101st Legislative Day

February 29, 2000

Speaker Madigan: "The House shall come to order. We shall be led in prayer today by Reverend Ann Utterback of the Mokena United Methodist Church in Mokena. Reverend Utterback is the guest of Representative Kosel. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Utterback: "Good afternoon. When announcing to my congregation the honor of being able to do the opening invocation, one of them, Ralph Dykstra, came up to me and was able to answer a question, 'How did this tradition begin?' What was important about saying a prayer? And in 'The Great Rehearsal, The Making of the book, Constitution' by Carl VanDoren, many years ago Madison, Martin, Wilson, Sherman, Franklin, and Washington had been involved in a debate for many many hours, four to five weeks and making little progress. And at this time, Franklin turned to Washington and the Assembly and he said, 'In this situation of the Assembly, groping as it were in the dark to find political truth and scarce able to distinguish it when presented to us, how does this happen, Sir, that we have not hithered to once thought of humbly applying to God of lights to illuminate our understanding?' And he continued, 'I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this Assembly everyday before we proceed to business and that one or more of the clergy of the city be requested to officiate in that service.' Let us bow in prayer. Oh God, we need a leap of faith to take us into You. We need Your wisdom to discern all we need to do. Give us Your assistance as we contemplate all the challenges we face in our blessed state. Conservation grants and deeds, budgets and the

101st Legislative Day

February 29, 2000

taxes, health insurance, long debate, lobbyists, and faxes. Daily we are challenged with decisions we must make. Many times the consequence is difficult to take, this world is hard to master, we always want to try, let Your spirit comfort us and let our own desires die. And when Your design in our life is not always clear, may we represent the people and teach us not to fear. And when we wander from Your love, give us the words to say how much we need Your guidance when we come to pray. Most of all, Lord of love, let us know our place so our intentions and our acts encourage loving grace. Elected we now stand in the middle of the snare, our burdens all feel heavier as we truly care. Help us sort the need from greed and put away the pride, help us stand strong and represent the truths we feel inside. In Your name, we pray. Amen."

- Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Wojcik."
- Wojcik 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, 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 Bugielski and Lopez are excused today."
- Speaker Madigan: "Mr. Poe."
- Poe: "Mr. Speaker, let the record show that Representative Brent
 Hassert is excused today."
- Speaker Madigan: "Mr. Clerk, take the record. There being 115

 Members responding to the Attendance Roll Call, there is a
 quorum present. The Chair recognizes Mr. Hannig."
- Hannig: "Yes, thank you, Mr. Speaker, and Members of the House.

 For those of you who maybe were here a bit earlier in the

101st Legislative Day

February 29, 2000

day, the Illinois Coalition Against Tobacco was downstairs and they provided a rally. There were students from my district, the 5th graders from St. Mary's School in Taylorville, and I believe they're here today, so if they'd like to stand up, we'd like to acknowledge them. Thank you."

Speaker Madigan: "Mr. Clerk, for an announcement."

Clerk Bolin: "Attention Members, the Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "Agreed Resolutions."

Clerk Bolin: "House Resolution 619, offered by Representative Dart; House Resolution 618, offered by Representative Julie Curry; House Resolution 621, offered by Representative Stephens; House Resolution 623, offered by Representative Joseph Lyons; House Resolution 624, offered by Representative Granberg; and House Resolution 625, offered by Representative Daniels."

Speaker Madigan: "The Clerk has read the Agreed Resolutions, Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it; the Motion is adopted, and the Agreed Resolutions are adopted. On the Order of House Bills-Second Reading there appears House Bill 2374, Mr. Boland, Mr. Boland, do you wish to move your Bill 2374? Mr. Boland, did you advise staff that you wanted to move the Bill?"

Boland: "No, Mr. Speaker, we have an Amendment that I have to get on there. So, we'll have to hold it."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. House Bill 2932, Mr. Woolard. Mr. Clerk, read

- 101st Legislative Day February 29, 2000 the Bill."
- Clerk Bolin: "House Bill 2932, a Bill for an Act in relation to farmer retraining. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."
- Speaker Madigan: "Third Reading. Mr. Woolard, 2954. Mr. Clerk, what is the status of the Bill?"
- Clerk Bolin: "House Bill 2954, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."
- Speaker Madigan: "Third Reading. Mr. Novak, House Bill 3009.

 Mr. Clerk, what is the status of the Bill?"
- Clerk Bolin: "House Bill 3009, the Bill has been read a second time previously. Floor Amendment #1 has been adopted to the Bill. No further Amendments. No Motions filed."
- Speaker Madigan: "Mr. Black."
- Black: "Mr. Speaker, an inquiry of the Chair, regarding House
 Bill 2954. Our records indicated that Representative
 Woolard was seeking an Amendment to that Bill. Has the
 Amendment been filed, or has Representative Woolard changed
 his mind?"
- Speaker Madigan: "Mr. Clerk, let us go back to 2954. Are there any Amendments filed? (2954)."
- Clerk Bolin: "No Amendments have been filed to House Bill 2954."
- Speaker Madigan: "Mr. Woolard. There's been an inquiry relative to House Bill 2954. The inquiry is, did you plan to offer any Amendments to the Bill? Mr. Woolard?"
- Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yes, we do intend to offer Amendments to this piece of legislation, but we're getting to the end of the season, and we just want to be in a posture that we can amend it

- 101st Legislative Day February 29, 2000 and then pass it. We'll hold it on Third, and if there is no Amendment, we will not move it."
- Black: "Thank you."
- Speaker Madigan: "Mr. Clerk, back to 3009, are there any Amendments filed to that Bill?"
- Clerk Bolin: "No Amendments are pending, no Motions filed."
- Speaker Madigan: "Third Reading. Mr. Schoenberg, House Bill 3423. Mr. Clerk, what is the status of the Bill?"
- Clerk Bolin: "House Bill 3423, a Bill for an Act to amend the Toll Highway Act. Second Reading of this House Bill.

 Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."
- Speaker Madigan: "Third Reading. Representative Garrett, House Bill 3535, Representative Garrett? Is Representative Garrett in the chamber? Mr. Clerk, what is the status of the Bill?"
- Clerk Bolin: "House Bill 3535, the Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed."
- Speaker Madigan: "Third Reading. Is Mr. Pugh in the chamber?

 Mr. Harris, have you seen Mr. Pugh? When you see him would

 you let us know? For what purpose does Representative

 Shirley Jones seek recognition?"
- Jones, S.: "Mr. Speaker, I would like to make a Motion to suspend the posting requirements for the Special Committee on Telecommunications."
- Speaker Madigan: "You've all heard the Motion, is there leave?

 Mr. Black."
- Black: "Mr. Speaker, I haven't gotten any clearance from the Minority Spokesman on that Committee, if the Sponsor would give us a few minutes, we may be in agreement, we may not be. I just don't know."

101st Legislative Day

February 29, 2000

- Speaker Madigan: "Yeah, that's Mr. Cross. We'll come back to the Motion. Mr. Pugh, House Bill 4269. Mr. Clerk, what is the status of the Bill."
- Clerk Bolin: "House Bill 4269, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."
- Speaker Madigan: "Third Reading. Mr. Brunsvold. Is Mr. Brunsvold in the chamber? Do you wish to move House 665?

 Mr. Clerk, what is the status of the Bill?"
- Clerk Bolin: "House Bill 665, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Brunsvold, has been approved for consideration."

Speaker Madigan: "Mr. Brunsvold, on Amendment #1."

- Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment becomes the Bill. The Bill was a vehicle Bill from last year. This Amendment includes the City of Rock Island and the City of Moline in extension of their one... particular TIF district, one a piece from 23 to 35 years as has been done with a number of other TIF districts. The school districts in those two cities have approved and come to an agreement with both cities and are supportive of this effort. So, I would ask for the adoption of Floor Amendment #1."
- Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Franks, House Bill 3036.

101st Legislative Day

February 29, 2000

Mr. Franks. The Gentleman does not wish to call the Bill. On the Order of Third Reading, Mr. Dart. Is Mr. Dart in the chamber? Mr. Giglio, House Bill 3106, do you wish to call the Bill? Mr. Clerk, read the Bill. (3106), Mr. Clerk."

Clerk Bolin: "House Bill 3106, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Giglio."

Giglio: "Thank you, Mr. Speaker, Members of the House. House Bill 3106 is a measure that was brought to me by some members of the local business community and would require insurance companies to notify the insured after 30 days after settling a case, and I would ask for your favorable support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill, is there any discussion? Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, this is final action on this Bill. correct?"

Giglio: "That's correct."

Black: "All right. The insurance companies stand in opposition to the Bill, as I understand it, saying that they should not be forced to contact you. If you're their insured, if they reach a settlement. Is that your understanding as to the basis of their opposition?"

Giglio: "Correct."

Black: "And what happens if you as a businessman in a case that you and I have talked about, you are not notified of the settlement, what is your exposure? What could happen to

101st Legislative Day

February 29, 2000

you as the business owner when your insurance company has settled a claim and did not inform you of that settlement? What is your risk, or what are you trying to eliminate by this Bill?"

Giglio: "Well, I think a tremendous amount of risk is left open.

First off, you don't know whether or not the case is open or if the case has been closed. In regards to contact with who's ever involved in the lawsuit, that's number one.

Number two, one of the results of this is cases that run in for longer periods than a year or two, you forget about the case. You may forget about it in a natural course of given business. You may not be notified since the time you give the original deposition until the year that the case has settled, you may find that your liability rates have increased, or your workman's comp rates have increased, and you don't find that out until you go to renew your insurance and I think that's wrong."

Black: "All right. In other words, if you were being sued, let's eliminate worker's comp from the mix. If you were being sued as to failure to perform the duties of a contract, if my brother did some remodeling, putting in a new heating and air conditioning system, the customer said, 'You did not install this as to the terms of my understanding of the agreement of contract, therefore, I'm not only not going to pay you, I'm going to sue you.' And so my brother holds the contract in abeyance. Obviously, he's out some money and his insurance company agrees to settle the lawsuit for \$10,000 and then doesn't tell him. I was trying to ask my brother the other night, does that create a problem for And he said 'Well, not unless maybe they call in the you? dead of winter and its 10 below and they want me come out and fix their furnace. If I don't know I've settled the

101st Legislative Day

February 29, 2000

lawsuit, I'm probably gonna say no I'm not gonna come out, which could lead to another lawsuit.' But he was wondering, I think some concerns have been expressed. Would there be... do you envision additional paperwork or requirements under the Bill that would cause your insurance company to say 'I'm gonna have to raise your rates because now I've got to have a dual set of computer software and I mean, I have to notify you, et cetera, et cetera, et cetera.'"

Giglio: "No, I wouldn't envision any additional paperwork. It was brought up in committee by individuals that represent the insurance industry that many insurance carriers routinely notify them right now. And what I think is actually the case is they're in a rush to inform the insured when they settle a claim in their favor. There is certainly no waiting period when the claim is settled in their favor, but when it's settled against them and not in their favor, or when in efforts to settle the case, they may find their insured liable for a percentage of the damages, then it's brushed to the side."

Black: "There is nothing in this Bill, however, that would do something that has bothered me for years and that is, you have told your insurance company, 'I am not at fault, I will not admit fault, I want no settlement, if it goes that trial sobeit. I will not admit fault.' There's nothing in this Bill to prevents your insurance company from saying, you know, 'The heck with it, we can get out of this for \$5,000 and we're gonna settle whether our insured wants to or not.' They can still do that, can't they?"

Giglio: "That's correct."

Black: "Thank you very much."

Speaker Madigan: "Mr. Parke."

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

101st Legislative Day

February 29, 2000

Speaker Madigan: "Sponsor yields."

Parke: "Representative, didn't you present the Amendment that became the bulk of the Bill in committee?"

Giglio: "Yes, that is correct."

Parke: "And wasn't it defeated in committee, on a roll call, a nonpartisan roll call?"

Giglio: "No, the Amendment number, I believe it was two,

Representative Parke?"

Parke: "That is correct."

Giglio": "Amendment #3 was resubmitted that had the substantial language in the Bill and that was adopted in committee."

Parke: "And you put into Amendment #3 that if an insurance company for some reason failed to provide a notice of settlement that the insured could file an improper claims practice lawsuit. Is that true?"

Giglio: "That's correct. That was at the request of the Department of Insurance to keep the language similar to other language and other penalties inside the insurance code."

Parke: "Do you know what the penalties are for failure to comply with this?"

Giglio: "It would be an unfair claims practice."

Parke: "Well, what does that do? What is that?"

Giglio: "It's my understanding that that would be punishable by a monetary fine after repeated intentional abuse. If an insurance carrier failed to notify an insured on one instance, certainly that is not cause to be brought up on those charges."

Parke: "Doesn't this affect worker's compensation?"

Giglio: "It affects it in that they would also be required to notify 30 days after settling those claims."

Parke: "It's our understanding that that's already law. We

- 101st Legislative Day February 29, 2000 understand that under worker's compensation they do notify the insured. Do you know that to be true?"
- Giglio: "They notify when monies are paid out, not when the claim
 is settled."
- Parke: "And did anybody bring this Bill to you or was this a personal thing that happened to you or a friend or a constituent?"
- Giglio: "This is something that has happened to me and I'm confident that it has happened to others. And I'm actually more confident that it's happened and happens to many people that they just don't know about it, because there are numerous claims filed against them, they're settled and they're forgotten about."
- Parke: "Well, why is the insurance industry still opposed to your Bill as amended?"
- Giglio: "I think the insurance industry would be opposed on any mandate that we sent here from Springfield."
- Parke: "Any mandate? Now, let me get this straight. If you went your insurance company and said, 'I'd like to know what you settled for?' Don't they notify you at that point and tell you what they did?"
- Giglio: "Absolutely they do. we put that into law requiring them to do that years ago. We had to put it into law to get them to do it."
- Parke: "So, why are we doing this?"
- Giglio: "Because this information isn't forthcoming from the
 insurers, either."
- Parke: "Well, if... wouldn't you think that somebody who wants to know this information would request it without having a law? I mean, if they really want the information, why should we mandate it?"
- Giglio: "Well again, again..."

101st Legislative Day

February 29, 2000

Parke: "If you are interested, ask your insurance company and they will tell you."

Giglio: "Again, Representative Parke, if you're a... let's say you're in the construction business and you're running a \$10-15 million construction business. You may have anywhere from 3-10 claims against you at any given time. Now, some of these claims run in excess at two to four years. The smaller claims that are over 10 thousand and under 50 thousand, those aren't big on your list of things to... what you're thinking about as a contractor. You're thinking about the construction industry, not claims against you. And when those claims are settled and you're not informed, I think that's wrong."

Parke: "Thank you. Mr. Speaker, to the Bill. I hope you've listened to the dialogue. Whatever this... the Legislator who's presenting this, wants this information, all they have to do is go to their insurance company and they will give this information. It's a voluntary thing, but they do it, it's part of a.... well, it's not voluntary, we told them that they have to do it, if it's inquired and if they really want the information. And as to those people who may have multiple claims, they have accountants and they have insurance agents, and the agent keeps track of what's going on with them. All they have to do is bring their insurance agent who gets a commission on these sale of the products to keep them informed. That argument is just ridiculous to presume that you can't get this information, that there's too much going on. Well, that just isn't it. What this does, it tells every claim that every insurance company, those tens of thousands of claims every year that we're mandating within 30 days that those insurance companies must mail a solution that has been... that has

101st Legislative Day

February 29, 2000

came... that they have come up with. This is an increase in cost to the insurance industry which will be passed on to the people who buy these insurance products. The insurance industry is opposed to this because this is not necessary. This is an added expense and burden on doing business in this state. I understand that the Sponsor had a personal experience but his experience could be solved by simply asking for the information the insurance company provided. This is unnecessary, this is costly and I would tell you that the insurance industry again is opposed and I would ask for you to vote 'no' on this Bill."

Speaker Madigan: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Will the Sponsor yield for a few questions?"

Speaker Madigan: "The Sponsor yields."

Durkin: "Representative, what legal affect will the insured have if they're allowed to make comments about the settlement prior to the actual settlement?"

Giglio: "That was taken out of the Bill. This... they are only required to notify the insured 30 days after settling. It does nothing in regards to commenting on the settlement."

Durkin: "Okay, so this really will not affect an insurance company cause when you file, when you do fill out a insurance claims, I believe that you waive your right to any type of comment or participation in that process..."

Giglio: "That is correct."

Durkin: "Okay, so this is not disrupting their ability to settle this... you're saying it does not disrupt the ability between insured and the plaintiff, the insurer and the opposing party in reaching some type of agreement, correct?"

Giglio: "That is absolutely correct."

101st Legislative Day

February 29, 2000

Durkin: "All right. Thank you."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

- Turner, J.: "Representative, my question would relate, I guess to the contractual nature of an insurance policy with the insured. Would not the policy language cover the question of whether or not the insurance company needs to notify the insured about any settlement that is reached?"
- Giglio: "I don't know that it it needs to or it... that could certainly be a place for it. You could write into your agreement with your insurance agent, and henceforth your carrier, that in the event you settle a claim on my behalf, I want to be notified. You would think that that would happen as a normal course of business. They settle a claim for you and they notify you. But that is not, in fact, what's happening. Especially when the claim does not fall in your favor."
- Turner, J.: "Did... not being on the committee, I don't know the answer to this nor have I been able to to find it in the analysis. What is the cost to the insurance companies if this is passed?"
- Giglio: "Minimal and no additional costs if they're already doing it. The price of a faxed letter, or an envelope. A letter mailing to the insured. Here, we settled this claim against you and that's it. They don't have to tell them how much they settled it for. They don't have to tell them any of the circumstances, simply that it's settled. And then, if the insured wants to follow up and find out what he was found liable for or not liable for, then the insured has the opportunity to do so."

Turner, J.: "So, and again, I don't know if there were witnesses

- 101st Legislative Day February 29, 2000 around or not, so there's really no cost to the insurance companies, whatsoever?"
- Giglio: "As I see it, there's no additional cost, no."
- Turner, J.: "All right, I understand that's how you see it. Was there any testimony presented to the contrary?"
- Giglio: "There were... in my understanding though, there was testimony that it would cost thousands of dollars. There's no... there were no numbers, this is how many claims that we settle and this is how many that we routinely notify and this is how many that we don't and this would be the cost.

 No, there were no numbers like that whatsoever."
- Turner, J.: "What kind of insurance contracts does this apply to?
 Property, injury, worker's comp?"
- Giglio: "All claims in excess of \$10,000, the intent to that was and I made the Bill as agreeable as possible to leave out the frivolous claims. The ones under \$10,000."
- Giglio: "That is correct."
- Turner, J.: "Where there is a claim of over \$10,000."
- Giglio: "I believe it's the claim and not the settled amount, but yes."
- Turner, J.: "Clear that up for me, the claim or the settlement amount?"
- Giglio: "Settlement claims in excess of 10,000 thousand. I apologize. At settled cases, if the amount of the settlement is in excess."
- Turner, J.: "If this Bill were to pass and if it becomes law, would it have the affect of changing existing contracts between the insured and the insurance company?"
- Giglio: "I wouldn't see it doing that at all, none whatsoever."
- Turner, J.: "I don't know if you've ever read those insurance

101st Legislative Day

- February 29, 2000
- contracts but they have a lot of language that is kind of hard to understand. I'm just wondering, is there language within a contract that says the insurance company can settle without any requiring notification to the insured of the amount of settlement?"
- Giglio: "I suppose it's possible. I've read insurance policies
 before, I've never seen any language in regards to
 notification of a settlement."
- Turner, J.: "If this became law, then would it be required that the insurance contract provide for the notification that your Bill contemplates?"
- Giglio: "No."
- Turner, J.: "Well, I guess I don't understand that then. If this is gonna become an obligation on the insurance company, why wouldn't you require that it be placed into the contract?"
- Giglio: "I..."
- Turner, J.: "Because, otherwise we have a law that we're requiring them to do something that's not within the contractual arrangement between the insured and the insurance company."
- Giglio: "I wouldn't see to where notification, simple notification of a... that a claim has been settled against you that you would be needed in the contract between the insured and the insurer. I understand your point, I just wouldn't see that need."
- Turner, J.: "Okay, what wrong or problem are you trying to remedy with your legislation? What is occurring? Give me a practical, realistic everyday life circumstance that has occurred which an insured has been wronged that this will fix, or this will address."
- Giglio: "Sure. What'll happen to... and Representative Black mentioned it earlier, in cases that are settled against you

101st Legislative Day

February 29, 2000

and not in your favor, when you expressly say that I am no way responsible, I should no way be held liable for any part of this and the insurance company settles the case and finds you zero percent liable, they'll break down your door to tell you. When they do find you liable, those are the ones that you are not informed of, because by law, they don't have to tell you. Just like, by law, they didn't have to tell you a status of claims until 10 or 15 or 20 years ago, whenever we put that into the law saying that insurers would have to inform you as to the status of an ongoing claim."

Turner, J.: "So the policy between the insured and the insurance company allows for settlement of cases even where the insured tells the insurance company that they don't want this thing to be settled. Is that true?"

Giglio: "That's current Illinois law."

Turner, J.: "Is that law or is that contractual?"

Giglio: "You got me on there, Representative, I'm not sure. I'm not sure. I know that contractually you sign away most of your... your rights so to speak and it's all turned over to the insurer."

Turner, J.: "All right, if this becomes law, then would it change the existing law or the contractual rights that we just discussed?"

Giglio: "Again, I don't think so. It's a simple notification."

Turner, J.: "Thank you for answering my questions."

Giglio: "Thank you."

Speaker Madigan: "Mr. Giglio, to close."

Giglio: "Thank you, Ladies and Gentlemen of the House. House

Bill 3106, again, I think is important for the consumers,

it's important for the business owner, it's important for

the individual when claims are settled against you or in

101st Legislative Day

February 29, 2000

your favor, that you should be notified. And I think this would bring an even keel to the favorable cases and the unfavorable ones and I would ask for your favorable support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 87 'ayes', 28 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2967, Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2967, a Bill for an Act to create the Illinois Legislative Medal of Valor Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. House Bill 2967 is an effort that myself and others have worked on over the course of the last year. Just to give you an idea the impetus here behind this was about six or eight months ago I was reading some obituaries in the paper and I came across an obituary of a Medal of Honor recipient from Texas who had been awarded for outstanding bravery. And in the course of reading it, I noticed that he had also received a medal from the State Legislature of Texas that they also gave out for valor, as well. In researching, I found out they're the only State in the Union that did that. thought that that was wrong that we as a state were not doing the same thing for our members of the armed forces who have risen to that level of bravery. So, what this Bill is, is it basically... it's similar to that Bill. I've worked with the different veterans groups from

101st Legislative Day

February 29, 2000

throughout the state who are all very supportive of this and what it does, is it creates a Legislative Medal of Valor, where a committee is appointed. The committee then would make recommendations. The recommendations could come from any citizens out there. The standard is similar to the Medal of Honor standard, the Congressional Medal of It has to be bravery of that level to get the award. So, this isn't something where they'll will be given out to just anybody, but it will be something where the recommendations are made by this committee. The committee is appointed by the different Legislative Leaders, the recommendations are given to the Adjutant General and then from there it is given to the Legislature for us to, by Resolution, agree with that. Annually, on Veterans Day of every year the awards will be given out. True to some Members in the committee, we've making this so that you're both eligible for it, for those who are alive and those who have passed away, as well. I think it's something that sends the right message from our state that we truly value the veterans and what they have done for us and some for the ultimate sacrifice. Say it's a... something we've... it's been used in other state, we'd be the second one in the nation and I think it's something we should definitely do and I would urge your support."

Speaker Madigan: "Mr. Stephens."

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

Speaker Madigan: "The Sponsor yields."

Stephens: "Representative, does the AG's Office, the Adjutant General have any position on this Bill?"

Dart: "They're supporting the Bill. They gave me a technical change that we put on as an Amendment and with that they're fully supportive of it. I've talked with former

101st Legislative Day

February 29, 2000

Representative David Harris and he's behind it 110%."

Stephens: "And do they agree that it should be called the Medal of Valor?"

Dart: "It was basically their language. I believe it was them, because there was concern originally we had called it Medal of Honor. The state one, and there were those that felt that was in somehow take away from the significance of the Congressional Medal of Honor, and we didn't want to do that in any form or fashion. So, we decided to go with the Medal of Valor and all the different parties involved have said that that is the more appropriate way to go."

Stephens: "Well, I certainly don't believe that anyone has problem with the... with your intention, here your intent. I understand that you are looking for a way to honor particular acts that a veteran may have participated in. It is our hope that we are not creating some sort of political monster here, that is in any way going to taint the reputation of veterans. That's not the case with the Medal of Honor in Congress, although it is, officially, something that's voted on by Congress, it's never been We certainly want to make sure that any politicized. attempt to move language like this doesn't wind politicizing courageous acts that a veteran may participate In your language you say that anyone can make this recommendation. Is that any Legislator or any citizen in the State of Illinois?"

Dart: "Any citizen, Representative, we try to make it open-ended so that any citizen could do so."

Stephens: "I'm sorry, I was distracted, excuse me."

Dart: "We left it open-ended so that any citizen could do it.

Cause we wanted to make it feel free so that... just like when you spoke, I think it was about a week or two ago,

101st Legislative Day

February 29, 2000

about the individual who had been overlooked. There's a lot of situations, it seems, where through normal channels the normal military channels sometimes things get overlooked. We want to make it so that it was an open-ended thing where average citizens who were aware of somebody could send their petition in. It may be something that doesn't rise to the level we are talking about here, but nonetheless, it would be reviewed by people then."

Stephens: "To the Bill, Mr. Speaker, it would certainly be tough for me to stand up and vote against a Medal of Valor Act. I don't think that anyone in this Assembly could represent that they didn't want to pay homage to veterans who have particular sacrifices or participated particularly courageous event. I'm just... I'm concerned that well-intentioned as this Bill may be, that it's somehow going to politicize the acts of honor that we are indeed trying to pay attention to in this Bill. Having said that, I would ask every Member to pay attention to their vote. I can understand the politics of why we'd have to support this. I would just hope that we're not going to wind up politicizing acts of courage. And remember that this Medal of Valor, this Act will call for a vote by the Legislature on whether we're going to award this Act of Valor or not. And I'm not so sure that we want to be in that position. Representative, I hope you'll receive those remarks as they're intended."

Speaker Madigan: "Mr. Hartke."

Hartke: "Would... yes, would the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Hartke: "Representative Dart, I think this is a very good idea.

I'm a little bit concerned, like my colleague on the other side of the aisle is. If we're going to model it after the

101st Legislative Day

February 29, 2000

Congressional Medal of Honor, it ought to be done to a very, very limited number of individuals each and every year. Is that part of this legislation?"

Dart: "Yes, we purposely tried to use the language that was almost identical to the Medal of Honor... the Congressional So that it was crystal clear to the Medal of Honor. members on this committee that this had to be something so extraordinary, and we actually used that language in here. We talk about on the awarding of the medal be considered on the standard of extraordinary merit, performed... 'individual performed a deed of personal bravery or self-sacrifice involving risk of life that is conspicuous as to clearly distinguish the person for gallantry intrepidity above the person's comrades'. So, we tried to use that language for that very purpose."

Hartke: "So, inform the Body, how many Congressional Medal of Honors are there generally granted every year?"

Dart: "You know, I don't have that number with me right now, I actually have gone to a lot of the different receptions that they've had and to honor some of these folks in this state and I know that it's a very select group of people."

Hartke: "I would hope, too, that standards be set very high and this Medal of Valor be only granted to those individuals with extraordinary qualities and like Mr. Stephens says, it's not given willy-nilly every year. The specific date is Veterans Day that this will be awarded?"

Dart: "Correct. Correct."

Hartke: "Okay, thank you very much. I support the legislation and I sincerely hope that the intent that you have put into this legislation follows through in years to come."

Speaker Madigan: "Mr. Black. Black."

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

101st Legislative Day

February 29, 2000

yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, you have a... you have a grievous technical error in your Amendment. I call your attention and I really wish you'd take it out of the record and correct it."

Dart: "Representative, I think I know the one you are talking to, as opposed to the word 'deed' it refers to the 'dead'."

Black: "Yes."

Dart: "I was informed by the Clerk's Office that that was something they would be able to clarify, because I caught that one myself last week when we filed it and I was informed that was something they would be able to correct."

Black: "They're gonna correct it after we pass it? Isn't that rather unusual?"

