provide those types of services, yes."

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Miller: "Okay. Based on the way this legislation reads, there is no specific amount that is required for compensation. It could be, as it was mentioned earlier, it could be 5%, it could be 10%, it could be 50%. It could be whatever is... How is it determined, on the percentage?"

Hoffman: "Well, as a previous speaker, the market would bear the percentage. But let me just say this, as a practical matter, what happened for the 17 years prior to the Attorney General's opinion, is very few of these types of organizations, very few of 'em did it on a percentage basis, at all. They did it on a flat fee, I believe. And I think that's telling in that, first of all, the market's gonna bear what happens. Second of all, there is no law that provides that any dentist, any doctor, any surgeon has to be a member of the provider network that you're talking about being put together. So, this doesn't indicate you have to do that. But if you want to do that this allows for that type of compensation for the nonmedical services."

Miller: "Okay. Representative Hoffman, what's your definition of 'fee splitting'?"

Hoffman: "That would... I don't have it in front of me but I... my limited understanding of it is that the idea behind fee splitting was so that medical providers would not be referring people from one doctor to a surgeon to a specialist, based on amount of compensation they would receive. So, the fee-splitting law was passed in the Medical Practice Act."

Miller: "Okay. 'Cause right now, what you're saying is that this company or any entity has a financial incentive if they send to one provider and receive a certain percentage off a thousand dollars worth of work versus a hundred thousand dollars worth of work they could receive a particular

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amount and so there is a difference in the amount of compensation that that company will receive. And yet, is there any proof that there will be any difference in amount of paperwork, any difference in the amount of marketing, any difference in the amount of outreach, any difference in the amount of anything that will be provided, the differences within those two procedures?"

Hoffman: "Well... So... This is not that much different than whether you're for a progressive tax or you're not. If you have a flat sale... The reason that certain people are against the sales tax is they say it's regressive. Right?"

Miller: "Well, I think taxes and health care are two different things... You can't... Go ahead."

Hoffman: "If I might, let me just give you an analogy. So, if you pay a sales tax and you're payin' a flat rate, the people who are poor in our society and don't make as much still pay the same amount of sales tax on a flat rate. However, a progressive tax indicates the people who make more, pay more. Therefore, you're exactly right. A person who does a hundred thousand dollar procedure who is making more money is going to pay a higher percentage than a person who'd simply treats a toothache."

Miller: "Well, I don't think that tax rates can be applicable to health care. If somebody in, god forbidding, that is in an accident then I'm guaranteeing they would want the highest standard of health care. They'll want everything taken care of and regardless of the cost. So, to compare health care with a tax rate, I think, is just a disservice to health care professionals in this state and across the country."

Hoffman: "But, Representative, we're not talking about the health care that is provided, we're talking about the nonhealth

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care services."

Miller: "But you're talking about fee splitting. And you just described there was a financial reason it was established was that the entity had a financial incentive and it sounds very similar to what you're describing and what is in this broad-based legislation that is before us."

Hoffman: "Well, I guess my answer is twofold to your original point. These providers do not choose your doctors for you or your dentists. They provide the options in a given area and you then choose. They're not saying you can't choose your doctor or choose the best doctor that is part of the HealthLink network. They're simply saying, here's a group and you'll get a reduced rate and this is how your employer or your union has set up your health care plan and you choose."

Miller: "To the Bill."

Speaker Hartke: "To the Bill."

Miller: "As a health care provider, I do have a conflict of interest in this, but I wanna just kind of describe what's going on here in very simple terms. In some other language this might be called a kickback to what this legislation and it's a very broad-based legislation describes. As the Sponsor has mentioned, there is no specific percentages which the doctor or whoever will have to... will be forced to pay back. And so, that's simply unfair. Even if a percentage is put on that physician then, ultimately, that will be reduced back to the patient at some way, shape, and form. Other point is the fact that there is differences in procedure and HealthLink and whoever this entity is does have a financial incentive because if they're just saying marketing and things like that and paperwork, which we all agree that doctors do have a very busy schedule and do need

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possibly paperwork. But the cost difference between a hundred thousand dollar procedure and a thousand dollar procedure can't be 50 thousand or \$5 thousand that would be the difference in those procedures. This legislation is extremely, extremely broad based. I would ask all the Members of the General Assembly to look at this very closely. It affects all providers from the pharmacists to the podiatrists to everybody else who provides health care to everyone in this General Assembly and to all the loved ones that we have. If HealthLink or whoever is not an insurance company, then they should have been introduced through a medical or that Practice Act versus the way we're being introduced to this now. This will ultimately supersede things that we have established in the State of Illinois as law. And yet, us getting into a negotiation between contracts is just simply not fair. Ultimately, health care cannot be balanced on the back of the physicians, the dentists, and everyone else. And I would ask a 'no' vote from all the Members here."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Feigenholtz."

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

Speaker Hartke: "Sponsor will yield."

Feigenholtz: "Representative Hoffman, I know that we had a little discussion yesterday in committee, but I do have some questions for you. But I'd like to walk through from the consumer perspective of how this is gonna to work. Because I've heard you say things on the floor in response to some questions from other Members on both sides of the aisle. And I'd like to walk through what's gonna happen when people go to a doctor, if this Bill becomes law. Right now, sometimes I go to my doctor and some of them say to

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me, you pay the bill, and you file, and you're gonna get... you get reimbursed. I don't wanna deal with your insurance company. Are some doctors going to try and avoid this 5% fee and do this?"

Hoffman: "Well, I think... I mean, I can't tell you what doctors are gonna do but..."

Feigenholtz: "But, Jay, honestly, do you think that this is something that will ... this will be cause and effect? That if we oppose this 5% or actually it's not 5%, it's any percent that's in this contract. If this is imposed, what happens in health care is somebody is going to pay for that. And from my perspective, typically, it's not the doctors, it's not the insurance companies, it's the consumer. And I know that you have been standing here saying this is a Bill for the little people, but I don't know that I agree with that. Okay? So, I wanna know who's gonna end up paying that 5% fee, because I want to know if doctors are going to be able to circumvent this process so that every time I go to a doctor they're not gonna take my insurance card and make me pay my bills up front. And I wanna know how this is gonna be avoided because I know that this is what's gonna happen."

Hoffman: "Well, I don't think that happened for the 17 years that this was in existence prior to the Attorney General's opinion. So, I guess I'd have to answer that way. If it would be... would have happened I think... I might be wrong, but it would be a violation of the contract between the provider network and the provider."

Feigenholtz: "Okay, wait. Stop. So, you're telling me that right now in the contract that is... ya gotta stop. In the contract between, in this case the company is HealthLink, and doctors. There's a provision that essentially says,

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we're going to impose a 5% increase or a 5... we're taking 5% of this from management for whatever, for advertisement, whatever they're implying that they're providing for these physicians and you can't try to circumvent this? Is that in a contract?"

Hoffman: "Yeah, I would... Yeah. I think that... I don't have a copy of the contract but I would assume that when you sign up... when you sign a contract you become a provider for this provider network there's certain things that you agree to do. And there are certain obligations of the provider network. First obligation, provider network provides, like you said, marketing. Then they'll do the billing to make sure that insurance pays. And they provide a function and a service to the medical professional so they don't have to do that. And so they get a thing of value. Now, and here's where it may be..."

Feigenholtz: "Right. Right. But the contracts... Are these contracts between doctors and HealthLink negotiated? Are they negotiated? Do doctors actually have a choice or are they..."

Hoffman: "Yes."

Feigenholtz: "... mostly contracts of adhesion, take it or leave it? Because I know... I mean, I think there's a big question here about monopoly. I think there's a question here about market share. And I think it's important for everybody in this room to have complete understanding of the long-term implications of this because from my opinion... in my opinion, this is gonna end up costing consumers more, not less. Somebody's gonna pick up the cost of this and I don't think it's gonna be insurance companies and I don't think it's gonna be doctors. I think it's gonna be consumers."

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Hoffman: "Well, I disagree and here's why. Because if it is not... Here's my limited understanding of how this works. So, you as a doctor, are going to get paid 'x' amount of dollars, let's say a hundred dollars for a certain type of service that you provide. Okay? And that's what you agree to in order to be a member of this provider network, that service is what you're going to charge and you're gonna get paid for. Five percent of that, 5% is gonna go to the provider network for providing things like billing, like marketing, things like that..."

Feigenholtz: "Do they do television commercials for their doctors, marketing? I mean, what do they do?"

Hoffman: "But... But... But... Let me just finish. So what happens is, is that if... that service is provided. If you don't take it out of 5% of the fee. Right? If they don't take it out of the 5% of the fee somebody's gonna pay it. Guess who that is? The consumer is gonna pay that 5%. And the reason that I say and everybody... and the supporters say that they are for the Bill is because they are the ones who are paying for health care in Illinois; the labor unions, the retail merchants, the manufacturers, the Chamber of Commerce. If they thought this was gonna raise their costs, they wouldn't be for the Bill."