Dart: "Frankly, if it does become a problem, then I'm sure that I can get the Senate Sponsor of this to put a technical Amendment together to change that. It's rather clear what the intent of the Amendment is."

Black: "Well, the Amendment now reads 'the Medal may be awarded only on incontestable proof of performance of the dead.'

And you want me to vote on that? 'Incontestable proof of performance of the dead.' That's what I'm voting on."

Dart: "Well, Representative, if I could... just to make it crystal clear, the word is supposed to be 'deed'. There was a typographical error that was made by the drafter. I was informed by the.... frankly, I was informed by the Clerk last week that it was something that they could correct here. Frankly, we have four more days here. I just felt it was something of such a minor nature that if it could be corrected there fine, if not I could have drafted another Amendment. I put the Amendment on last

101st Legislative Day

February 29, 2000

week without any discussion because it's so technical in nature. I didn't feel as if it was something that would cause this Bill to be controversial."

Black: "Okay."

"If it is so controversial, Representative, and you wish me Dart: to stop this Bill, then I will be happy to pull the Bill back to Second Reading and come up with another Amendment. I mean, this... the whole point of this had nothing to do with politics. And I appreciate Representative Stephens remark because I think it's important to make that clear. This is nothing about politics. This was something where the committee was specifically put together to remove all that from this discussion. As I said, I couldn't be more sincere in telling you what the impetus was, turns out there is only one other state that does this. thought for once it would be nice if Illinois was on the forefront of doing something, instead of always the last. And so, it would be something that would be very good to That was the extent of it, and if it ever did become political, I pledge to you, I will be the person that would Sponsor the Bill to repeal it."

Black: "Well, I'm not sure that answered my question about the technical error of the Amendment. I've been here quite a while and I don't believe that we've ever on Third Reading voted for a Bill that has a technical drafting error in this word... the error substitutes the word 'dead' for 'deed'. I would be much more comfortable if you'd correct it. If you'd correct it on it's face. I mean, you're the Majority Party, you can take this Amendment to Rules, you can pop it out this afternoon, you can vote on it tomorrow. I don't know why you would want anybody to vote on a Bill that is not correctly drafted, that's a very dangerous

101st Legislative Day

February 29, 2000

precedent. I know what your intent is, but that's not what we're voting on, that's not what the Bill says."

Dart: "Representative, as I've mentioned before, for whatever it's worth, I give you my word that's what happened. But to satisfy you, I will gladly ask to have this Bill pulled out of the record and we'll hold this as long as it takes."

Black: "Thank you."

Dart: "Mr. Speaker, if we could have this overly controversial Bill and word taken out of the record, I would appreciate it."

Speaker Madigan: "Take the Bill out of the record. House Bill 3831, Mr. Lang. Is Mr. Lang in the chamber? 3831? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3831, a Bill for an Act concerning higher education scholarships. Third Reading of this House Bill."

Speaker Madigan: "Mr. Lang."

"Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Lang: As we all know, education is incredibly important to the families of Illinois. As I've talked to the families of Illinois I've discovered over the last year or two that there's been a marked shift from having their major concern be about elementary and secondary education to the issue of how will I be able to afford to pay for my child's college education. This is a critical issue for Illinois families. House Bill 3831 would provide a college scholarship for tuition and fees to any Illinois student going to a state university or community college if they can maintain a 'B' average. It would also provide to those going to private universities the same level of stipend given to those going to the University of Illinois, as long as they maintain at least a 'B' average at those private universities. Ladies

101st Legislative Day

February 29, 2000

and Gentlemen, when I first began to research this issue, I said, 'Well, we'll never be able to afford this.' But it turns out that this is very affordable, based on a 46 and a half billion dollar budget, I don't see how we can turn our backs on the school children and the families of Illinois by failing to pass this important legislation. I ask you to join me today in helping families send their children to college."

Speaker Madigan: "Mr. Black."

Black: "Speaker, inquiry to the Chair, at the risk of being out of order for asking a controversial question. Our system on our side of the aisle is broken. They are running around trying to fix it. We can't call up our analysis. They switch back to old Bills. Would it be in order to delay until the computer people can get our system up?"

Speaker Madigan: "Mr. Black, could we go on with the debate?

Could we let people talk? That's why people come here."

Black: "Well, I have no problem with people talking, obviously, some people have a problem with me talking, but I have no problem with people talking. I think if we could talk until about nine or ten o'clock tonight everything will work itself out."

Speaker Madigan: "Let me suggest that Mr. Parke is seeking recognition, let's see what he's got to say..."

Black: "Outstanding, thank you."

Speaker Madigan: "... and we'll provide some time to try and fix the system. Mr. Parke."

Parke: "Thank you, Mr. Speaker. I really appreciate you wanting to know what I have to say. I think that's commendable and that's part of the process, even though Representative Black is correct that others may not be able to follow along on this infinite line of questioning that I have, so,

101st Legislative Day

February 29, 2000

thank you. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Parke: "Representative, has there been a Fiscal Note filed on this?"

Lang: "There is a current Fiscal Note. Yes Sir. It shows that the cost will be \$170 million to take care of all 'B' students in the State of Illinois."

Parke: "This is a Bill that costs \$170,000,000?"

Lang: "Yes, Sir."

Parke: "What tax are you going to propose to introduce to pay for this? What tax increase?"

Lang: "Mr. Parke, Mr. Parke, the State Budget has a billion dollar surplus. We have a 46 and a half billion dollar budget. We're providing almost \$400,000,000 new dollars for elementary and secondary education this year. It strains my imagination to think that on the face of all that we can't afford \$170,000,000 out of GRF to take care of all the good students in Illinois that want to stay right here in Illinois so they can continue to help our economy."

Parke: "Well, that certainly is commendable, Representative, but what about the poor people? What about the mentally ill people? What about the program that all this billion dollars won't be there when you vote for the budget? It'll be used up. So, you're saying that we should put this legislation in to replace some other needs that the state has even though this is a worthwhile program. Don't you think that \$170,000,000 is a huge amount of money?"

Lang: "Representative, \$170,000,000 is a lot of money, but in the face of a 46 and a half billion dollar budget, in the face of a surplus of a billion dollars that is not included in the Governor's expenditures, it strains my imagination to

101st Legislative Day

February 29, 2000

think that anybody would vote against the families of Illinois who are attempting to send their children to college."

Parke: "Well, Representative, my staff has informed me, that this \$170 million increase for education is almost equal to the total increase in the Governor's proposed budget for elementary and secondary education in the State of Illinois, are you aware of that?"

Lang: "Well, I don't know where they're getting that from because the Governor said he was putting 50% of all new revenue into elementary and secondary education..."

Parke: "And keep going, keep going, there's more to it than just elementary seg... it's training."

Lang: "The Governor's budget document, I think, showed \$378,000,000. But let's assume you're correct, I'm not quite sure the point you're trying to make, Representative."

Parke: "Well, Representative, I think your legislation is well intended in your mind, but this state must make priorities. Even though this is a worthwhile idea, the amount of increase that the Governor has proposed is almost equal to this, to the amount that you want to give. Now, I cannot believe that you think that ultimately this is what's gonna pass. So, I presume you're gonna hope that this can be It's gonna be hard for some negotiated to some degree. Members to vote against this, but this is what you've proposed to us. I will be one that will try to be somewhat more fiscal approach to it, and even though this could be a priority, I think it ought not to be a priority for the size of it and what we're trying to do. So, I don't know about anybody else, but I will be voting against this because I don't think this is a responsible approach. This

101st Legislative Day

February 29, 2000

is huge, Ladies and Gentlemen, this is a huge amount of money when we have so many other glaring needs in education Yes, we all want scholarships for our in this state. children. I have two children in college, I'd love to have scholarships. I would love to be able to offset their costs and, you know, it's so hard many times to get tax breaks to the middle-class members of the... citizens of But, I just don't think this is a responsible Illinois. approach. I for one would be voting 'no' and I would ask the Body to take a good serious look and if you cannot vote 'no', then vote 'present' for a responsible vote on something that may be well intended, but this state must look at all of it's priorities and unfortunately, this is not as it's proposed ought not to be a major priority."

Speaker Madigan: "Mr. Boland."

Boland: "Thank you, Mr. Speaker. I rise in strong support of this Bill. This is a Bill that is somewhat similar to what other states have done, specifically the State of Georgia with its Hope Scholarship. Georgia is a state that is not as economically high on the ladder as the State of Illinois. The second point I would like to make is that we need to start thinking in this state as far as education that it is more than just an expenditure. It's actually an investment in our future. And as we read in several of the newspapers over the weekend, that many states, including Illinois, are gonna be having trouble keeping young people One of the ways we can, is to make some enticements such as these, to keep the young, educated, talented of our youth in the State of Illinois. The third thing I'd like to make is, yes, this does require 100 and some million dollars, possibly \$170,000,000. But think of it this way, in this chamber and in this Legislature seem to blow we

101st Legislative Day

February 29, 2000

money all the time like a bunch of drunken sailors. A few years ago, we passed legislation that gave six large corporations \$900 million in tax breaks, one of them turned around a short time after that and downsized several thousand employees out. So, it seems like we always have money to give to the 'fat cats', but we don't seem to have much money to give to those who are struggling to put their children through college or senior citizens struggling to afford pharmaceuticals or property tax. This is a good Bill and I would hope that it gets a clear majority, thank you."

Speaker Madigan: "Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker, Members of the House. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Wirsing: "Representative, we've talked about this Bill before committee and during committee and that sort of thing. Does this proposal, and I'm not clear and I need to ask you, have any connection with the Illinois Student Assistance Commission, as far as delving into the different areas in which that organization is funding higher education students?"

Lang: "Well, the ISAC would administer this program. So, to that extent yes, and also this Bill requires and I think it's important to note, cause I added this as an Amendment, I thought it was appropriate to do this. It requires that any student that wants to avail themself of this benefit apply for all outside grants they can get. So if you qualify for a Pell Grant, you would have to make sure you apply for that before you apply for this. If you qualify for any other scholarships, you have to apply for those before you apply for this. This will decrease state

101st Legislative Day

February 29, 2000

participation in this program and make it even more affordable."

Wirsing: "As we had talked, like I said earlier, before committee and on this whole issue and I did register I had some concerns about it. And I did support it in committee. As I, rereading some of the floor Amendments, now, I am a bit concerned that we've expanded this to a point, I'm not sure whether there is the attachment of dollars can really be definitively determined at this point in time and I... that does raise a concern to me and I wanted you to know that I do have this issue at this point in time. I'm not sure whether this is as good an idea as I once thought it was. And I'm... maybe this is not an appropriate way to admit that on the record, but I am concerned about that Bill, and I just wanted to raise that to you. So, if you saw my vote up there, and wondered why I voted the way I had, at least we'd have this opportunity for a conversation."

Lang: "Well perhaps you'll have time to rethink your position again, Representative."

Wirsing: "Thank you."

Speaker Madigan: "Mr. Hartke."

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

Lang: "Yes."

Hartke: "Thank you, Representative Lang, I am concerned about this piece of legislation just a little bit. As I sit here listening to the debate, I think it's a very good piece of legislation, but a thought crossed my mind, would this discourage many of the private scholarships that are given away to students, good students, by business and organizations?"

Lang: "No, I don't think so, Representative. You know, there's

101st Legislative Day

February 29, 2000

many children, many students in Illinois that would like to go to universities in this state who don't have a 'B' average, who still need those scholarships. This Bill has the accountability provision in it that you have a 'B' average to be able to avail yourself of the benefit. But there are many with 'B-' averages, 'C+' averages, who would like to go to our universities that can't afford it. There'll be many opportunities through those private scholarships to help those folks, in fact if we pass this Bill, more students will be able to avail themselves to those private scholarships."

Hartke: "Well, don't you think then that, you know, the Nurse's
Association or the Med Society, or the Corn Growers'
Association or the Farm Bureau, or the Sheriffs'
Association, I know all these groups offer scholarships to
students. You're suggesting then that those would go to
students who did not achieve a 'B' average?"

Lang: "No, I'm suggesting that there would be more available for students that don't achieve a 'B' average. The Bill very clearly says, Representative, that anyone who applies for one of these grants, must apply for all other grants available to them. So, to take the example of the Illinois Medical Society, of course that's grad school. This Bill doesn't apply to grad school, but let's assume it did. The fact is that they would be required to apply for any scholarships from outside sources to which they might be qualified."

Hartke: "So, you would require that a student that would go into
 nursing for example, to possibly apply for the Nurse's
 Scholarship?"

Lang: "That's correct."

Hartke: "A student who wanted to go into law enforcement would

101st Legislative Day

February 29, 2000

have to have applied for those in law enforcement, whether it be the trial lawyers or the Sheriffs' Association or those types of scholarships?"

Lang: "Well, to the extent that you are talking about graduate degrees, it would not apply at all. To the extent that you are talking about undergraduate degrees, ISAC would have to run these students through the necessary hoops to make sure that they applied for all other available grants before they received these grants."

Hartke: "But, generally, you're talking about grants, doesn't
 this legislation look at state and federal grants?"

Lang: "It would include..."

Hartke: "It doesn't mention private grants does it?"

Lang: "It includes all available grants. So, if a person is going to college and they qualify, perhaps because of their ethnicity or simply because they qualified for a Pell Grant or because they are in a certain career track. If any of those things trigger the availability of any kind of grant that would not require state aid but where they could receive it elsewhere, that person would be required to apply for that grant."

Hartke: "So, before a student, say would be eligible for one of your grants to go the University of Illinois, Department... the School of Agriculture he would have had to apply for the John A. Logan grant or scholarship or whatever... now these are grants that are private scholarships, they're not necessarily state grants.?"

Lang: "If a scholarship exists to satisfy potentially the tuition and fees for an Illinois resident going to a University in Illinois ISAC would be required to have them apply for those grants."

Hartke: "Is there a list of all those scholarships that are

101st Legislative Day February 29, 2000 available in the State of Illinois to incoming freshman at

our private as well as public schools in the State of

Illinois?"

- Lang: "I can't imagine that ISAC would not have that. I assume they would. Nevertheless, even if they don't, this Bill would require that they do, because they would have to ensure that before a single dollar of GRF was expended on this program that each student got all private or public grants outside of state coffers that they possibly could."
- Hartke: "So then in the application for the scholarship program under your piece of legislation, they would have to list those organizations and grants that those individuals were had applied for and were denied."
- Lang: "That... well, I don't know what the procedure would be but in essence that would be the result. ISAC would have to determine that this 'B' student did not qualify for any other aid."
- Hartke: "So, if you had a 'B' average and so forth and you had letters of rejection from say the various... you weren't sure if you wanted to be a nurse, a doctor, or a farmer, and you got a notice of rejection for these grants, you didn't qualify for a Pell Grant, then you would be entitled to a scholarship under your Bill, provided you had a 'B' average."
- Lang: "If you had a 'B' or better average and if you otherwise got into the university, the answer would be yes. I must add this Bill does not have anything to do with admission standards. It requires that you be accepted into the university before any of this kicks in."
- Hartke: "I understand that. So, someone graduating from a school in Elmhurst would have the same opportunity with a 'B' average at Elmhurst as he would in Teutopolis, my

101st Legislative Day

February 29, 2000

hometown?"

Lang: "That's correct."

Hartke: "Okay. Well, thank you very much for answering my questions."

Speaker Madigan: "Mr. Winters."

Winters: "Thank you, Mr. Speaker. I rise as a father of two students at the University of Illinois and while I would certainly enjoy not having to write a check out for tuition next year, I feel that I have to vote 'present' on this Bill. I think it also does have some flaws, but since I'll be voting 'present' I will not debate it."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield for just a few questions?"

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, and maybe someone you've already asked...

or someone's asked and you've answered it. Explain to me

if you will, if I'm reading the Amendments correctly, does
this apply to private schools as well as public schools?"

Lang: "In committee it was suggested by a couple of Members on your side of the aisle, Mr. Cross, that we add the private universities. I indicated originally that I didn't think we could afford to do that. It turns out we can afford to do that. This does not provide full tuition at the private schools, but provides tuition to private schools at no more than the level we pay for the highest state school, which would be the U of I in Champaign."

Cross: "So, it applies to all private schools in the State of Illinois?"

Lang: "Yes, Sir."

Cross: "Would it apply to schools that are... what do you have for a definition of 'university' or 'schools' in your Bill?

101st Legislative Day

February 29, 2000

I mean, I know we have some trucking schools, welding schools, higher tech schools in the state. I want to make sure we are not excluding those schools."

Lang: "The Bill does not have a specific definition of the word 'university', however when we brought proprietarian trade schools into the MAP Program, we had a definitive definition relative to them. So, my view is that those trade schools are not included in this Bill."

Cross: "So, we are excluding trade schools?"

Lang: "Well, I'm not necessarily excluding them, but they're not included. If the Senate wished to add them, it wouldn't offend me at all."

Cross: "What would you do for those people who... whose students are home schooled? Would they be eligible for your Bill."

Lang: "It's the first time that question has been asked, Representative, and I believe the answer is no."

Cross: "No what?"

Lang: "No, I don't believe they would qualify."

Cross: "Is there any reason why we would want to exclude the homeschoolers from this program?"

Lang: "Well, again, I'm not excluding them, I'm trying to provide a benefit to families who are spending their hard earned money to send their children to universities in our state.

No one came to me to ask me to add homeschoolers I'd be happy to consider it while the Bill's in the Senate. I... it's the first time it's come up in debate."

Cross: "One final set of questions, or maybe one question. As the student progresses through his or her years in school, is the grade point a cumulative grade point, or is it a yearly... is it issue of a yearly grade point?"

Lang: "It's cumulative. So, if you do not maintain your 'B' average along the way, you lose the grant. That is the

101st Legislative Day

February 29, 2000

provision we put in to make sure that all students were working as hard as they could. If you fall below a 'B' average cumulatively anywhere along the way, you lose the grant. If you can pick it back up, you can regain the grant."

Cross: "Is there any criteria with respect to the major that someone might choose, certainly there are some majors that are a bit more difficult than others."

Lang: "There's no criteria relative to that."

Cross: "Thank you."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. I rise in strong support of this Bill, and I'd like to just to the benefit of Representative Cross and some of the other questioners, this Bill was amended in committee. The Sponsor was gracious enough to accept a recommendation by Representative Dave Leitch in committee. In addition to that, I think there is a recognition that the state would likely not ever operate two Merit-based Programs. I don't know if Representative O'Connor is on the floor, but I know last year, our committee assisted him in expanding the existing Merit-based Scholarship Program. Representative Lang's criteria in this Bill mirror the existing Merit-based Scholarship Program. So, I just want everyone to understand we are not doing anything in House Bill 3831 vis-a-vis the criteria that does not already exist in this state's Merit-based Scholarship Program. The difference is, is that we have significantly underfunded existing merit-based scholarship. Representative the Lang's model, as has been used in the State of Georgia, was the model the Hope Scholarship model, was the model that has been applied nationally. So, I just want to remind you

101st Legislative Day

February 29, 2000

that it is nothing, that the criteria is the same as currently exists in the Merit-based Scholarship Program, and secondly, it is subject to appropriations. So, I strongly urge your support."

Speaker Madigan: "Mr. Lang, to close. Mr. Lang."

"Thank you, Mr. Speaker. I appreciate the debate. One of Lanq: the Members on the other side of the aisle talked about priorities. I agree we need to set state priorities. There can be no greater priority than educating Illinois students, whether we are talking about elementary and secondary or whether we're talking about college. We spend a lot of time on this floor talking about what we can do to benefit families, family values, how to help families. What can we do greater to help families than to help them send their kids to college right here in the State of Illinois, that we can keep those adults when they get out of college right here in the State of Illinois improving our economy. This is a good step forward to improve Illinois's universities, to improve family life, and to help people in Illinois get where they want to be. I would strongly recommend and ask for your support."

Speaker Madigan: "Mr. Hoeft, were you seeking recognition?"

Hoeft: "Yes, I was."

Speaker Madigan: "To the Bill?"

Hoeft: "Yes, I was."

Speaker Madigan: "Why don't you go ahead and speak to the Bill."

Hoeft: "Quite frankly, I think it is unfair for me to speak at this particular point after he has done his finalization.

That would not be appropriate for Representative Lang. I did have a number of questions, but, we can vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' All those in favor, signify by voting 'yes'; all those opposed

101st Legislative Day

February 29, 2000

by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 74 'ayes', 32 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3966, Representative Younge. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3966, a Bill for an Act concerning a performing arts school. Third Reading of this House Bill." Younge: "Thank you, Mr. Speaker. House Bill 3966, as amended, would create the Katherine Dunham Performing Arts School to be located in East St. Louis, across the street from where Miss Dunham lives. Miss Dunham is 90 years old and has lived in East St. Louis for the last 30 years. The School District 189 is in the process of developing a early childhood center at this location across the street from Miss Dunham and it wishes to combine early childhood education with the performing arts and is in the process of discussing with Miss Dunham the joining of these two projects to provide a very creative education for the very young. The Katherine Dunham Performing Arts School would be prekindergarten through baccalaureate. It would not only be attached to the early childhood programs of District 189, but it would also be a part of the parent education and teacher development activities. It would begin with about 300 early childhood children who would be taught the performing arts, taught movement, taught acting, taught dance in order to help them mature and develop. The board would be appointed by the Governor of the State of Illinois Arts Council would make Illinois and the recommendations to the Governor. At this point Mrs. Harry Belafonte, Debbie Allen, Eartha Kitt, and many of the people who have been trained by Catherine Dunham wish to

101st Legislative Day

February 29, 2000

participate as board members in the establishment of this institution. This Bill is supported by Dr. Anderson of School District 189 and the Katherine Dunham Arts & Humanities. It is my intention to ask for a planning grant to plan this institution that is established. One phase of institution would be exposition facilities for the artifacts, the dance costumes, the videotapes of Katherine Dunham. Miss Dunham has over 50 years of videotapes of her performances around the world, including her awards at the Kennedy Center for Performing Arts. Miss Dunham is a native of Chicago and really one of the great citizens of the world to be produced by Illinois. And what I am trying to do, is to recreate the Katherine Dunham School as place that would be the repository of her artifacts and gain the support of doing this in Illinois, in East St. Louis, and these projects are supported by the Doris Duke Foundation, by the Smithsonian Institute, by the Library of Congress, and it represents for us, a great opportunity to preserve a very important cultural heritage of Illinois."

Speaker Madigan: "Mr. Jerry Mitchell."

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

Speaker Madigan: "Sponsor yields."

Mitchell: "Representative Younge, I certainly applaud your interest in the arts and the hard work that you've done on this Bill. Have you considered, or looked at, or have any of the people, I know, that are working to try to gain a performing arts school in your district, have you looked at the Charter School Law to see if they may qualify as a charter school and talk to your local board of education to see if you could get some support there?"

Younge: "Yes, Maggie Crotty, Representative Crotty suggested that to me last week and I think it is one of the alternatives

101st Legislative Day

February 29, 2000

that ought to be tried. And I think upon the creation of the Dunham School and the assembly of a excellent board, then that ought to be asked and looked into."

Mitchell: "I know that we are, we are struggling downstate with the charter school concept and would like to see more charter schools flow to downstate. I would say probably 90 to 95% of those schools are now in Chicago in the Suburban area and they seem to have been very successful. know how your local board would feel about the possibility of a performing arts charter school. You can also then check with the State Board of Education, who can then sponsor it if the local board turns you down. I certainly applaud you on your attempt, I understand where you're coming from and I think we need to give kids all of matter what their abilities. opportunities no certainly performing arts can be a fantastic incentive kids to achieve in school on the basic skills that they'd need in the hard knocks in the school of life. So, I'm certainly gonna support you on this one. I realize it's subject to appropriations and that may be difficult to come by. But I really encourage you to look at the charter school situation and see if that may be an alternative if we can't get funding. Mr. Speaker, to t.he Representative Younge has come up with an idea that will help students everywhere. This very easily could become a magnet school for students all over the State of Illinois that have a high interest in the performing arts. are the kind of endeavors that we envisioned when we looked at the Charter School Bill and I think everybody should take a real hard look at this Bill and see if they could lend some support. Thank you very much."

Speaker Madigan: "Representative Crotty."

101st Legislative Day

February 29, 2000

Crotty: "Thank you very much. I also... to the Bill, I also want to applaud Representative Wyvetter Younge for taking an abandoned building in East St. Louis and turning it into a school once again, and that was the intention of the neighborhood to have that as school. Again, I give you credit and I look forward to working with you in anyway that I can in order to make that a charter school of the public school system. Thanks, bye."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, I understand the concept and it's commendable. But, this... just help me understand this, this will be for students in elementary grades, high school and working on a college degree, also?"

Younge: "It appears that the best approach would be to have phases for the creation of the Katherine Dunham Performing Arts School, Representative Parke, in that the school district wishes to proceed at this time with pre-kindergarten children. Katherine Dunham is a marvelous teacher and is holding classes for children now, so it would be perfect to add this to a pre-kindergarten education focus, and then K-12 as another phase, and then community college and baccalaureate, as phases."

Parke: "And the school is located in East St. Louis?"

Younge: "Yes, right across the street, at about 10th Street and College there is a Rock Hughes Quinn School that is going to be torn down and a new school is going to be built. And this will be a part of that whole development sequence. There is a tremendous new spirit which is evolving in the school district and among the children and this will be a great asset to the community, Representative."

101st Legislative Day

February 29, 2000

- Parke: "So, this is a school that hasn't been built yet? Have they torn it down yet?"
- Younge: "No, this school will be a part of the pre-kindergarten, early childhood programs which the district wishes to pursue."
- Parke: "Yes, but am I understanding this'll probably be three or four years from now before we'll see the first student entering through this new school?"
- Younge: "As soon as the early childhood education programs start, this will start. After the creation of the school and after signing it into law, and then the board will be selected and the board will include all of these..."
- Parke: "Representative, I am just asking, trying to understand this. Is this a school that you are going to build in the future, so won't it be three or four years before any children will actually go there, or do you envision them going to the current school and being housed somewhere else until the new school is built? How do you envision this?"
- Younge: "Yes, that would be the way that it would happen. As soon as the early childhood education classes start the performing arts education could start and that could go on at any location until this school is built."
- Parke: "And these are little children that you want to put in this program, right?"
- Younge: "To begin with, Representative."
- Parke: "Yeah. And how many students... let me ask you this, will it be part of the (sic-East) St. Louis Public School System, or will this be a private school? Where... how do you envision this?"
- Younge: "It will begin as a part of the East St. Louis School District 189, early childhood programs."
- Parke: "So, it's part of the East St. Louis School District."

101st Legislative Day

February 29, 2000

Younge: "Yes."

Parke: "Has that school board said they want this program?"

Younge: "The... I have talked with some of the individual members and I think that they will look very favorably upon the recommendation of the superintendent. The superintendent is wildly enthusiastically about it."

Parke: "Okay. So it'll be just the local children and that neighborhood for the time being because you're not going to provide bussing or anything to those children. It'll be the local children in that geographical area that will be attending. Is that what you envision?"

Younge: "The... I think that the attraction and the participation will grow from the local school children to school children all over Illinois."

Parke: "Thank you very much."

Speaker Madigan: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of the Lady's Bill. You know, in her part of the state, sometimes children have been kept away from the performing arts and other artistic endeavors due to lack of funding. They have enough trouble just keeping their schools afloat. I think this is an important thing to do for the Lady's community and I strongly support her Bill."

Speaker Madigan: "Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker. I know your intent here is to bring this school into a little different realm than what it currently is in your area. And I know that you've been quizzed on some of the aspects of how it's to be funded or how it fits into the school system there in your... in that area. Perhaps, you could give me a little more detail as to how you perceive that this school will interact as one previous Member had asked, interact with the grade schools,

- 101st Legislative Day February 29, 2000 the local schools, the high schools in the district. Give
 - me an idea of how the perception is... it's going to
 - interact with kids that are going to public schools."
- Younge: "Yes. Thank you for that question. Katherine Dunham, among many other things, being an anthropologist, is a great teacher, a great dancer. And the idea is to teach prekindergarten and young children motion, to teach them language arts and communications, to teach them self-discipline. And so, this program will identify artistically talented young people and teach them the various arts and humanities type subjects."
- Wirsing: "Just a quick question on... you know, the financial needs and how you'll see over the next... you know, if this Bill passes and becomes fact, how over the next year the dollars are going to be there, so that it can do the great things that you just listed?"
- Younge: "Yes, well, this... I would expect the board to lay heavily upon endowments and foundations. I would expect them... and a very outstanding board would be put together that will then make recommendations for the creation of the courses, the curriculum, and the whole thing."
- Wirsing: "The one thing that I don't recall being asked in committee, but, how is the board structured? How is that board put together?"
- Younge: "Well, the board will be appointed by the Governor.