Feigenholtz: "To the Bill, Ladies and Gentlemen. And thank you, Mr. Hoffman..."

Speaker Hartke: "To the Bill."

Feigenholtz: "... for your patience. Ladies and Gentlemen of the House, there was a previous speaker here, I hesitate to mention his name because he really does hog the mike, from Danville, who said earlier that this is a very, very complex Bill. In committee yesterday I asked the pro and opponents of the Bill to hold it because as Representative

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Saviano mentioned earlier this is a very small piece of a larger debate. And really, what it boils down to is quality and access for the consumer. For some reason, HealthLink has decided that we need to address this issue and we need to address it now. And I, for one, am not very comfortable with that, especially, after the Attorney General made an opinion about fee splitting. This Bill does not even... This Amendment does not even address the issue of fee splitting. I think if HealthLink was operating in good faith they would sit down with all of the parties in this state and negotiate a Bill that really rectifies the problem, really answers the questions about fee splitting, goes into the Medical Practice Act and doesn't try and override every standing statute in the State of Illinois for their benefit. So, I encourage a 'present' or 'no' vote for the consumers and the patients of the State of Illinois. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Mautino: "Representative Hoffman, I know a lot of issues that have come up on the floor that really have no bearing on..."

Speaker Hartke: "Shhh."

Mautino: "... your Bill or legislation, but on the outside there are a lot of overriding factors from the task force which will be addressed later on. I think what you're asking today is in the situation with HealthLink which is created and it is a network which allows for other insurance companies to buy in and offer those services to doctors, PPOs, physician groups, who would choose to join. They

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don't have to join. Correct?"

Hoffman: "That's correct."

Mautino: "Okay. From that point, they would also receive a fee regardless of what happens here on your Bill today for marketing, for filing and processing the bills and fees. So, we're not talking about a direct service-related component in the Bill."

Hoffman: "Yeah, we're not talking about... As a matter of fact, the Bill's very specific. It's only for non... nonhealth care services."

Mautino: "Correct. Now, throughout... And this is mostly downstate. This is the major downstate network. Correct?"

Hoffman: "Yes, and what has happened is as a result of this network, it has provided affordability and access to health care in your area and southern Illinois."

Mautino: "So, on the condi... Now, when someone mentioned concerns about on the consumer side, what you're looking at here is the ability to maintain a network that can go in and negotiate rates, set up marketing, and also structure the processing of bills. This has been done done for 17 years. Correct?"

Hoffman: "That's right."

Mautino: "Okay. This has been part of the subject of the task force on the other issues that they brought up. But very simply, if we do not structure it, does it then make it more difficult to create a network, to create and maintain it?"

Hoffman: "That's a very good point. You're exactly right."

Mautino: "So, then the Bill is about the discrepancy of the level of the fees? Can these be negotiated?"

Hoffman: "Yes."

Mautino: "Absolutely. And your Bill still allows that. I mean,

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it's not a 5% locked in. It allows for them to negotiate if they choose to join a network which provides service."

Hoffman: "If the fees are too high that network will not have any providers, therefore, that network will not have any members that want to avail themselves of their service."

Mautino: "But downstate we have virtually all of the providers in this program. Correct?"

Hoffman: "No."

Mautino: "Well, a good portion?"

Hoffman: "Yeah, I think there's a good portion. I think, actually, the testimony yesterday and I'm trying to recall the exact percentage. They thought like in deep southern Illinois about 50% of the physicians probably are members of the network, the provider network."

Mautino: "So, what your Bill tries to do is set up and some people have talked about fee increases. Well, for 17 years this has been the process. This is how it was negotiated to be paid. So, we're not talking about someone coming in tomorrow and adding another 5% on or whatever the negotiated rate is. What you wanna do is to return this to the way that it has been done so that we can keep these networks intact?"

Hoffman: "Exactly."

Mautino: "And I think that's about as complicated as the Bill is. There are many other issues which are outside of this Bill, but we would like to have the opportunity to structure it in statute, to keep those companies providing services and negotiating lower rates or making it more efficient to process the bills. That's what this is about. And I would simply ask for an 'aye' vote."

Hoffman: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Lady from Cook, Representative Flowers."

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

Speaker Hartke: "The Gentleman will yield."

Flowers: "Representative Hoffman, is this permissive legislation, is it permissive?"

Hoffman: "Yes."

Flowers: "Can you please tell me, does HealthLink deny or delay services to the customers?"

Hoffman: "No, I don't believe so, no."

Flowers: "So, HealthLink, as I understand it, is a administrative business operation that a doctor so chooses to sign up with because, let's take downstate, because there's not very many doctors down there. And so, the few doctors that are there, they will be able to see more patients because HealthLink now does not have to bother with the paperwork, they don't have to solicit, they don't have to try to get the monies from the insurance company because HealthLink is doing the administrative services for them. Am I correct?"

Hoffman: "The whole idea, I think, and I didn't... I don't... I didn't start the company. The whole idea, I think, behind it is to provide those types of services so doctors can actually do what they're supposed to be doing, not billing people, not marketing, but providing health care services to people."

Flowers: "Now, in regards to the fee splitting, this legislation is not applicable to that because they are not medical providers. Fee splitting, in my opinion, and let me just give an example, would be an HMO with a doctor. Those two, in my opinion, would have a conflict of interest because an HMO sends back to the doctor the amount of fees in which the doctor charges. But this entity here has nothing to do with the customer or the patient. Again, this is

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administrative work, so there is no conflict of interest."

Hoffman: "This is only for, you're exactly... this is only for nonhealth related services."

Flowers: "And in re... "

Hoffman: "Not for health care services."

Flowers: "And in regards, to the costs going up, this has been in existence for 17 years. The costs have been going up for more than 17 years in regards to health care. So, if this Bill does not become the law someone downstate will have to... a doctor will contract with someone to do their administrative work or either to do their paperwork, or whatever needs to be done. This doctor, ABC office, will contract with someone even if it's not HealthLink, am I correct?"

Hoffman: "Well, I assume they'd have to get the billings done and the other paperwork, yeah."

Flowers: "To the Bill. Mr. Speaker... "

Speaker Hartke: "To the Bill."

Flowers: "... Ladies and Gentlemen of the House. This is really a simple piece of legislation that I don't know why it was made to be so complicated. The patients, you know, when you talk about passing costs on to patients, it's gonna happen whatever it may be. If it's not HealthLink, it'll be something else. That's the problem with our system today. The cost being passed on to the patient, either by the providers or the administrators, because the cost is the cost. This is America and if a doctor do not want to participate with this particular company they don't have to do so. Please, vote 'yes' on this Bill. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Coulson."

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

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Speaker Hartke: "Sponsor will yield."

Coulson: "I know we had a long discussion about this in committee yesterday and... but I just have a few more questions, and really to try to clarify on the issue. The AG's Office has declared that what is happening at HealthLink is fee splitting based on what the AG has read as the law of the land at this time, correct?"

Hoffman: "Yeah, that... I understand that was his recent opinion based on the current law. This obviously would change the law in that regard... "

Coulson: "Right... "

Hoffman: "... and allow... percentage-based."

Coulson: "And so you're here trying to change the law because what they... what may have been, been going on should not have been going on."

Hoffman: "No, I'm here to change the law to clarify what we believe the law actually was. Now, I don't agree with what the AG's opinion, but that was their interpretation of the law. Okay? Great minds can differ and I guess in this case, that's what happened."

Coulson: "Okay."

Hoffman: "Or not so great minds can differ."

Coulson: "Always great minds. So, if no other company or very few other companies have done this, do you think perhaps the reason they haven't done it is because all of their companies have said this would be fee splitting and therefore illegal?"

Hoffman: "I don't know. I'm trying to remember, Representative, yesterday to a testimony if that, I'm not an expert in the field that that question was brought up. So, I don't know why other companies didn't do it, but I can tell you based on testimony yesterday that very few have done it on a

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percentage basis."

Coulson: "Well, and I would believe that's probably because their attorneys told them that doing a percentage would be fee splitting, where as basing a... charging a price, which they still have the right to do. They can actually charge a fee for their administrative services, whatever they're gonna do, the marketing, the administration, the paperwork, they can still, right now by law, charge a fee for that, correct?"

Hoffman: "I think so. It's just how you base the fee, on what will you base the fee on."

Coulson: "Right. So... "

Hoffman: "Whether it's percentage or flat rate."

Coulson: "If we pass this Bill or not then, they can still charge a fee and will get continue... to get paid for the business that they're doing."

Hoffman: "The problem, I think, though, is if you charge a flat rate, and I think this is where we defer, when you charge a flat rate and it's... for the lesser type of procedures the rate may even be greater than your medical charges. So, that hence, I think, it's smarter to do it... to allow it, you don't have to do it but do it on a percentage basis. Because if you go to the doctor's office and you are only being charged \$35 or \$40 for a visit the flat-rate fee, because it has to be a flat rate and the same in every instance, so that the perceived fee splitting does not occur, would be so great that it would almost equal or could potentially equal the amount of your services. And I don't think that makes a lot of sense."

Coulson: "But and I don't necessarily agree what you just said. But let's take a \$2,000 surgery versus a hundred thousand dollar surgery. The paperwork is not going to cost 10

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times as much to do on that \$200,000 surgery as it will to do the \$2,000 one. And yet, they're going to be being paid out of proportion for that surgery."

Hoffman: "But the person who does the hundred thousand dollar surgery, nobody's saying you have to be a member of HealthLink. You can be a member of something else, some other provider network. So, nobody is saying that a surgeon who is very respected in their field has to join this and be subject to a percentage for the services that are provided. That's... this is simply a permissive Bill, and that's why I guess I don't understand the reluctance to support it. We're not saying you have to join this network. We're not saying that you as a business have to be a member of the network and have your... the people who work for you receive services from the network. We're not saying the providers or medical providers have to be a member of the network. We're just saying you can, for the nonmedical services, charge fees based on a percentage."

Coulson: "So, well, I thank you for bringing that issue up. You're saying they don't have to be a member, but that over 50% or more of all the providers in downstate are members."

Hoffman: "I think that the testimony yesterday, you were there, correct me if I'm wrong, it was... I thought it was of general physicians. I don't think it was like surgeons..."

Coulson: "Yeah."

Hoffman: "Did you remember... I..."

Coulson: "I asked for more data on that yesterday... "

Hoffman: "... yeah."

Coulson: "... and really didn't get it yet, but..."

Hoffman: "Right."

Coulson: "... that's part of my problem, I don't have all the information here. But for example, if they are all

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members, the reason they're members is because it's very difficult in... apparently, in downstate for a provider to not be a member 'cause so many of their patients are also being covered by this network of physicians."

Hoffman: "But through this network, we're number one, we're able to keep health care affordable and accessible. And I don't think that we can quarrel with that. That is why the businesses have signed up with it, because they can reduce their costs. I think, that is why the people have wanted to be a member of it, because of the access and a cheaper access to health care. And so, I guess my point is, it's been working for 17 years, why are we based on what I think is an invalid opinion, not invalid it's valid, an incorrect opinion, changing the way that it's done?"

Coulson: "And I understand we want to keep health care affordable and accessible to everyone. My concern here, with what you've just said, is that we may end up putting the costs on other people, on people who are either not in the network or on providers who are not in the network. We don't know. In health care as you know, many, many times we'll put... let's say everybody decides to charge 5%, every insurer that can, every company that does administrative work does, that cost is gonna go somewhere. Now right now, you're being told by the unions and business people as you mentioned, that cost if we don't pass this Bill, that that cost is gonna have to be borne by them, the insurance and the business people, correct?"

Hoffman: "I think that's their belief, yes."

Coulson: "That's their belief. Well, if they believe that and we do pass this Bill, who's gonna pay for those 5% costs? They don't go away, it's gonna come somewhere. So who's gonna pay for it?"

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Hoffman: "It'll come... a percentage... the percentage will be based on the amount of fees that you provide. A fee that you voluntarily agree to receive by being a provider who joins the network."

Coulson: "So, either it's gonna come out of the provider's part of the fee or they're gonna have to raise their fees to be able to pay this fee, or maybe they have to make a copay so that the patient, which is really all of our duty here, will have to pay the fee."

Hoffman: "I don't believe the individual physicians can, on their own, make a copay. Okay? I think when they join the network and agree to provide services for a given reimbursement for services and an amount that they're gonna be reimbursed, they make some promises and they say that they're gonna abide by these conditions. So, I don't think they can go out on their own, be a member of the network, be a provider for the network and then charge additional costs. And with regard to your point and the point that people are making that's gonna be tacked onto the fee, it can't be. And the reason it can't be, is because the amount that you're paid for services is provided in the amount you agree to when you join the network, as a provider."

Coulson: "Thank you very much. To the Bill."

Speaker Hartke: "To the Bill."

Coulson: "I think that the last comment is exactly part of our problem. This is a very complex issue. All of us in this room are trying to get a handle on what's happening in health care today, costs are going up 5, 10, 12% a year. We don't know exactly why. But one of the reasons we don't know why is because, for example, we just were having a discussion on who's gonna pay that fee. Well, nobody

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knows, because as we've seen in health care over the 25 years that I've been teaching health care delivery, when we put a... a finger in the dike over here, the fees pop out all over the place. We don't know if it's gonna to go to the patient and they'll end up paying 5% more. It might, it might not. We don't know if the provider'll have to take it out of their pocket. We don't know if even it could end up coming out of the government coffers. We really don't know what this Bill does. It is a very complex Bill. I know people are trying to simplify it. But that finger in that dike, that little change here in health care, can cause all sorts of unintended consequences. This isn't a merely Bill. This is a Bill at the end of Veto Session that we are trying to look at a huge complex issue in less than 30 minutes or an hour here.

It flew through the Senate, no one really looked at it. We really need to take the time to look at this issue. No one is trying to deny that people who provide administrative services should not get paid. Absolutely, they should get paid. There's no question that when they provide a service they should get paid. But we need to know where those dollars are gonna come from. And I really would urge a 'no' vote so that we can continue to work on this issue, have hearings, and discuss this issue much more, than to try to fix a problem with what I believe will increase health care costs by whatever percentage each of these entities choose to increase their costs. There's a market here... when more than 50% of the market is covered by one entity, and I don't wanna name a name here, there is no market, there is no competition. And they can raise their fee, their percentage, whenever they want. The business of this is that if there's a cost involved it's

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going to be added to health care. If it's not added to the clients that are parts of this business, it may get passed on to those of us who are not these clients. And in addition, all of the insurers, all of the people who do administrative work now, based on this Bill, could start charging a fee. Well, there goes our costs again and we don't have any idea how much that is. We cannot afford, our society cannot afford, to willy-nilly pick at health care costs and have them increasing in double digits anymore. We are already in a crisis in health care. Please, let us look at this more carefully. Let us look at what's going on at the federal level. At the federal level it's still illegal to do this. Why are we changing the State of Illinois and putting us at an unfair competitive advantage? I would really urge a 'no' vote. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Stephens: "Have more people spoken on this or are there more people left to speak? Which is the greater number?"

Speaker Hartke: "You're the last speaker."

Stephens: "Well, in that case, I'd like to commend Representative Hoffman on a fine job of defending his Amendment, even though I'm opposed to the Amendment. He represents a part of my hometown of Troy, Illinois. He's always looking for ways to save money in health care and I appreciate that, Representative. Good job. Let's vote 'no'. And I move the previous question."

Speaker Hartke: "Representative Hoffman to close."

Hoffman: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I think it's really been debated. Let me just tell

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you why I'm carrying the Amendment. First of all, I want to make sure that what has existed for the last 17 years prior to the Attorney General's opinion, remains where we have the ability to have affordable, accessible health care, that you have providers who will provide good, quality health care. I believe that this does that. I think there is an issue as who's gonna pay. If we do not pass this Bill, I'm afraid the consumers of medical services in this state will bear the greater burden of these type of administrative, nonmedical costs. For that reason, I ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 800?' All those in favor of the Bill will vote 'yes'; those opposed to the Bill will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 47 Members voting 'yes', 50 Members voting 'no', and 18 Members voting 'present'. And the Amendment fails... Motion to Concur fails. Rules Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on December 4, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #4 to Senate Bill 1650."

Speaker Hartke: "On page 3 on the Calendar on Total Vetoes appears Senate Bill 1756. Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker."

Speaker Hartke: "You're welcome."