 There will be the Illinois Arts Council will make recommendations to the Governor as to who will be the board. Ms. Dunham has a number of very famous alumni to her prior schools. Debbie Allen of Fame, Eartha Kitt, Mrs. Harry Belafonte, Marlon Brando. So, she will be able to pull from around the world exceptionally gifted people in the performing arts who will put together the kind of

101st Legislative Day

February 29, 2000

school we all will be proud of."

Wirsing: "Thank you, Representative. To the Bill. I stand in full support, and I did support this in committee, and I know that the Sponsor of the Bill worked with the committee in putting some language together that seemed to make sense, and particularly for her district and her particular situations in the district of the Representative of the Sponsor of the Bill. So, I stand here in full support of this legislation."

Speaker Madigan: "Mr. Bell... Representative Bellock."

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

Speaker Madigan: "Sponsor yields."

Bellock: "I stand in support of this Bill and I commend
Representative Younge for her work on this Bill, and I
think it's... not only will it be good for her community
and for children and families and values, but also to
preserve the history of one of our most internationally
renowned cultural arts people in this State of Illinois,
Katherine Dunham. And I respect your work and I support
your Bill. Thank you."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise in full support of this legislation. I noticed that it came out of committee with leave for the Attendance Roll Call, and I think that Representative Younge has worked on this a very long time and worked very hard, and I would like to be invited to the opening. Thank you."

Speaker Madigan: "Representative Younge, to close."

Younge: "Thank you, Mr. Speaker. I ask for the passage of the Bill. This will make Illinois proud, this will make us proud, and it's a good thing to do."

Speaker Madigan: "The Lady moves for the passage of the Bill.

101st Legislative Day

February 29, 2000

Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 people voting 'yes', 9 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4045, Mr. Scully. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4045, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Scully: "Thank you, Mr. Speaker. Ladies and Gentlemen, I'd like to present to you House Bill 4045, which is... initially was brought to my attention by several of my constituents. The Illinois Criminal Code presently prohibits convicted child sex offenders from loitering within 500 feet of a school, but there was nothing in the Criminal Code to prevent that same person from taking up residence within 500 feet of the school and there was such an incident in my About two months ago, this exact same issue was district. the topic of the cover story on the Chicago Sun Times. It's a very simple Bill. It prohibits a convicted child sex offender from residing within 500 feet of a school Five hundred feet is approximately one tenth of building. a mile. We've done some analysis regarding constitutionality of this restriction. We believe it is quite constitutional and does not unreasonably restrict a person from residing within our community. It simply prohibits them from being within one tenth of a mile of a school. I ask for your support for this Bill, and I'd be happy to answer any questions."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

101st Legislative Day

February 29, 2000

Parke: "I think all of us understand what you're trying to achieve, but maybe you could tell us why the ACLU is opposed to this Bill. What did they testify in committee on this?"

Scully: "They tested (sic-testified) that they were concerned about the constitution..."

Parke: "Mr. Speaker, I'm sorry. I just cannot hear the Sponsor's answers."

Speaker Madigan: "Ladies and Gentlemen, if we could bring down the noise level and if everyone could listen to Mr. Parke and Mr. Scully. Mr. Parke."

Parke: "Thank you again. I just wanted to know what the ACLU said was their opposition to your legislation."

Scully: "My recollection, Mr. Parke, was that they stated they were concerned about the constitutionality that people do have a right to live within our community within certain restrictions, and whether this would be a reasonable restriction that would pass constitutional muster. They stated that concern. They did not... I don't recall them stating... their concern that it was unconstitutional. And we have taken a look at how this 500 foot restriction actually applies. And turns out to be slightly less than one tenth of a mile. And we think that's a very reasonable restriction."

Speaker Madigan: "Mr. Lang in the Chair."

Parke: "Thank you, Mr. Speaker."

Speaker Lang: "Mr. Parke."

Parke: "Is this the first time you've been in the Chair this Session?"

Speaker Lang: "I don't keep a tally."

Parke: "All right."

Speaker Lang: "Please proceed."

101st Legislative Day

February 29, 2000

Parke: "I'm glad to see you're there to bring decorum to the House. Thank you, it's a pleasure to have you there. On this legislation, this is 500 feet from facilities where children receive services. Is there a definition of receiving services?"

Scully: "Representative, I don't believe there is such a definition, but it's the same standard that would be used, precisely the same paragraphs, that would be used for the loitering statute, which prohibits them from loitering within 500 feet of such a facility."

Parke: "Okay. Well, thank you, Mr... Representative Scully. To the Bill, Mr. Speaker. All of us are very concerned for our children and I understand what the Sponsor's trying to do with this legislation. I plan on voting for it. I just think that we need to have everybody understand what the Bill is about and what the concerns are with the ACLU, and their perception of what the constitutionality is. We'll let them decide in court. Thank you, Mr. Speaker."

Speaker Lang: "Representative Cross."

Cross: "Excuse me. Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Cross: "Representative Scully, I see you have a exemption in here, it says, 'That the real... the property is owned by the child sex offender and was purchased before the effective date of this Amendatory Act'. Is that still in the Bill?"

Scully: "Yes, that's still in the Bill."

Cross: "If someone lives... a 19-year-old is charged with this... charged with an offense that... or he or she would fall under the offense of child sex offender, and their parents were the lawful owners of the home, and you do talk about the owners of the home, would they be prohibited from

101st Legislative Day February 29, 2000 moving back home with their parents or living... continue

to live at home with their parents?"

- Scully: "Yes."
- Cross: "Is there a reason why you would allow a homeowner to stay in the house if they were lawful owner, but not a child if they were living with their parents prior to the enactment of this law?"
- Scully: "Representative, if the law were enacted now, without that..."
- Cross: "Pardon me? I... I... Mr. Speaker, it's impossible to hear."
- Speaker Lang: "Mr. Cross makes a good point. Can we hold it down please so the Gentlemen can hear each other. Please hold it down. Please proceed."
- Cross: "I was waiting for an answer or I couldn't hear it.

 George, maybe you could repeat to me if you gave me an answer with... concerning the issue of why you would let someone that owned it live there but not someone that lived there as a child."
- Scully: "Representative, that exemption was inserted specifically to prevent this new law from constituting an unconstitutional taking of property. The owner of the property who purchased that property prior to the effective date of this legislation. If we were to take that property away from him that would be an unconstitutional taking and could impair the co..."
- Cross: "I don't quarrel with that. I don't quarrel with that. I understand what you're doing, George, and I understand that. The question I'm having is, what about the person that lives there with the family who owns the property prior to the enactment of this. You're... if I'm reading it correctly, they now have to leave the house. Is that

101st Legislative Day

February 29, 2000

correct?"

Scully: "That's correct. Unless they were the owner of that house prior to the effective date of the legislation."

Cross: "Would this involve... would this include a church, as well? I don't see churches in here. Says, 'School playground or facility providing program or service'.

Would a church be included? It says... it looks like exclusively directed toward persons under 18 years of age, so, I'm just wondering why you didn't include churches in here?"

Scully: "Representative, it wouldn't apply to a church unless there was a school operated at that facility."

Cross: "Well, if the school district... the school, it's a private school, within the confines of that church, it seems like an argument could be made, and I'm not... George, I'm going to vote for your Bill, I don't want you to... the fact that I'm asking you questions doesn't mean I'm going to vote 'no'. But, my concern is, in many private schools, the schools are part of the church and someone, if you'll look at the Bill the way it's drafted, it talks about... it uses the... 'exclusively directed toward persons'... 'providing programs and services exclusively directly toward persons under 18 years of age'. Certainly a church would not fall under that category. And then that's my concern, that I think we want to get the private schools as well."

Scully: "Representative, are you reading from your analysis or are you reading from the text of the Bill?"

Cross: "I'm reading from the cover sheet of the text of the Bill.

And in the text, George, in the cover sheet, if you will,

'permits child sex offenders from residing within a 100...

500 feet of a school attended by persons under 18 years of

101st Legislative Day

February 29, 2000

age, or a facility providing program or services exclusively directed towards persons 18 years of age'. I guess the bottom line is, I just want to make sure private schools that are contained within a bigger school, that are covered so we have a good Bill. I'll say it again. I'm voting for your Bill."

Scully: "And, Representative, these issues of fact are precisely the same issues of fact that we have to deal with under the current law, which prohibits loitering within 500 feet of the school. We're using the exact same standard, the same distance, and the same buildings. The only thing we are changing is that in addition to the prohibition against a person loitering within that area, we're also prohibiting that person from residing within that area unless they owned the property prior to the effective date of this legislation."

Cross: "All right. And, George, again, I'm not sure why we're having trouble communicating this, but on another issue on page 11, under your definition of 'playground', it talks about 'land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation'. Would the playground outside the private school be covered?"

Scully: "Yes."

Cross: "And can you show me in your Bill where? Point out to me in your Bill where and I'll read it."

Scully: "I'm sorry, you're referring to a playground outside a private school?"

Cross: "Yeah, private school playground."

Scully: "Oh, private school. No, unless that playground constitutes part of the private school itself."

101st Legislative Day February 29, 2000

Cross: "Okay. I appreciate the answers, George. Thanks."

Scully: "Thank you, Representative."

Speaker Lang: "Representative Scully, to close."

- Scully: "Ladies and Gentlemen, thank you very much. As was pointed out by my constituents and also by the <u>Sun Times</u> article, this appeared to be a anomaly in the law. I think we're merely bringing the law into... the law for residency in conformance with the law where these person... people are allowed to walk on a day-to-day basis, and I appreciate your favorable vote."
- Speaker Lang: "Gentleman moves for the passage of House Bill 4045. This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 110 voting 'yes', 0 voting 'no', and 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 4136. Representative Brosnahan. Mr. Brosnahan."
- Clerk Bolin: "House Bill 4136, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill."
- Brosnahan: "Thank you, Mr. Speaker. House Bill 4136 is the initiative of the Cook County State's Attorneys Office. This Bill really has two parts to it. The first part of the Bill requires all individuals convicted of aggravated arson to serve 85% of their jail sentences. Right now, they get day for day good credit so they only serve 50% of their jail time. The second part of the Bill is in response to a Supreme Court decision, the People v. Whitney case, which was filed, I believe in October of '99. This Bill merely

101st Legislative Day

February 29, 2000

clarifies the intent of the statute that deals with consecutive sentences when they should be imposed by the courts. The statute now reads that 'consecutive sentences shall be given when multiple offenses were committed as part of a single course of conduct when one of the offenses is first degree murder or a Class X or a Class I felony, and the defendant inflicted severe bodily injury.' We're just clarifying that that 'severe bodily injury' can take place during the commission of any of the offenses. There was no opposition in committee, and I'd be happy to answer any questions. Thank you."

Speaker Lang: "The Gentleman moves for the passage of House Bill 4136, and on that question, Representative Cross."

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

Speaker Lang: "The Gentleman yields."

Cross: "Representative Brosnahan, what was the genesis of this Bill?"

Brosnahan: "The Cook County State's Attorneys Office approached me about the Bill a couple of months ago."

Cross: "Had they had some problems or the State's Attorneys

Office had some problems with offenses such as this
that..."

Brosnahan: "Tom, if you're talking about the second part of the Bill when it deals with consecutive sentencing, there has been a disagreement among the districts in the State of Illinois. Some people read the statute the way that I interpret it and I think it is not vague or it's not ambiguous whatsoever, however, the Supreme Court case the People v. Whitney disagreed with that. So, we're just trying to address the problem that that case created."

Cross: "And the only other... the other substantive change in your Bill deals with the aggravated arson, it will be

101st Legislative Day

February 29, 2000

subject to the truth in sentencing section?"

Brosnahan: "That's correct."

Cross: "Okay. Thanks a lot."

Speaker Lang: "There being no further discussion, Representative Brosnahan, to close."

Brosnahan: "Just request an 'aye' vote. Thank you."

- Speaker Lang: "The Gentleman moves for the passage of House Bill 4136, on that question, all those in favor shall signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 3944?"
- Clerk Bolin: "House Bill 3944 is on the Order of House Bills-Third Reading."
- Speaker Lang: "That Bill shall be placed on the Order of Second Reading for purposes of an Amendment at the request of the Sponsor. Mr. Clerk, please tell us the status of House Bill 3535."
- Clerk Bolin: "House Bill 3535, the Bill has been moved to the Order of House Bills-Third Reading."
- Speaker Lang: "Please place that Bill on the Order of Second Reading at the request of the Sponsor. Mr. Clerk, Committee Reports."
- Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on February 29, 2000, reported the same back with the following recommendations: 'direct floor consideration' for House Amendment #1 to House Bill 260; House Amendment #2 to

- 101st Legislative Day February 29, 2000

 House Bill 4324; House Amendment #3 to House Bill 4349; and

 House Amendment #2 to House Bill 4431."
- Speaker Lang: "On the Order of Second Reading, there appears

 House Bill 260. Mr. Giglio."
- Clerk Bolin: "House Bill 260, the Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Giglio, has been approved for consideration."
- Speaker Lang: "Mr. Giglio."
- Giglio: "Thank you, Mr. Speaker and Members of the House. Floor

 Amendment #1 is truly technical in nature and clarifies the
 language in 260."
- Speaker Lang: "The Gentleman moves for adoption of Floor

 Amendment #1, and on that question, the Chair recognizes

 Representative Shirley Jones. Representative Shirley

 Jones."
- Jones, S.: "Nah, I just wanted to make a Motion. I was waiting until you get through. Is it okay for me to do it now?"
- Speaker Lang: "Representative, we'll come right back to you after this Bill. Representative Cross."
- Jones, S.: "Okay."
- Cross: "Are we talking about the Amendment or are we talking about a Motion, Mr. Speaker? It's very unorganized here."
- Speaker Lang: "We talking about Mr. Giglio's Motion to adopt Floor Amendment #1."
- Cross: "What's his Amendment say or do?"
- Speaker Lang: "The Gentleman will yield. He'll be happy to tell you."
- Giglio: "What it does, Representative, is it clarifies the language so that we're sure we're talking about the same... the correct toll plaza, number one, and it also changes it from 1999 to the 91st General Assembly."

101st Legislative Day

- February 29, 2000
- Cross: "It also changes... did you say it changed the date, Mike?"
- Giglio: "From '99 to the 91st General Assembly, correct."
- Cross: "Is there any reason for changing the date?"
- Cross: "The toll... Do you know if the toll way authorities supports or opposes your Amendment?"
- Giglio: "Actually, I... on the Amendment itself, I would think they'd probably be neutral. I think they're opposed to the Bill itself, but the Amendment, they wouldn't be."
- Cross: "All right. Thank you very much."
- Giglio: "Thank you."
- Speaker Lang: "There being no further discussion, Mr. Giglio, to close."
- Giglio: "Thank you. I would simply ask for your favorable support."
- Speaker Lang: "All those in favor of adopting Floor Amendment #1 will say 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And we do... and the House does adopt Floor Amendment #1. Mr. Clerk."
- Clerk Bolin: "No further Amendments. A fiscal note has been requested on the Bill as amended, and that note has not yet been filed."
- Speaker Lang: "Please hold the Bill on the Order of Second Reading. Mr. Clerk, read House Bill 4324. Representative Hamos."
- Clerk Bolin: "House Bill 4324, a Bill for an Act to amend the Illinois Housing Development Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Hamos, has been approved for consideration.

101st Legislative Day

February 29, 2000

Speaker Lang: "Representative Hamos. Out of the record. Mr. Clerk, please read House Bill 4349.

Clerk Bolin: "House Bill 4349, the Bill's been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Slone, has been approved for consideration."

Speaker Lang: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor
Amendment #3 would lower the population requirements for
park districts to which this Bill would apply, down to 3000
or fewer population, to deal with concerns expressed by
some members and by the Park Districts Association. I
would appreciate your 'aye' vote."

Speaker Lang: "The Lady moves for the adoption of Floor Amendment #3, and on that question, the Chair recognizes Representative Cross."

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

Speaker Lang: "The Lady yields."

Cross: "Well, Representative, why did... why are you changing now... dropping it down to a population level of less than 3000?"

Slone: "The Bill... Representative Cross, the Bill is intended to deal with a particular situation in our part of the state. So, the intent of the Amendment is to make sure that as few park districts would be... fall within the language as possible."

Cross: "You're not suggesting that this is special legislation for just one park district?"

Slone: "Heavens no."

Cross: "But is it... oh, okay. Is there anyone opposed to this?"

Slone: "Not that I'm aware of, no."

Cross: "How many park districts are there with populations of

101st Legislative Day February 29, 2000 3000 or less in the State of Illinois?"

Slone: "There's about a hundred I believe. Fifty to a hundred."

Cross: "Pardon me?"

Slone: "Fifty to a hundred I believe."

Cross: "And all those are for... will all of those be affected by this?"

Slone: "They would if they met the other criteria that the Bill would deal with. They would be within that population range, yes."

Cross: "And your park districts at home or park district is supportive of this Amendment I take it?"

Slone: "I'm sorry, Representative Cross, I couldn't hear you."

Cross: "The park districts in your area or your legislative district support this?"

Slone: "I don't believe they are on record one way or another.

The Illinois Association of Park Districts, I believe, is
neutral on the Bill."

Cross: "Okay. Thank you."

Speaker Lang: "There being no further discussion, all in favor of amending... of adopting Floor Amendment #3 say 'aye'; all opposed 'no'. In the opinion of the Chair, the 'ayes' have it; and the House does adopt Floor Amendment #3. Mr. Clerk."

Clerk Bolin: "No further Amendments."

Speaker Lang: "Third Reading. The Chair recognizes

Representative Shirley Jones, and I'm sorry I forgot you

previously, Representative."

Jones, S.: "That's quite all right, just don't let it happen again."

Speaker Lang: "We won't."

Jones, S.: "Mr. Speaker, I would like to make a Motion to suspend the posting requirements for the Special Committee on

- 101st Legislative Day February 29, 2000

 Telecommunication Review, so the committee can hold a subject matter only."
- Speaker Lang: "You heard the Lady's Motion. On that Motion, the Chair recognizes Representative Cross."
- Cross: "Thank you, Mr. Speaker. We have no objection that I'm aware of. I do know that Representative Jones as I... Representative Jones and I have talked. There was little communication problem with respect to this date, but that's been cleared up and I appreciate her understanding and working with us, and I don't think we'll have any other problems in the future. So, thank you, Representative Jones, and we are supportive of the Motion."
- Speaker Lang: "There being no further discussion, the Lady without objection, her Motion is allowed. Oh, Representative Shirley Jones has something further to say."
- Jones, S.: "Yes, Mr. Cross, and we do apologize on this side of the aisle for the mix up with the staff, and it will not happen again. Thank you."
- Speaker Lang: "The Motion is adopted. Posting notice is suspended. Mr. Clerk, please read House Bill 4431."
- Clerk Bolin: "House Bill 4431, a Bill for an Act concerning taxes. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Barbara Flynn Currie, has been approved for consideration."
- Speaker Lang: "Representative Currie."
- Currie: "Thank you, Speaker and Members of the House. The Amendment contains two quite technical provisions, and it takes out one provision of the Bill, because we were unable to agree on appropriate language to effectuate its proposed change. That change is, that today, privately held aircraft and watercraft, held out of the state for three

101st Legislative Day

February 29, 2000

months or more, will not be subject to the Use Tax. We were attempting to close that loophole and we will intend still to do that, but we couldn't find language that was satisfactory to all comers. Secondly, the measure... proposed language to deal with the tax treatment of certain partnerships, particularly investment clubs, because there are some partnerships that would have been included that didn't want to be. The department will continue current practice with respect to investment clubs and not change the underlying statute. Third, we were trying to make more rational, the issue of exemptions from taxes for food and drugs bought by licensed nursing homes to serve Medicaid clients and we move that language to the Use Tax, which is where it belongs, but there may be a couple of homes for whom the Service Occupation Tax was still appropriate, so, both tax Sections are referenced. As I say, it's a technical Amendment. I know of no opposition and I appreciate your support."

Speaker Lang: "The Lady moves to adopt Floor Amendment #2. And on that question, the Chair recognizes Representative Parke."

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

Speaker Lang: "The Lady yields."

Parke: "Representative, isn't this an agency, the Department of Revenue Agency cleanup language?"

Currie: "The underlying Bill is the Department of Revenue's taxpayer friendly initiatives of the year 2000, and the technical Amendment that I have just described was their proposal, as well. They made a commitment in committee, that if there were problems with various groups with any part of the Bill, then they would take that language out by Amendment, and that's what this does."

101st Legislative Day

February 29, 2000

Parke: "Now, does this have... does this still have the Robbins Incineratary (sic-Incinerator) facility language in here?"

Currie: "That is certainly part of the underlying Bill, unaffected by Amendment #2."

Parke: "So, that is still in the Bill, though? And what..."

Currie: "It has nothing to do with this Amendment, however."

Parke: "And you've mentioned that there are three different things that are involved in this Bill. Did anybody testify against these Amendments in committee?"

Currie: "In the Amendment? Are we talking about the Amendment, Representative?"

Parke: "Oh, this is a Floor Amendment, so nobody would have an opportunity to testify?"

Currie: "No, but there was an issue raised in committee on the only substantive change in the Bill, which is the one that deals with aircraft or watercraft that are out of state, held there for three months, and then brought into the state. And there was testimony suggesting that the department would try to work with the Taxpayers Federation, the Manufacturers Association, so that there would be agreeable language. That agreeable language is not yet available, so the department made a commitment to strip that provision from the Bill, and that's what will happen if Amendment #2 is adopted."

Parke: "Well, our staff analysis said that there's still opposition to this Amendment. Do you know where that might be from?"

Currie: "I can't imagine where it's coming from. I think your staff may want to go and look again at the Amendment. The other two recommendations, as I say, are totally technical. They were recommended by a well-known accounting firm and the effort was to make sure that nobody would be left not

101st Legislative Day

February 29, 2000

able to claim partnership status if that's what they wanted, and that no nursing home would find itself with a tax liability for food and other items that they buy for Medicaid clients."

Parke: "So, as far as you know, nobody is in opposition to any of the provisions, the three provisions that you've discussed with us on the floor? You know of no opposition to these?"

Currie: "I think this Amendment is a totally mild-mannered Amendment. I believe there is no opposition to the Amendment."

Parke: "Thank you very much."

Currie: "And the effort here is to make sure there's no opposition to the Bill when we discuss it, and vote on it on Third Reading. That was the commitment that the Department of Revenue made in committee and Amendment 2 makes good on that commitment."

Parke: "Okay, one la..."

Currie: "It takes out one controversial provision, makes two technical changes, just to make sure that we don't do damage when the effort was to provide help."

Parke: "And so that's..."

Currie: "As I say..."

Parke: "That's why the..."

Currie: "...it's a taxpayer-friendly initiative..."

Parke: "That's why the Taxpayers Federation doesn't have a position on this because you..."

Currie: "I believe they're in support of the Amendment, because they couldn't provide us with language to do what they and we wanted to do, but to do so in a way that wouldn't cause further harm."

Parke: "Okay, well then I guess we'll let... I presume we'll let the Amendment go on and we'll debate the Bill on its face.

101st Legislative Day

February 29, 2000

Thank you."

Currie: "Fine."

- Speaker Lang: "There being no further discussion, those in favor of the adoption of Floor Amendment #2 will say 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it; and the House adopts Floor Amendment #2. Mr. Clerk."
- Clerk Bolin: "No further Floor Amendments. However, notes have been requested on the Bill as amended, and those notes have not yet been filed."
- Speaker Lang: "Hold the Bill on Second. Mr. Clerk, what is the status of House Bill 3899?"
- Clerk Bolin: "House Bill 3899, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill.

 Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."
- Speaker Lang: "Third Reading. Mr. Clerk, the status of House Bill 4148, please."
- Clerk Bolin: "House Bill 4148, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill.

 No Committee Amendments. No Floor Amendments. No Motions filed."
- Speaker Lang: "Third Reading. Mr. Clerk, the status of House Bill 4525, please."
- Clerk Bolin: "House Bill 4525, a Bill for an Act to amend the Toll Highway Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."
- Speaker Lang: "Third Reading. And, Mr. Clerk, House Bill 4698."
- Clerk Bolin: "House Bill 4698, a Bill for an Act concerning public and appellate defender immunity. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

- 101st Legislative Day February 29, 2000
- Speaker Lang: "Third Reading. Mr. Clerk, what is the status of House Bill 3841?"
- Clerk Bolin: "House Bill 3841, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No further Floor Amendments, no Motions filed. House Bill 3841, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."
- Speaker Lang: "Please place that Bill on the Order of Second Reading at the request of the Sponsor. And, Mr. Clerk, the status of House Bill 2962."
- Clerk Bolin: "House Bill 2962, the Bill's been read a second time previously. Amendments 1 and 2 have been adopted to the Bill. No further Floor Amendments. No Motions filed."
- Speaker Lang: "Third Reading. Mr. Clerk, House Bill 4324, please."
- Clerk Bolin: "House Bill 4324, a Bill for an Act to amend the Illinois Housing Development Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Hamos, has been approved for consideration."
- Speaker Lang: "Out of the record. Mr. Clerk, on the Order of Third Reading, there appears House Bill 3559. Please read the Bill."
- Clerk Bolin: "House Bill 3559, a Bill for an Act concerning industrial hemp. Third Reading of this House Bill."
- Speaker Lang: "Representative Lawfer. Mr. Lawfer. Mr. Lawfer.

 Out of the record. On the Order of Third Reading, House

 Bill 2882. Representative Jerry Mitchell. Mr. Mitchell.

 Read the Bill, Mr. Clerk."
- Clerk Bolin: "House Bill 2882, a Bill for an Act to amend the

101st Legislative Day

February 29, 2000

Illinois Vehicle Code. Third Reading of this House Bill."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I present you with 2882, which is a Bill that allows constituents across the State of Illinois, to get a vanity plate for trailers. Basically, this was constituent driven. They came to me and asking for the possibility of vanity plates for boat trailers, horse trailers and that type of vehicle. This has not happened before. It will be a money maker for the State of Illinois. It will not happen until this replating has taken place. So, this Bill won't take effect till about 2004. I recommend an 'aye' vote. I worked with the Secretary of State's Office to ensure that they had no objections to this Bill. In fact, they helped me write the Amendment that changed it so that we don't interfere with the recent replating that's going on now. Be happy to answer any questions."

Speaker Lang: "The Gentleman moves for the passage of House Bill 2882. And on that question, the Chair recognizes Representative Rutherford."

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

Speaker Lang: "The Gentleman will yield."

Rutherford: "Representative Mitchell, I just want to clarify.

This does not create a new specialty plate in the State of Illinois?"

Mitchell, J.: "No Sir, it does not. It simply allows with the existing plate and the existing format, the ability to have a vanity plate with the name of a farm or the name of a family."

Rutherford: "Thank you."

Speaker Lang: "Mr. Mitchell, to close."

Mitchell, J.: "I would just ask for an 'aye' vote. Thank you."

Speaker Lang: "The Gentleman moves for the passage of House Bill

101st Legislative Day

February 29, 2000

2882. Those in favor shall vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 3402. Representative Jerry Mitchell."

Clerk Bolin: "House Bill 3402, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Lang: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I bring you House Bill 3402, which makes a technical change in a section concerning scholastic records of transferring students. We had a long debate on this I've spoken to just about everyone that had concerns on this particular issue. Before, basically, it allows the school district to honor an expulsion from another school district, as long as they don't have an existing policy that says that whatever that offense was, would not be subject to a shorter time. If that happens, they can then reduce that penalty to the existing policy that they have and allow the student entered in at an earlier date. It also allows for alternative schools, if in fact, that is in the original expulsion or it is in the rules of the school district where that student is coming in. I'd be happy to answer any questions."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3402. And on that question, the Chair recognizes Representative Monique Davis."

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

Speaker Lang: "The Gentleman will yield."

Mitchell, J.: "Yes."