Feigenholtz: "I would like to Motion to Override the Governor's Veto on Senate Bill 56... Senate Bill 1756. Ladies and

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Gentlemen, when we voted on this Bill in May it got 114 'aye' votes and flew outta here. I'm relatively unclear why the Governor outright vetoed it and his Veto message was a little vague. This Bill is supported by the realtors, the press association. The Governor talked about cost in his Veto message, there is no cost on this Bill. And I would appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. I won't belabor the point. If I may just speak directly to the Lady's Motion. In today's Springfield Journal-Register, there was an article... I don't have it with me, so I'm going to paraphrase. But the Speaker's press spokesman, who I have a great deal of respect for, was quoted in the Springfield paper today of saying that the Speaker had suddenly reevaluated his position on a Bill that related to a medical district here in Springfield. And that the Speaker, while I believe he had voted for it last spring, had suddenly found some things in the Bill that were of concern to him and that therefore the Bill would be reexamined. And I find myself in the pleasant position of being in that company with the Speaker and the Speaker's spokesperson. I voted for this Bill last spring. I thought it was an exercise to open the process. But like so many things that we do here, what looks good on paper and sounds good in debate, when you go home and you talk to the people who have to deal with the rules and regulations that we make, you find out that, by golly, it just wasn't as simple and straightforward as we thought. In an ideal world, we would want all local units of government to post certain things on the Internet and then to add things like

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meetings, commissions, dates, et cetera, but I want to quote to you from a letter, it was sent by the City Clerk of the City of Danville, my hometown. These were things that I did not think of when I voted for this Bill last spring. Her letter to the Honorable George Ryan, Governor, is dated July 22, 2002. I'll just quote a few sentences. 'As City Clerk for the City of Danville, a town of about 37 thousand people, I would like to ask that you veto Senate Bill 1756. The City of Danville has 17 boards and/or commissions with separate secretaries in various locations, many of who are not even city employees and have no access to the Internet. To make it a requirement that all boards and all agencies be required to post agendas and minutes would be a major problem in getting items to our specialists for posting on the City of Danville's website. Currently, we have someone on staff willing to maintain our website; however, that may not be... always be the case. Staffing will be an issue in the future, especially with the various budget cuts that almost every municipality in the State of Illinois is facing. The City of Danville in 2001 made major cuts to its budget and had a reduction in staffing. If you mandate that the person who currently does this on basically a volunteer basis, we would have to maintain and hire someone to do this even if we then had to lay off another city employee such as a firefighter or a police officer. I feel many such cities... or many cities will begin posting council agendas and minutes on their sites, but to mandate such actions and add all boards and agencies of a municipal government would create such a burden that it would have the opposite effect of what your Bill... what this Bill attempts to do. Rather than try to maintain and expand the website to agencies that may not

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even be under the direct control of the city would simply create a burden and a cost they couldn't meet so they would take it off... they would just simply get out of the website business altogether.' That would not be in the best interest of the public and upon reflection, as Mr. Brown so eloquently said today in the State Journal-Register, upon reflection of the Bill that the Speaker looked at and voted for last spring and he now has second thoughts, I find myself in the same position. I voted for this Bill. I thought it made imminent good sense, but when you go home and you talk to people and you try to understand the difficulties that the Bill presents in a real life setting then you may have to admit that perhaps your vote was cast without all of the information available to you. And I don't think there's any shame in doing that on occasion. Someone said in politics once, I'd rather be right than consistent. And I think the right thing to do now is to realize that we may have imposed a mandate that many cities simply cannot afford to meet and rather than try to meet it, they will simply get out of the website business altogether which would have the absolute opposite effect of what we were trying to do with 1756. So, it's for that reason that I now rise in opposition to the Lady's Motion. I would ask, as most cities and municipalities in the State of Illinois have asked the Governor and asked many of you to do, to sustain the Governor's Veto and rework this Bill in a fashion the cities can comply with at the most reasonable cost and at the same time get information that is vital and necessary to the citizenry that they represent. This Bill goes too far, it costs too much money and in my opinion, and I agree with the City Clerk of the City of Danville. When faced

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with budget cuts, if mandated to do this, then they will simply say, we're not gonna have a website and if we don't have a website, we don't have to post it. So, I think in retrospect my 'yes' vote last spring was based on insufficient information. I now stand in opposition to the Lady's Motion to Override and urge my colleagues to sustain the Governor's Veto of this Bill and let's revisit it and work it in such a fashion that all municipalities who want to have a website can afford to do so and afford to put the information on there that they can and will be able to adequately obtain and then put on this website. To pass this Bill in its current form, in my opinion, will simply take dozens and dozens, if not hundreds, of cities out of the website altogether and that would have the opposite effect of what this Bill intended to do. I would urge a 'no' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis, Monique Davis."

Davis, M.: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Davis, M.: "I just have a couple of questions, Representative Feigenholtz. What about local school councils in Chicago?"

Feigenholtz: "I'm sorry, Mr. Speaker. I can't hear anything."

Speaker Hartke: "Shhh..."

Feigenholtz: "I'm sorry."

Davis, M.: "I was just asking about local school councils in Chicago. What about the local school councils in reference to putting this information on the website, who would be responsible?"

Feigenholtz: "Representative, if the local school council is part of the Chicago Public School System and the Chicago Public School System has the host website, they are not

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responsible to post. I don't believe they are."

Davis, M.: "The public school system would not be responsible to post."

Feigenholtz: "No. The LSC wouldn't be... you just asked..."

Davis, M.: "But the local school council members..."

Feigenholtz: "No, they're not."

Davis, M.: "So, no one would be..."

Feigenholtz: "It's only if an office has a web... a staff person who does their website. So, there... Ladies and Gentlemen, the Illinois Municipal League was a little... also a little concerned about this Bill. And they actually worked with the Senate Sponsor, Senator Cullerton, on this, so that there was a wide berth around this issue. And so, to answer your question, Representative Davis, I would imagine that the LSC had a website and a person who is staffed to do their website they would... they should post their meeting notices and minutes."

Davis, M.: "But let's just say, the person who does the website is someone they hired for a one-time event to..."

Feigenholtz: "No. There is no... then they don't have to post."

Davis, M.: "Okay. Does your Bill say that?"

Feigenholtz: "It's not mandatory."

David, M.: "Okay. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Mulligan."

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative, the things that you're asking to be posted are all available in other ways, aren't they?"

Feigenholtz: "You know, Representative Mulligan, I think the Open Meetings Act was actually written in 1957, long before the Internet was invented. And before the Internet was

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invented it meant putting a sign on the outside of a door which is clearly in the 'wayback machine' compared to how we can disseminate information to put sunshine on meetings... and open meetings. So..."

Mulligan: "But those are only changes..."

Feigenholtz: "... the old way was to put..."

Mulligan: "... within a certain length of time. The Open Meetings Act has been updated any number of times and I think, a lot of us who voted for this initially didn't think of the overall consequences of it. In some places... I mean, the Internet's a great thing, but everything that you ask to be done can be obtained in other ways and many city councils will fax it to you or many bodies,... municipal bodies..."

Feigenholtz: "I can't hear you. I..."

Mulligan: "Most of... everything that you asked to be posted can be obtained in another way. And what you're doing is you're putting in additional mandate. Although I voted for it initially, I had my local communities contact me and say, you know, we have a website, but we only have one person that does it. It's a person that does three other things and to put all this stuff on for all our meetings is a lot, they're all available in other ways. And it is a mandate and they were not... they were not particularly happy about it. So, in retrospect, although it would appear that we're voting against the Open Meetings Act, what we're doing is we're just voting for a little inconvenience on the parts of the people that want it to be able to get it in other ways. And communities that can't afford to and do keep their website up will do it anyway. But it's a difference between a mandate for people that can't all do it or would hire another person and allowing

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them to do it and maybe at some later date going here."

Feigenholtz: "There's no mandate in this Bill to hire somebody to do a website, Representative. This Bill simply says, if you already have a person managing your website, please post meeting notices and minutes. There... if you are exempt, if you do not have a full-time web time... web person, if you don't specifically have that. I'd like to..."

Mulligan: "A lot of cities don't do that. One of my communities that contacted me and discussed it with me, the person that does the website does multiple other functions and they put some things on, but they don't do all the minutes because they have a lot of different mee... a lot of different groups that meet and they're a fairly sophisticated community. In order to comply with this, they either have to have another person because they already have the website which they don't want to get rid of because it is a convenience to a lot of people or they have to divide the duties of another employee in order to keep it up. My only concern with this is I tend to agree with them. I don't think that's fair in this climate to put that mandate on them and I think it is a mandate because they already have the website which we enjoy and we're all linked to and the other issue is, we're not denying this information to anyone because you can get it in any number of ways, so we're not really going against the Open Meetings Act. You're just trying to be a little more technologically hip and I think a lot of communities are gonna do that and will eventually do it, but I think, under this time, I don't think we should put an extra mandate on our communities."

Feigenholtz: "Representative Mulligan, do you have a website?"

Mulligan: "Yes, I do and, boy, it's tough to get it done."

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Feigenholtz: "So, do I and I, actually... I think it's actually much simpler than you think. The person who is typing up the minutes, that have to be distributed at the next meeting anyway, that puts... "

Mulligan: "Well, there's a couple of different people. But, Sara, if you take a fact that most communities have hearings on all kinds of things. They have five different boards, maybe, if they're a sophisticated community. They also have hearings on budget. To keep doing this and update it in a timely manner takes a lot of time. So, although some people can accommodate it and probably will and are starting to do it now, others cannot and it's gonna cost 'em more money. And the only point I'm making is, I don't think we're denying anyone open access to any of these things. They just can't sit back in the convenience of their office and just dial it up whenever they want, they may have to call somebody or go over and pick it up and I think they can still get it. And why should the communities in this type of climate, while we're denying them revenue from the state level, be forced to pay money or to maybe not do a website if they were planning on it because of the enormity of doing the website"

Feigenholtz: "You know, Representative, I think it's a relatively small price to pay and it's really not that burdensome. And the Chicago Tribune actually editorialized about this Bill, although it's a small step. The Tribune did say that it created... since the Internet and this original law was created long before the Internet, that the Open Meetings Act quaintly requires notices of meetings to be posted on bulletin boards by an agency's main offices. In effect, only the most dedicated or connected followers of a particular agency's proceedings will know when the meetings

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are and held then, only so, by visiting the offices daily and looking for a posting or the other methods that you're referring to that aren't always accessible to people when they, ya know, have the luxury of signing on to the Internet in the middle of the night if that's what their schedule allows. The final paragraph says, 'Enter the Internet and the myriad websites of government agencies. The proposal would require that meeting notices be posted on an agency's website and that the notification period be extended to 72 hours. The minutes of the meeting would also have to be posted on the site. It's a good idea; it's simple and has the potential to let more people know what government is doing for them or to them.'

Mulligan: "Well, in our community..."

Feigenholtz: "This is a 'sunshine' Bill, Rosemary."

Mulligan: "I understand that, Sara. What you're making it appear is that if we don't go along with it right now, we're voting against the Open Meeting Act. I disagree with that because I think all of those things are available. I'm a strong proponent of open meetings, but this has elicited no more than at least ten phone conversations back and forth in my office from different local communities, faxes and the discussion of how they were gonna comply with it and how much it was gonna cost them. Some of 'em decided they'd probably bite the bullet and do it, but if they didn't have to, they'd prefer not to because of the different con... difficult constraints they have with finances. Almost every one of my local communities is in a different position now than they were a year ago on their budgets of where they're going to be. School districts, we're arguing that right now, that's the same position. So, putting this off for a little while and allowing people

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that can do it to do it and then maybe at some later date coming back when more people have the technology or will not postpone doing the technology for at least the agendas and some of the simple stuff I think is a more appropriate thing to do. And as much as I like you, Representative Feigenholtz, and agree with most of the things you represent, I... in retrospect, even though I voted for this the first time around, I tend to agree with the Governor. I think we could postpone doing this and I don't think we're doing anything against the Open Meetings Act by doing that. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Garrett."

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

Speaker Hartke: "Yes, she indicates she will yield."

Garrett: "Sara, I like this Bill, I think it's actually a good Bill. And I have a couple of questions, because it's a little confusing. If you were a municipality such as, Danville, and you didn't have a website or anyway in which to post any of these meetings, would you be required..."

Feigenholtz: "No, no, no, no, no."

Garrett: "So, the communities that don't currently have access to a website would not be mandated by the State of Illinois?"

Feigenholtz: "Right, and even if they do have website, but they don't have a full-time staff person working their website, they're also exempt."

Garrett: "So, this isn't an unfunded mandate. What this basically does is say to those public organizations that we are asking you to put on your Web page all information that may open up the process to provide more information to taxpayers and the citizens of this state?"

Feigenholtz: "Correct."

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Garrett: "And the reason that Governor Ryan vetoed this Bill was that he felt it was, I'm guessing, too expensive, is that what you stated earlier?"

Feigenholtz: "Well, I... ya know, I think that in his veto message he articulated that would cause undue financial burden on public bodies when the question you just asked me clarifies the fact that that's... there is essentially no cost, I mean, it's one more thing to put on your website. It's not like we're excepting people to set up websites and hire people to run their websites to do this."

Garrett: "To the Bill. As a..."

Speaker Hartke: "To the Bill."

Garrett: "... taxpayer and a citizen and now a Legislator, I feel it's incumbent upon us to find ways in which to make the democratic process much more open and accessible. And if we are willing as Legislators to provide better direction for municipalities and all other public organizations to do something that is really quite simple and will provide much more needed information to the people who want to find out about it, then we should vote to override this veto. This is a very important piece of legislation. And for everybody who has worked with their municipalities and their schools many of us don't have the opportunity to go to our local city hall or school board and get this information in a timely way. This is something that is very important to the citizens of this state. And I ask you for a 'yes' vote. 'Yes' vote."

Speaker Hartke: "Further discussion? Chair recognizes Representative Mathias."

Mathias: "Will the Sponsor yield?"

Speaker Hartke: "Representative Mathias."

Mathias: "Yes, will the Sponsor yield?"

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Speaker Hartke: "Sponsor will yield."

Mathias: "Representative, do you know what percentage of the websites that currently are being maintained by public bodies do not contain this information?"

Feigenholtz: "I'm sorry. Could you repeat the question?"

Mathias: "I said, do you know of all the public bodies that now have websites, do you know what percentage of them..."

Feigenholtz: "No, I don't."

Mathias: "... don't maintain this information already?"

Feigenholtz: "No. No, I don't know."

Mathias: "I mean, is there... I just wanted to know. Was there a problem that why this Bill came up in the first place, that someone couldn't get information?"

Feigenholtz: "I think that there were a few situations, perhaps one in the City of Chicago, that may have been one factor in this... proposing this Bill. But I think, Representative Mathias, it's... ya know, we're here to remediate and we're here to inform the public about what we're doing. I know that one of the things I like to do is try and bring openness and integrity back to holding public office, which is not always an easy thing to do given the nature of the universe. So, I think that it's incumbent upon us as technology advances and people settle into it. I do realize that for some this is a leap... a technological leap, both financially and philosophically and I think that this Bill is fair and it rectifies that. I think that there is a lot of flexibility around who doesn't have to do this and I think it's a warm and fuzzy kind of Bill. And... but to answer your question, I don't have a head count on what cities and what municipalities do or don't have a website."

Mathias: "But this Bill only applies to those villages or

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whatever public bodies that are voluntarily maintaining websites, is that correct?"

Feigenholtz: "Correct."

Mathias: "To the Bill."

Speaker Hartke: "To the Bill."

Mathias: "I agree with Representative Black's previous comments and would like to add a few of my own. I think it's... I think what the Representative is trying to do is very commendable and I think that the public deserves this information. Where I differ is where we have a voluntary... where a public body voluntarily agrees to maintain these sites and now as a present to them for voluntarily coming up with this information, now we're gonna mandate what they're gonna put on the sites. And that's... that's what bothers me. I know in my own hometown, of course, when I was mayor I made sure we did have a website like this. That was strictly within our town and we did maintain all of the information that was requested, but I think I would've resented if someone said, hey, now that you're doing this voluntarily, make sure that you put, ya know, these five things on your website or else you can't maintain it. And to me, I think that's wrong. I think we wanna encourage our public bodies to maintain websites and to put as much information as they decide they wanna put on there. I don't think we should penalize them for doing something voluntarily, where other communities and public bodies that don't have websites, they don't have to comply with this law. So, I... I... while I commend the idea that we should have this information given to our citizens, I oppose the Bill. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Lyons, Eileen Lyons."

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

Speaker Hartke: "Sponsor will yield."

Lyons, E.: "Representative Feigenholtz, I'm just curious about your warm, fuzzy Bill and what might be underlying within that Bill. What would be the consequences for those municipalities that do not comply? Would they be subject to liability? Or would they be... I guess my question is, would they no longer... if they don't comply would they no longer be able to maintain a website or would they be actually liable for not doing it?"

Feigenholtz: "I'm checking with an opponent. No, ya know what, I don't believe that there is, Representative."

Lyons, E.: "So, what would be the consequences if they did not comply? Would that mean they would..."

Feigenholtz: "There are none, there are none."

Lyons, E.: "... they would no longer be able to maintain a website? It is a mandate, so what are the consequences of not fulfilling the mandate?"

Feigenholtz: "There are none. I mean, it's not, ya know, capital... you don't get beheaded, you don't have to, ya know..."

Lyons, E.: "But could a..."

Feigenholtz: "No, there are none."

Lyons, E.: "... constituent of a municipality sue the municipality for not complying and giving the information that they're supposed to give, if they're mandated to do it?"

Feigenholtz: "None that I can see, Representative."

Lyons, E.: "Well, the information I'm getting, Representative Feigenholtz, is that the Open Meetings Act is open to civil suits, so that they would be liable."

Feigenholtz: "Representative, I believe that the penalties that

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you are being informed about were actually applied to the current Open Meetings Act as it stands in statute. There are no punitive damages attached to this Bill... or not in this Amendment."

Lyons, E.: "So, Representative, this... this addresses the Open Meetings Act, does it not?"

Feigenholtz: "Yeah, it does."

Lyons, E.: "And the Open Meetings Act is open to civil suit. So, therefore I would think there is a liability."

Feigenholtz: "I have been informed by Representative Franks that it's a sa... it's a... it's the same... they're the same penalties. But, Representative Lyons, let's go back to the Amendment. The Open Meetings Act exists. This is a 'merely' Bill. It was debated by the Il... it was negotiated by the Illinois Municipal League to address some of the problems that municipalities have had on this issue. Members have gotten up today and said that they have heard from other municipalities that they represent that this Bill will be a problem. I'm the Sponsor of the Bill, I have heard nothing of it. So, this is all news to me. What I believe was, the Municipal League was neutral on the Bill and helped craft language that made this Bill okay. The only thing that happens in this Bill is that people who have a website, that have an operating functioning website, post notice of meetings and post minutes after those meetings. That is all this Bill does."