101st Legislative Day

February 29, 2000

- Davis, M.: "Representative Mitchell, if a student is expelled in a particular district and then moves to a new district, and the new district does not expel for that particular offense, must the new district continue to honor your expulsion?"
- Mitchell, J.: "Representative, they can honor that expulsion from the district. However, if they do not normally expel for that, they can admit the student at the time that he makes application, or she."
- Davis, M.: "So, does your Bill say the school... the new school district 'may' accept that student, or does it say the school district 'shall' accept that student?"
- Mitchell, J.: "The Bill actually says, 'It shall not exceed the lesser of the amount of time in which the school district into which the student is transferring would normally suspend or expel a student for the same incident that prompted suspension or expulsion at the school from which that student is transferring'. So, it is not 'may'."
- Davis, M.: "Let me ask this question. For example, if you have some students who, say are playing on the playground, and it's past school hours and they should not be there, and in the morning, because of their behavior and they were playing on the school ground after school and they get expelled, and then before that expulsion is completely served, they move to another district and that school district only expels students for what are termed as 'relatively criminal offenses'. Now, if the student makes application to the new school, does he get admitted?"
- Mitchell, J.: "Representative, that certainly is within the prerogative of that school district, because it leaves it open to that school's decision."
- Davis, M.: "What language do you have that says that? What's

101st Legislative Day February 29, 2000 your language that states it's up to the school's decision?"

Mitchell, J.: "'A school district into which a student is transferring, shall delay the admittance of the student if the student is currently serving a suspension or expulsion imposed by that school district from which he or she is transferring. A student who is transferring into a school district and who is currently serving a suspension or expulsion imposed by another Illinois school district shall, by being denied admission to the school district into which he or she is transferring, effectively serves the balance of his or her suspension or expulsion in the school district into which he or she is transferring, provided the total period of the suspension or expulsion by combining the amount of time from the school district which the student is transferring, with the amount of time by which the student is delayed admittance to the school district into which he or she is transferring shall not exceed two years. A student who is transferring into a school district and who is currently serving suspension or expulsion imposed by an out-of-state public school, a private, or parochial school, regardless of the location..."

Davis, M.: "Oh, wait, wait. Wait, Representative. Please hold
 it. Did I hear you say 'private or parochial school'?"
Mitchell, J.: "That's correct."

Davis, M.: "So, you're saying that we're going to pass a state law that prohibits a student whose been expelled from a public school from being admitted into a parochial school..."

Mitchell, J.: "No, Representative."

Davis, M.: "...or private school?"

101st Legislative Day

- February 29, 2000
- Mitchell, J.: "No, Representative, it's just the opposite. If they're coming from a private or parochial school and have been expelled, then the public school can look at that, not the other way around."
- Davis, M.: "No, Representative. I read your language, and it...

 you even said if a student moved out of the United States,

 he could not attend school until the expulsion was

 complete. My question..."
- Mitchell, J.: "No, Ma'am, it doesn't say that at all. We have no jurisdiction out of an out-of-state school."
- Davis, M.: "No, we don't, Jerry."
- Mitchell, J.: "If they're coming into our school, then we look at their application, but certainly, we have no jurisdiction of an out-of-state school."
- Davis, M.: "So, your Bill does not prohibit students who are leaving a public school from being enrolled in a private school?"
- Mitchell, J.: "We have no jurisdiction over that."
- Davis, M.: "And it doesn't prohibit a student from being enrolled in a parochial school?"
- Mitchell, J.: "We have no jurisdiction over that as well."
- Davis, M.: "But it does ask that if he's moving into a new district, that that student should be... should continue to be expelled until the expulsion is complete, unless that district has that same offense as a penalty, and that penalty is less. Is that correct?"
- Mitchell, J.: "And then he would have served the lesser of the two. That's correct."
- Davis, M.: "What is your objective?"
- Mitchell, J.: "Representative, my objective, again, is to look at the students under my authority in my district and try to keep them as safe as possible. Our consideration is, is

101st Legislative Day

February 29, 2000

that expulsion offenses certainly are not simply being late for class. They are most of the time, in my experience of 27 years in public education, offenses that could put my students in my district, in harms way. If we simply do have a policy that does not... and many districts have policies that do not expel for more than a year. Some are using a two-year expulsion. If you're going move into a district that only expels for one year maximum, then certainly that offense should fall into the lesser of the categories."

- Davis, M.: "Representative, do you believe that if a parent is having trouble with his or her child in a particular environment and the child gets expelled, and then that parent says, 'Well, we're going let you go and live with your father and maybe you'll behave better, maybe you'll be away from those little gangbangers you're hanging out with'. And so the mother moves the kid in with the dad, but you're saying, the dad cannot enroll that child in his school district."
- Mitchell, J.: "If that was an offense that was expellable in that school district, that is correct."
- Davis, M.: "So, the father would not be able to enroll his child in school until he had served out an expulsion that occurred maybe 200 miles away?"
- Mitchell, J.: "Well, Representative, an offense is an offense, and certainly I don't think you would want me moving potential gang members from my school district into your school district, and saying, 'Okay, the only penalty is you just gotta move.'"
- Davis, M.: "Well, the problem becomes, Representative... let me ask. Can they be expelled for nonattendance in school for truancy?"

101st Legislative Day

February 29, 2000

- Mitchell, J.: "I don't know what the policy would be in your school district."
- Davis, M.: "Well, let's say my policy is. We have a policy that children who are truant so many days, are expelled. And maybe we expel them for two years and they move to your district. So now, he's in your district and he's expelled for two years for not attending school. Now what?"
- Mitchell, J.: "Representative, I don't have any schools in my district that would expel for that long for truancy. Certainly if the student's not coming, the policy that expels for truancy really is a empty policy. You know, the objective would be to get the children in school. If he's truant, he's not there anyway."
- Davis, M." "To the Bill, Mr. Speaker. This Bill may be very well-intentioned, but what we have to look at is the result or the affect the Bill will have. I will give you a very good example. If you have a child who is a pyromaniac and he has set a fire or attempted to in Jerry Mitchell's district, and for two years, he cannot go to school in my district, but since he cannot come to my school, I don't know that he's out there in the neighborhood with this problem because his records are no place. His records are still where he was expelled from, and is a person in a new community who has a major problem, he likes to set fires. But the school district in which he moved to can do nothing to help, no one can watch, no one is even aware of this problem, except the school from which he was expelled. This is a good intentioned piece of legislation, but the harmful affects will result in a number of children being on the street unsupervised, perhaps in new communities where people don't know them. It will not do what our Constitution of the State of Illinois says we should do,

101st Legislative Day

February 29, 2000

and that's educate children. The purpose of expulsion is to remove children at a particular time in which the others may be in harms way. But it is punitive, draconian, and it is extremely harmful to do it as a... what shall I say, just... in others words, we're going to punish you as if you were an adult. Even an adult who gets fired from one job is not stopped or halted from going to another community getting another job. But we're saying, 'Children, if you misbehave, we're going to stop your education, we're going put it on hold.' This is a... is education a reward for good behavior? Or is education something that the State of Illinois, by Constitution, promises and it is our responsibility to provide. you will expel, will be the one most in need of education I'm not trying to deny punishment of and supervision. children who need it, but I don't think that a particular rule in District 901, and I'm just using that, should be in effect in District 916. If we want to set standards for expulsions, then we should list those rules or penalties and when they will be in effect. I don't think we should allow the arbitrary, capricious use of expulsion by one little local school district to be the rule over all school districts in the State of Illinois. And, that is the affect of this Bill. The affect will be, the smallest little school district in some way out of the corner way, will make a decision about their school. But this state law will say, because he's expelled from that little corner, he's expelled from all the schools in the State of Illinois. I think its affect will be very harmful on the children in our state, and I urge a 'no' vote."

Speaker Lang: "Mr. Mitchell, to close."

Mitchell, J.: "Thank you, Mr. Speaker. Contrary to what the last

101st Legislative Day

3402.

February 29, 2000

speaker just said, there is a provision in the Bill that says that records must be transferred. First of all, when you are expelled in the State of Illinois, it's already state law that that expulsion becomes a part of your That's in every district. permanent record. When a student makes application to a district, he then is in jurisdiction of that school district. The law simply says, very specifically says, that records must be and transferred specific enough to give that new school district, evidence of what the expulsion was for. immediately, that school district is aware of what the offense was, so there is no harm to the neighboring district. That that information has come to the school district. This is not for students that simply fall asleep in class. We're not talking about simple offenses, we're talking about offenses that could put your children in your district in harms way. We already have a law that says for three different particular offenses, you can be expelled. But let me give you a couple of instances that have happened. Number one, we do have a student that had a grand plan to torch his school and he does want to enroll in another school district. That is not covered under three areas that a student can be expelled for in a second district. A second situation has arisen where a student from a private school wants to come to the public school and bring narcotics with her. We have no place for that kind of thing in the Bill as it is now, because there's no provision to look at private students. This covers both those situations. It's a good Bill. It was well-crafted. We took a lot of time with it, and I urge your 'aye' vote." Speaker Lang: "The Gentleman moves for the passage of House Bill

Those in favor shall signify by voting 'aye'; those

74

101st Legislative Day

February 29, 2000

opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this issue, there are 100 voting 'yes', 12 voting 'no, and 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 3464. Representative Jerry Mitchell."

Clerk Rossi: "House Bill 3464, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Lang: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I bring you House Bill 3464. This Bill allows districts to use a three-year average for averaging average daily attendance within the funding formula which simply cuts down the amount of money that a district loses in any one particular Bill. This Bill can affect every single school district, if you are in fact, suffering from declining enrollment. This is not new legislation, this is the way the law was one General Assembly ago. We changed the law in hopes that with the new influx of state funding into the mix, that this particular part of the funding formula would not need to be here. That has not happened. And so, those dollars that we received are going away very quickly. Many, many districts in the State of Illinois are suffering huge losses in state aid due to rising EAV and declining enrollment. This simply slows down that decline, does not create a hold harmless situation of a district, but it certainly helps out the situation of the loss of funds. Be happy to answer any questions."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3464. And on that question, the Chair recognizes Representative Skinner."

101st Legislative Day

February 29, 2000

Skinner: "Well, Mr. Speaker, we have another regional issue here. This one's only going to cost us \$29,000,000. You know, when we passed the State Aid to Education Program, thought it was a program to assist students. It's not. Under this Amendment, it's a program to aid empty desks. This Bill will allow the averaging of the number of students that existed in a given classroom So, when a family moves out of three-year period. downstate Illinois to Kane County or Will County, the downstate school district will still keep getting the state aid. Well, you know, Representative, I just heard this question. What do you have against downstate? have anything against downstate, except when downstate has its hand in my pocket. And you have your hand not only in my pocket, you have your hand in the pocket of virtually every taxpayer in the six county area. Now, I promise not to use the same analogy that I used last time. No, we're doing a vortex this time. It's like a tornado, taking all of the oxygen out of Northern Illinois and taking it into Southern and Central Illinois. Now, if you think that your school districts will be better off if downstate school districts have an extra \$29,000,000 bonus, vote 'yes'. And if you don't, vote 'no'."

Speaker Lang: "The Chair recognizes Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd certainly like to commend the previous speaker because I think he said it about as effectively as any of us from downstate could have said. In true form and fashion, I think Cal has presented the Bill in a way that we should just close and proceed. What this is talking about, it's talking about kids in the classroom. What this is talking about is the increase in the equalized accessed

101st Legislative Day

February 29, 2000

value and the decrease in the enrollment, means that there are fewer and fewer dollars to educate children. disparity in education in this state has been an issue for a long, long time. Everyone recognizes that those who pay the most, who live in the richest areas of this state, having to help educate all of the kids of Illinois. assume that most people want to accept that responsibility. In fact, there have been situations across the Southern part and many of the Central parts, and probably even some of the Northern parts of downstate Illinois, that have continued to get worse and worse and worse. If, in fact, we could just cut off a classroom, eliminate a teacher, cut down a building, turn off the furnace, we could probably continue to provide the same kind of education that we've been doing in the past. But under the situation as it is, it's necessary for us to find ways to continue to provide at least the beginnings of an acceptable education for all of the kids of this state. Representative Mitchell has come up with a tremendous idea. It's not new, it's not original. It's something we did in the past, but it's something that is necessary today, as well. and everyone of you to give consideration and compassion to all of the children whom responsibilities of seeing that receive quality educations in this state. Vote 'yes'."

Speaker Lang: "Representative Hoeft."

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

Speaker Lang: "Gentleman will yield."

Hoeft: "I think I first of all have to tell you I'm a upstater,

I'm a collar county person. I think in this regional vote

we have to be honest with each other and tell you where we

come from. The basis of educational funding in this state

101st Legislative Day

February 29, 2000

is the average daily attendance. There is a flaw in this in that sometimes this violently changes. Let's take a small school district that has a factory. The factory People leave. We want our school administrators closes. to look ahead when they are doing budgets and budget for a five-year, three-year, period of time. If, in fact, we want them to be efficient in doing this, we've gotta change the ADA, the average daily attendance, so it reflects longer than a one-year period. This has been done for many, many, many years, successfully in Illinois. It was dropped, it shouldn't have been dropped. This is simply saying for all of the children, not collar, not Cook, not downstate, all of the children in this state, this is good public policy. If you care about kids all over the state, you're gonna vote a 'yes'."

Speaker Lang: "Mr. Mitchell, to close."

Mitchell, J.: "Thank you, Mr. Speaker. You know, I don't remember the Representative who loves that phrase about the sucking sound standing up and cheering but he certainly voted very happily when that particular part of the funding formula was changed two years ago. We're not doing anything different. If you look at the amount of money that's going in the state board and where's it's going, we are not taking one single penny out of the categoricals. They will be funded fully. Those certainly reflect where As far as the statement 'this is for the kids are. downstate and not for kids', I beg your pardon. Contrary to your belief, we do have kids downstate. Ladies and Gentlemen of the House, this is an issue of fairness. We are suffering from a formula that has been manipulated and changed until it is not a resource equalizer anymore. I'm not sure what it is. I would not have had a Bill on this

101st Legislative Day

February 29, 2000

House Floor that messed with the funding formula if it had not been messed with before. But quite frankly, before this funding formula ever got out of the Illinois State University where it was created, to change from the Strayer-Heig formula that was just as bad, it was changed. The state board says, 'No, we're opposed to this simply because we don't think you should mess with the funding Well, that should have happened 15 years ago. formula.' Until we come up with a better way to fund education in the State of Illinois, we must take care of all the children. Now categoricals, and I was on the committee that put in a categorical that increased tremendously, the amount of money to upstate schools that were suffering from tax caps. And I supported that. And I would expect the same kind of courtesy and the same kind of concern for downstate students. Give me an 'aye' vote and let's educate all the students in the State of Illinois. Thank you, Speaker."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3464. This is final action. Those in favor shall vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Mr. Clerk, please take the record. On this issue, there are 78 voting 'yes', 31 voting 'no', and 4 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. We have a few housekeeping matters. The Chair recognizes Representative Howard on a Motion."

Howard: "Yes, thank you, Mr. Speaker. I'd like to move to table House Bill 4125."

Speaker Lang: "The Lady has moved to table House Bill..."

Howard: "One twenty-five."

101st Legislative Day

February 29, 2000

Speaker Lang: "Forty-one twenty-five?"

Howard: "Yes."

Speaker Lang: "Does the Lady have leave? Are you the principal Sponsor of this legislation, Representative?"

Howard: "Yes."

Speaker Lang: "The Chair recognizes Representative Black, on that Motion."

Black: "Thank you very much, Mr. Speaker. If it's her Bill, I have no objection. Generally, on a Motion to Table, the Bill is displayed on the board, so that we have some idea whether it is, in fact, the maker of the Motion's Bill."

Speaker Lang: "The Clerk..."

Black: "We get a quick idea."

Speaker Lang: "The Clerk is working on that, Sir."

Black: "Oh, okay. So, if I talk slowly to the Speaker, perhaps it might appear on the board, then we would have an idea as to who the Sponsor is and what the Bill's title might be."

Speaker Lang: "The..."

Black: "Then we could... then we could act upon the Lady's request."

Speaker Lang: "This Bill was not on the Calendar, which is why it's not readily available to the Clerk. But you now see it on the board, Sir. Representative Howard moves to table House Bill 4125. Do you have any objection, Sir?"

Black: "No."

Speaker Lang: "Does the Lady have leave? Leave is granted. The Bill is tabled. The Chair recognizes Representative Schoenberg. For what reason do you rise?"

Schoenberg: "For the purpose of an announcement, Mr. Speaker.

Mr. Speaker, if you could call the Members' attention.

Last year, Members who had Member Initiative Projects that
they had hoped to advance through the appropriations

101st Legislative Day

February 29, 2000

process, offered those Amendments to a Bill that was considered in the House Appropriations Committee, for General Services Government Oversight. Through agreement with Mr. Biggins, we are going to proceed the same way. So Members who wish to have a Member Initiative Amendment placed on a Bill and moved out of committee in appropriations process, if the Republican Members could see Mr. Biggins with your Member Initiatives, and if the Democrats could contact me no later than 4:00 tomorrow, we will have those Amendments prepared respectively for House Bill 4492, which will be considered later this week in the Appropriations Committee for General Services Government Oversight. So, if you have a Member Initiative funding project that you with to move through local initiative, Republicans, if you could contact Mr. Biggins, and Democrats, if you could contact me, we will help accommodate your request. Thank you."

- Speaker Lang: "Representative Slone, for what reason do you rise?"
- Slone: "Thank you, Mr. Speaker. On the previous vote, I erred in pulling the 'no' switch, and I would like to be recorded as having wished to vote 'yes'."
- Speaker Lang: "The record will reflect your intentions. The Chair recognizes Representative Black. For what reason do you rise, Sir?"
- Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair regarding Representative Schoenberg's announcement."
- Speaker Lang: "Please proceed."
- Black: "Unless I have missed something, and perhaps the Chair or Representative Schoenberg could cast light on this matter.

 In the past, I believe each caucus has been asked to submit

101st Legislative Day

February 29, 2000

those requests to their respective appropriations director. And the appropriations director I assume then, handled those requests. Now, he's telling me that by 4:00 tomorrow, I'm to give these requests to Representative Biggins on my side of the aisle, you on the Democrat side of the aisle, to, I assume, Representative Schoenberg. That's a departure from past practice. Perhaps Representative Schoenberg could illuminate that for me."

Speaker Lang: "Mr. Schoenberg."

Schoenberg: "Thank you. Mr. Black, last year, people who felt that they wanted call some public attention to a local initiative and they had introduced that Bill as a separate Appropriations Bill, say for a funding project in your area, rather than hold all these Appropriation Bills that are assigned to committee, what we wanted to do, was give some of those issues the light of day and move them along. The two are not mutually exclusive. But if you have something or any other Member has something on their side that they wish to be able to call greater public attention towards, rather than try to pass an individual Bill through an individual committee, we've designated one Bill that we're going to amend all those Amendments to, and we're going to move that Bill out of committee and hold it on Second Reading."

Black: "Okay, now, and that sounds fine to me. Now, let me just for clarification. You say you'll hold it on Second Reading. If a Member puts 12 initiatives in there, it is not your intent then to have the committee vote on somebody's package or Amendment and defeat it in committee? Because then that could come back to haunt the person who gave it to you. That's not the intent of the committee, is it?"

101st Legislative Day

- February 29, 2000
- Schoenberg: "Mr. Black, that's correct. That's why Mr. Biggins and I discussed this, and last year rather than have one Democratic Bill of this nature and one Republican Bill of this nature, in the spirit of bipartisan cooperation, we sought to identify one Bill that he and I would Sponsor that we would put all the Amendments on and that we would move it forward."
- Black: "Okay. Fine. I appreciate the explanation. Thank you,

 Mr. Speaker."
- Speaker Lang: "Thank you. Mr. Clerk, what is the status of House Bill 260? 260."
- Clerk Rossi: "House Bill 260 has been read a second time previously. It was held on the Order of Second Reading pending the filing of a fiscal note. That note request has been withdrawn."
- Speaker Lang: "Third Reading. And Mr. Clerk, the status of House Bill 2967."
- Clerk Rossi: "House Bill 2967, is on the Order of House Bills-Third Reading."
- Speaker Lang: "Please place that on the Order of Second Reading at the request of the Sponsor. We return to the Order of Third Reading. Mr. Clerk, please read House Bill 3557. Representative Tenhouse."
- Clerk Rossi: "House Bill 3557, a Bill for an Act amending the Legislative Information System Act. Third Reading of this House Bill."
- Speaker Lang: "Mr. Tenhouse."
- Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3557 is an initiative that was brought to the House by two groups: Common Cause and Independent Voters of Illinois. Originally... and really it's a Bill to post roll calls, debate, and live audio on the Internet.

101st Legislative Day

February 29, 2000

We have really come a long way with this Bill. Initially, it's pretty controversial, but with the help of the Majority Leader and folks sitting down working back and forth, I think we've got a Bill that works pretty well. And so we'll give you an idea of what we're talking about Basically, it does about three things. First of all, each roll call vote, of each full chamber, will be posted no later than two days and those are business days, after the conclusion of a legislative day in which it's recorded. And a reasonably clear description of the matter will be linked to each roll call. The second issue is floor debate transcripts for each legislative day will be posted no later than the tenth business day after the beginning of the Spring Session. For example, transcripts of debates in 2001 shall be posted no later then ten days after the start of the Session in 2002. And live audio of the House and Senate will be available via the World Wide Web beginning with the first legislative day of the 92nd General Assembly and thereafter. Some of the things that... one of the issues that have been brought up was concern as far as on-line protection where there could be some changes as far as the legislation is concerned as far as going into the But House Bill 3557 would make it a Class IV web site. felony for anyone who damages or falsifies data or records maintained on computer equipment and it would make it Class IV felony for anyone who maliciously falsifies a copy or representation of any data or record made available by the General Assembly or any of its agencies. And really, with these Amendments... what the Amendment, really House Bill 3557 does not have the fiscal impact that was originally talked about. Both the House and Senate already prepare calls for debate transcripts electronically, roll

101st Legislative Day

February 29, 2000

therefore, posting roll call votes and transcripts should require no additional staff, space or funding. It's interesting because our neighbors across the river in Missouri are doing a very similar thing with live audio and its web site for a one-time cost of \$35,000 and that included the equipment, software and licensing. I think... finally, there are about 25 states that are doing this and Illinois would be the first state to provide citizens with easy Internet access to all three forms of information that we talked about here today."

Speaker Lang: "Have you completed your remarks, Sir? I'm sorry."

Tenhouse: "Yes, I have. I stand ready for any questions."

Speaker Lang: "The Chair recognizes Representative McKeon."

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

Speaker Lang: "Gentleman yields."

McKeon: "Representative Tenhouse, as Cosponsor of this Bill, I just want to clarify for the Members that the language that has been worked out in the final version that's being presented here has been agreed to by Leadership on both sides of the aisle."

Tenhouse: "That is correct, Representative McKeon."

McKeon: "And that your analysis indicated that the actual cost of implementing this potentially, is substantially less than what was originally feared by some Members."

Tenhouse: "That is correct. I think there was there was some concern, Representative, as to the cost in terms of doing the transcripts when the way the Bill was originally written. I think that's been a... really, we've been able to reach a compromise by going to a longer period of time before those transcripts would be posted on the Internet, but it also means that frankly, we'll be able to use the staff that working in the Clerk's Office much as they are

101st Legislative Day

February 29, 2000

today. It really will not be much difference other than we'll just be posting on the Internet the information that we have available right now in a written form."

McKeon: "And just a point in clarification. When you talked about a Class IV felony for misrepresenting that vote, you do not mean to suggest that someone on the outside has access to the original votes and could manipulate those votes within the computer system itself?"

Tenhouse: "That is correct. We're certainly would hope that there would have fire walls, firebreaks that would prevent anyone from being able to get in, some safeguards to prevent them from getting into the information on the web site, but if in fact, hackers did try to accomplish that, that's what we're looking at as far as the penalties are concerned, Representative."

McKeon: "And by fire wall, I just want to clarify, that there are systems that are separate from one another such that a hacker or someone could not come into the system and manipulate the original records, computer records, on the system."

Tenhouse: "Exactly, Representative."

McKeon: "All right. To the Bill, Mr. Speaker."

Speaker Lang: "To the Bill."

McKeon: "Several years ago, I Cosponsored and we passed out of this House and the Senate, signed by the Governor, a Bill that put up campaign disclosures on the Internet to keep the public informed of good government and responsible politics. Last year, I sponsored a Bill to put up lobbyist disclosure reports. I think this is just the third step of the Illinois General Assembly being responsible to and responsive to the needs of the Illinois public in putting up records of Roll Call votes and the actions of this Body

101st Legislative Day

February 29, 2000

on the Internet in a way that's reasonably accessible to the citizens of Illinois, and I urge your support."

Speaker Lang: "Mr. Tenhouse, to close."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of I just want to echo what Representative McKeon had just mentioned in his comments. I guess the great thing we're looking at here is we talk as we're sitting here on the House Floor, we get an opportunity to look at different web sites in different states. And one of the things we found is that Illinois is not up with those other states and all of a sudden, we're gonna leapfrog over other states and really be the first in the country to provide citizens with easy Internet access in three different areas. really, one of them is posting of the roll calls, second would be having the floor debate transcripts available on the Internet, and finally, we would have live audio, much like many other states are doing right now. And that giant leap is something that's very, important for those of us here in Illinois who are interested in seeing sunshine on the government. And I would certainly ask for a favorable roll call, Members on both sides of the aisle."

Speaker Lang: "Gentleman moves for the passage of House Bill 3557. This is final action. All those in favor shall vote 'aye'; 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, please take the record. On this question, there are 113 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, receiving Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 3046."

Clerk Rossi: "House Bill 3046, a Bill for an Act amending the

101st Legislative Day

February 29, 2000

Collection Agency Act. Third Reading of this House Bill."

Speaker Lang: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 3046 is a corrected version of a Senate Bill 801 which we passed last Session. The Governor had Amendatory Vetoed it and the Speaker's Office ruled that the Governor's Office did not have the constitutional authority to Amendatory Veto it. So, we created this Bill with the Governor's Amendatory Veto in it. It amends the Collection Agency Act, which the Department of Professional Regulation is now in favor of, and what it does is it instead of the debtor having the burden of justifying the fees which are put on top of a collected amount, it's still the creditor that has to justify to the Department that they're charging reasonable fees up and above what the money is owed. And I would ask for a favorable vote, thank you."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3046, and on that question, the Chair recognizes Representative Parke."

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

Speaker Lang: "The Gentleman yields."

Parke: "I understand that the collection agencies are in favor of this Bill?"

Saviano: "Yes, it's their initiative and realistically, it's about two years of negotiation with the Governor's Office, with the Department of Professional Regulation and that's what brought us to this point on the Bill."

Parke: "Did anybody oppose it in committee?"

Saviano: "I'm gonna check the committee voting. No, it was 9-0."

Parke: "And you know of no opposition to it?"

Saviano: "No, there is no opposition to this Bill, anymore."

Parke: "Thank you, Representative."

101st Legislative Day

February 29, 2000

Speaker Lang: "The Chair recognizes Representative Rutherford."

Rutherford: "Thank you, Representative Lang (Sic-Speaker Lang).

I just... if the Sponsor would yield. The question I have is... Representative, help me understand, what this does is allows a collection agency to enter into... collects someone who is... the collection agency to enter into a contract, establish what those fees are, and then go out and collect the monies, and the person who pays those

Saviano: "Well, that's not what the Bill does. This..."

monies has to pay for that fee?"

Rutherford: "That's what I'm trying to figure... that's what I'm trying to figure out."

Saviano: "That's what the practice is today. But when, say a debtor has a complaint that these fees are excessive or they're not reasonable, I should say. The Department of Professional Regulation would put it upon the creditor to have them justify what is reasonable, if these fees are reasonable. The previous Bill that the Governor Amendatory Vetoed, put it on the... put the burden on the debtor to justify to the Department that they're not reasonable. So, that's why he amendatory vetoed it and made it that the creditor has to justify that these fees are reasonable, these fees above and beyond what the amount owed is, are reasonable."

Rutherford: "And that is then gonna be resolved by the Department of Professional Regulations?"

Saviano: "The Department of Professional Regulations resolves that complaint."

Rutherford: "And the the person that is having the money collected from, is there some way that they know there's a means to go through to suggest that perhaps the fee is out of line? Or is it just their own volition to have to

101st Legislative Day

February 29, 2000

determine that they go to the Department or not, do you know?"

Saviano: "I can't answer that, I don't know if the collection agency is required on their collection statement to say any complaints, you can call the Department of Professional Regulations. But I mediate a lot of these through my office, people know to call at least my office."

Rutherford: "For debt collection?"

Saviano: "Debt collection."