Lyons, E.: "I understand that, Representative, and my concern is if they do not do that... if they have a website, they are required to do it, it is mandated that they do it. If they don't do it, my concern is what are the ramifications. And... to the Bill."

Speaker Hartke: "To the Bill."

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Lyons, E.: "I would just caution everyone. I know we all voted for this earlier in the Session, but I think we were unaware, except for Roger, I think we were all unaware of some of the ramifications that we should think about now and consider the Governor's veto."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. As my name was used in debate."

Speaker Hartke: "Again."

Black: "A quick question of the Sponsor. Representative, I think I heard you say this Bill does impact the City of Chicago, correct?"

Feigenholtz: "It involves all cities, I would imagine."

Black: "Yeah... there are no exemptions. All right. Can you give me a rough idea of how many boards, commissions, and agencies under the umbrella of the City of Chicago exist? Would there be a thousand? Would there be five thousand?"

Feigenholtz: "I would say kazillions."

Black: "I... I agree there we're..."

Feigenholtz: "But there not involved in this Bill. They do..."

Black: "Yes, yes, they are, Representative."

Feigenholtz: "No, they're not."

Black: "That... that..."

Feigenholtz: "They are not."

Black: "In all due respect, if you'll read the Bill as I have, they are involved. And that is the ultimate flaw in the Bill. Now, the city court..."

Feigenholtz: "Representative, can I cite the statute for you?"

Speaker Hartke: "Excuse me. Excuse me. Representative Feigenholtz..."

Black: "Mr. Speaker."

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Speaker Hartke: "... would you please let Representative Black ask the question? You answer the question."

Black: "Mr. Speaker. Hey, Mr. Speaker."

Speaker Hartke: "One at a time, please. Thank you."

Black: "Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "To the Bill. I have read the Bill, a number of times. It's a very simple Bill, as the Sponsor has indicated. Everyone in this chamber except one person voted for it last spring. I was one of the those who voted for it. Now, I didn't here from the Municipal League. I didn't get a letter from the city clerk of my home town. I wonder why? She obviously had the Roll Call. She knew I voted for it. She wrote the Governor, asking the Governor to veto it. Because she... the city clerk understands the ramifications of this Bill far better than I did last spring. Because she has to see to it that the Bill is complied with. Now, she is a very intelligent woman. And I just simply say to you, if the City of Danville has 17 boards and commissions with separate secretaries in various locations throughout the city, many af these secretaries are not employees of the City of Danville, but because they get a portion of their money from the City of Danville tax, like the public building commission, they must be posted on this website. There is no exclusion. All public bodies under the aegis of this website, must... their agendas must be posted, and their minutes must be posted. And the city clerk goes on to say, we want to do this, but we have a volunteer, in a city of 36 thousand dollars. We have a volunteer that maintains our website. Now, if you're going to make us put on as many as 20 agendas per week, the volunteer is gonna say, uh, uh, I want paid. The City of

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Chicago cut \$200 million out of its budget. The city... the City of Danville cut over a million and a half. There is no money to pay this person. So, let me tell you what the result will be. As I tried to say earlier, it's very clear. If you have a website, and you don't have the resources to maintain it, you will drop the website. And then if you drop the website, you are not impacted by this Bill in any way, shape, or form. You're out of it, completely. That, I think, has the opposite intent of what the Sponsor intended last spring. I agree with the Sponsor. Sunshine is good. I have sponsored many an open meetings Amendment and will continue to do so. But I don't think there's anything inherently wrong with getting up when you hear from people who are at the job site everyday and do the job. When you hear from people who say, I can't comply, and all you're gonna cause us to do is to drop our website and there will be less information at your fingertips. Because if I drop my website I don't have to comply with this at all. Don't take my word for it. Call Janet Myers, the City Clerk or the City of Danville. Janet Myers knows more about this Bill, I daresay, than any of us on this floor because she has to implement it. What is wrong with us when we don't listen to the people who actually have to do the work that we mandate? Is there some shame in saying we may have made a mistake? We had good intentions. We all want sunshine. We all want the Open Meetings Act. As Janet Myers, who I don't know personally, clearly points out, your Bill will have the opposite effect. We cannot implement it. Therefore, we will drop it and if we drop it, we're not covered by your Bill at all. So, we haven't put more sunshine, we've put less. We need to go back, review this Bill, fine tune it

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and maybe get the help of city clerks, like Janet Myers, all over the State of Illinois to help us do a law that they can comply with and that they will comply with. All of us here want an Open Meetings Act, but it's interesting to note, very interesting to note, that we specifically exempt the General Assembly from the Open Meetings Act. Maybe if we... maybe if we had to comply with the Open Meetings Act, we would've known more about the implications last spring and there would have been more than 1 'no' vote. I don't want to... belabor the point. I have great respect for the Sponsor and great respect for the Open Meetings Act. But every once in a while in this business, you better listen to people who live in your hometown, as I am doing, and you better listen to people who have to make things that we do here, work. And if she says it won't work the way we intended it to, I believe her, and I'm going to support her request to uphold the Governor's veto."

Speaker Hartke: "Representative Feigenholtz to close."

Feigenholtz: "Thank you, thank you. Representative... Mr. Speaker, the previous speaker, who I will definitely not name, mentioned something about volunteers maintaining a website. Again, if you read the language in this Bill, it says, 'by posting a notice on a public body's website, if the public body has a website that the staff of the public body maintains.' So, volunteers do not fall into that category, Representative. The second thing that I'd also like to have you reference, in the underlying Open Meetings Act, when you were talking about the many, many offices under the City of Chicago, the underlying statute and I quote says, 'an agenda for each regular meeting shall be posted at the principal office of the public body.' Not at

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every single committee, and every single agency. So, the clarification on that is already currently in law. It is one principal office. It is not a million different offices. So, with all due respect, this is really a simple Bill. There is great latitude to it. If you believe that the public has the right to access information about what's going on on the Internet instead of having to walk to a municipal office to see if something is posted as the Tribune reminds us, please vote 'yes' to override the Governor's veto. Thank you."

Speaker Hartke: "The question is, 'Shall Senate Bill 1756 pass, the Veto of the Governor notwithstanding?' The Motion requires 71 votes. This is final action. All those in favor will 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 Motion, there are 18 people voting 'yes', 97 people voting 'no', and 0 voting 'present'. And the Motion fails. At this time the Chair would like to introduce a former Member, Represen... former Representative, Mayor Karen Hasara. Karen, welcome to the House Floor. Rules Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on December 4, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' Senate Bill 1609; Amendatory Veto... Motion to accept Amendatory Veto on Senate Bill 1622 has been recommends 'be adopted'."

Speaker Hartke: "On page 2 of the Calendar appears Senate Bill 1976 under Second Bills-Second Reading, Representative Brunsvold. Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 1976 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brunsvold, has been approved for consideration."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies, and Gentlemen of the House. This is a Bill I described before when we were the TIF legislation. This simply clarifies a law in respect to their priorities of distribution of assets regarding a receivership. The Department of Insurance is okay. They have worked with the insurance industry to clarify this language and put it in statute so everybody's clear about how this is going to happen. And I would ask for... and I know of no opposition and I ask for the adoption of the Amendment."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1976?' All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 3 of the Calendar, on Amendatory Veto Motions, appears Senate Bill 2117. Representative Klingler. Representative Klingler on the Amendatory Veto Motion Override."

Klingler: "Thank you. Thank you very much, Mr. Speaker. I urge the Members of this Body to support my Motion to Concur in the override of the Governor's Amendatory Veto of Senate Bill 2117. This is the Bill which created the Springfield Medical District and it's an issue which Mayor Karen Hasara, who's here with me today, has worked on very hard

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for over a year and a half. It's important in Springfield after government, the medical community is the largest employer. And it's really a very important economic tool for the area. The hospitals and the SIU School of Medicine were eager in creating a planned development for growth similar to the Chicago Medical District. However, we have areas of single family homes, particularly such as the Enos Park Neighborhood, which is an older neighborhood which has gone through a lot of blight, a lot of decay, and which has worked very hard to bring itself up. And it wanted to be certain that it had a vote in any say of development."

Speaker Hartke: "Shhh."

Klingler: "The neighbors... the neighbors were not satisfied with merely an advisory committee which was the initial proposal, but they wanted to actually be part of the commission and part of the vote. So, this is the reason that the commission does appear large, it's to work with the neighbors and the neighborhood association. And again, the Mayor has negotiated this for a year and a half and I strongly urge your support."

Speaker Hartke: "Is there any discussion? Chair recognizes Representative Franks, on the Motion."

Franks: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Franks: "I just had a couple of questions, Representative. I know what you're trying to do here and we all supported your Bill..."

Klingler: "Thank you."

Franks: "... when it first came up. Would you be willing to consider another Bill which would have less members on the commission?"

Klingler: "The question for those who didn't hear, would I

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consider a Bill with fewer members. The problem is that the city and the state... the Legislators who have worked on this and then the Mayor have been negotiating with the neighborhood's association and they very much did not want this to be simply an advisory committee, but wanted to be having a vote. And so, this is why they wanna be part of the commission."

Franks: "Well, even if they maintain voting status, could we still do one with less commission members? It wouldn't be quite so unwieldy."

Klingler: "I'm sorry. Mr. Speaker, it's so... what'd you say?"

Franks: "Assuming they still had the right to vote, would you be willing, because the Governor, I thought, made some good suggestions here in streamlining the commission. Would you be willing to allow that, if they were all voting members?"

Klingler: "The Mayor and the members in Springfield have worked so hard in this feel that if after a year and a half and getting the membership set that it's really too late at this point to turn back. They would like to go ahead and override this Amendatory Veto and go back to the way it passed. And I would mention that this Bill passed the House unanimously 114-0."

Franks: "As I said before, we did support it, but Representative Black, and when he was talking... I had to put him on there."

Speaker Hartke: "Please."

Franks: "When he was talking about a two... a Bill two times ago and we have to reflect and see if we can have a better Bill. I guess my question is I'm learning now, why would the Springfield commission be twice the size as the one for Chicago?"

Klingler: "As I understand and the Mayor has been talking with

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Tom Livingston, who is the Director of the Chicago Medical District. And by the way, the Chicago Medical District cost the state money, it cost one and a half million dollars when it was formed. This is not requesting any money at all from the state. But, Tom... Mr. Livingston, mentioned that there were no established neighborhoods, such as we have in this area. And he said in retrospect because of our becoming... some residential areas near the Chicago Medical District that that... they should have been included."

Franks: "Okay. To the Bill, Mr. Speaker. Representative, I respect what you're trying to do and I believe it was a good Bill when you introduced it. I mean, that's why we all voted for it. But I... it pains me to say this, but I think the Governor's Veto makes it a better Bill. I agree with the Governor here. And at a time of economic hardship and people being upset with the bloated bureaucracy in government and I am one of those people that are upset with the bloated bureaucracy in government, that I would urge the Members to vote 'no' on this, because I believe we can do a better Bill. And I'm told that we are going to have another Bill, still accomplishing your goal, but in a scaled-down version so we don't have to have so many people. So, I would keep the dream alive here, but I'd vote 'no' on this Bill and wait for a better one, which I'm told's gonna be happening very soon. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I, too, rise in opposition to the Motion to Override the Governor's Veto. I think his veto makes a lot of sense. We have an example in the State of Illinois, have for many years, of a

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medical district, a commission similar to the one that Senate Bill 2117 attempts to create. That's the one in the City of Chicago. It works effectively in part because it's seven people, not sixteen. It works effectively in part, because it is not guaranteed to reserve spaces for particular facilities, or particular interest groups that may have some stake in what's going to happen within that district. All of us support the idea of economic development along a medical center line, but I think that this Bill was not carefully crafted to make sure you'd have a commission that actually can do the job. Sixteen members is too many, specifying all of these individual health care organizations and providers I think creates inherent conflicts. And finally, when it comes to the concern on the part of the members of the community, nothing in the Bill we will offer after this Motion is heard... nothing would prevent the good Mayor of Springfield or the good Governor of the State of Illinois from seeing to it that there is community representation among the seven members of that commission. So, I... it's a red herring to think that rejecting this Motion to Override the Governor's Veto, a red herring to think that that would therefore preclude community participation. We know that as the Mayor and the Governor negotiated this whole concept, they were both very concerned that there be community participation. Nothing in the legislation the Governor offered and that we will offer will preclude community representation, but it will avoid an unwieldy group with too many spots reserved for special specific interests. I urge your 'no' vote. Let's stand with the Governor. He was right about this, as many of you seem to have thought. He was right about the Bill requiring that websites carry meeting notices for the local

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governments."

Speaker Hartke: "Further discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies..."

Speaker Hartke: "Briefly."

Black: "...and Gentlemen of the House. I rise to support the Lady's Motion to override the Governor's Veto. You know, I have great respect for the Speaker and his spokesman. And when I read in the Journal-Register today that the Speaker had revisited this Bill, that's fine. That is his... that's his obligation as the Speaker. I have great respect for him and if he reexamined it, it's fine, but he's allowed the Bill to be called, so I assume that some of you are free to do what you want to do on your side of the aisle. Now, in matters of Chicago, I will often defer to the knowledge of the Speaker or to Representative Burke, or any number of colleagues on that side of the aisle who understand the makeup of the City of Chicago far better than I. Now, you know, fair is fair here, folks. A little earlier today, in fact, at 1:51 p.m., almost all Republicans voted for Senate Bill 1128 to expand the advisory board of the Metropolitan Pier and Exposition Authority from 12 to 18 members. She's asking for 16. We gave you 113 votes to expand the advisory board for McCormick Place. We deferred to your judgement. You know the City of Chicago better than most of us. We have some measure of trust. We asked the question, we got an honest answer, I think. It was to better represent the diversity of the City of Chicago, we joined with you and we were proud to do so. But now you stand up and tell us, those of you from the City of Chicago, that you understand the complexities of Springfield better than the Representative from the City of Springfield and the Mayor of Springfield,

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who formerly served in this chamber. Now, come on, fair is fair. You've just expanded a board that is a complicated board of a hundreds of hundreds of millions of dollars of cost and of great benefit to the city, we agreed that you could take it from 12 to 18 and eliminate the expiration date of board members. We had some measure of trust in you that you wanted McCormick Place to fairly represent the diversity of the City of Chicago. All Representative Klingler is asking that she be allowed to represent the complexities and diversities of the City of Springfield so that all neighborhoods are involved, all neighborhoods are able to participate, all groups of people are able to participate, so that the hospital just simply doesn't go into a neighborhood, gobble up all the property, tear it down and expand. And the people can go anywhere. The heck with the people. This is a matter of inherent fairness. The people in Springfield understand the needs, the complexities, the diversity of the City of Springfield. As we joined with you earlier today to give you the permission to expand the McCormick Place Authority Advisory Board from a dozen members to 18. She's asking for a 16-member board to fairly represent the diversity of the City of Springfield. I have heard no one speak in opposition to the merits of the Bill. The only opposition I've heard is that 16 members may be too many. Maybe 18 members was too many people for the McCormick Advisory Board, but we joined with you, we trusted you, now trust us. Trust those of us who don't live in the City of Chicago that we will do what's best for the people that we are elected to serve as Representative Klingler had been elected to serve. I ask for an 'aye' vote. It's a simple matter of fairness."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Sangamon, Representative Poe."

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

Speaker Hartke: "The Sponsor will yield."

Poe: "Just a couple of quick questions. Are these board members going to be paid?"

Klingler: "No, they're not. These members serve voluntarily."

Poe: "Okay, what about... Is there any cost to the State of Illinois?"

Klingler: "There is absolutely no cost to the State of Illinois. No money has been requested from the state and no money will be requested. The Bill gives bonding authority to the medical district as appropriate time it may exercise that. But there is no cost to the State of Illinois."

Poe: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Poe: "Ladies and Gentlemen of the House. I think this is really, fairly simple. We all voted this through last spring and the only changes the veto would make was just reduce the size of the board. As Representative Klingler said, a year and a half of negotiations, we wanted to make sure our neighborhoods were represented. We wanted to make sure the city council was represented. We also... about the medical district and also the Governor's Office. So, we'd ask you to help Springfield. This is a major medical hub for all downstate Illinois. And this will bring economic growth to Springfield and the many jobs that we need. What happens if we don't do this, we have different businesses, different medical facilities come into Springfield and there's no way that we can monitor how that's gonna happen. With this committee and district, we can plan. The medical district represents at least 15 to 20% of the jobs that are in Sangamon County and we'd like to see that increase. I

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think it also is we've got a great medical school that would be in this district. It creates federal matching dollars, better research. We can expand our cancer center. And so, I would ask you to vote 'yes' to override this veto. Thank you."

Speaker Hartke: "Representative Klingler to close."

Klingler: "Thank you, Mr. Speaker. Before I was a Member of the General Assembly, I served as an alderman in the City of Springfield in a ward that represented, basically, some of the center part of the city. And I know as my experience as an alderman that one thing its citizens really feared were developers coming in and tearing down buildings and putting up buildings, commercial buildings, big neon signs, parking lots, in their residential neighborhood. And I know this fear continues to this day, not only the area where I used to represent in the center of Springfield, but also on the far west side. And it also really exists on this north side area by the hospitals. Because they're very concerned that if we don't have a plan where the neighbors have a vote that what's going to happen is you're gonna have, basically, spot development and spot zoning and developers or businesses or interests coming in that have a lot of money, one by one, piece by piece and tearing down property with no logical plan. I think this would produce a plan that would protect neighborhoods. This larger commission was put in place to protect neighbors, protect neighborhoods and I strongly urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 2117 pass, notwithstanding the Governor's specific recommendation for a change?' This Motion requires 71 votes. And this is final action. All those in favor signify by saying... by voting 'yes'; those opposed by voting 'no'. The voting is

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open. Have all voted who wish? Have all voted who wish?
Have all voted who wish? Have all voted who wish?
Representative Garrett, Representative Lang, Representative
Younge, you have not voted. Have all voted who wish? Mr.
Clerk, take the record. On this question, there are 57
Members voting 'yes', 38 Members voting 'no', and 19
Members voting 'present'. And the Amendatory Veto Motion
Override fails. Representative Black, for what reason do
you seek recognition?"