Rutherford: "Go for it. Thank you, Representative."

Speaker Lang: "Mr. Saviano, to close."

Saviano: "I would ask for a favorable vote. Thank you."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3046. This is final action, those in favor will vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Several Members not voting. Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 75 voting 'yes', 36 voting 'no', and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 3225. Representative Saviano."

- Clerk Bolin: "House Bill 3225, a Bill for an Act concerning compensation of the Cook County Sheriff's Merit Board.

 Third Reading of this House Bill."
- Saviano: "Mr. Speaker, could you take this out of the record, temporarily, please?"
- Speaker Lang: "Out of the record, please. Mr. Clerk, House Bill 4118. Representative Brady. Please read the Bill."
- Clerk Bolin: "House Bill 4118, a Bill for an Act to amend the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois. Third Reading of

101st Legislative Day

February 29, 2000

this House Bill."

Speaker Lang: "Representative Brady."

Brady: "This legislation creates the Transportation to Work and Car Purchase Loan Program. It's an initiative of a smart growth task force in work welfare and families. We are presently working on an agreement with DCCA and the Department of Employment Security about who would best administer this program. And it's my pledge to have that agreement worked out while this Bill is debated in the Senate. All parties agree to that movement. It is essentially legislation which will help welfare to work recipients establish a form of transportation which will allow them to continue to work in the workforce. It's subject to appropriation and I ask for your favorable consideration."

Speaker Lang: "There being no discussion, those in favor of House Bill 4118 shall vote 'aye'... 'yes'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', 0 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Third Reading there appears House Bill 4119, Representative Brady."

Clerk Bolin: "House Bill 4119, a Bill for an Act concerning educational services for children and adolescents with mental illnesses or developmental disabilities. Third Reading of this House Bill."

Speaker Lang: "Representative Brady."

Brady: "Thank you, Mr. Speaker. This legislation is designed to impose responsibility on state agencies as to the services of children and adolescents with mental illness and

101st Legislative Day

February 29, 2000

developmental disabilities. We are continuing to work on the strengthening of this language and I would ask for your favorable support so we can continue those efforts as we move forward through this legislative Session."

Speaker Lang: "Gentleman moves for the passage of House Bill 4119, and on that question, the Chair recognizes Representative McGuire. Mr. McGuire, Mr. McGuire is not speaking on the Bill. There being no further discussion, this is final action. All those in favor of the passage of this Bill shall vote 'aye'; those opposed 'no'. The voting Have all voted who wish? Have all voted who is open. Mr. Clerk, please take the record. question, there are 113 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 2915, Representative Dale Righter."

Clerk Bolin: "House Bill 2915, a Bill for an Act to amend the State Finance Act. Third Reading of this House Bill."

Speaker Lang: "Mr. Righter."

Righter: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2915 would eliminate in Fiscal Year 2002 the road diversions that are currently in place from the road fund with the exception of the state police for highway patrol purposes only. Their diversion currently is statutorily capped at \$52.7 million and that cap would stay in place. Ending the road fund diversions would mean approximately \$163,000,000 in money staying in the road fund to use in our communities and on our state highways to help improve our roads. Last year the General Assembly passed and the Governor signed an immense program known as Illinois First and now, in my district and I think in many of yours, that when constituents come and ask about paying

101st Legislative Day

February 29, 2000

additional fees, we all tell them, it goes to the road fund, it goes for better roads and better bridges. I think we should take this step and make sure that that is really true. I'll happy to answer any questions, Mr. Speaker."

Speaker Lang: "There being no questions, the Gentleman moves for the passage of House Bill 2915. Those in favor of the Bill shall vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'yes', 1 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Third Reading, appears House Bill 4650, Representative Stephens. Please read the Bill."

Clerk Rossi: "House Bill 4650, a Bill for an Act concerning campaign contributions. Third Reading of this House Bill."

Speaker Lang: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. House Bill 4650 prohibits an employee under the jurisdiction of the Governor from soliciting contributions for or on behalf of the Governor or his or her political committee. Regardless of the time, place, manner of solicitation. This is simply a codification of the Governor's Executive Order #2. I'd be glad to respond to any questions. I appreciate your support."

Speaker Lang: "Is there debate? Mr. McKeon."

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

Speaker Lang: "The Gentleman yields."

McKeon: "Representative Stephens, I don't have any problem with your Bill, but it strikes me somewhat strangely that this applies only to one out of the five Constitutional Offices in the State of Illinois that have employees working for

101st Legislative Day

February 29, 2000

them. Can you explain that rationale, please?"

Stephens: "This is an initiative by the Governor. It affects his office and he would certainly... if any of the other Constitutional Officers would approach me... had of approached me and asked me to add them to this language, I'd have been glad to do that."

McKeon: "It just seems unusual as a Member of the Illinois
General Assembly, we're passing a law which applies only to
one office. Would there be any interest if this moves over
to the Senate of adding language that would encompass all
Constitutional Officers that have employees working under
their jurisdiction?"

Stephens: "Representative, I think this is significant that the Governor is setting the right example here."

McKeon: "I commend the Governor, but it..."

Stephens: "I certainly... if you have a legislative initiative to add the other four Constitutional Officers, I would rise in support of your initiative. If you've got a Senator that you want to spearhead that effort, I find no objection to that. I think this is a fine example that the Governor is setting and I would be glad to spread the word to the other Constitutional Officers."

McKeon: "I commend you, and certainly the Governor, on taking the initiative here. I think someone on the Senate side should look really closely at this issue and make a decision where they may want a send an Amendment back to us that would include all five Constitutional Officers."

Stephens: "I'm sure that they welcome your advice."

Speaker Lang: "Mr. McCarthy."

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

Speaker Lang: "Yes, he will."

McCarthy: "Representative Stephens, I, of course was the only

101st Legislative Day

February 29, 2000

'no' vote in committee on this and I had questions that came along the same line as Representative McKeon. I just wanted to make it clear for the Body, that this in no way stops any employee of the Governor, whether it be an agency employee or direct employee of the Governor's Office, from soliciting funds in the proper setting for any other elected official."

Stephens: "That's my understanding."

- McCarthy: "So, this will not stop people that are in a position of authority from soliciting funds from their employees, as long as they're not doing it for the Governor or his political fund?"
- Stephens: "It's not the intent of the Bill, not the affect of the Bill."
- McCarthy: "But the intent of the Bill then is very, very limited, would you agree?"
- Stephens: "The intent of the Bill is to prohibit employees in the Governor's Office from soliciting on behalf of the Governor, or his political, or her political committee. It's rather straightforward. That's all it's intended to do. The stated purpose is right in the Bill."
- McCarthy: "But it does not prohibit employees of the Governor's Office to solicit other employees of the Governor's Office for money for the House Republican Fund, or the Senate Republican Fund, or the Comptroller's Fund, or any other fund."
- Stephens: "Or Citizens for Madigan, I don't know... no. It's not... it's not... it's rather straightforward. It's right in the Bill. This affects employees of the Governor's Office and the Office of Governor, or the political committee related to that office. It's just as it says in the Bill, it's all it's intended to do, nothing more."

101st Legislative Day

February 29, 2000

McCarthy: "Well, I thank you for your answers and I want to clarify that my vote in committee was because, I think the perception is out there that this is a big giant step forward when this is probably the smallest of baby steps we could probably imagine. We want to go home and tell our constituents that we're really voting for good government here, and that the Governor is taking a gigantic step forward, I think we'd be telling a lie. Now, do you have any idea what percentage of the Governor's funds from his recent election came from employee's of the Governor's Office?"

Stephens: "I'm sorry I was distracted."

McCarthy: "I don't think you heard that, cause I almost didn't hear myself. What percentage of the Governor's funds, from the two funds he controls, came from employees of his office in the last election?"

Stephens: "I would have no idea and I'm not interested."

McCarthy: "Would you be able to estimate at all? Would you say 10%, 50%, 30%?"

Stephens: "No, absolutely not, I have no idea."

McCarthy: "Well, I would think it was probably a very small percentage. And this is not really limiting the Governor's ability to fund his campaign there, just by taking out these employees, and it seems like it's a grand gesture, but a very, very limited gesture to me."

Stephens: "Was that a compliment?"

McCarthy: "No, I don't think so. So we really have no idea how many funds this is limiting and we're admitting the fact that, well, say we had a Governor that wasn't going to run for reelection and a member of his party it was assumed was going to run for that Office of Governor, this would not prohibit the current Governor's employees from soliciting

101st Legislative Day

February 29, 2000

funds for that assumed candidate, correct?"

Stephens: "Representative, this really is a very simple Bill.

And I think you understand the Bill. If you want legislation to be more expansive and to do the things that you are alluding to, please introduce the legislation.

This is very straightforward. It's just about the Governor. It's just about the Governor and his or her political committee and solicitation on their behalf, that's all it does."

McCarthy: "Well, I thank you."

Stephens: "And if you want it to do more, introduce your Bill."

McCarthy: "I think that's our prerogative, but my main cause of the problem with the Bill, is that we are presenting it almost like it's this gigantic step forward and a gallant attempt by the Governor to reduce his fund-raising ability, when it's really just a very small attempt."

Stephens: "No, Representative, don't try to misrepresent me. If you want to introduce a Bill that does the things that you're talking about, go ahead and do it. But don't try to put words in my mouth. I simply presented this Bill exactly as it is printed. You know exactly what I said.

Don't try to put words in my mouth..."

McCarthy: "I'm not trying to put words in your mouth."

Stephens: "Don't demagogue on my Bill on the House Floor. This is the Bill that I introduced. It's rather straightforward. All you've got to do is comment about what the Bill says. Don't try to do anything else beyond that, please."

McCarthy: "To the Bill."

Speaker Lang: "To the Bill."

McCarthy: "I would just say that I think this is a very, very small step forward if we're talking about improving

101st Legislative Day

February 29, 2000

campaign finance in this state. I think that we can do a much better job, and I didn't introduce a Bill as the speaker had said. But I think that if we want to introduce a Bill, we should do things that are gonna make giant steps forward and not these little baby steps. And I think that the correct vote on this would be a 'no' or a 'present'."

Speaker Lang: "Mr. Boland."

Boland: "Thank you, Mr. Speaker. I rise in support of this Bill. House Bill 4650 as pointed out by Representative McKeon and Representative McCarthy, is not the end all and be all by a But it is a first step and for the State of long ways. Illinois with our reputation, it's quite a step And so, I think this does put some take this much. restrictions on, it's a step forward. I think that in our committee when we come back a year from now, I believe you will see legislation that addresses many of the concerns that Representative McKeon and Representative McCarthy brought up. I think they're very good points, they're very valid points, but we need to take this initial step right away, when we got this Bill right before us. Thank you very much."

Speaker Lang: "Representative Stephens, to close."

Stephens: "I'd appreciate an 'aye' vote."

Speaker Lang: "The Gentleman moves for the passage of House Bill 4650. This is final action. Those in favor shall vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Still a few not voting, vote your switches. Mr. Clerk, take the record. On this question, there are 107 voting 'yes', 1 voting 'no', and 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 3113,

101st Legislative Day

February 29, 2000

Representative Beaubien, on the Order of Third Reading."

Clerk Bolin: "House Bill 3113, a Bill for an Act concerning evidence. Third Reading of this House Bill."

Speaker Lang: "Mr. Beaubien."

Beaubien: "Yes, thank you, Members of the chamber. This Bill deals with sexual abuse cases of minors. Under the current law, the only person that can give consent, are the parents or legal guardian. There are many situations that exist where the parent is unavailable, due to being out of town, they could be street children, they may not be able to find their parents. And sometimes, of course, the parents either are the perpetrator or know the perpetrator. Under this law, the permission may now be given by the parent, the legal guardian, the Illinois Department of Children and Family Services, or the law enforcement officer. It must be written consent. And there's also immunity under the Bill. By the way, there is no opposition to this Bill, which provides that as long as the consent is in writing and all the provisions of the statute are followed there will be immunity except for willful and wanton conduct. And again, I would emphasize that there's no opponents to this Bill and it's strongly supported by the Illinois Council Against Sexual Assault and the Illinois State Police. Thank you."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3113, and there being no discussion, those in favor of the passage of this Bill shall vote 'aye'; those opposed '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 question, there are 113 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared

- 101st Legislative Day February 29, 2000 passed. Mr. Clerk, on the Third Reading, there appears

 House Bill 4284, Representative Pankau. Please read the
- Clerk Bolin: "House Bill 4284, a Bill for an Act to amend the Real Estate Appraiser Licensing Act. Third Reading of this House Bill."
- Speaker Lang: "Representative Pankau."

Bill."

- Pankau: "Thank you, Mr. Speaker and Members of the General Assembly. This amends the Real Estate Appraiser Licensing Act and makes several changes, two of which I'd like to bring to your attention. First of all, it increases the number of hours for continuing education from 20 to 28. And then it also, right now, the provisions in the law allow for an entry level license. In this new Act, you would only be able to keep the entry level license for six years, and then you would have to go on to get the additional education or training or whatever is required. This passed out of committee unanimously and I know of no known opposition. And I ask for your favorable approval."
- Speaker Lang: "The Lady moves for the passage of House Bill 4284, and on that question, the Chair recognizes Representative Black."
- Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, I find no notes in my file from the Illinois Association of Realtors. Have they talked to you about this Bill?"

Pankau: "No, they haven't."

- Black: "I've not heard of the organization that suggested this Bill, the Illinois Coalition of Appraisers. Where are they located?"
- Pankau: "I don't know, Representative Black. I believe their lobbyists brought me the Bill."

101st Legislative Day

February 29, 2000

Black: "You're not familiar with the Illinois Coalition of Appraisers, however?"

Pankau: "I think it's real estate appraisers as opposed to other kinds of appraisers, and I did not know that they had a separate association."

Black: "Well, that's why I'm asking, I didn't either. I've never heard of them. What's the position of banks and real estate on the Bill, did they come to committee?"

Pankau: "Representative, no one came to committee in opposition."

Black: "Well, the Bill, as originally filed was a shell Bill."

Pankau: "That's correct."

Black: "Okay, the Floor Amendment #1 becomes the Bill. Was the Amendment heard in committee?"

Pankau: "Yes, it was."

Black: "When was this heard in committee?"

Pankau: "Let's see, on the Wednesday of the last week of committee action. So, whatever that date was, Representative."

Black: "Sometime between October and February, somewhere in there right?"

Pankau: "Well, in the month of February. It was the 23rd,

Representative. And the realtors are in favor of this

Bill."

Black: "Who told you that? Does the Bill, to the best of your understanding, does the Bill set up two categories of real estate appraisers?"

Pankau: "The best of my understanding, there are currently two categories of real estate appraisers. There's an entry level and then there's a higher category, which I would call a regular level, I don't know the technical name of it, however."

Black: "Okay, well..."

101st Legislative Day

February 29, 2000

Pankau: "And this Bill would in the future, allow a person to stay in the entry level for only six years. And then they would have to move up to the other level, or no longer have the license."

Black: "All right. In reading the Amendment, it mentions a state licensed real estate appraiser, that would be the entry level correct?"

Pankau: "Yes."

Black: "And the..."

Pankau: "Can you take me to a page?"

Black: "And the next level is state certified residential real estate appraiser, or state certified general real estate appraiser, correct?"

Pankau: "Yes."

Black: "All right, what does this do to the category... I believe the highest category in appraising is the MAI designation.

In fact..."

Pankau: "This doesn't do anything to that."

Black: "Well, CMS language often specifies that they want an MAI appraiser to do an appraisal for state property. It's long been a bone of contention of mine with CMS that you get very far south of I-80, you aren't going to find very many MAI designated appraisers. And I was wondering if this might clarify that in fact... and I wish John Headrick was here. John and I have had some talks about this. I've always wondered why we specified a particular category. I guess it's kind of the difference between a CPA and someone who is an accountant. Obviously, a CPA is earned and as is an MAI designation, but there just aren't many of those designees in my area. And I would hope that the intent of your legislation is to say if you are, in fact, a state licensed real estate appraiser, you should be qualified to

101st Legislative Day

February 29, 2000

appraise any property for the State of Illinois. And I've had some confusion with CMS on that very point."

Pankau: "I haven't heard from them, Representative, so I honestly don't know the answer to your question."

Black: "Okay, all right, all right. And I think..."

Pankau: "If you look on page 7 of the Amendment, that talks about the entry level..."

Black: "Right, right okay."

Pankau: "...licensing rank, and how you can renew it twice. But thereafter you can no longer renew it."

Black: "All right, I appreciate your forthright answers."

Pankau: "So, in other words, you have to move on."

Black: "I'm not in opposition. I'm not in opposition to your Bill. And maybe if John is listening to the squawk box, he can come over, because I think that MAI designation, while there's certainly nothing wrong with it, and it represents, I think, extra work and extra certification and extra, perhaps expertise although some may question that. I think CMS could change that by rule, and I just wanted to see if this Bill was going to change it by law. I don't think it does. And I'm not sure that perhaps we should. But I do appreciate your forthright answers to my questions. Thank you."

Pankau: "And just quickly looking through the actual text of the Amendment, I really don't see where MAI is mentioned at all. So, I believe whatever that status is stays the same, Representative."

Speaker Lang: "Seeing no further discussion, do you wish to close, Representative?"

Pankau: "I ask for your favorable approval."

Speaker Lang: "The Lady moves for the passage of House Bill 4284.

This is final action. Those in favor shall vote 'aye';

101st Legislative Day

February 29, 2000

those opposed '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 issue there are 112 voting 'yes', 0 voting 'no', and 0 voting 'present.' And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Third Reading, appears House Bill 4466, Representative Pankau. (sic-Clerk) Please read the Bill."

Clerk Bolin: "House Bill 4466, a Bill for an Act to amend the Illinois Gas Pipeline Safety Act. Third Reading of this House Bill."

Speaker Lang: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill 466 (sic-4466) is an initiative of the Illinois Commerce Commission. It would bring the penalty provisions of the Illinois Gas Pipeline Safety Act into compliance with the penalty provisions of the Federal Pipeline Safety Act. In other words making the state provisions the same as the federal. The current penalty is 10 thousand per day for a violation, the Federal Act specifies a penalty of not more than 25 thousand per day. This Bill brings it into the federal standards. And I ask for your favorable approval."

Speaker Lang: "The Lady moves for the passage of House Bill 4466, there being no discussion. Those in favor of the Bill shall vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 113 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Monique Davis, for what reason do you rise?"

101st Legislative Day

- February 29, 2000
- Davis, M.: "Mr. Speaker, I rise for a point of personal privilege."
- Speaker Lang: "Please state your point."
- Davis, M: "Yes, former State Representative Robert LeFlore, who we all know is deceased, was the proud recipient of a number of awards because of his contributions to minorities in government. And today, Mr. Speaker, I proudly stand as the awardee for the year 2000 of the Robert LeFlore, Jr. Legislative Award from the Illinois Association of Minorities in Government, and I'm very proud of that. Thank you."
- Speaker Lang: "Thank you, Representative. Mr. Clerk, what is the status of House Bill 4074, 4074? Representative Scott."
- Clerk Bolin: "House Bill 4074, a Bill for an Act concerning housing affordability. Second Reading of this House Bill.

 Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."
- Speaker Lang: "Third Reading. Mr. Clerk, please read House Bill 3036. Representative Franks."
- Clerk Bolin: "House Bill 3036, a Bill for an Act concerning discount prescription drugs for senior citizens. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Franks, has been approved for consideration."
- Speaker Lang: "Representative Franks."
- Franks: "Thank you, Mr. Speaker. This has been in the Aging Committee three times now and I ask for Amendment 3 to be adopted. Amendment 3 made some technical changes and it becomes the Bill. The big changes with Amendment 3 is that we're asking for a start-up loan in the amount of \$27,000,000 from GRF to fund the program initially which will be paid back starting in one year at 7 1/2% interest.

101st Legislative Day

February 29, 2000

As a result of that Amendment, the pharmacists had gone neutral as had IRMA. And the only opposition to the Bill is from the pharmaceutical manufacturers. I'd be glad to answer any questions."

Speaker Lang: "The Gentleman moves for the adoption of Floor

Amendment #3 to House Bill 3036. And on that question, the

Chair recognizes Representative Black. Mr. Black."

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

Speaker Lang: "The Gentleman yields."

Black: "Representative, what's the effective... I'm sorry... I can't ask that. I can only speak to the Amendment. If you'll look at your Amendment, I think you have a date in the Amendment that is not in sync with the effective date of the Bill, but regardless, we'll address that on Third."

Franks: "Sure."

Black: "So, you're saying that within 30 days after July 1, you want a \$27,000,000 transfer from the General Revenue Fund to your Prescription Drug Discount Program, correct?"

Franks: "Yes, Sir."

Black: "And obviously, since this is legislation under consideration, this transfer is not... it's not included in the Governor's budget, obviously. Are you running a companion appropriation Bill somewhere?"

Franks: "Not at this time."

Black: "So where would the \$27,000,000... I mean... maybe you can bring... It's late in the day. If you pass a Bill that requires an appropriation as this does, \$27,000,000..."

Franks: "Correct."

Black: "...but there is no appropriation Bill, then there will be no appropriation, correct?"

Franks: "It can still be inserted in the budget during the

101st Legislative Day

February 29, 2000

- negotiations. And I'm not sure it's technically so much as an appropriation, as it is a short-term loan. It'd be a transfer from GRF which will be paid back starting one year later."
- Black: "But that takes substantive language to do, correct? I mean, the Executive Branch just can't decide on their own they're going to loan a program 27 million. At some point, it takes substantive legislation to move the 27 million.

 Or am I wrong?"
- Franks: "The Amendment indicates that the transfer will be done.

 We don't need another piece of substantive legislation."
- Black: "I see. We're transferring money that hasn't been appropriated. So..."
- Franks: "Right."
- Black: "Well, that's an interesting phenomena. The Amendment transfers \$27,000,000 that we don't have in the budget, that we are not appropriating..."
- Franks: "Mr. Black, nothing's been appropriated yet."
- Black: "...that the Governor doesn't have to follow so, I mean, you're losing me somewhere."
- Franks: "Mr. Black, nothing has been appropriated yet, in the entire state budget."
- Black: "Well, I understand that. But you just told me that you don't need an appropriation language, that your Amendment transfers \$27,000,000. Wouldn't it be more honest to say your Amendment would ask that \$27,000,000 be transferred?"
- Franks: "It, actually, directs the State Comptroller to transfer the funds."
- Black: "Hmm. I've got a couple of projects in my district. You mean, all I have to do is to file an Amendment someplace and direct the Comptroller to move some money so that I could do a Northwest Corridor Sewer Study in my district

101st Legislative Day

February 29, 2000

for 1.7 million? I wouldn't have to have an appropriation Bill?"

Franks: "Well, mine is different because we are going to pay it back..."

Black: "Yours is different because..."

Franks: "...with 7 1/2% interest which is above market interest."

Black: "The residents of my district would probably be willing to put a 2 cent tax per flush just to get the sewer. I mean, you know, we'd pay it back. Well, you're also... in the Amendment you're providing that the department may reduce the annual enrollment fee by rule."

Franks: "Yes, Sir."

Black: "Now, that's a change in your original legislation, isn't it?"

Franks: "Yes, it is."

Black: "Hmm. Let me come back to this question I raised earlier because I see it in your Amendment. Your Amendment provides that participants shall begin receiving the discount on January 1st, 2001. And that's where I have a problem, because the underlying Bill has an effective date of July 1, 2000. Now technically, you know, you don't have to answer that. I'm just trying to figure out how Amendment #3 relates to the underlying Bill, you've got two trigger dates in here."

Franks: "Actually, Amendment 3 becomes the Bill, Mr. Black."

Black: "So Amendment #3 becomes the Bill?"

Franks: "Yes, Sir."

Black: "Okay. Is there anything in Amendment 3 that would indicate there is an income ceiling..."

Franks" "No, Sir."

Black: "...on who could avail themselves of the discounted drug program?"

101st Legislative Day

February 29, 2000

Franks: "No, Sir."

Black: "So if Donald Trump moves to Illinois, Donald Trump for the payment of whatever the fee is, \$25.00, can enroll in this discount program, correct?"

Franks: "Donald Trump, and I don't think he's a senior citizen."

Black: "I don't know how old he is."

Franks: "And nor is he a resident of Illinois, but I know what you're saying, and there is no income limitation."

Black: "In the underlying Bill, is there a definition of what 'residency' in the State of Illinois means?"

Franks: "No, we're not changing the residency requirements that are based... and for other programs."

Black: "All right. There's several places in the statute book that define 'resident'. One is where if you want to be a candidate for election; another is if you want to vote; another to receive certain kinds of benefits. Many of them are different. What definition of 'resident' are you using? You have to have lived here one year, six months? What's your definition in the..."

Franks: "We're not defining it any further. We're just stating that you have to have established a residence in this state."

Black: "I understand residency. I could move to Illinois and be called a resident after six weeks, could I not, if I applied for a drivers license?"

Franks: "I'm not sure. You may be right on that."

Black: "All right. So, it might be very easy to become a resident under your Bill. You do define senior citizen as 65 or older, correct?"

Franks: "Yes, Sir."

Black: "All right. So at least... because I am a member of AARP but I'm not yet 65, although on any given day I certainly

101st Legislative Day

February 29, 2000

feel like it. Would it be... And forgive me, Representative, but as you said, the Amendment becomes the Bill. As I understand the Bill, the Amendment becomes the Bill and the underlying language says, 'if I am a multinational pharmaceutical company and I want to do business in Illinois, I will participate in this program.' If I refuse to participate in this program, is it my understanding then that I will be barred from doing any business in the State of Illinois?"

Franks: "Yes."

Black: "All right now... Have you promulgated a scenario where most of the pharmaceutical companies were to say, 'it's the opinion of our legal counsel that you do not have the authority as a state to compel us to comply. We are doing business under the interstate commerce protection clause. We will not participate and we do not think that you can bar us, therefore from doing business in the State of Illinois.' Have you sought any kind of legal opinion as to whether or not this scenario could or would likely happen?"

Franks: "We have spoken to Professor Rotunda at the University of
Illinois Law School who is one of the leading scholars on
constitutional law, and he did not see any ICC problems at
all or any constitutional problems at all with this Bill."

Black: "That's interesting. That's Professor Ron Rotunda?"

Franks: "Yes, Sir."

Black: "I'm familiar with him. I appreciate your answers to my questions, Representative, but Mr. Speaker, an inquiry of the Chair?"

Speaker Lang: "State your inquiry."

Black: "All right. I know the answer. This Bill is on Second Reading, has not been read a third time, so it couldn't be called for a Third Reading vote until tomorrow, could it?"

101st Legislative Day

February 29, 2000

Speaker Lang: "That is correct, Sir."

Black: "A coincidence, I'm sure. Thank you very much."

Speaker Lang: "Representative Cross."

Cross: "Mr. Speaker, I have a couple questions of the Sponsor, but first of all I request a roll call and a verification."

Speaker Lang: "You're request is acknowledged, Sir."

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

Speaker Lang: "Gentleman yields."

Cross: "Representative Franks, if I'm understood correctly, you said a minute ago, to one of Representative Black's questions that the failure of a pharmaceutical company to participate in this program would bar them from providing drugs in this state, is that correct?"

Franks: "If they're already providing drugs in this state, yes."

Cross: "So, if they don't participate in your program, they're done, is that correct?"

Franks: "Right now, they're already providing those discounts to their preferred customers. So, we're just asking that that be extended."

Cross: "Under your Bill, according to my fiscal note, the \$700,000,000, almost billion dollar program, if they don't participate..."

Franks: "Mr. Cross, I'd like to address that."

Cross: "Let me ask my question. Let me just... okay."

Franks: "That fiscal note was to Amendment 1, so I think it's improper to talk about that fiscal note. It's not to the Bill."

Cross: "Apparently, it's going to be a lot more than the 700 million, but we'll get to that, I'm sure, in a little bit."

Franks: "Mr. Cross, Revenue has said it's neutral. This is not going to cost the state any money, Mr. Cross. I just wanna make sure that's perfectly clear."

101st Legislative Day

February 29, 2000

Cross: "Okay. Let me ask... Let me stay on my line of questioning. If a pharmaceutical company is barred from providing drugs in the State of Illinois, which is what you're saying, if they don't participate in the rebate program. That is what you're saying isn't it?"

Franks: "I think..."

Cross: "If they don't participate they're barred from the State of Illinois."

Franks: "Yes. But, I think that's very unlikely."

Cross: "But, that's the case. Now, if a pharmaceutical company, only, is the only provider of a certain drug, such as a cancer-treating drug or a leukemia-treating drug or a drug for diabetes, and we say to them, 'Because you won't participate in our rebate program, you're out of the State of Illinois. You can't do business, you're done.' Is that fair to the 11.5 million people in the State of Illinois that rely on that drug?"

Franks: "Mr. Cross, those companies are already providing a preferred rate to their best customer. We're asking that our seniors, that account for 12% of our population, yet purchase 37% of the prescription drugs, be brought together into a buying group so they can get the best prices, as well. I think that's what's fair."

Cross: "You have an incredible ability not to answer anybody's question, Representative. I will ask this one more time. What'll we do to the people of this state, when you kick a pharmaceutical company out of the State of Illinois and they are the only provider of a certain drug, whether it may be for leukemia, or a cancer, or another type of cancer, or diabetes? What do we say to those people under your Bill?"

Franks: "I think that's just an extraordinary hypothetical, that

101st Legislative Day

February 29, 2000

will never happen."

Cross: "You would acknowledge, would you not, that the potential is certainly there, even if you want to say it's extreme, the potential is there, is it not?"

Franks: "No, I don't see that. No. No. I mean you can make up crazy hypotheticals 'til the cows come home. I'm not going to buy into it."

Cross: "All right. Let's go to another scenario of questions and we'll see if we can get some answers. I have a fiscal note signed by Glenn Bower, Director of the Illinois Department of Revenue, filed with the Clerk of the House with an estimated, it says at the bottom, 'an estimated total program cost of 706.5 million, the state's potential liability, interim liability, is likely to be significant'. Are you suggesting to us that there's no liability to the state, Representative?"

Franks: "Mr. Cross, I think you're misrepresenting the fiscal note. The fiscal note was to Amendment 1, not to Amendment 3, which we are discussing. The fiscal note further states that the \$25 administrative cost would more than cover the administrative cost. And if you read that note, when I talked to Revenue they didn't even understand the program and they'll be filing a new one. If I need to file an objection to this fiscal note for Amendment 1, I shall. It should be disregarded, we're not talking about it. We're talking about Amendment #3. Can we get relevant, please?"

Cross: "So, we've got 706 under Amendment 1, you've now filed another Amendment where you've acknowledged that it's gonna cost at least 27 million more."

Franks: "No, that's..."

Cross: "Now, how do ya get... 706 million plus 27 million doesn't equal zero, at least on the math on our side of the aisle."

101st Legislative Day

February 29, 2000

Franks: "All right. Well let me explain it to you, then. The \$27 million is for start up costs, because we did not want the pharmacists to be burdened... let me finish... "

Cross: "Who's gonna pay the 27 million?"

Franks: "I'll be glad to explain the whole program to you."

Cross: "Okay."

Franks: "So, here's what happens. Right now, the pharmacists were worried that the discount... they'd have to float the discount until they received the rebate. As a result, we wanted to make sure that the pharmacists didn't become the bank for this. Therefore, we estimated approximately \$27,000,000 before the rebates start flowing in, to make sure that our pharmacists aren't burdened. This is only a It'll be paid back at 7.5% interest. And it'll be paid back starting one year after the inception of the program in 12 different parts. Now, let me go farther. Revenue, if you want to believe part of that note, states that the \$25 administrative cost will cover the entire cost of the administration. They further state by using their numbers there'll be approximately a \$24,000,000 overage. That's why we had to make sure that we could lower the cost in the future and that \$24,000,000 overage would certainly ensure the payback of the \$27,000,000 loan."

Cross: "Representative, you have a... with your theory, at least, that you're suggesting, aren't you making an assumption that all the pharmaceutical companies are going to participate? And they're going to participate in a timely manner?"

Franks: "Yes."

Cross: "All right. And if they don't, we can't... we won't be able to collect this money."

Franks: "No. That's not true."

101st Legislative Day

February 29, 2000

Cross: "Well, then how are we going to collect it if they don't participate?"

Franks: "It's done through contract. And the Department of
Revenue can enter into these contracts with the
pharmaceutical manufacturers and the contracts can have
penalty provisions."

Cross: "Are you aware that in the past when the Department of Public Aid has tried to enter into contracts with pharmaceutical companies, at least in the past, it's taken up to at least 18 months to collect from the pharmaceutical companies? Are you aware of that?"

Franks: "That's a different program and I haven't been real impressed with the Department of Public Aid, especially, how they handle the SDU. But we're not talking about public aid here."

Cross: "Okay. I wanna go to another line of questioning now.

You're suggesting that contrary to what Revenue says, that

it's 700,000,000. There's a price break here for seniors

of 35 to 50%, is that correct?"

Franks: "That's up for debate. There's been a lot of different numbers thrown out. Our analysis show that the discounts could be up to 52%. Beth Coulson thought they'd be between 25 and 35%. And Larry Suffredin, who represents the pharmaceutical manufacturers, thought it'd be between 21 and 22%. So, regardless, we have a discount for our seniors at no cost to the taxpayers, of between 21 and 52%."

Cross: "You're saying there'll be no cost to the taxpayers?"

Franks: "No, Sir. There will be no cost to the taxpayers."

Cross: "So, the \$27,000,000, we'll talk about that for a second, that's just free money from the state."

Franks: "It's a loan that will be paid back with above-market

101st Legislative Day

February 29, 2000

interest."

- Cross: "And that's the loan that's not appropriated, at this point, nor you don't even have a Bill in for that."
- Franks: "There is nothing that's been appropriated at this time,

 Mr. Cross."
- Cross: "Okay. Now, the 25 to 50% price break that we're gonna give to seniors, who's gonna pay that? Who's gonna make up that difference?"
- Franks: "Right now, these pharmaceutical manufacturers are selling to their preferred customers at a preferred rate. We're asking for that same rate to be extended to our senior citizens. I think it's unfair, we all believe it's unfair that our senior citizens should get price gouged because they don't have prescription drug coverage. When 12% of the population is purchasing 37% of the prescription drugs, they should get the preferred rate."
- Cross: "So, Representative, you don't believe that the pharmaceutical companies are gonna pass this cost on to the consumers?"
- Franks: "Is it conceivable to you that the pharmaceutical companies will now be able to sell more pharmaceuticals, because people now will be able to afford the drugs? I can't tell you how many people have told me that they have nine prescriptions, yet they can only afford to buy six."

Cross: "Well then, under that theory, since..."

- Franks: "It could be, it could be that their sales will increase."
- Cross: "...wait, wait, wait, let me ask a question. Under that theory, Representative, since they can sell more drugs and since it's not gonna cost anything, why do we even have an age limit? Why don't we say that everybody in the State of Illinois is entitled to your drug program? Forget the age

101st Legislative Day

February 29, 2000

65. Let's begin at age 0, at age day 1, everybody gets free drugs."

Franks: "Because seniors are more vulnerable. And it also makes more sense because that group, the 12%, purchases the 37% of the pharmaceuticals. Let me go back to your previous question when you were talking about the price. Now, you know that on average, pharmaceuticals are 32% less in Canada, they're 40% less in Mexico, and they're 60% less in the United Kingdom. So, if they need to raise the prices, why don't they raise them in those... in England where they make those drugs, where Glaxo had a 23% return on sale last year?"

Cross: "Aren't you aware that countries that have price controls, like this Bill of price controlling..."

Franks: "This is not a price control, Mr. Cross."

Cross: "You will wait for medications anywhere from two to three years."

Franks: "This is not a price control."

Cross: "I hope you're aware that that's a potential."

Franks: "We're not setting the price, they are."

Cross: "How many other states have this program, Representative?"

Franks: "None."

Cross: "None. Given the fact that this is a free program, that's not gonna cost the people of this state any money, no other states have this?"

Franks: "Nobody else has thought of it."

Cross: "Well, thank goodness. What I really think we ought to do is call Alan Greenspan, because this is a theory of economics that no one else has thought of where everything is entirely free. And I think as Representative Turner pointed out in committee, I don't know why we don't do this with cars, with food, with automobiles and trucks,

101st Legislative Day

February 29, 2000

clothing. And since everything's free, Representative, and this is such a novel idea, you might want to think about Amendment 4 and add all these other things on it. Now, you've talked about Professor... it's Rotunda?"

Franks: "Yes."

Cross: "Have you considered asking the Attorney General his opinion as to the constitutionality of obligating the pharmaceutical companies from out-of-state, whether or not this is appropriate? Have you asked the Attorney General his opinion as to the constitutionality of this Bill?"

Franks: "I'm not sure they can give us a formal opinion because they may be involved in it in some later date. But they are looking into the issue at this time."

Cross: "You're not suggesting they're going to be involved in some lawsuits..."

Franks: "Absolutely not. I am very confident that this is constitutional..."

Cross: "...filed by the pharmaceutical companies 'cause of the unconstitutionality of this Bill are you?"

Franks: "I have not one iota of concern about the constitutionality of this Bill. It's a total red herring,

Mr. Cross, and you know it."

Cross: "I'm a little concerned about the eligibility requirements of this Bill. My understanding is anybody over age 65 is eligible for this?"

Franks: "Yes, and a resident of the State of Illinois."

Cross: "Would that include someone like Phil Corboy?"

Franks: "Certainly."

Cross: "Phil Corboy, I believe's over age 65, a trial lawyer suing the County of Cook or the State of Illinois for tobacco money. He would be eligible for this program, wouldn't he?"

101st Legislative Day

February 29, 2000

Franks: "I believe that Mr. Corboy probably has insurance right now and prescription drug coverage. But he would certainly be entitled if he wished to avail himself to this, which is not a mandatory thing. Anybody who wishes to, may join but certainly no one's required to."

Cross: "And Representative, that's what's interesting about it. As Larry Suffredin said, 'the cruel hoax of your Bill.'

And the real downside of this Bill, because you limit it or open it up to everybody over age 65, including Phil Corboy, a multimillionaire. Aren't you, in fact, harming the seniors, the very seniors on low incomes that really need the pharmaceutical assistance under a Circuit Breaker Program where we could be expanding that program? So you're hurting the seniors. You're subsidizing or allowing the rich people to have a benefit to this program and hurting the seniors. Isn't that what this Bill really does?"

Franks: "You couldn't be more wrong, Mr. Cross, if you tried. And I think you are trying to be wrong here. Because everyone is going to benefit from this the low... there's the statistics indicate that approximately 45% of our seniors without prescription drug coverage, which is about between 500 and 700,000 seniors. Those people are gonna be helped, even if we increase the Circuit Breaker Program, which I believe we should, only about a 150,000 seniors would be helped. We'd still have approximately 450,000 seniors without any help. believe that any senior should be price gouged, even seniors that are considered to be affluent, are potentially one catastrophic illness away from bankruptcy. And what I really find disingenuous about your argument is it seems to that now what you are advocating are means tests for me

- 101st Legislative Day February 29, 2000 both Social Security and medicare."
- Cross: "No, that's not what I said, Representative. All I said was under your Bill, everybody over age 65 regardless of income, is eligible. So, the Phil Corboys of the world are going to benefit under this Bill at the expense of the people in our districts that really need the help. And that's the... "
- Franks: "There is no expense. No, you're wrong. You're absolutely..."
- Cross: "...real fallacy and the cruel hoax of this Bill,

 Representative."
- Franks: "...the cruel hoax is what you're doing to the people here, Mr. Cross. You're putting mud on a Bill that doesn't have any."
- Cross: "Well, Mr. Speaker, obviously, I'm not gonna get any true answers to my questions. I'm not gonna ask any more.

 Thank you."
- Speaker Lang: "Representative Klingler."
- Klingler: "Thank you. Would the Sponsor yield?"
- Speaker Lang: "The Gentleman yields."
- Klingler: "Representative, you indicated that one of your concerns in this Bill..."
- Franks: "I'm sorry I couldn't hear."
- Klingler: "...was to provide prescriptions for those seniors that do not have prescription drug coverage. Is that correct?"
- Franks: "I'm sorry, I had trouble hearing you."
- Klingler: "Certainly. I believe you indicated that one of your concerns was to provide prescription drug coverage for seniors that did not already have prescription drug coverage. Is that..."
- Franks: "No, it was to reduce the prices for prescription drugs."
- Klingler: "But you were concerned about availability for those

- 101st Legislative Day February 29, 2000 that do not have prescription drug coverage. Is that correct?"
- Franks: "Well I'm concern... when they're paying out-of-pocket I'm concerned about all seniors. And I want... and this Bill helps all our seniors, even those that are on the Pharmaceutical Assistance Act, for instance. That Act only covers three areas. I think it's cardiovascular, hypertension and arthritis. But it doesn't cover all... or diabetes rather... it doesn't cover all the drugs and it's very limited. Right now, approximately 50,000 seniors in state avail themselves of the Pharmaceutical this Assistance Act. And we have almost a million and a half seniors and many of them, approximately 500 to 700,000, don't have any prescription drug coverage. This will help everybody."
- Klingler: "Well, I think the circuit breaker coverage is another area I want to touch on, but what I was getting at is the number of senior citizens, such as those who retire from the State of Illinois or from Caterpillar or whatever company or may have insurance on their own, that have prescription drug coverage. If they already have it under their insurance or retirement plan, can they also get coverage under your plan?"
- Franks: "Sure and they'll keep it if they want to. It will probably be cheaper for them. If they want to join and they pay the \$25.00 annual fee, the costs of the drugs could be reduced."
- Klingler: "But it seems to me that you're duplicating coverage and if this is..."
- Franks: "No, there's no coverage. It's not a question of duplication because they still have an out-of-pocket expense. It's not coverage. This is not an insurance

- program. Let's make sure we're clear on that. What it is... this is how I should best describe it, it's really a buying club. Because 12% purchased 37% of the drugs, that what we're doing is we're asking for the best price, but it's not insurance. It's just a buying club. It's like
- Klingler: "Isn't this program though, in fact, going to encourage insurance companies to drop having a prescription drug coverage, if this is available, and then we're gonna see fewer and fewer..."

when you to go to Sam's."

- Franks: "Absolutely not. They'd actually, probably, make more money because if the drugs are cheaper, they're probably not gonna reduce their premiums. They're gonna keep... the insurance companies are gonna love this. They've never come out for opposition on this."
- Klingler: "Well, I think I disagree. I think that we're gonna see, if this should happen, I think you're gonna see a reduction in insurance coverage for prescriptions, that benefit."
- Franks: "I don't see... I don't... That's not an insurance program. I think that... I understand what you're saying, but it doesn't have any credence here. This is not an insurance program."
- Klingler: "Another area I'm concerned about, is you talk about the rebates. What happens if the rebates don't cover the costs of the program? How would the shortfall be covered?"
- Franks: "I'm glad you asked that because our Bill, Amendment 3, totally clarified that. Their rebates have to equal the discounts."
- Klingler: "I'm sorry, can you repeat that again?"
- Franks: "The rebates are going to equal the discounts. We're covered there. The manufacturers are going to have to

- 101st Legislative Day February 29, 2000 rebate equal to the amount of the discounts and that can be done by contract with the Department of Revenue and the
- Klingler: "Are you going to have a minimum amount of time for reimbursement?"

manufacturers. There's no state exposure at all."

- Franks: "Yep. We have, I believe it's 30 days, within 30 days.

 It's under the Prompt Payment Act. And once they make a request, we have to make sure that it's reimbursed within 30 days. Oh, under the Prompt Payment Act it's 60 days, I'm told. I think we're even stronger than that, aren't we? We're actually stronger, we're 30 days."
- Klingler: "Well, I had received information that the pharmacies would have to wait a minimum of six months for reimbursement."
- Franks: "That's not true under my Bill. We've taken out that problem."
- Klingler: "Okay. To the Amendment. Although I support the idea of trying to increase access to senior citizens, I think this effort should be focused at those who are most financially in need, that we should look at expanding the Circuit Breaker Program, expanding the coverage for which it's available so that those seniors that are truly in need... I'm also very concerned that we're going, despite what the Representative indicates, we're going to have a disincentive for having a prescription drug coverage with plans. And I believe that there's a better way to address the needs of senior citizens. And I would urge a 'no' vote."
- Speaker Lang: "The Chair recognizes the Majority Leader, Barbara Flynn Currie."
- Currie: "Thank you, Speaker. I appreciate this very full debate on Second Reading. I trust it will spare us comparable

- 101st Legislative Day February 29, 2000 debate on Third. But actually, I rose to request verification should the number of 'no' votes on this
 - excellent Amendment exceed the number of 'yeses'."
- Speaker Lang: "Your request is acknowledged. The Chair recognizes Representative Moffitt."
- Moffitt: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, did you say you would yield?"
- Speaker Lang: "I'm sorry. The Lady... the Gentleman will yield.

 I'm sorry."
- Moffitt: "Thank you, Mr. Speaker. I thought you were going to indicate that. Representative, I rise as someone who supported the original Bill. I've got some real concerns and I think your Amendment, potentially, is putting your Bill in jeopardy, if you persist. Some real concerns that have been raised and I think it's important that they're addressed. Now, one of the selling points of the original Bill was that there'd be no cost to the state. In any way you look at this, we're obligating, potentially obligating, the taxpayers, now. Is that correct?"
- Franks: "I disagree with that, Mr. Moffitt, for a number of reasons. What we're asking for up-front is a \$27,000,000 loan which will be paid back with interest and... \$27,000,000. Let's put it in perspective. The debacle with the SDU is gonna cost the state more than that, which we're never going to see that money back, minus a loan. We had a couple of hotels that we loaned money to people for, in excess of \$28,000,000 and we're not going to see that money. So let's put this in perspective. When you're getting a short-term loan for \$27,000,000 that's gonna be paid back with above-market interest, we're not exposing the state to anything."

Moffitt: "I believe that we are. And some of those that you

101st Legislative Day

February 29, 2000

mentioned, started out that they were not going to be obligating the taxpayers, but it turned out that the taxpayers have had some expenses. Estimates on the SDU, what it originally was gonna cost, how it was gonna be funded, has certainly changed as that has operated. Where we went to the obligation, the cost of the taxpayers drastically increased over what the original estimates are and I believe it's gonna be the same thing here."

Franks: "This is not an entitlement program. This is not an insurance program."

Moffitt: "But if the revenue stream's not there, if there's not a way to repay that debt, the State of Illinois is obligated."

Franks: "No, Sir. The Bill on Amendment 3 is specific that the monies have to come from the fund and the fund is funded only from the 'rebates have to equal the discounts'. There is no..."

Moffitt: "And what if they don't come?"

Franks: "...state... there is absolutely no state liability."

Moffitt: "What if there's no rebate money? What if the participation isn't at the level that you're projecting, then no one's obligated?"

Franks: "No, it's done by contract. I... we will have... the money will be there, that's why we're doing it like this.

It's very clear, the state does not have exposure."

Moffitt: "What if this legislation and this program were tied up in court because of, you know, legal action by pharmaceuticals or someone else, then all the money there could be tied up for extended lengths of time?"

Franks: "I don't see any constitutional issues here at all. And the leading constitutional scholars in this state, don't either."

101st Legislative Day

February 29, 2000

Moffitt: "In committee, a witness said that this would cause, actually, generic drugs, I believe, to be costing more than other drugs, than main line drugs. Is that... that was stated in committee, I believe. Is that correct?"

Franks: "No, I don't believe it is. I don't... their prices are not going to increase. So if you want to believe what the lobbyists said, worse case scenario is that the drugs, the name brand drugs may be cheaper than the generic drugs. So, the pharmaceutical companies might make more money then. They might get more sales. I don't see that as a problem at all. I thought that was another red herring that was thrown out."

Moffitt: "In committee and I expressed this concern to you on the original Bill, my concern that we all agree that seniors need help and I think everyone in this chamber wants to help seniors with the costs of prescription drugs. But if we had a program that had some upper limits to it, we could provide more help for those that are most in need. And I expressed that as a concern in committee and asked you to address that and I don't see that you've made any changes to address that problem, that question 'cause..."

Franks: "And I appreciate you discussing that with me and we've discussed that privately, but Representative, there is no issue there. We don't have means testing for Social Security. We don't have means testing for medicare. And the fact is, since this doesn't cost the government any money, since it is revenue neutral, why don't we help everybody? When you're saying that we're going to help some at the expense of others, that simply isn't true. This is not a zero sum game. There aren't some winners and some losers. Everybody wins, every senior in the State of Illinois wins."

101st Legislative Day

February 29, 2000

Moffitt: "If we use what you just said, we have a lot of programs that are income based or means testing, whether it be circuit breaker, whether it be senior citizens' assessment freeze. And it's... a lot of programs are based on helping those who need the help the most."

Franks: "You're right, Mr. Moffitt, and those cost our government multimillions of dollars. I was going through the Pharmaceutical Assistance Act today and I believe it's costing us approximately \$35,000,000 of state funds to help approximately 50,000 low-income seniors. Now what I'm proposing, is to help a million and a half seniors at no cost to the state."

Moffitt: "Well, that's your estimate, your prediction, and we've had plenty of examples of other programs that wouldn't cost the state anything and, in fact, they do cost. And I'm afraid with this Amendment, you're putting the taxpayers at risk. You're putting them in jeopardy. You're making them liable when the original Bill we were not and it was a revenue neutral. Now we're going to where taxpayers are obligated and I think it raises some serious questions. And it puts your... the origin..."

Franks: "This is no... no, I disagree. It's no different. The only thing we're trying... we didn't want the 'mom and pop' pharmacists to have to handle the initial costs of the float before they start getting the rebates. And that's the only difference here and we spelled it out specifically, that the rebates have to equal the discounts. The state has absolutely no exposure. All we're doing is making sure that we don't harm the hardworking pharmacists in this state, that's all. That's the only difference in Amendment 3."

Moffitt: "I certainly don't want to harm them either. I want to

101st Legislative Day

February 29, 2000

help seniors and not put pharmacists at risk. But I think the way you have changed this, you've raised some real serious questions. We look forward to some more discussion tomorrow, but got some real concerns now with this Amendment going on."

Franks: "Thank you."

Speaker Lang: "Representative Sharp."

Sharp: "Thank you. To the Bill. I've sat here and I've listened to all of the different discussions that's been going on in regards to this Bill. Representative Franks, my hat goes off to you for introducing a Bill like this. When I first came last year, this was my dream, this was my heart that we would be able to do something to help the seniors. talk about we want to help, we want to help seniors, but when a issue comes up, we have a thousand different reasons why we should not do something to help them. reason that I have that I think this Bill is so dear to me, is that I had a grandmother who was going to the hospital every month and we didn't understand why she was going to the hospital. And when I went to the doctor with her, afford the medication that was \$125 per prescription. This will help millions and millions and millions of seniors be able to live even longer than they could ever expect to live. When are we going to start helping our seniors and our children? We can pass Bills for everything else in the world, but when it comes around to helping those that really need it, when they get to a certain age or either young, we have discussions for hours and hours and hours. I think that it's time that we pass a Bill that's going to help the seniors in a way that they need it the most and that's in pharmaceutical. Hopefully, this is just the beginning and that it will even go further

101st Legislative Day

February 29, 2000

to help them even more in ways of pharmaceutical. Once again, I'm asking for all of you to look dear into your heart. Our seniors are the ones, if it weren't for the seniors, we wouldn't be here. And we should think about things like this. And I'm just asking for all of you to vote 'aye', that we would be able at this time, in the year of 2000, to be able to put one hat in for the seniors and to vote 'aye' on this Bill. Thank you."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "The Gentleman yields."

Mulligan: "Representative, I usually like to look at Human Service appropriations because that's what I've been doing for awhile. When you say \$27,000,000 with no consequence, I don't see how that's possible. A million here, a million there, adds up to 27 million. What budget would you cut in Human Services, particularly, to come up with \$27,000,000? Would it be 'Meals on Wheels' to seniors? Would it be increases to personal attendants? Would it be something in mental health? Where are you gonna get the \$27,000,000?"

Franks: "The \$27,000,000 is from General Revenue Funds. We're not necessarily cutting anything. We have a new budget..."

Mulligan: "I can't hear you. Could you speak..."

Franks: "The \$27,000,000 is a transfer from GRF. We're not neces... we're not cutting anything. We have a new budget proposal."

Mulligan: "Wait, wait. A transfer from GRF still means the base of money that the state spends. It just doesn't come from nowhere. It comes from another program, if you move it.. "

Franks: "It comes from... I understand how it works."

Mulligan: "...in the budget, it comes from another program."

Franks: "I understand how it works. And it comes from available

101st Legislative Day

February 29, 2000

GRF Funds. Let me tell you, when I started here..."

Mulligan: "Available from where? You're not answering the question."

Franks: "You're not letting me, Ma'am."

Mulligan: "What program are you taking this from?"

Franks: "We're not taking it from any programs. When I started here a long time ago, about 13 months ago..."

Mulligan: "That's not so long."

Franks: "Our budget was \$38,000,000,000 more or less and then we voted on a budget last year that brought it up over \$43,000,000,000. And then last month our Governor told us that he wanted to have a \$46.5 billion budget. Apparently, we have some growth. Apparently, we can afford this larger budget because we're doing well. What we're asking for is a short-term loan of \$27,000,000 that we're going to pay back with interest from the..."

Mulligan: "Who's paying the interest?"

Franks: "...available balances that we obviously have. If you look at the budget, it'll show that don't we have close to a billion dollar surplus?"

Mulligan: "And how many days' bills does that cover for the State of Illinois?"

Franks: "Twenty-seven million? I presume it doesn't even cover a day."

Mulligan: "No, \$1,000,000,000. How many days of bills do you think that covers?"

Franks: "I don't..."

Mulligan: "That's not a big surplus. You don't understand that, obviously. If you're going to cut \$27,000,000, you're cutting it out of a program. Up-front, 27 million of GRF means something. It also could be a program that is qualifies for matching federal funds. So it would be

101st Legislative Day

February 29, 2000

double that amount. It wouldn't be just 27 million. You're eliminating money that might go to any different program, one that may give us discounts in our welfare program, one that cuts out 'Meals on Wheels', one that cuts something that is important to other people who truly are poor people."

Franks: "Can we get realistic here?"

Mulligan: "Yeah, let's get realistic."

Franks: "You gave loans for \$28,000,000 for hotels to well-connected people that we're never gonna see. We waste \$25,000,000 on SDU. You voted for \$14,000,000 in tax breaks for Duchossois. Can we please get relevant?"

Mulligan: "I beg your pardon, I did not vote for that kind of legislation."

Franks: "All right."

Mulligan: "And my object... my object of what I'm doing here is to try and make sure that we fund good programs for the people of Illinois that really need them. Twenty-seven million dollars, if we do not collect that, also probably, will entail a lawsuit to collect it which is the taxpayers' dollars, cuts the money out of programs that go to poor people, basically. We don't foot the programs for big Bills and you are creating a whole new entitlements class in Illinois..."

Franks: "That just isn't true. That isn't true."

Mulligan: "...that is setting a precedent here that we have not set before in a program that's very doubtful, that may end up costing a billion, not 27 million. And how can you say if we're taking 27 million out of General Revenue Funds, is that not the taxpayers' money? Do we just automatically make it in the basement here?"

Franks: "That just isn't true. I find your arguments

101st Legislative Day

February 29, 2000

disingenuous."

Mulligan: "I'm sorry, repeat that please?"

Franks: "I think it's just disingenuous."

Mulligan: "You think 27..."

Franks: "It's a loan, it's a loan, it's a loan."

Mulligan: "It's a loan from ourselves?"

Franks: "Do we owe it to our seniors? Can't we do the right thing when it's not gonna cost the taxpayers a penny?"

Mulligan: "You're portraying... oh, well..."

Franks: "Why are you misrepresenting this... why are you misrepresenting the whole thing?"

Mulligan: "No, you're misrepresenting the Bill."

Franks: "It's not gonna cost the taxpayers anything."

Mulligan: "Twenty-seven million dollars out of taxpayer money is not a loan. It's the taxpayers' money. Representative, I think that you have misrepresented this Bill to the taxpayers. I think it's gonna significantly impact the budget over the long haul. I think you're creating a significant entitlement program when there is other Bills out there that will do the sa... will do more for the poor people or the poor seniors of Illinois than what this Bill is doing. And I think you're intentionally misleading. I'm very surprised after 13 months that you would come up with a program like this that would significantly impact the revenue of Illinois and tell the taxpayers that it's not costing them anything. That's baloney. Is it gonna come out of the fund that... for school construction? Where is the 27 million coming from?"

Franks: "You're gonna get it back with interest above market rate. You're not gonna cost you a penny."

Mulligan: "Oh, that's really not true. It does cost us money.

It costs us in the programs that we eliminate for the 27

101st Legislative Day

February 29, 2000

million up-front."

Franks: "It's guaranteed in the Bill. It's guaranteed."

Mulligan: "Obviously, Representative, you don't want to acknowledge the truth about this Bill, there is no point in it. To the Bill."

Speaker Lang: "To the Bill."

Mulligan: "Obviously, this program is the pride of authorship not a pride of what's happening to the senior citizens in Illinois and how we can help them. Twenty-seven million dollars is not a small amount from General Revenue Fund. It's a significant amount that's gonna come up-front from another program, probably one that benefits people in mental health, senior citizens, something that has to do with Human Services, which always seems to be the ample target for people when they try to do favors for other people in Illinois. Twenty-seven million dollars with interest is creating an entitlement program that may cost a billion dollars. I don't understand how someone can say \$27 billion (sic-million) out of General Revenue Fund, which is a tax from people of Illinois, is costing the taxpayers nothing. That is not true. All you have to do is take a look at where it's coming from. It is costing the taxpayers something. And to perpetrate this fraud is unfair both to the taxpayers and to the Human Service budget in Illinois for all the people that we try to represent fairly, particularly, poor people."

Speaker Lang: "Representative Monique Davis."

Davis, M.: "Thank you very much, I always appreciate my fans recognizing that I have stood to speak. What does this Bill do? Well, first of all, it requires that each drug manufacturer distributing prescription drugs for sale in Illinois has an agreement with any payer of prescription

101st Legislative Day

February 29, 2000

drug benefits that results in price reduction sold by authorized pharmacies. They must also enter into a rebate with the Department of Revenue, to enable agreement eligible seniors under the program, to purchase prescription drugs at discounted prices. Example: Illinois seniors will enjoy the same discounts given to other preferred customers. Why would anyone object to our assistance with senior citizens obtaining needed medical prescriptions and drugs? We find, statistically, statistically, seniors are admitted to nursing homes or hospitals because they have not been taking their medicine properly because they could not afford, perhaps, to buy the next batch that was needed. As the Chairman of the Human Service-Appropriations Committee, I'm well aware of all of the factors that are pulling on those dollars. also extremely well aware of the fact, that the State of Illinois stands at this time in our history, because many of us have been here a long time and helped to get to this place, we are sitting on a surplus. This surplus will be spent someway by someone. Our responsibility in the General Assembly is to help spend those dollars. And if we can spend these dollars to help the defenseless senior citizens who have worked so hard to make all of our as comfortable as it is today in the State of Illinois. They put forth work in many jobs, they've retired. Because their retirement income, perhaps, has not kept up with the rate of inflation in the United States of America, they are suffering when they cannot purchase needed medicine. Can we tell the pharmaceuticals how much to charge? No. Can we assist the seniors by paying a portion of that fee to those pharmacies? That we can do. And, Mr. Speaker, Ladies and Gentlemen of this Body, this is one piece of

101st Legislative Day

February 29, 2000

legislation we can all leave here being very proud of having accomplished something. Something in which we, perhaps, may not benefit. Perhaps, we really won't or our children might not, but those seniors sitting at home today, wondering how am I gonna buy some more insulin? How will I get another prescription of this heart medicine? How will I get this drug that's keeping me alive? This, Ladies and Gentlemen, will help them do it. Representative Franks, I hope you have 118 votes up there. Thank you, Sir."

Speaker Lang: "Representative Dale Righter."

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

Speaker Lang: "The Gentleman yields."

Righter: "Representative Franks, I've got in all the debate I've heard some of it a little louder than other, I've still got some questions. I mean this is a pretty complicated Bill on how exactly it's gonna work. Now, I think you told Representative Black earlier that Amendment 3 becomes the Bill. Is that right?"

Franks: "Yeah. Amendment 3 becomes the Bill."

Righter: "Okay. Now, the percentage discount that any particular senior citizen may get under your program, how exactly will that be determined?"

Franks: "That's a good question. What we're trying to accomplish here, Representative, is basically fundamental fairness for our citizens, for our senior citizens. And right now the preferred customers, and there's been discussion of how much the discount really will be. As we said before, Mr. Suffredin testified be 21 or 22, Beth Coulson thought it might have been 25 or 35%, our stuff indicated it might be up to 52%. But what it would be it would be based on the Federal Supply Schedule which is what the best customers

101st Legislative Day

February 29, 2000

pay, like the HMOs and the governmental VA hospitals, for instance. And we'd asked... What we're demanding is that our seniors get those same preferred rates since they are the largest consumers. Now, it's come to light that oftentimes the pharmaceutical manufacturers even sell below the Federal Supply Schedule to some other customers. We're not asking for that, we're just asking for the lowest, like the VA hospitals and that purchase through the FSS guide."

Righter: "So, if a certain pharmaceutical company in the State of Illinois on the Federal Supply..."

Franks: "I'm sorry, I'm having trouble hearing you."

Righter: "If a certain pharmaceutical company in the State of Illinois sells to an HMO at, let's say, 53% for a certain medication that it sells to individuals through pharmacies, then is that going to be the discount that is going to be... that is gonna be prescribed for that particular medicine?"

Franks: "No, because there would be this Federal Supply Schedule, that's what we'd peg it to. You also have to understand, we're not asking for the price that they're selling in England at 60% less, or in Mexico at 40% less, or in Canada at 32% less, or these other countries that are getting much cheaper drugs. We're just asking for the same price that they sell to their best customers in the State of Illinois. Nothing better, nothing worse."

Righter: "Okay. Section 25 of Amendment 3, Representative, states that, 'beginning on January 1st, 2001, the amount paid by eligible seniors enrolled in the program to authorized pharmacies for prescription drugs may not exceed prices listed on the Federal Supply Schedule plus the dispensing fee calculated as provided in Section 316 of the Senior Citizens and Disabled Persons Property Tax Relief

101st Legislative Day

February 29, 2000

and Pharmaceutical Assistance Act.' Now, let's say that Mrs. Jones, down the street, goes to the pharmacy, this program is law. She has to pick up her \$150.00 prescription for her heart medicine. How much is she gonna pay, under that Section?"

Franks: "I don't know. It depends what... It depends on a lot of factors. Let's assume for the sake of argument there is... she doesn't have prescription drug coverage."

Righter: "I can't hear you."

Franks: "Can you hear me now?"

Righter: "Yeah."

Franks: "Should we assume, for instance, that she doesn't have prescription drug coverage?"

Righter: "Sure."

Franks: "Okay. And let's assume, I don't know what the discount's gonna be 'cause it depends on that particular medication. But let's assume, for the sake of argument, that it is a 50% discount. Then she would pay \$75.00 plus the dispensing fee."

Righter: "What's the dispensing fee?"

Franks: "Which is currently \$3.60. It's adjusted every year for inflation. We're just pegging it to what it is on the Circuit Breaker Pharmaceutical Assistance Act."

Righter: "Okay. Now, will that price change for, let's say Mrs. Jones, over here, whose fixed income is \$8900 a year and who lives in a one-room apartment that she rents. Will that be any different from the other gentleman, down the street, who is a \$250,000 a year pensioner from GM or some big corporation?"

Franks: "It will actually help her more. Let me tell you why.

Because if she's making \$8900 a year and she's getting this specific drug for her heart, which is covered under the

101st Legislative Day

February 29, 2000

Pharmaceutical Assistance Act, the problem is she's got to pay money out of pocket and she's got copayments and she's And then she's got to pay, once she got deductibles. gets... I believe after \$800, then she's got to pay 20% of whatever the residual cost is. This will actually reduce the cost there, so she'll pay less. And probably the person who's making a quarter of a million dollars who lives down the street, probably has pharmaceutical coverage and probably has insurance. But if that person doesn't have insurance coverage, that person would also get a discounted rate. But this Bill is the only Bill in General Assembly that's help gonna our low and middle-income seniors. Because as we know, there approximately 500 to 700,000 of them without any coverage and this will certainly help. And it will really help, proportionately much more, those lowest income seniors."

Righter: "Okay. The question I had, Representative, was, is the dollar amount discount that those two individuals receive going to be the same?"

Franks: "Not necessarily, because let's say the person who makes the quarter of a million dollars has insurance, that person might have an insurance card like we do and maybe we pay \$10.00 for a prescription, whatever it is that we pay. So that person may pay less because of their prescription coverage. But what we will be doing, is significantly reducing the cost for those people who don't have the coverage, the low and middle-income seniors."

Righter: "If that \$250 thousand a year pensioner is paying for a supplemental insurance program, why wouldn't he drop it because he's going to get these drugs under your program?"

Franks: "Because he's still... This is not an insurance program and it's not a free drug. And I've heard that argument as

101st Legislative Day

February 29, 2000

well, because it's not. This could be a nice complement to his insurance and what he already has, because it could lower the cost of some of his drugs. But there's no reason for him to drop it because this isn't insurance. If you've got good insurance and you've got a prescription card where you're paying, you know, \$10 or \$12 or whatever it is for a prescription, it doesn't make any sense for you to drop that."

Righter: "Absent any other insurance issues, Representative, I'm going to ask again. Is the dollar discount those two individuals going to receive, is that going to be the same?"

Franks: "No."

Righter: "Absent all these guesses that you might have about whether that person's got insurance, are those dollar discounts going to be the same?"

Franks: "It's case specific. Are you talking about out-of-pocket?"

Righter: "I'm talking about the two individuals I gave you before."

Franks: "Are you talking about out-of-pocket expenditures?"

Righter: "That's right, what they're going to have to go to the pharmacy and lay on the table to get that."

Franks: "Well, here's the deal. When you go to the pharmacy now, and you've got a prescription drug coverage, you'll show your card and the pharmacist will charge you whatever he has to or she has to as a result of your insurance benefit.

Now with this program, let's assume that you don't have insurance coverage, you would show your card and then you would get the discounted price."

Righter: "So, I guess the question I'm asking, Representative, is that absent any other insurances that might be available

101st Legislative Day

February 29, 2000

out there, are the two people if they're both senior citizens regardless of their income, regardless of their other assets, going to pay the same when they go to the pharmacy for the same medicine?"

Franks: "Assuming that there's no... let's assume apples to apples. One person makes 9 thousand, one person makes 150 thousand or 250 thousand, in your example and neither has insurance. However, both have gotten... have chosen to be part of our buying group. And they choose to do that, they would be charged the same. But that lower income person, hopefully, would have availed themselves of the Pharmaceutical Assistance Act which would then save them even more on top of that."

Righter: "Representative, the question is really... I mean, I understand what you're doing, trying to protect yourself. I'm asking you a simple question. I'm just trying to find out, are those two people with vastly different incomes gonna be treated the same when they go to the pharmacy to get the same drug?"

Franks: "Yes."

Righter: "Thank you. Now, what are we going... what does this plan do for the senior citizen who lives in my district or yours who does not have that \$75 to lay out? What are you going to tell her or what am I going to tell her if this Bill becomes law when she asks, 'I can't pay \$75 out of my pocket. Now, the gentleman, down the street, who's got a six-figure income, can pay that and we're being treated the same.' What is your response to that?"

Franks: "I wanted to see the Pharmaceutical Assistance Act expanded. I'm a Sponsor of Representative Crotty's Bill.

This should not be seen in lieu of or conjunction of. This Bill standing alone is a good Bill because even if we

101st Legislative Day

February 29, 2000

expanded the Pharmaceutical Assistance Act, let's assume that we did, to have a \$25,000 cutoff, for instance. We might get another 100,000 people involved. So we'd have 150,000 seniors covered that would still leave us, approximately, a half a million seniors without any coverage. So whenever you have a bright line, somebody's gonna be left out. So what this Bill does, is it reduces the price of all drugs for all seniors. And those lowest income seniors will get the best... it'll help them the most. I really believe that."

Righter: "If she doesn't have that \$75, Representative, it doesn't matter. That's kind of like saying the best insurance in the world doesn't do you any good if you can't afford the premiums. What are we going to do for her?"

Franks: "The fact is... I know and that's why we should get the pharm... we should also expand the Pharmaceutical Assistance Act."

Righter: "But that Bill's not moving, as you said several times."

Franks: "I know. So this is the best Bill going."

Righter: "You've got a Bill out here on the floor that's ready to go, why not help those people out more?"

Franks: "This Bill helps all seniors. Everybody wins on this Bill. There's no downside. It doesn't cost the state anything. It doesn't cost the taxpayers anything. Our seniors... What this Bill really... What it comes down to, Representative, is a Bill to stop discrimination against those seniors who aren't lucky enough to have prescription drug coverage. That's what it comes down to."

Righter: "Okay. I understand you're saying that this Bill helps all seniors, but Representative Franks, I'm gonna ask you again. What are you gonna say to that lady who can't afford the 75 bucks when she comes to you and says, 'You're

- 101st Legislative Day February 29, 2000 treating the six-figure gentleman, down the street, the same as you're treating me. He can lay out the \$75 and I can't?'"
- Franks: "I don't want to see anybod... I don't want to see anybody get gouged, but the fact is, under the hypothesis that you... yeah, we're not giving him a grant to buy it.

 Under the hypothesis that you put forward, where this lady makes \$9,000 a year, she'd be eligible under the Pharmaceutical Assistance Act for some benefits. So it wouldn't be a \$75 cost to her."
- Righter: "How about if she makes 16.5, then? Let's just, whatever?"
- Franks: "Okay. Unfortunately, if she's just out of there. At least it would be lower. Instead of being \$150, at least it'd be \$75."
- Righter: "But if she can't pay the cost to get the drug in her hands so she can take it home and take it, what good is it?"
- Franks: "You make a good point there. But the fact is, we're doing what we can here because there has been so much discrimination against our seniors based on market vulnerability. Because for those that are not part... that are not covered with insurance are not part of a group, it's not fair to them. All we're asking for is fundamental fairness for those 12% of our population that purchase this 37%, they should be allowed to come together and band together into a buying group to be able to be the preferred customers and treated like the preferred customers, what they are."
- Righter: "Representative, who are you more worried about being gouged in this manner, the person who can pay the 75 bucks or the person who can't afford that? Who is of more

101st Legislative Day

February 29, 2000

concern to you? Who should this General Assembly be more worried about helping, Representative?"

Franks: "I don't want anybody to be gouged and I think you have to look at it different. Are you more worried about protecting the pharmaceutical companies' huge profits or helping all our senior citizens without any costs to our taxpayers? That is the bottom line, clean and simple."

Righter: "Not really, Representative, because the Bill is out here on the floor. You're the Sponsor and you're in control of the Amendment. And if you want to change the Bill to make sure that the woman who I was talking about who can't afford the 75 bucks, gets a hundred percent like the circuit breaker, you can do that. That's in your power, Representative, but why don't you do that?"

Franks: "But that is an entitle... I'll tell you why. Because that... That's a great idea, but that's another grant program and that is an entitlement what the state would then have to pay multimillions of dollars for. This Bill is very simple. It reduces the costs of prescription drugs for all seniors for all drugs without any cost to the state. What you're suggesting could cost the state billions of dollars. I'm trying to be fiscally responsible, fiscally conservative, and end discrimination against our senior citizens."

Righter: "Now, Representative, you just said that to give them a hundred percent discount would turn it into a 'entitlement' and a grant program. But you're also telling me you're for the Circuit Breaker Program which provides a hundred percent discounts on pharmaceuticals. Now do you like... First of all, are you for them..."

Franks: "Just for certain drugs."

Righter: "Are you for the Circuit Breaker Program?"

101st Legislative Day

February 29, 2000

Franks: "Pardon me?"

Righter: "Are you for the Circuit Breaker Program?"

Franks: "I think the circuit program is a good program which should be expanded."

Righter: "Okay. But you're complaining to me about the idea of changing your Bill, so that the woman that I'm talking about gets a hundred percent discount up-front, which would make it like the Circuit Breaker Program."

Franks: "If you'd like to put that Bill forward, I would look at it."

Righter: "No, Representative Franks, I don't have a Bill like this out on the floor. You do. We're ready to move on this Bill. Why don't you change it and help not just the senior that I'm talking about, but the hundreds of thousands of others across the state who might get a little help from your Bill, but don't get the help they need? Whereas, on the other hand, the six-figure senior is... you're giving them help that they don't really need. Why don't you change it? Answer the question, why don't you change it? Why don't you change it like that?"

Franks: "This Bill does not cost the state anything and it certainly helps all of our seniors. This Bill is fine. If you'd like to run a different Bill, please do so. I've sponsored Representative Crotty's Bill. I think it's a fine Bill. This is separate."

Righter: "Why don't you move Representative Crotty's language of her Bill and put it on yours with regards to those low-income seniors? Why don't you put that on there because you've got the Bill right here, Representative Franks? If you want to help those low-income seniors, here's your chance."

Franks: "We are helping our low-income seniors, we're helping our

101st Legislative Day

February 29, 2000

middle-income seniors... "

Righter: "If you want to help them more, here's your chance, Representative Franks."

Franks: "I wish that could have gotten out of committee. I wrote a letter to the Speaker, many of our Members signed it asking for it to get out of committee. I would have liked to have seen that separate Bill run. Many of you, I know, are in favor of it. I am also a proponent of it."

Righter: "Representative Franks, if that is important enough to you, that you would write a letter to your own Speaker asking him to move it out of Rules, why isn't it important enough for you, important for you to help these people that you're willing to put an Amendment together and change your Bill that's already out of Rules and right here? That's a question, why don't you go ahead... why don't we go ahead and do that?"

Franks: "Okay. Well, because we have a deadline Friday with many Bills that need to be passed and we've... this Bill needs to be passed... let me... you know what? We're supposed to be here for emergency legislation, basically, in the even numbered years. I cannot think of a more pressing issue for our senior citizens than reducing the drug prices for them all, for all drugs, without any cost to the state. This is something we should be focusing on now and pushing forward."

Righter: "Representative Franks, the Amendment language that I'm talking about is drafted and is ready to go. Let's do it.

Amendment 4 would put it on House Bill 3036 and move it.

Let's do it. It has been ready to go. Representative Franks, are you gonna help these lower income seniors more than what you're doing right now? Are you gonna help these people pay for it?"

101st Legislative Day

February 29, 2000

Franks: "All right. I have Sponsored that Bill. Let's get it out of committee. Why don't you ask your Leader to help get it out of committee? What I understand, that there was agreement between the Leadership. Please, please, lobby your Leadership to get it out, as well."

Righter: "Hey, Representative Franks, you've been a pretty good smooth talker, but don't try to turn that around on me. You have a Bill out here ready to go, the Amendment language is drafted. Let's file the Amendment as Amendment 4 and change it so that the seniors who need the help the most, get it."

Franks: "Okay. Well, Representative Crotty just indicated that she has a letter that most of us has signed and we'd invite you to join with us in signing that letter to put... to come together so we can ask the Speaker and the Leaders to get that out of committee and ask for an extension and let's do this together."

Righter: "Representative Franks, why do we need to do that when we have your Bill sitting and ready to go? It's on the floor ready to go?"

Franks: "This is a stand-alone Bill. It's a different Bill, significantly."

Righter: "It's a stand-alone Bill, is that what you said?"

Franks: "It's a significantly different Bill."

Righter: "I'm sorry. Mr. Speaker, I... can I have a little order? I can't hear his reply."

Franks: "It's a new Act."

Speaker Lang: "Could we hold it down? We're almost finished.

Please give the Gentlemen your attention."

Franks: "This is not an Amendment to the Circuit Breaker Program.

This would... this first of all, I think your idea would violate the single subject rule because this is not part of

- 101st Legislative Day February 29, 2000 the Pharmaceutical Assistance Act, this is separate. And I... we're very clear on that and we have to be protective."
- Righter: "Representative Franks, if this Bill passes out of the House, who's the Senate Sponsor?"
- Franks: "I'm not sure yet. I want to find someone who's as passionate about it as we are to make sure it gets passed."
- Righter: "Well, now, Representative Franks, you stood up here for awhile and talked about helping the seniors and doing the right thing. Well, I would assume by those comments, therefore, that you're serious that this Bill will also move through the State Senate."
- Franks: "I want it to in all my heart. If you have a good idea for a Senate Sponsor?"
- Righter: "Okay. Who's... my name's not on there, Representative Franks. With all due respect, I don't take responsibility for picking up Sponsors for your Bills. Who's the Senate Sponsor?"
- Franks: "Many people have asked me to carry it, but ideally, I'd like a Member of the Republican Majority to carry it. So please help me."
- Righter: "Can you tell me who? A name, Senator, a name? Senator..."
- Franks: "Sure, Senator Halvorson, for instance, has shown interest in this."
- Righter: "Who... who is it? Who Senator... Senator who?"
- Franks: "Halvorson."
- Righter: "Halvorson. Senator Halvorson has agreed to carry this Bill?"
- Franks: "No, she introduced similar language when we introduced this."
- Righter: "No, no, no, Representative Franks, maybe you

101st Legislative Day February 29, 2000 understood... maybe you misunderstood my question."

Franks: "Oh no, I haven't... no I told you... going back to your original question, I have not determined who will be the Senate Sponsor. I'll be glad... I want... I'd loved to have a strong Republican carry this to make sure that this passes. I don't want this to be politicized. This issue is much too important to play with. Let's get it passed now. Help me get a Senate Sponsor. Let's get a Republican Senate Sponsor."

Righter: "Hey, Representative Franks, that's some great speech making, Representative Franks, but I'm trying to ask you a question."

Franks: "It's the truth, it's not a speech."

Righter: "Let me ask you, how many Republican Senators have you talked to about whether this Bill's gonna move out of the Senate?"

Franks: "I want to make sure it passes first."

Righter: "No, no, Representative Franks, how many Republican Senators have you talked to about moving the Bill out?"

Franks: "Representative, we have so many groups supporting this from the AARP down, that I know that they've talked to many of the Senators and after this passes, we will get together and determine who the strongest Sponsor shall be in the Senate. I'm leaving that option open. I'd like to work with you. I would love to get a Republican Sponsor here. I want this passed. And we all want this passed and we need this Bill passed."

Speaker Lang: "Mr. Righter."

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

Speaker Lang: "To the Bill."

Righter: "Mr. Speaker, there's been a long hard debate in this chamber about Amendment 3 to House Bill 3036. We've seen a

101st Legislative Day

February 29, 2000

lot of hard questions asked of the Sponsor about whether or not it's gonna cost the state any money, whether or not you can force an agreement on this, on private industry whether it be a pharmaceutical company, or a car manufacturer, or anyone else. But most importantly, what we've talked about here is whether or not we are really trying to help low-income seniors who maybe be fine to give them percentage of discount on their drugs, but even if you give them some discount, they can't afford to put the money on the table. They can't afford to pick up the drugs at all. And like the old saying goes, 'the best insurance in the world doesn't do you any good if you can't afford the premiums.' And the problem with this Amendment, is that there's going to be thousands and thousands of seniors in the State of Illinois who can't afford Representative Franks' premium. Thank you, Mr. Speaker."

Speaker Lang: "Representative Franks, to close."

Franks: "I'd appreciate an 'aye' vote. Thank you."

Speaker Lang: "Mr. Franks has moved to adopt... the House adopt Floor Amendment #3 to House Bill 3036. Please vote your own switches, a verification has been requested. Those in favor of the Amendment shall vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 60 voting 'yes', and 49 voting 'no', 6 voting 'present'. And a verification has been requested. Mr. Clerk, please... by Mr. Cross. Mr. Cross, do you persist in your verification?"

Cross: "Yes."

Speaker Lang: "Please proceed, reading the affirmative, Mr. Clerk."

Clerk Rossi: "A poll of those voting in the affirmative.

101st Legislative Day

February 29, 2000

Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Barbara Currie. Julie Curry. Dart. Monique Davis. Steve Davis. Delgado. Erwin. Feigenholtz. Flowers. Fowler. Franks. Fritchey. Garrett. Gash. Giglio. Giles. Granberg. Hamos. Hannig. Harris. Hartke. Hoffman. Holbrook. Howard. Lou Jones. Shirley Jones. Kenner. Lang. Mautino. McCarthy. McGuire. McKeon. Morrow. Harold Murphy. Novak. O'Brien. Osterman. Pugh. Reitz. Schoenberg. Scott. Scully. Sharp. Silva. Slone. Smith. Stroger. Art Turner. Woolard. Younge and Mr. Speaker."

Speaker Lang: "Mr. Cross."

Cross: "Representative Lopez."

Speaker Lang: "Mr. Lopez is not voting."

Cross: "Representative Stroger."

Speaker Lang: "Representative Stroger. Representative Stroger is next to Lou Jones."

Cross: "Bugielski."

Speaker Lang: "Representative Bugielski is standing next to his own chair."

Cross: "Representative Pugh."

Speaker Lang: "Representative Pugh. Representative Pugh is back by the phone booth."

Cross: "Representative McCarthy."

Speaker Lang: "Representative McCarthy is standing by his chair."

Cross: "Representative Morrow."

Speaker Lang: "Representative Morrow is in his chair."

Cross: "Representative Lou Jones."

Speaker Lang: "Representative Lou Jones is in her chair."

Cross: "I have no further questions."

Speaker Lang: "Representative Currie, you withdraw your request for a verification of the negative? This Amendment having

101st Legislative Day

February 29, 2000

received 60 'yes', 49 'no', and 6 voting 'present'. The Amendment is adopted. Mr. Clerk."

Clerk Rossi: "No further Amendments."

Speaker Lang: "Third Reading. House Bill 3838. Representative Bugielski. I'm sorry. I'm sorry. Representative Cross, for what reason do you rise?"

Cross: "Mr. Speaker, did you move that Bill to Third?

Representative Franks'?"

Speaker Lang: "Yes, the Bill was moved to Third."

Cross: "Have all the notes been filed?"

Speaker Lang: "Mr. Clerk."

Clerk Rossi: "The notes that have been requested on the Bill, have been filed."

Cross: "I thought we were told earlier, that with respect to

Amendment 3, according to Representative Franks, nothing

had been filed. Now, maybe we misunderstood him, but I

thought he clearly said there was no fiscal note."

Speaker Lang: "The Clerk will check the file, Mr. Cross."

Cross: "Well, before you move it, can we put it back to Second to make sure that we have this clear?"

Speaker Lang: "We'll check the file, Mr. Cross, and then we'll get back to you."

Cross: "Well, I like before you... if you're going to check it, at least put it back on Second, since we were advised by the Sponsor who's told us that his Bill, without any doubt, is constitutional. He ought to at least let us know where that Fiscal Note is. Or you ought to let us know."

Speaker Lang: "Mr. Clerk."

Clerk Rossi: "Representative Cross, it appears to me that all the notes have been filed. I have a Correctional Budget Impact Note as amended by three. A Pension Impact Note as amended by three. A State Debt Impact Note as amended by three. A

101st Legislative Day

February 29, 2000

Fiscal Note as amended by three. A Home Rule Impact Note as amended by three. A State Mandates Act Note as amended by three. A Judicial Note as amended by three, and a Balance Budget Note as amended by three."

Cross: "Wait a second. Rep... Mr. Speaker."

Speaker Lang: "Mr. Cross."

Cross: "What we're looking for is a Fiscal Note with respect to Amendment 3 from the Department of Revenue. Representative Franks admitted to us on the floor, that he did not have it. Now, given the fact that he said this Bill is going to cost the State of Illinois absolutely nothing, the least we can do is see that Fiscal Note."

Speaker Lang: "This Bill shall be removed and taken back to the Order of Second Reading. House Bill 3838, Representative Bugielski. Please call the Bill Mr. Clerk."

Clerk Rossi: "House Bill 3838, a Bill for an Act concerning customer financial accounts. Third Reading of this House Bill."

Speaker Lang: "Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker and Members of the House. House Bill 3838 is an omnibus banking-related Bill that came out of the House Financial Institutions Committee, with no opposition. It makes changes for banks, credit unions, and thrifts. For the banks it authorizes the Commissioner's Office to establish regulations that set time periods for which banks must retain records. The Bill expressly authorizes Illinois financial institutions to voluntarily report suspected financial exploitation of elder and disabled persons to law enforcement and other designated officials. For the credit unions, it allows a credit union to expel members who exhibit a pattern of verbal or physical abuse, regarding credit union

101st Legislative Day

February 29, 2000

transactions, and who do not maintain a membership share in the credit union. It makes the appointment of a credit union option and authorizes a credit manager to make loan approval decisions. And for the thrifts, for the savings and thrifts, it makes a technical change by allowing a service corporation of a thrift to be a limited liability company. There's no opposition in the committee. There's still no opposition. Everyone was in agreement to this Bill, and I ask for its approval."

Speaker Lang: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this Bill. It was our committee Bill. And as the chief Sponsor's indicated, there has been absolutely no opposition to any of the measures in it. Thank you."

Speaker Lang: "Mr. Bugielski, to close."

Bugielski: "Thank you, Mr. Speaker. I just ask for a positive roll call. Thank you."

Speaker Lang: "Gentleman moves for the passage of House Bill 3838. This is final action. Those in favor shall vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 3292."

Clerk Bolin: "House Bill 3292, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Mr. Black, for what reason do you rise?"

101st Legislative Day

February 29, 2000

Black: "Yes. Mr. Speaker, an inquiry of the Chair. I delayed in putting on my speak light because we were on Third Reading on what was in fact, an Agreed Bill. I was seeking recognition on the question of House Bill 3036, I believe. You have subsequently ruled that that Bill will remain on I just simply wanted to express, on the Second Reading. record, it will be my desire and I hope that I don't have to do it tomorrow, but, I would ask that the applicable Fiscal Note be filed by the Department of Revenue. If it's the Chair's intent and the Sponsor's intent to use a Fiscal Note on such a sweeping Bill, filed by the Department of Corrections as a Fiscal Note, I will object to that and ask that the Chair sustain my objection that that is not an applicable Fiscal Note. I do appreciate you holding the Bill on Second, and I would think that the Sponsor and all those who favor the Bill, would want to see a Fiscal Note from the Department of Revenue, as is our custom, not from the Department of Corrections, on such a sweeping Bill. And, I thank you for your indulgence."

Speaker Lang: "Mr. Black, we do have a Department of Corrections

Fiscal Note as per Amendment 3. The reason the Bill was

moved back to Second, is because we do want the Department

of Revenue Fiscal Note."

Black: "Thank you very much."

Speaker Lang: "Thank you. The Chair recognizes John Jones."

Jones, J.: "Thank you, Mr. Speaker. If the Chair would, would you show me as an 'aye' vote on House Bill 3838?"

Speaker Lang: "The record will reflect your intentions. Mr. Clerk, have you read this Bill on Second Reading?"

Clerk Bolin: "House Bill 3292 has been read on Second Reading."

Speaker Lang: "Third Reading. Mr. Clerk, please read House Bill 4698. I'm sorry, what is the status of House Bill 4698?"

- 101st Legislative Day February 29, 2000
- Clerk Bolin: "House Bill 4698 is on the Order of House Bills-Third Reading."
- Speaker Lang: "Please move that onto the Order of Second Reading at the request of the Sponsor. Mr. Clerk, what is the status of House Bill 3935?"
- Clerk Bolin: "House Bill 3935 is on the Order of House Bills-Third Reading."
- Speaker Lang: "Please remove that to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, what is the status of House Bill 1459?"
- Clerk Bolin: "House Bill 1459 is on the Order of House Bills-Third Reading."
- Speaker Lang: "Please move that to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, Committee Announcements."
- Bolin: "The following committees will meet tomorrow Clerk morning. At 8:30 a.m., the Mental Health and Patient Abuse Committee will meet in Room 122B. The following committees will meet at 9 a.m. tomorrow. The Children and Youth Committee will meet in Room D-1, Stratton. The Human Services Committee will meet in Room 114 of the Capitol. The Insurance Committee will meet in Room 118 of Capitol. The Judiciary-Civil Law Committee will meet in Room C-1 of the Stratton. And the Local Government Committee will meet in Room 122B of the Capitol. Αt. a.m., the following committees will meet tomorrow morning. The Child Support Enforcement Committee will meet in Room 114 of the Capitol. The Executive Committee will meet in Room 118 of the Capitol. The Judiciary II-Criminal Law Committee will meet in Room D-1, Stratton. And the Transportation and Motor Vehicles Committee will meet in Room C-1, Stratton. At 4 p.m. or immediately after Session,

101st Legislative Day

- February 29, 2000
- the Telecommunications Review Committee will meet tomorrow, that is at 4 p.m. or immediately after Session tomorrow.

 The Telecommunications Review Committee will meet in Room 114."
- Speaker Lang: "Thank you, Mr. Clerk. The Chair recognizes

 Representative Andrea Moore. For what reason do you rise?"
- Moore, A.: "Thank you, Mr. Speaker. For purposes of an announcement. There will be a very brief meeting of the Conference of Women Legislators in the Speaker's Conference Room immediately following Session. Thank you."
- Speaker Lang: "Representative Giles, for what reason do you rise?"
- Giles: "For the purpose of an announcement. Mr. Speaker, the Local Government Committee will meet at 9:30 instead of 9 a.m. At 9:30 in the same Room 122B."
- Speaker Lang: "Representative Stephens, for what reason do you rise?"
- Stephens: "The meeting of the 'Brotherhood' has been cancelled."
- Speaker Lang: "Members are advised that the House group portrait will be taken at 10 a.m. tomorrow. It is necessary that not only do you comb your hair, Mr. Osmond, but that you clean your desks. There must be nothing on your desks when we take the pictures. So, please clean your desks. With that, Representative Hartke now moves, allowing the Clerk perfunctory time, that the House does stand adjourned until tomorrow, Wednesday, March 1st, at the hour of 10 a.m. Hearing no objection, the House does now stand adjourned."
- Clerk Rossi: "House Perfunctory Session will come to order.

 Introduction of Resolutions. House Resolution 622, offered
 by Representative Tim Johnson, is assigned to the Rules
 Committee. Introduction and First Reading of Senate Bills.

 Senate Bill 1231, offered by Representative Durkin, a Bill

101st Legislative Day

February 29, 2000

for an Act in relation to secured transactions. Senate Bill 1278, offered by Representative Tenhouse, a Bill for an Act to amend the Illinois Health Facilities Planning Senate Bill 1294, offered by Representative Act. Brunsvold, a Bill for an Act to amend the Forest Preserve Zoological Parks Act. Senate Bill 1302, offered Representative Daniels, a Bill for an Act to amend the Township Code. Senate Bill 1321, offered by Representative Daniels, a Bill for an Act to amend the Compensation Review Act. Senate Bill 1323, offered by Representative Daniels, a Bill for an Act to amend the Illinois Dental Practice Senate Bill 1377, offered by Representative Daniels, a Bill for an Act to amend the Fire Protection District Senate Bill 1382, offered by Representative Schoenberg, a Bill for an Act to amend the Criminal Code. Senate Bill 1387, offered by Representative Daniels, a Bill for an Act in relation to public and community service. Senate Bill 1393, offered by Representative Daniels, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1404, offered by Representative Daniels, a Bill for an Act concerning the regulation of audiologists. Senate Bill 1434, offered by Representative Feigenholtz, a Bill for an Act concerning dementia related health care. Senate Bill 1447, offered by Speaker Madigan, a Bill for an Act to Senate Bill 1451, amend the School Code. offered by Representative Daniels, a Bill for an Act to amend the Illinois Municipal Code. Senate Bill 1453, offered by Representative Beaubien, a Bill for an Act concerning taxation. Senate Bill 1513, offered by Representative Daniels, a Bill for an Act amending the North Shore Sanitary District Act. Senate Bill 1514, offered by Representative Winters, a Bill for an Act to amend the

101st Legislative Day

February 29, 2000

Election Code. Senate Bill 1550, offered by Representative Daniels, a Bill for an Act to amend the Liquor Control Act Senate Bill 1559, offered by Representative of 1934. Kosel, a Bill for an Act to amend the School Code. Bill 1577, offered by Representative Daniels, a Bill for an Act creating the Southwest Suburban Railroad Redevelopment Authority. Senate Bill 1588, offered by Representative Giles, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1626, offered by Representative Daniels, a Bill for an Act amending the Illinois Vehicle Code. Senate Bill 1642, offered by Representative Flowers, a Bill for an Act in relation to arthritis. Senate Bill 1658, offered by Representative Osmond, a Bill for an Act concerning Workers' Compensation Self Insurance Pools. Senate Bill 1672, offered by Representative Daniels, a Bill for an Act concerning ground water preservation. Bill 1674, offered by Representative Daniels, a Bill for Act concerning prepaid telephone calling arrangements. Senate Bill 1680, offered by Representative Daniels, a Bill for an Act in relation to real property. Senate Bill 1695, offered by Representative Schoenberg, a Bill for an Act amending the Illinois Controlled Substances Act. Bill 1701, offered by Representative Daniels, a Bill for an Act concerning insurance exchanges. Senate Bill 1707, offered by Representative Leitch, a Bill for an Act amending the Retailers Occupation Tax Act. Senate Bill 1733, offered by Representative Lawfer, a Bill for an Act in relation to the powers and duties of the Department of Agriculture. Senate Bill 1851, offered by Representative Hannig, a Bill for an Act to amend the State Finance Act. Senate Bill 1871, offered by Speaker Madigan, a Bill for an Act concerning state contracts. First Reading of these

101st Legislative Day

February 29, 2000

Senate Bills. House Bills-Second Reading, that will be held on the Order of Second Reading. House Bill 3052, a Bill for an Act regarding pharmaceuticals. House Bill 3120, a Bill for an Act amending the Property Tax Code. House Bill 3130, a Bill for an Act in relation to municipal government. House Bill 3131, a Bill for an Act in relation to townships. House Bill 3143, a Bill for an Act in relation to environmental safety. House Bill 3144, a Bill for an Act in relation to environment safety. House Bill 3157, a Bill for an Act amending the Unemployment Insurance House Bill 3173, a Bill for an Act to increase Act. uniformity within the Illinois Pension Code. House Bill 3177, a Bill for an Act to amend the Unemployment Insurance House Bill 3184, a Bill for an Act in relation to utilities. House Bill 3186, a Bill for an Act to amend the Public Utilities Act. House Bill 3189, a Bill for an Act in relation to child support. House Bill 3192, a Bill for an Act concerning telecommunications taxes and fees. House Bill 3204, a Bill for an Act making appropriations. House Bill 3207, a Bill for an Act making appropriations. Bill 3208, a Bill for an Act making appropriations. House 3211, a Bill for an Act making appropriations. House Bill 3212, a Bill for an Act making appropriations to the Illinois Medical District Commission. House Bill 3214, a Bill for an Act making appropriations. House Bill 3216, a Bill for an Act making appropriations. House Bill 3221, a Bill for an Act to amend the Illinois Criminal Code of House Bill 3233, a Bill for an Act regarding pharmaceuticals. House Bill 3240, a Bill for an Act to amend the Uniform Penalty and Interest Act. House Bill 3250, a Bill for an Act making appropriations. House Bill 3251, a Bill for an Act making appropriations. House Bill

101st Legislative Day

February 29, 2000

3257, a Bill for an Act in relation to technology. House Bill 3261, a Bill for an Act concerning food inspections. Bill House Bill 3288, а for an Act concerning interscholastic organizations. House Bill 3324, a Bill for an Act amending the Illinois Optometric Practice Act. House Bill 3383, a Bill for an Act to amend the Illinois Insurance Code. House Bill 3404, a Bill for an Act concerning elections. House Bill 3426, a Bill for an Act amending the Illinois Controlled Substances Act. House Bill 3442, a Bill for an Act regarding the regulation of professions. House Bill 3460, a Bill for an Act in relation to child support. House Bill 3467, a Bill for Act to amend the Uniform Penalty and Interest Act. House Bill 3478, a Bill for an Act amending the Gasoline Storage House Bill 3490, a Bill for an Act in relation to gambling. House Bill 3547, a Bill for an Act in relation to clean air and the creation of coal mining jobs in the State of Illinois. House Bill 3550, a Bill for an Act making appropriations to the Office of State's Attorneys Appellate Prosecutor. House Bill 3568, a Bill for an Act in relation to the regulation of professions. House Bill 3574, a Bill for an Act to amend the University of Illinois Trustees Act. House Bill 3583, a Bill for an Act amending the Children's Health Insurance Program Act. House Bill 3588, a Bill for an Act in relation to health care. Bill 3595, a Bill for an Act concerning health care accessibility. House Bill 3599, a Bill for an Act amending the Adoption Act. House Bill 3603, a Bill for an Act to amend the Juvenile Court Act. House Bill 3606, a Bill for an Act in relation to financial regulation. House Bill 3608, a Bill for an Act to amend the Interest Act. House Bill 3609, a Bill for an Act concerning commerce and

101st Legislative Day

February 29, 2000

community affairs. House Bill 3612, a Bill for an Act in relation to Metropolitan Water Reclamation District. House Bill 3613, a Bill for an Act in relation to townships. House Bill 3615, a Bill for an Act in relation to municipal government. House Bill 3616, a Bill for an Act in relation municipal government. House Bill 3617, a Bill for an Act in relation to county government. House Bill 3619, Bill for an Act in relation to real property. House Bill 3620, a Bill for an Act in relation to real property. House Bill 3631 (sic-3621), a Bill for an Act in relation to tobacco settlement proceeds. House Bill 3623, a Bill for an Act in relation to education. House Bill 3626, a Bill for an Act in relation to education. House Bill 3628, a Bill for an Act to amend the School Code. 3629, a Bill for an Act concerning aging persons. House Bill 3635, a Bill for an Act amending the Public Utilities House Bill 3637, a Bill for an Act in relation to state procurement. House Bill 3640, a Bill for an Act in relation to governmental ethics. House Bill 3646, a Bill for an Act in relation to elections. House Bill 3647, Bill for an Act in relation to elections. House Bill 3649, a Bill for an Act in relation to child support. House Bill 3651, a Bill for an Act in relation to criminal law. House Bill 3652, a Bill for an Act in relation to criminal law. House Bill 3654, a Bill for an Act in relation to criminal House Bill 3655, a Bill for an Act in relation to criminal law. House Bill 3665, a Bill for an Act to amend the Juvenile Court Act. House Bill 3671, a Bill for an Act in relation to firearms. House Bill 3678, a Bill for an Act to amend the Children and Family Services Act. House Bill 3681, a Bill for an Act concerning mental health. House Bill 3685, a Bill for an Act amending the WIC Vendor

101st Legislative Day

February 29, 2000

House Bill 3691, a Bill for an Act in Management Act. relation to insurance. House Bill 3693, a Bill for an Act in relation to transportation. House Bill 3694, a Bill for an Act in relation to transportation. House Bill 3699, a Bill for an Act in relation to transportation. House Bill 3701, a Bill for an Act in relation to airports. House Bill 3706, a Bill for an Act in relation to wildlife. House Bill 3708, a Bill for an Act concerning growth planning. House Bill 3712, a Bill for an Act regarding environmental safety. House Bill 3720, a Bill for an Act in relation to House Bill 3746, a Bill for an Act in relation to taxes. pensions. House Bill 3751, a Bill for an Act in relation House Bill 3756, a Bill for an Act in to pensions. relation to pensions. House Bill 3758, a Bill for an Act in relation to the Secretary of State. House Bill 3761, a Bill for an Act in relation to the State Comptroller. House Bill 3768, a Bill for an Act in relation to education. House Bill 3771, a Bill for an Act amending the Workers' Compensation Act. House Bill 3773, a Bill for an Act amending the Unemployment Insurance Act. House Bill 3779, a Bill for an Act in relation to marriage. House Bill 3785, a Bill for an Act in relation to real property. House Bill 3788, a Bill for an Act in relation to the courts. House Bill 3806, a Bill for an Act to amend the Code of Civil Procedure. House Bill 3808, a Bill for an Act amending the Code of Civil Procedure. House Bill 3858, a Bill for an Act to amend the School Code. House Bill 3868, a Bill for an Act to create the Home Loan Collateral Fund Act. House Bill 3872, a Bill for an Act in relation to property taxes. House Bill 3873, a Bill for an Act in relation to taxes. House Bill 3874, a Bill for an Act in relation to taxes. House Bill 3875, a Bill for an Act in

101st Legislative Day

February 29, 2000

relation to property taxes. House Bill 3876, a Bill for an Act in relation to income taxes. House Bill 3886, a Bill for an Act in relation to financial regulation. House Bill 3887, a Bill for an Act to amend the Interest Act. House Bill 3898, a Bill for an Act concerning accountability for tax expenditures. Second Reading of these House Bills. They will be held on the Order of House House Bill 3902, a Bill for an Act Bills-Second Reading. making appropriations to the Attorney General. House Bill 3906, a Bill for an Act amending the Illinois Enterprise Zone Act. House Bill 3928, a Bill for an Act concerning factory built housing. House Bill 3930, a Bill for an Act in relation to pensions. House Bill 3939, a Bill for an Act in relation to income taxation. House Bill 3947, a Bill for an Act to amend the Property Tax Code. House Bill 3980, a Bill for an Act amending the Property Tax Code. House Bill 3986, a Bill for an Act to amend the Criminal House Bill 3987, a Bill for an Code. Act making appropriations. House Bill 4017, a Bill for an Act to amend the Criminal Code. House Bill 4020, a Bill for an Act amending the Property Tax Code. House Bill 4039, a Bill for an Act amending the Code of Criminal Procedure. House Bill 4072, a Bill for an Act to amend the Criminal Code of 1961. House Bill 4097, a Bill for an Act amending the Crime Victims Compensation Act. House Bill 4114, a Bill for an Act making appropriations. House Bill 4116, a Bill for an Act amending the Sexually Violent Persons Commitment Act. House Bill 4124, a Bill for an Act in relation to corrections. House Bill 4163, a Bill for an Act making appropriations to the Office of the Secretary of State. House Bill 4165, a Bill for an Act amending the Illinois Horse Racing Act. House Bill 4181, a Bill for an

101st Legislative Day

February 29, 2000

Act amending the School Code. House Bill 4199, a Bill for an Act concerning mental health. House Bill 4201, a Bill for an Act amending the Mental Health and Developmental Disabilities Code. House Bill 4202, a Bill for an Act in relation to executive agencies. House Bill 4203, a Bill for an Act in relation to executive agencies. House Bill 4204, a Bill for an Act in relation to executive agencies. These Bills will be held on the Order of House Bills-Second Reading."

Clerk Bolin: "House Bill 4206, a Bill for an Act in relation to health facilities. House Bill 4208, a Bill for an Act concerning tobacco settlement proceeds. House Bill 4209, a Bill for an Act concerning tobacco proceeds. House Bill 4211, a Bill for an Act concerning capital facilities. House Bill 4212, a Bill for an Act in relation to insurance. House Bill 4213, a Bill for an Act to amend the Children's Health Insurance Program Act. House Bill 4214, a Bill for an Act concerning public aid. House Bill 4215, a Bill for an Act in relation to public aid. House Bill 4220, a Bill for an Act in relation to insurance. Bill 4224, a Bill for an Act to amend the Unemployment Insurance Act. House Bill 4226, a Bill for an Act to amend the Workers' Compensation Act. House Bill 4227, a Bill for an Act to amend the Environmental Protection Act. House Bill 4228, a Bill for an Act in relation to county government. House Bill 4229, a Bill for an Act in relation to transportation. House Bill 4230, a Bill for an Act concerning state's attorneys. House Bill 4232, a Bill for an Act in relation to criminal law. House Bill 4233, a Bill for an Act in relation to criminal law. House Bill 4234, a Bill for an Act in relation to criminal law. House Bill 4236, a Bill for an Act in relation to criminal law. House

101st Legislative Day

February 29, 2000

Bill 4237, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 4238, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 4240, a Bill for an Act concerning support payments. House Bill 4242, a Bill an Act in relation to family law. House Bill 4243, a Bill for an Act to amend the School Code. House Bill Bill for an Act to amend the School Code. House Bill 4249, a Bill for an Act to amend the School Construction Law. House Bill 4253, a Bill for an Act in relation to transportation. House Bill 4258, a Bill for an Act concerning job training. House Bill 4260, a Bill for an Act to amend the Toll Highway Act. House Bill 4261, a Bill for an Act to amend the Toll Highway Act. House Bill 4263, a Bill for an Act to amend the Day Labor Services Act. House Bill 4270, a Bill for an Act to eliminate the digital divide. House Bill 4271, a Bill for an Act in relation to land excavation. House Bill 4279, a Bill for an Act to amend the Code of Criminal Procedure of 1963. House Bill 4309, a Bill for an Act in relation to higher education. House Bill 4320, a Bill for an Act in relation to administrative rules. House Bill 4324, a Bill for an Act to amend the Illinois Housing Development Act. House Bill 4336, a Bill for an Act to amend the Children and Family Services Act. House Bill 4345, a Bill for an Act making appropriations. House Bill 4351, a Bill for an Act to amend the Clerks of Courts Act. House Bill 4355, a Bill for an Act making appropriations. House Bill 4356, a Bill for an Act making appropriations. House Bill 4357, a Bill for an Act making appropriations. House Bill 4359, a Bill for an Act making appropriations. House Bill 4362, a Bill for an Act making appropriations. House Bill 4364, a Bill for an Act making appropriations. House Bill 4365, a Bill

101st Legislative Day

February 29, 2000

for an Act making appropriations. House Bill 4366, a Bill for an Act making appropriations. House Bill 4368, a Bill for an Act making appropriations. House Bill 4369, a Bill for an Act to amend the Tobacco Accessories and Smoking House Bill 4370, a Bill for an Act Herbs Control Act. concerning property taxes. House Bill 4372, a Bill for in relation to state government. House Bill 4373, a Bill for an Act making appropriations. House Bill 4374, a Bill for an Act in relation to state government. House Bill 4375, a Bill for an Act in relation to state government. House Bill 4376, a Bill for an Act making House Bill 4377, a Bill for an Act in appropriations. relation to state government. House Bill 4378, a Bill an Act making appropriations. House Bill 4379, a Bill for an Act making appropriations. House Bill 4380, a Bill for Act making appropriations. House Bill 4381, a Bill for an Act making appropriations. House Bill 4382, a Bill for Act making appropriations. House Bill 4383, a Bill for an an Act making appropriations. House Bill 4384, a Bill for Act making appropriations. House Bill 4385, a Bill for an Act making appropriations. House Bill 4386, a Bill Act making appropriations. House Bill 4387, a Bill for an Act making appropriations. House Bill 4388, a Bill Act making appropriations. House Bill 4391, a Bill for an Act making appropriations. House Bill 4392, a Bill for Act making appropriations. House Bill 4393, a Bill for an Act making appropriations. House Bill 4394, a Bill an Act making appropriations. House Bill 4396, a Bill for an Act concerning the nurse aid registry. House Bill 4397, a Bill for an Act making appropriations. House Bill 4398, Bill for an Act making appropriations. House Bill 4399, a Bill for an Act making appropriations. House Bill 4400, a

101st Legislative Day

February 29, 2000

Bill for an Act making appropriations. House Bill 4401, Bill for an Act making appropriations. House Bill 4402, a Bill for an Act making appropriations. House Bill 4407, a Bill for an Act in relation to gender violence. House Bill 4421, a Bill for an Act to amend the Franchise Disclosure Act of 1987. House Bill 4431, a Bill for an Act concerning House Bill 4432, a Bill for an Act appropriations to the State Comptroller. House Bill 4435, a Bill for an Act making appropriations. House Bill 4436. a Bill for an Act making appropriations. House Bill 4437, a Bill for an Act making appropriations. House Bill 3257, Bill for an Act in relation to technology. House Bill 3261... House Bill 4438, a Bill for an Act appropriations. House Bill 4439, a Bill for an Act making appropriations. House Bill 4440, a Bill for an Act House Bill 4441, a Bill for an Act making appropriations. appropriations. House Bill 4442, a Bill for an Act making House Bill 4443, a Bill for an Act making appropriations. appropriations. House Bill 4444, a Bill for an Act making appropriations. House Bill 4445, a Bill for an Act regarding appropriations. House Bill 4446, a Bill for an Act making appropriations to the Auditor General. 4447, a Bill for an Act to amend the State Finance Bill Act. House Bill 4478, a Bill for an Act concerning joint discussions between physicians, health care providers and health care plans. House Bill 4481, a Bill for an Act to amend the Environmental Protection Act. House Bill 4491, a for an Act making appropriations. House Bill 4492, a Bill for an Act making appropriations. House Bill 4493, for an Act making appropriations. House Bill 4494, a Bill Bill for an Act making appropriations. House Bill 4495, a Bill for an Act making appropriations. House Bill 4496, a

101st Legislative Day

February 29, 2000 Bill for an Act making appropriations. House Bill 4497, for an Act making appropriations. House Bill 4498, a Bill for an Act making appropriations. House Bill 4499, for an Act making appropriations. House Bill 4500, a Bill for an Act making appropriations. House Bill 4501, for an Act making appropriations. House Bill 4502, a Bill for an Act making appropriations. House Bill 4503, for an Act making appropriations. House Bill 4504, a Bill for an Act making appropriations. House Bill 4505, a Bill for an Act making appropriations. House Bill 4506, a Bill for an Act making appropriations. House Bill 4507, House Bill

101st Legislative Day

February 29, 2000

Bill 4547, a Bill for an Act making appropriations. 4549, a Bill for an Act making appropriations. House Bill 4550, a Bill for an Act making appropriations. House 4554, a Bill for an Act making appropriations. House Bill 4555, a Bill for an Act making appropriations. House 4556, a Bill for an Act making appropriations. House Bill 4562, a Bill for an Act making appropriations. House 4563, a Bill for an Act making appropriations. House Bill 4564, a Bill for an Act making appropriations. House Bill 4565, a Bill for an Act making appropriations. House Bill 4568, a Bill for an Act making appropriations. House 4572, a Bill for an Act making appropriations. House Bill 4573, a Bill for an Act concerning appropriations. House Bill 4576, a Bill for an Act making appropriations. House Bill 4577, a Bill for an Act making appropriations. House Bill 4578, a Bill for an Act making appropriations. House Bill 4579, a Bill for an Act making appropriations. House Bill 4580, a Bill for an Act making appropriations. House Bill 4581, a Bill for an Act making appropriations. House Bill 4582, a Bill for an Act to amend the Build Illinois Bond Act. House Bill 4583, a Bill for an Act to amend the General Obligation Bond Act. House Bill 4584, a Bill for an Act to amend the General Obligation Bond Act. House Bill 4585, a Bill for an Act in relation to state government. House Bill 4586, a Bill for an Act in relation to state government. House Bill 4587, a Bill for an Act in relation to state government. House Bill 4588, a Bill for an Act in relation to state government. House Bill 4611, a Bill for an Act in relation to support. House Bill 4626, a Bill for an Act concerning crime. House Bill 4634, a Bill for an Act making appropriations. House Bill 4651, a Bill for an Act concerning local governments. House Bill 4656,

101st Legislative Day

February 29, 2000

a Bill for an Act in relation to the local governments. House Bill 4659, a Bill for an Act in relation to labor relations. House Bill 4663, a Bill for an Act in relation to downstate forest preserve districts. House Bill 4668, a Bill for an Act in relation to Cook County Forest Preserve District. House Bill 4693, a Bill for an Act creating the End Stage Renal Disease Facility Act. House Bill 4697, a Bill for an Act in relation to interrogations. House Bill 4699, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 4700, a Bill for an Act concerning beverage distribution. House Bill 2068, a Bill for an Act to amend the School Code. House Bill 2069, a Bill for an Act to amend the School Code. House Bill 2374, a Bill for an Act to amend the Election Code. House Bill 2499, a Bill for an Act to amend the Health Maintenance Organization Act. House Bill 2884, a Bill for an Act in relation to gambling. House Bill 2896, a Bill for an Act to amend the Illinois Athletic Trainers Practice Act. House Bill 2902, a Bill for an Act to amend the School Code. House Bill 2910, a Bill for an Act in relation to the regulation of professions. House Bill 2924, a Bill for an Act concerning proceeds from tobacco litigation. House Bill 2965, a Bill for an Act regarding pharmaceuticals. House Bill 2980, a Bill for an Act to amend the Illinois Insurance Code. House Bill 2991, a Bill for an Act concerning business names. House Bill 2993, a Bill for an Act concerning tobacco settlement proceeds. House Bill 3007, a Bill for an Act to create the Predatory Home Loan Practices Act. Second Reading of these House Bills. Introduction of House Bills. House Bill 4707, offered by Representative Lang, a Bill for an Act making appropriations. First Reading of this House Bill. House Bill 4706, offered by Representative

101st Legislative Day

February 29, 2000

Slone, a Bill for an Act to amend the Illinois Wildlife Prairie Park Act. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session at 10 a.m. on Wednesday, March 1st."