Black: "Yes, Mr. Speaker. I will sim... I will very quickly file
a written notice to reconsider the vote by which Senate
Bill 1128 passed today. I'll ask it be put on the Calendar
tomorrow and we will insist upon our rights to have that
heard. If you want to play games, you can have 18 members
but we can't have except what you tell us to, then by god,
we'll revisit the McCormick Place issue."

Speaker Hartke: "On page 3 of the Calendar appears Senate Bill
1622, Representative Saviano on an Amendatory Veto Motion.
Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate
Bill 1622, I made a Motion to accept the Amendatory Veto.
There's really no opposition to this. The purpose of the
AV was just to accommodate the City of Chicago that this
Bill pending the writing of the rules wouldn't upset the
current way they do business currently in the City of
Chicago. And I would ask that we accept the Amendatory
Veto. Thank you."

Speaker Hartke: "Is there any discussion? Seeing no one is
seeking recognition, the question is, 'Shall the House
accept the Governor's specific recommendation for change
with respect to Senate Bill 1622?' All those in favor will
signify by voting 'yes'; those opposed by voting 'no'. The

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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 Motion, there are 110 Members voting 'yes', 5 Members voting 'no', and 0 voting 'present'. And this Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendation for change regarding Senate Bill 1622. The Chair recognizes Representative Winkel."

Winkel: "Thank you, Mr. Speaker. I'd like to make a Motion. I move that the posting requirements be waived for Senate Joint Resolution 56, so that Resolution could be heard in committee."

Speaker Hartke: "You've heard the Gentleman's Motion. Is there any objection? Seeing none, the Motion is accepted. Mr. Clerk, what is... on Supplemental #1 appears Senate Bill 2424. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 2424, a Bill for an Act concerning state finance. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Leave that Bill on Second Reading. Supplemental Calendar distribution. Mr. Clerk, Rules Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on December 4, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #1 to Senate Bill 1609. Supplemental Calendar #2 is being distributed."

Speaker Hartke: "On Supplemental Calendar #2 appears Senate Bill 1609. Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 1609 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Klingler to present the Amendment."

Klingler: "Mr. Speaker, I would first urge for the adoption of Amendment #1 to 1609 and Amendment #1 becomes the Bill."

Speaker Hartke: "Would you explain the Amendment."

Klingler: "Amendment #1 is identical to Senate Bill 2117, the Springfield Medical District Bill, which we just debated, however, it does make changes to the... to the commission from the original Bill. The changes that were made say that four members would be appointed by the Governor with advice and consent of the Senate, four members appointed by the Mayor of Springfield with the advice and consent of the Springfield City Council, and one member appointed by the Chairperson of the County Board of Sangamon County."

Speaker Hartke: "Is there any discussion on the Floor Amendment #1? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1609?' All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1609, a Bill for an Act concerning health facilities. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Klingler."

Klingler: "Thank you, thank you, Mr. Speaker. Mayor Hasara and I have discussed this proposed Amendment, and we're hopeful that this would be passed by the Body. The one concern is

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that there is no guarantee about neighborhood representation, which is the original reason that the Bill... the commission was larger. However, I know that, obviously, the current Mayor is committed to neighborhood representation and we're hopeful that that would continue, although it would not be set into law, about the composition of the board."

Speaker Hartke: "Further discussion? Representative Poe."

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

Speaker Hartke: "Sponsor will yield."

Poe: "Just one question. As we look at this new makeup, is there still an opportunity that the local neighborhood associations can be represented?"

Klingler: "There's an opportunity for local home neighborhood associations and any other individual, or group to be represented. However, it's not written into the procedure."

Poe: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Poe: "I would just ask everybody to go ahead and vote for this. But I still want to make sure everybody concerned, that our neighborhoods are represented and I feel that that will happen with the appointments from the Mayor's Office and maybe the Governor's Office. So, as long as the neighborhood associations are represented, I think we ought to vote 'yes' and move this on forward. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Senate Bill 1609 and let me reach across the aisle and thank the Majority Leader for her work on this issue. Let me thank the... the humble

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spokesperson for Speaker Madigan, young farm boy from St. Louis, who also reached out and helped us put this compromise together. A half of loaf is certainly better than none. And I think it's a good gesture... a gesture of goodwill on my good friend... for my friends and colleagues on the other side of the aisle. This allows 9 members rather than the 16. I think Springfield can work with that number. And as my colleague, Representative Poe, said be able to reach some agreement with the various neighborhood constituencies on medical expansion. Now, I appreciate the fact that you allowed us this time and this ability and extended the olive branch of compromise. And in that spirit, pursuant to House Rule 65, I will withdraw my request for an immediate reconsideration of Senate Bill 1129, which you probably wouldn't have granted to me anyway. But... in that same spirit, I'll withdraw my request for reconsideration. Again, urge an 'aye' vote and again in all sincerity, thank you for this willingness to compromise on this issue. It's very important to the people of Springfield."

Speaker Hartke: "Representative Klingler to close."

Klingler: "Thank you. I also want to thank Representative Currie, for drafting the Amendment and also for letting her... for her agreeing to let me take over the Amendment on this Bill. The Mayor and others in the city will obviously have to go to the neighborhood associations and explain what happened. And there's no guarantee, but we're hopeful that they will work with us on this Bill. And I urge an 'aye', vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1609?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', and 0 voting 'no', and 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 2 on the Calendar, on Senate Bills-Second Reading... on Second Reading appears... I think the Bill's on Third Reading, Senate Bill 1976, Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1976, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. We adopted the Amendment about an hour ago. This Bill again clarifies law with respect to the priorities in a distribution of assets in an insurance receivership. And there is no opposition. The Department of Insurance supports it. And it's clarifying in the statute. And I'd ask for passage of Senate Bill 1976."

Speaker Hartke: "Is there any discussion of Senate Bill 1976? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1976?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Chair recognizes Representative Poe, for what reason do you seek recognition? Representative Poe."

Poe: "Yeah, Mr. Speaker, for the Republicans on... yeah, they are

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all on our side of the aisle, aren't they? There's a...
Leader Daniels has a reception in his room right after we
adjourn."

Speaker Hartke: "Chair recognizes Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. Tomorrow morning tentatively
at 9:30 the House Task Force on fire protection funding
will be holding a press conference in the blue room, I
believe you're gonna making an announcement about Session
and we will work around that, obviously, you thought we'd
probably have time. So, tentatively, 9:30 press conference
on the House Task Force on fire district funding, you're
all invited and that's with... I'm co-chair, Representative
Smith. And we'll just work that in when we're at ease at
the House tomorrow morning, but 9:30 is our tentative
plan."

Speaker Hartke: "Thank you. The House is prepared to adjourn. I
do have a few announcements and I think it's very important
that you pay attention. At 6:00 the House Republicans
will meet in Room 118, including the new Members and the
House GOP. At 7 p.m. there will be an Executive meeting in
Room 114, Committee meeting. At 7:30 this evening there
will be an Elementary & Secondary Education Committee
meeting in Room 114, as well. And at 8:30 tomorrow morning
the Labor will meet in Room 114. We plan on going into
Session at 9. Representative Cross."

Cross: "Thank you. Thank you, Mr... Thank you, Mr. Speaker.
Just to clarify, the Republicans will go ahead and caucus
as you said in 118, that will replace our caucus that had
previously been scheduled at the Renaissance, so that is...
we were not gonna do that, we'll go immediately downstairs.
After our caucus we will have the opportunity to then go to
the reception that was previously mentioned by

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Representative Poe. So, we are prepared to go to 118 upon adjournment. Thank you."

Speaker Hartke: "Okay. Representative Giles, for what reason do you seek recognition?"

Giles: "Thank you, Mr. Speaker. Could you please recite the exact time and the Room of the Elementary & Secondary Education Committee?"

Speaker Hartke: "7:30 p.m. tonight, Elementary & Secondary in Room 114. The Chair recognizes Representative Burke."

Burke: "Thank you, Mr. Speaker. For the Members of the Executive Committee, please be advised that committee will meet immediately after the Republican Caucus. So the committee... Executive Committee will meet immediately after Republican Caucus. Thank you."

Speaker Hartke: "Allowing perfunctory time for the Clerk, Representative Currie now moves that the House stand adjourned until the hour of 9 a.m. tomorrow. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned."