

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

68th Legislative Day

May 30, 2001

Speaker Madigan: "Good Morning, Mr. Brady. Very well. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Crawford: "Let us pray. Most gracious and kind Father, we come humbly before You. We worship You as sovereign, as omnipotent, as omniscient. We thank You for being infallible. There's no area in our life that You failed us in. We ask You to bless us, to place Your hand upon us, to nurture us, to guide us and to form us. Make us to be what it is You would have us to be. Strengthen us to do what it is You've called us to do. We'll graciously praise You at the end of this day. We'll realize, God, that after all that's been said and done, we've accomplished because Your hand has been upon our life. And we thank You, Amen."

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

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

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

Currie: "Thank you, Speaker. I have no reports of excused House Democrats to report to the Journal today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Representative Ron Stephens is excused today."

Speaker Madigan: "... shall take the record. There being 117

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Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Speaker Madigan, Chairperson from the Committee on Redistricting, to which the following measure was referred, action taken on Tuesday, May 29, 2001, reported the same back with the following recommendation: 'recommends be adopted' Conference Committee Report #1 to House Bill 2917. Representative Murphy, Chairperson from the Committee on Personnel and Pensions, to which the following measure was referred, action taken on Tuesday, May 30, 2001, reported the same back with the following recommendation: 'be adopted' Floor Amendment #1 to House Bill 2703. Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure was referred, action taken on Wednesday, May 30, 2001, reported the same back with the following recommendations: 'be adopted' a Motion to concur with Senate Amendments 1, 2, and 3, to House Bill 2228. Representative Novak, Chairperson from the Committee on Environment and Energy, to which the following measures were referred, action taken on Wednesday, May 30, 2001, reported the same back with the following recommendations: 'recommends be adopted' a Motion to Concur with Senate Amendments 1 and 3, to House Bill 1887 and Floor Amendment #4 to Senate Bill 1069. Representative Brosnahan, Chairperson from the Committee on the Disabled Community, to which the following measures were referred, action taken on Wednesday, May 30, 2001, reported the same back with the following recommendations: 'recommends be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 3192. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measures were referred,

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action taken on Wednesday, May 30, 2001, reported the same back with the following recommendations: 'be adopted' a Motion to Concur with Senate Amendments 1, 2, and 3 to House Bill 2914. Representative Reitz, Chairperson from the Committee on Cities and Villages, to which the following measures were referred, action taken on Wednesday, May 30, 2001, reported the same back with the following recommendations: 'be adopted' a Motion to Concur with Senate Amendments 1 and 3 to House Bill 2380. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measures were referred, action taken on Wednesday, May 30, 2001, reported the same back with the following recommendations: 'be adopted' Floor Amendment 3 and 4 to Senate Bill 461. Representative Lyons, Chairperson from the Committee on Revenue, to which the following measures were referred, action taken on Wednesday, May 30, 2001, reported the same back with the following recommendation: 'do pass as amended Short Debate' Senate Bill 22, 'recommends be adopted' Floor Amendment #7 to Senate Bill 1171. Representative Bugielski, Chairperson from the Committee on Financial Institutions, to which the following measures were referred, action taken on Wednesday, May 30, 2001, reported the same back with the following recommendations: 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 1030. Representative Giles, Chairperson from the Committee on Elementary and Secondary Education, to which the following measures were referred, action taken on Wednesday, May 30, 2001, reported the same back with the following recommendations: 'be adopted' Floor Amendment #4 to Senate Bill 975."

Speaker Madigan: "On page 5 of the Calendar on the Order of

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Senate Bills--Second Reading, there appears Senate Bill 267.

And before we start on that the Chair recognizes Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Chairman. A point of personal privilege."

Speaker Madigan: "State your point."

Lyons, E.: "Lyons Township High School is in my district and we have something to be very, very proud of. One of the students, Sara Logsdon, daughter of Darlene Logsdon, has won second place in the National Poetry Contest and has won the Mannighan Award. And I would ask that this chamber join me in congratulating her in this great effort."

Speaker Madigan: "... Clerk, what is the status of Senate Bill 267?"

Clerk Rossi: "Senate Bill 267 has been read a second time, previously. There are no Committee Amendments. No Floor Amendments have been approved for consideration."

Speaker Madigan: "Place the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Rossi: "Senate Bill 267, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 267, basically, is a license plate deal that allows Marine Corps veterans to purchase a plate with the Marine Corps insignia on it. This Bill will allow them then to put some money away for scholarships for veterans of Marines. There's no opposition to this Bill. And I'm very proud to carry this Bill in the House, being an ex-marine. I'd be happy to answer any questions."

Speaker Madigan: "...man moves for the passage of the Bill. The Chair recognizes Mr. Brady."

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Brady: "Thank you, Mr. Speaker. Just for a point of personal privilege. I'll speak to it after the Bill, Sir."

Speaker Madigan: "Thank you. Representative Feigenholtz, on the Bill."

Feigenholtz: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Feigenholtz: "Representative Mitchell, wasn't there an Amendment on this Bill?"

Mitchell, J.: "Yes, but the Amendment had... I don't believe the Amendment ever got on the Bill. There was an Amendment suggested, but it was never brought forward."

Feigenholtz: "Perhaps I should yield my time to Representative Beaubien. I know that there are many of us who had a Bill that came over from the Senate, it was not however a Marine Corps Plate Bill, but it did address issues that affect people in all of our communities. I know Representative Black had... are you familiar with it?"

Mitchell, J.: "Yes I'm familiar with the Amendment. I believe it was Representative Black's Bill that was further amended. However, he chose not to put it on this particular Bill."

Feigenholtz: "What is the fee on this Bill?"

Mitchell, J.: "Basically, there's a \$20 fee. Five dollars of that money will go for administration and production of the plate. And \$15 of that fee will go to a separate fund to allow scholarships for ex-marines' children."

Feigenholtz: "Do you have any idea why they did not increase the fee on this to \$100, like they did on the License Plate Bill that they sent back to us?"

Mitchell, J.: "No Ma'am, I have no idea."

Feigenholtz: "Thank you very much."

Speaker Madigan: "Mr. Bost."

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

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Speaker Madigan: "Sponsor yields."

Bost: "You know, first off, there was a statement made earlier, you said you're an ex-marine?"

Mitchell, J.: "I'm a inactive Marine."

Bost: "That's what I thought. That's what I thought. You know, if you're going to carry a Bill like this, you probably need to know certain things and... can you tell me the birthdate of the Marine Corps?"

Mitchell, J.: "I believe it was Tun's Tavern in Philadelphia, of 1775."

Bost: "Tun Tavern is where it was formed, is that correct? Yep. 1775, November 10th, I believe. And the most decorated Marine would be..."

Mitchell, J.: "November 10 in the afternoon, Mike."

Bost: "Yes. It was... and the most decorated marine would be?"

Mitchell, J.: "Chesty Puller."

Bost: "A five time Congressional Medal of Honor winner, that's correct. Mr. Speaker, to the Bill. 'From the halls of Montezuma, to the shores of Tripoli, we fight our country's battles in the air, on land and sea. First to fight for right and freedom, and to keep our honor clean, we're proud to claim the title of United States Marines. We have fought in every clime and place where we could take a gun. In the snows of far-off northern lands and the sunny tropic scenes, you will find us always on the job, the United States Marines. Now, here's (sic-health) to you and to our Corp which we are proud to serve; it's been through many a strive we've fought for life, but we never lost our nerve. If the Army and the Navy ever look on Heaven's scenes they will find the streets are guarded by United States Marines.' I think this is a good Bill. I think it's a good vote and I'd appreciate an 'aye' vote."

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Speaker Madigan: "... Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill."

Speaker Madigan: "Proceed."

Black: "I rise in strong opposition to this Bill and would encourage all of my colleagues in the House, it's not on the merits of this Bill that I ask you to vote 'no' or 'present'. It's a matter of fundamental fairness. It's a matter of how House Bills will be treated in the Senate, vis-a-vis, how Senate Bills will be treated in the House. Many of us on both sides of the aisle had license plate Bills that we sent to the Senate. Let me give you just a partial list; the hospice license plate, the pet friendly license plate Bill, Violence... excuse me, violence prevention. I could go on and on and on about the number of good ideas that were brought to House Members by their constituents. I had a constituent who runs a hospice center who created, who made a drawing of the license plate, brought it to the House, testified before the House Committee. The license plate Bill got out of committee unanimously. The pet friendly Bill that Representative Feigenholtz sponsored, the proceeds would go to animal shelters, I believe got out of the House unanimously. When these end up in the Senate, they were all lumped together on one Bill and had a fee of a hundred dollars. If you wanted any of these plates, you had a fee of a hundred dollars. Not one of the House Sponsors of these Bills was given the common courtesy of a phone call explaining what they were going to do to these license plate Bills or why they were going to do it. Is that too much to ask of House Members? Can't we be treated as favorably as they expect us to treat their Bills? So, when all of our Bills come

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back lumped into an Amendment with a \$100 initiate fee without any constructive notice to any of us, here comes a Bill from the Senate, a well-intentioned Bill. But, this Bill is all by itself. And this Bill has the regular fee that all other special license plates have had. I resent that kind of treatment by our colleagues in the Senate. I resent that kind of treatment by the fact that our Bills are not given a fair chance and as Sponsor of one of those Bills, not even given the courtesy of a phone call so that I could tell my constituent, who put her heart and soul into that hospice license plate, that we could either try to work out a compromise or come back at a later date. Not a word, until we see the Bill that came back from the Senate. We tried to amend, all of the House Bills that were killed in the Senate, back on this Bill but the Amendment, for whatever the reason, couldn't get out of Rules. Now, Ladies and Gentlemen, let me give you my bona fides. I'm not an ex-marine, but I have great respect for those who have served in the corps. I have an uncle, I'll give you his name if you want to check it out. His name is Robert Trent. He went through the South Pacific Campaign in WWII. He was horribly wounded by machine gun fire on one of the many island invasions that he participated in. His name is Robert Trent, T-R-E-N-T. When he recovered, well he never did recover from those wounds. When he got out of the VA hospital after World War II he was confined to a wheelchair. He now is confined to bed in a nursing home. So I... nobody has anymore personal regard or respect for what Members of the United States Marine Corps, the United States Army and all of the fighting men and women who have fought and sacrificed in all the wars of this country. But to say that this license plate gets

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special treatment when all of the Members license plates in the House were summarily dumped into one Bill without so much of the courtesy of a call to any of the House Sponsors, that is an egregious abuse of the power of what this system is supposed to be. I don't want any of you to vote 'no' against the Marine Corp. What I would like you to do is to vote 'present' on what I consider to be an egregious lack of legislative courtesy on behalf of our colleagues in the Senate. Our Bills cannot be heard on their own. They're are sent back to us on one Bill, take it or leave it. And by the way, the fee for your license plates will be a hundred bucks. That's not fair, that's not right, that's not just. So, I think perhaps we have an opportunity now to send the message to the Senate that we expect our Bills to be given the same kind of serious and courteous consideration that you expect us to give all of your Bills. I, for one, have had it. They've killed most of our initiatives, they've prostituted what's left, and then expect us to vote on this Bill that originated in the Senate by a man I have the greatest respect for, and in fact, you look around and who's carried some of the most controversial legislation that was sponsored in the Senate by the President of the Senate. I did. The Optometric Therapeutic Bill, I sponsored it, nobody else wanted to take it. The Adjutant General's Bill of two years ago, that changed the consideration that nobody in the House would sponsor, I did. So, it's not anything personal against the President of the Senate. All I'm asking us to do as Members of the House, and I beg you and I beseech you, vote 'present' for inherent fairness in the process. I don't think that's too much to ask. So that we can come back in the Veto Session and ask that our Bills be given

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fair and full consideration. That is only a matter of legislative courtesy and mutual respect that should exist between these two chambers. Please vote 'present' and strike a blow for fairness and courtesy that is too lacking in this process today. I urge a 'present' vote."

Speaker Madigan: "Mr. Beaubien."

Beaubien: "Yes, thank you, Mr. Speaker. As the son of a Marine no one can have as much respect as I do for what they've done for our country and I'm fully supportive of them and their cause. It is with somewhat of a heavy heart that I do request that you do vote 'present' on this Bill. And before you vote, I'd like to give you a list of who they've insulted on both sides of the aisle. The pet friendly Bill was sponsored by Representative Feigenholtz. The hospice Bill was sponsored by Representative Black. The union member Bill was sponsored by Julie Curry. The Illinois Lions Club was sponsored by myself. The Illinois Correctional Employee Memorial Fund was sponsored by Representative Fowler. The Gulf War Veterans was sponsored by Representative Tenhouse. The paratrooper Bill was sponsored by Representative Joe Lyons. The K-12 Educational Bill was sponsored by Representative Zickus. The Park District Youth Program was sponsored by Representative Bassi. The coal mining Bill was sponsored by Representative Forby and the Small Business Enterp... Entrepreneur Bill was sponsored by the Illinois chamber. Again, I think this is a very awful thing that the Senate did to us. They insulted all the Members of these organizations which are fine organizations. I would urge all of you to vote 'present' on this Bill and let's give ourselves a shot at it in the Fall Veto Session. Thank you."

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Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. My advice if we want to send a message to the Senate, is to just whip ourselves right across the rotunda and tell them exactly what we think. If we don't have time to wander over to the other side of the third floor, then maybe you'd like to drop a line through interoffice mail or even spend the 34¢ on a postage stamp. The reality is that if we reject Senate Bill 267 on Third Reading, the only message we send is a message to the people who have served in the United States Marine Corps. I don't think it's a message we want to send. I think we want to support Representative Mitchell and we want to support the Marines who have fought for this country. If there are other issues involved in another Bill let's do what we always do and deal with those issues as a separate proposition. If you're into the message sending business, send it directly to the Senate, don't send it by holding hostage the Marines who have served our country. I urge an 'aye' vote."

Speaker Madigan: "Mr. Mitchell to close."

Mitchell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I certainly understand my colleagues feeling, but I am a former Marine, as well as Representative Bost, as well as the President of the Senate. We have many fights with the Senate, not over license plate Bills, but substantial Bills that we have sent over there in good faith that have never got out of Rules. Make no mistake, you're not sending a message to the President of the Senate or your Senator, who you can walk over and talk to. You're sending a message to the United States Marine Corps, the smallest branch of the service, the first to fight, the first on every island. Those Marines that raised the flag on Iwo

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Jima. Those Marines that died in the first assault during World War I, World War II. Those are the people you're talking to. They won't know about some kind of fight, some kind of battle, with the Senate over whether or not your pet Bill got heard. They will only know that the House of Representatives turned their back on the fighting men and women that lost their lives. And I don't think this is the kind of message you want to send. I'm proud to carry this Bill. I'm proud of my years in the service. And if that's what they want, by God that's what I'm going to give them. Join me and say to the Marine Corps, thank you for what you've done for this country and for your families. That's all they ask and they keep getting hit in the back of the head with, oh my, we've got a fight with the Senate. Vote for this and tell them how proud you are of the job they've done. Thank you, Mr. Speaker."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 57 'ayes' and 56 'noes'. Mr. Mitchell."

Mitchell: "Mr. Speaker, with humble heart and disappointment, I'd like to put this on Postponed Consideration."

Speaker Madigan: "Place this matter on the Order of Postponed Consideration. The Chair recognizes Mr. Brady."

Brady: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Brady: "Ladies and Gentlemen, my colleagues in the Illinois General Assembly, I'd like to welcome the eighth graders from my district, from Gridley Junior High School and their

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teachers and chaperones up in the gallery. Thank you very much and welcome to Springfield."

Speaker Madigan: "Mr. McKeon, are you seeking recognition? On page 13 of the Calendar, on the Order of Concurrence there appears House Bill 2207. Mr. Bugielski. Mr. Bugielski."

Bugielski: "I wish to nonconcur on Senate Amendments #1 and 2 to House Bill 2207."

Speaker Madigan: "The Gentleman moves that the House nonconcur in Senate Amendments #1 and 2. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On the Order of Nonconcurrence, on page 16 of the Calendar there appears Senate Bill 1514. Mr. Bugielski. Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker. I wish to nonconcur on House Amendment #1... to nonconcur on the Senate Amendments and I ask that a Conference Committee be appointed."

Speaker Madigan: "Mr. Bugielski, the Calendar indicates that there is a House Amendment to this Bill. And I believe..."

Bugielski: "Correct. There is a..."

Speaker Madigan: "... your Motion is to Refuse to Recede."

Bugielski: "... Refuse to Recede on House Amendment #1 and ask that a Conference Committee be reappointed."

Speaker Madigan: "Those in favor of that Motion say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On page 6 of the Calendar, on the Order of Senate Bills-Second Reading there appears Senate Bill 372. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "Senate Bill 372 has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Andrea Moore, has been approved for consideration."

Speaker Madigan: "Representative Moore."

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Moore: "Mr. Speaker, could you clarify with the Clerk, please, if Floor Amendment #4 has been approved by Rules?"

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Floor Amendment #4 has been approved for consideration."

Moore: "Thank you, Mr. Speaker. Then I would move to table Floor Amendment #3."

Speaker Madigan: "The Lady withdraws Amendment #3 and on the Amendment #4, the Chair recognizes Representative Moore."

Moore: "Thank you, Mr. Speaker. Floor Amendment #4 is one that was discussed before the committee that actually takes out the chemical industry from Senate Bill 372 and I would be happy to answer any questions."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Is there any discussion? There being no discussion, those for the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Put this Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Rossi: "Senate Bill 372, a Bill for an Act concerning environmental protection. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Moore."

Moore: "... Mr. Speaker. Thank you, Mr. Speaker. Senate Bill 372 is a Bill that was negotiated in the Senate by the energy providers and the environmentalists in order to provide a process to address the coal emissions in the State of Illinois. As all of you know, there have been numerous studies talking about the problems, the health problems, with the coal emissions with our plants that we

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have. And this provides a good, solid, sound process for us to be able to have the EPA set standards in order to address the emission problems. I'd be happy to answer any questions."

Speaker Madigan: "The Bill is on the Order of Third Reading. The Bill has been read a third time. The Lady moves for the passage of the Bill. The Chair recognizes Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Novak: "Ms. Moore, could you briefly explain the... I think the four pollutant strategy dealing with the rules to be promulgated sometime in the future? When will they be promulgated? Who's going to promulgate the rules? Will they go through the Joint Committee on Administrative Rules? Will they go through the Pollution Control Board? Let's start with those."

Moore: "Mr. Speaker, could you take this Bill out of the record for a moment, please? I'm sorry to tell you... I wasn't expecting to call it at the moment."

Speaker Madigan: "Mr. Clerk, take the Bill out of the..."

Moore: "Thank you."

Novak: "Was it a surprise?"

Speaker Madigan: "...out of the record. For what purpose does Representative Erwin seek recognition? The Lady withdraws her request. On page 11 of the Calendar, on the Order of Concurrence there appears House Bill 2. Mr. Novak, for a Motion."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur in Senate Amendment #1 to House Bill 2 and ask my colleagues to support the Motion. Thank you."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those

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in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On page 15 of the Calendar, on the Order of Nonconcurrency there appears Senate Bill 629. Mr. Dart."

Dart: "Thank you, Mr. Speaker. I move to Refuse to Recede from House Amendment... I think it's 1 and 2, I'm not sure about that, Mr. Speaker."

Speaker Madigan: "Calendar indicates 1."

Dart: "That's fine. Just 1."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Clerk, what is the status of Senate Bill 1069?"

Clerk Bolin: "Senate Bill 1069 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #4, offered by Representative Hartke, has been approved for consideration."

Speaker Madigan: "Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. Senate Bill 1069 is the combination of about 8 or 9 months of work and negotiations with the Drycleaners Illinois, dealing with the Drycleaners Trust Fund and Act. This Amendment makes major changes to not only their permit, but their licensing fee. It involves the Illinois Environmental Protection Agency, the Department of Revenue, the Governor's Office, as well as all the drycleaners in the State of Illinois. There are several different organizations that have negotiated in good faith and have come together, 60% of which are Korean-American drycleaners in the State of Illinois. This is a very big piece of legislation and I would appreciate your support on Floor Amendment #4."

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Bolin: "Senate Bill 1069, a Bill for an Act in relation to drycleaning. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hartke."

Hartke: "Thank you very much. I briefly explained the Amendment, would stand to answer any questions. This piece of legislation is a major rewrite of the Drycleaners Trust Fund Act in the State of Illinois. All sides are in agreement on the legislation. The Illinois Environmental Protection Agency is neutral on the Bill. The Department of Revenue is neutral on the Bill. And if you would, recognize Representative Smith for some legislative intent."

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

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

Speaker Madigan: "Gentleman yields."

Smith: "Representative Hartke, I wanted to make sure one of the issues, as you know, that have been raised are the problems that the Korean-American drycleaners who, as you know, represent a large part of the drycleaning industry in Illinois. They have voiced some dissatisfaction that their role in the program and the communication that they have received have not been sufficient. Have you... has that concern been addressed in this legislation?"

Hartke: "Yes. Representative, while working on this issue over the last several months, I have heard their kind of

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complaints and we have addressed those complaints from the American... Korean-American drycleaners."

Smith: "Do you have any intentions on how we might address this issue?"

Hartke: "Yes. Representative, for the purpose of legislative intent, it is my expectation that the program's council will take responsible steps designed to increase confidence on the part of the Korean-American drycleaners. And it is my intent that these steps might possibly include expanding the translation services, provide outreach in communication efforts or appoint... the appointment of a liaison from the council to this community and other measures that make it easier for these drycleaners to comply with the law. And to have their questions answered and to bring their concerns to the council."

Smith: "Thank you, Representative Hartke. To the Bill, Mr. Speaker. I fully support this legislation and I want to commend Representative Hartke for his leadership on the issue and Speaker Madigan for bringing the opposing sides together. There have been many negotiations that have occurred. This is an Agreed Bill by all the parties involved. We took a major step four years ago when we passed the original legislation. We've realized since then that there have been some problems and this is simply an attempt to address those problems and to help drycleaners help themselves. And I would ask for a favorable vote. Thank you."

Speaker Madigan: "Hartke has moved for the passage of the Bill. With there being no further discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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... shall take the record. On this question, there are 82 'ayes', 34 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Saviano. On page 11 of the Calendar, on the Order of Concurrence there appears House Bill 273. Mr. Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. I would nonconcur with Senate Amendment #1 to House Bill 273."

Speaker Madigan: "You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On page 3 of the Calendar, on the Order of Senate Bills-Third Reading there appears Senate Bill 263. Mr. Saviano."

Clerk Bolin: "Senate Bill 263, a Bill for an Act concerning the regulation of professions. Third Reading of this Senate Bill."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 263 is the rewrite pursuant to the sunset of the Polygraph Licensure Act. We worked on this, we put on the Agreed Amendment last week. And I would ask for your favorable vote. Thank you. Everybody's on board."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? ... shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Mr. Dart seek recognition?"

Dart: "Thank you, Mr. Speaker. When Senate Bill 629 was called I moved to Refuse to Recede, I failed to ask for a Conference

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Committee to be formed and I would ask that to be done.

Thank you."

Speaker Madigan: "You've all heard the Gentleman's request. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. And the Motion is adopted. On the Order of Concurrence, on page 13 of the Calendar there appears House Bill 2392. Representative Erwin."

Erwin: "Thank you, Speaker. I would ask for concurrence on Senate Amendment #1. This is a Bill that dealt, you may recall, with a problem that counties have in terms of getting the property identification number, particularly where you have new development and it's not... when the seller of the property isn't getting the subdivision PIN numbers quickly enough. And so we're finding that Assesors Office has difficulty with it. The Senate Amendment was a purely technical one, and I would urge your support."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendment #1 to House Bill 2392. With there being no discussion, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2392?' Those in favor vote 'yes'; those opposed vote 'no'. ...all voted who wish? Have all voted who wish? Have all voted who wish? ...shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendment #1 to House Bill 2392. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills-Second Reading there appears Senate Bill 926. Representative Erwin. Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "Senate Bill 926, the Bill has been read a second time, previously. Amendment #1 was adopted in Committee. Floor Amendment #2, offered by Representative Holbrook, has

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been approved for consideration."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you. House Amendment #2 is the exact language of House Bill 3017 that passed out of here 116-0. There's no opposition. It's one of these Bills the Senate never got to and we're just putting it on this Bill to get it passed."

Speaker Madigan: "The Gentleman has moved for the adoption of the Amendment. Those in favor say 'yes'; 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. Clerk, read the Bill for a third time."

Clerk Bolin: "Senate Bill 926, a Bill for an Act concerning tourism. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. Senate Bill 926 codifies an existing relationship between the Convention and Tourism Bureau in Chicago and the City of Chicago. This is related to the International Tourism Fund that we passed a couple of years ago. All parties are in agreement and the original House Bill actually passed out unanimously. I would urge your support."

Speaker Madigan: "The Lady 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? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 14 of the Calendar, on the Order of Concurrence there appears House Bill 3247. Mr. Hassert.

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Brent Hassert. Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. I move to nonconcur in Senate Amendments 1 and 2 and request a Conference Committee."

Speaker Madigan: "Mr. Clerk, take this matter out of the record. On page 6 of the Calendar, on the Order of Senate Bills-Second Reading there appears Senate Bill 372. Representative Moore."

Clerk Bolin: "Senate Bill 372, the Bill has been read a third time, previously."

Speaker Madigan: "Representative Moore."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 372, as I started to explain earlier, is a piece of legislation that was worked on very hard in the House initially, went over to the Senate and then agreement was established. What this Bill would do is establish a regulatory process starting with the IEPA and ending with the Illinois Pollution Control Board. It would set power plant emission standards for mercury, sulfur dioxide, and nitrogen oxide and a voluntary standards for carbon dioxide. This is something that is long overdue. We are very happy to have agreement and I'd be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Novak."

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

Speaker Madigan: "Sponsor yields."

Novak: "Representative Moore, this Bill is a little bit more complicated than that, but... could you explain this four-pollutant strategy that will be utilized in the promulgation of these rules? Who's going to promulgate the rules?"

Moore: "The IEPA."

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Novak: "And will they go to the Pollution Control Board or will they go to... or Joint Committee on Administrative Rules?"

Moore: "I believe it will end with the Pollution Control Board."

Novak: "Do they bypass the Joint Committee on Administrative Rules?"

Moore: "I don't think JCAR is actually mentioned in the Bill."

Novak: "Well, it doesn't have to... I don't think it has to be mentioned in the Bill. But, one... I believe the Pollution Control Board has to submit the rules to JCAR, don't they?"

Moore: "It does go through both committees in the House and Senate. The Energy and Environment Committee. And so it is possible..."

Novak: "Well that's... you're correct, I'm sorry. It does. It does go back to the General Assembly."

Moore: "Yes."

Novak: "And what's the time limit?"

Moore: "Two years."

Novak: "Okay. Okay. Ladies and Gentlemen, to the Bill. I stand in strong support of the legislation. As Representative Moore indicated, a lot of work and time has gone into this process. And since we do have some behemoth coal-fired plants that still operate in Illinois and supply us the needed power, and with the advent of the new legislation that will be before us in a few hours or a day, for new generation Illinois boasts both clean coal, coal gasification as well as natural gas, I ask that all my colleagues support this legislation."

Speaker Madigan: "...recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, can you tell me the position of the

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Illinois Home Builders and the Illinois Realtors?"

Moore: "I'm not sure that they actually took a position on this Bill. There are no known opponents to this Bill."

Parke: "So, you've heard from no one that opposes your Bill as it's in this final form?"

Moore: "That's correct. This actually was negotiated by people from industry and the environmentalists played a very important role in trying to assist with the negotiation also."

Parke: "Thank you."

Speaker Madigan: "...Reitz."

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

Speaker Madigan: "Sponsor yields."

Reitz: "Thank you, Representative. On this Bill, is this similar to the language that will be in 1599, the Amendment, as your understanding is with the coal package?"

Moore: "Yes."

Reitz: "And just to clarify, I guess what Representative Novak asked earlier, whatever the recommendations are on these pollutants will come before the House and the Senate Energy and Environment Committees?"

Moore: "Yes, that's correct. Their recommendations will have to come back to both chambers for their approval."

Reitz: "Thank you."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. I just rise in support of Senate Bill 372, and just want to commend the Sponsor and all parties who are Members of the Environment and Energy Committee who have worked so hard on this. And I would urge a unanimous Roll Call."

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

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'no'. Have all voted who wish? Have all voted who wish? ...shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Turner in the Chair."

Speaker Turner, A.: "On the Order of Concurrences page 14, we have House Bill 3289. Representative Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I present for your consideration House Bill 3289 and I am moving to concur with Senate Amendment 1 and 2. Senate Amendment 1 amends the Use Tax Act and Retail (sic-Retailers') Occupational (sic-Occupation) Tax to provide for a Direct Payment Program to be administered by the Department of Revenue. Amendment #2 amends the four Sales Tax Acts and adds language provided that manufacturers computer-assisted design and computer-assisted manufacturing systems and their parts are exempt from the Service Use Tax Act and the Service Occupational (sic-Occupation) Tax. I know of no opposition to this legislation."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall House... shall the House concur in Senate Amendments 1 and 2 to House Bill 3289?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrences on page 14 we have House Bill 2439. Representative Burke. Read the Bill Mr. Clerk. Representative Burke."

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Burke: "Thank you, Speaker. House Bill 2439, we're moving to concur with Senate Amendments #1 and #2. Senate Amendment #1 deals with the same issue as the original engrossed Bill and makes changes in the Deposit of State Moneys Act instead of creating a New Home Loan Collateral Fund Act. Senate Amendment #2 changes the funding mechanism for the Home Loan Collateral Fund from a direct General Revenue Fund transfer to authorizing the State Treasurer to generate the funding by placing discounted state deposits in financial institutions throughout the state. House Bill 2439 which passed unanimously, seeks to address the problem of predatory lending by helping Illinois citizens avoid becoming victims of predatory lending. The Bill has enjoyed the support of the banking industry as well as the... all of the community organizations and there are no known opponents to this legislation. The Bill would also provide financial institutions with an incentive to extend loans to borrowers who would not otherwise qualify for a conventional home mortgage loan. And I'd be happy to answer any questions."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 2439?' All those in favor should vote 'aye'; all those opposed vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from McLean, Representative Brady, for what reason do you rise?"

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

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Speaker Turner, A.: "State your point."

Brady: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, in honor of my new son, Thomas Daniel Brady, I would like to share with my colleagues and others, sandwiches, great gondola sandwiches from Avanti's restaurant in Normal, Illinois. One of Tom Cross's favorites and the former employer of Representative Rutherford in his days at ISU. And Mr. Speaker, I know you remember those days, as well. So, please join in some Avanti sandwiches in honor of my son. Thank you."

Speaker Turner, A.: "Thank you, Representative and congratulations. And I have... I do recall a few days at Avanti's myself. On the Order of Concurrences page 13, we have House Bill 1908. Representative Meyer. The Gentleman from Will."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendments 1 and 2 to House Bill 1908. The... Senate Amendment 2 actually becomes the Bill and it makes a very minor change. Earlier we provided that the Office of Township Treasurer and Trustee of Schools would be abolished on the calendar year immediately following the calendar year of the consolidation election at which the question was abolishing those offices approved by the voters. We put a July 1st date on it. The Amendment merely changes that date to January 1st. It allows for an additional four or five months for that action to be planned for by the school districts in the township district. And I fully agree that it makes sense to do this."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall this House concur in Senate Amendments 1 and 2 to House Bill 1908?' All those in favor should vote 'aye'; all

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those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question... on this question, there are 113 voting 'yes', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Lake, Representative Osmond, for what reason do you rise?"

Osmond: "Thank you, Mr. Speaker. Last week our colleague from Collinsville was kind enough to reminisce a little bit about how things were falling into place. And I thought last night when the budget was settled and looks like we're going to leave on time, that things were really working out well, and then today in The State-Journal Register I'm reading about the budget and I also turned to the sports pages and I was greeted with the fine headlines, 'Red Hot Cubs Alone In First Place Again.' And I just wanted to concur with our colleague from Collinsville and thank him for keeping us informed. And I'd like to wish everybody a successful summer and I'm sure we can read when we comeback into Veto Session of the fine World Series that was played in Wrigley Field and how the Cubs will be victorious in 2001. Thank you."

Speaker Turner, A.: "We appreciate your words of wisdom, Representative. The Gentleman from Cook, Representative Lyons, for what reason do you rise?"

Lyons, J.: "Speaker, for whatever reason, my button was not pushed. My intention was to vote 'yes'. I'd appreciate it if the Journal could reflect that."

Speaker Turner, A.: "The Journal will so..."

Lyons, J.: "On House Bill 1908, the last Bill we had."

Speaker Turner, A.: "The Journal will so reflect. On the Order

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of Concurrences page 14, we have House Bill 2538.
Representative Meyer. The Gentleman from Will."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendments 1 and 2, I move to concur in those Amendments and... to 2538. And those Amendments make some minor changes which I totally agree with. The first Amendment deletes a proposed new provisions that... which were put forth in the underlying Bill that would authorize the Commissioner of the Office of Banks and Real Estate to issue advisory opinions, eliminating or reducing the competitive disadvantages faced by Illinois banks, savings and loans, and savings banks when compared to parallel financial institutions doing business under Federal Law or the laws of other states. And Senate Amendment 2, it deletes a proposed new Section that would have enacted a temporary safe harbor for savings banks against any attachment, injunction, or execution rendered prior to any... to final judgement if the action would reduce the capital of the savings bank below the applicable minimum regulatory requirements. Again, I believe these two provisions make sense and they've been totally agreed to by the agency and the Illinois Bankers Association. I have... I know of no opposition to them."

Speaker Turner, A.: "The question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 2538?' All those in favor should vote 'aye'; all those opposed vote 'no'. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 2 voting 'nay'. And this Bill... 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared

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passed. On the Order of Concurrences, we have House Bill 2161. Representative Klingler. The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I would urge a concurrence vote on Senate Amendment 3. This Bill tightens up the notification requirement that the State's Attorney must notify the Secretary of State in situations where a minor who's driving in a... on a learner's permit has an accident in which a person is killed or which there is a very serious injury. And the Amendment also defines 'serious injury'."

Speaker Turner, A.: "The Gentleman from Cook, Representative Dart, for what reason do you rise?"

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

Speaker Turner, A.: "She indicates she will."

Dart: "Thank you. Representative, I just have a couple quick questions for you. The... my analysis of this shows that the suspension would be discretionary on the part of the Secretary of State, is that correct?"

Klingler: "Well, it's the... the Amendment indicates the State's Attorney must notify Secretary of State about the accident. And then... it does say the Secretary may deny any drivers license to any person younger than 18 years of old against whom such charges are pending. So, the fact that it says 'may' I guess could indicate it's discretionary."

Dart: "Do they have that ability now though?"

Klingler: "I'm sorry."

Dart: "Do they have that ability now to do that with probationary licenses or anything like that?"

Klingler: "At the present time, if there's such an accident by a minor and a drivers license, there's nothing stopping that person from getting a permanent license. So, this prevents

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the person driving on a learner's permit to not get the permanent license if they've been involved in such a fatal accident or an accident with serious bodily injury."

Dart: "And the dis... but once again, it's still discretionary to the Secretary of State?"

Klingler: "I believe they added the word 'may' instead of 'shall' indicating there may be, as you know, other circumstances that would apply."

Dart: "Did the Secretary of State want that language, do you know?"

Klingler: "The Secretary of State did request this language. And the Secretary of State worked with the... worked very closely on this issue. And the Secretary of State also wanted the notification from the State's Attorney to them because they were indicating that they were not certain about their liability if they went ahead and gave a license plate and hadn't been officially notified. So that was why the provision that the State's Attorney would have to notify the Secretary of State."

Dart: "Okay. Thank you very much."

Klingler: "Thank you."

Speaker Turner, A.: "Seeing no further questions, the question is, 'Shall the House concur in Senate Amendments 1 and... Shall the House concur in Senate Amendment 3 to House Bill 2161?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'nays', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 1692. Representative Mathias. Out of the

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record. Representative Moore, on House Bill 1970 on the Order of Concurrence."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You have voted on this, and I think it might have been unanimous, earlier. And this really has to do with foreign language contracts when there's going to be a contractual arrangement and you are working with people that do not speak English. And there were two Amendments in the Senate that further clarified the intent, which is going to provide a form for people to sign if they've heard about the transaction in a language other than English. And so, I would move to concur with Senate Amendment 1 and 2 for House Bill 1970. And be happy to answer any questions."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 1970?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Vermilion, Representative Black on House Bill 3128."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3128, I move to concur in Senate Amendment #1. That Amendment amends the State Case Registry Statutes and the Uniform Interstate Family Support Act. I'll be glad to answer any questions that you have. It's a... it's an agency Bill from the Department of Public Aid."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall

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the House concur in Senate Amendment 1 to House Bill 3128?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Younge. The Clerk... Representative McCarthy. Morrow. The Clerk shall take the record. And this Bill, having received 117 'yes', 0 'no', 0 'present'; having received the Constitutional Majority, were hereby declared passed. Representative Schmitz on House Bill 2380. The Gentleman from Kane."

Schmitz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Move to concur with Senate Amendments 1 and 3. Senate Amendment 1 removes the City of Chicago from this and Senate Amendment 3 removes the County of Cook from this Bill. This Bill basically just allows that a developer can put up a surety bond, a letter of credit, or cash to do a development in a city or a village, and it's still up to the individual town to accept which form of surety that they want. It did pass out of the House overwhelming last time, as well as the Senate. And I would ask for your 'aye' vote."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendments 1 and 3 to House Bill 2380?' All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Curry. Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 1030. Representative Persico."

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Persico: "Thank you, Mr. Speaker and Members of the House. I move to concur with Amendment #1 to House Bill 1030. This Amendment amends the Section 16 of the Illinois Banking Act to specify that bank directors can in fullfilling their duties rely on the advice and reports provided to them by third parties; for example: accountants and bank counsels and so on. I'd be happy to answer any questions you might have."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendment 1 to House Bill 1030?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 13 on the Calendar, we have House Bill 2228. Representative Johnson."

Johnson: "Yes, Mr. Speaker, Members of the House. I would move to concur in Senate Amendments 1, 2, and 3 of House Bill 2228. What these Amendments are, are the result of the year's of negotiations between all the parties concerning a Evidence Storage Bill, some problems that had developed with that. And as far as I know there is no opposition."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendments 1, 2, and 3 to House Bill 2228?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. On the Order of Concurrences we have... on the Order of Second Reading we have Senate Bill 461. Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Senate Amendment 3 to Senate... Amendment #3 to Senate Bill 461 is an Amendment that's been worked on over the last month by advocates and a lot of people to resolve what we all know is the early intervention issue that we were all faced with to avoid bifurcating the system. What we've done is written some legislation to address the issue of cost containment while continuing to provide EI services to everyone without bifurcating it. I'd be glad to answer any questions."

Speaker Turner, A.: "The Gentleman from Madison, Representative Hoffman, for what reason do you rise?"

Hoffman: "Inquiry of the Sponsor or the Clerk."

Speaker Turner, A.: "State your inquiry."

Hoffman: "I'd like the status of Amendment #4."

Speaker Turner, A.: "Clerk."

Clerk Bolin: "Floor Amendment #4 has been approved for consideration."

Hoffman: "Okay. Thank you."

Speaker Turner, A.: "But we're on Amendment #3. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

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

Speaker Turner, A.: "She indicates she will."

Black: "Representative, you're under no obligation under the Rules of the House to answer my question, but my vote on Amendment 3 would be incumbent on your calling Amendment #4. Can you give me some assurance that you intend to call

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Floor Amendment #4?"

Feigenholtz: "I absolutely intend on calling Amendment #4."

Black: "Okay. Thank you very much."

Speaker Turner, A.: "No further questions, the question is, 'Shall the House adopt Amendment 3 to Senate Bill 461?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #3 is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #4, offered by Representative Feigenholtz, has been approved for consideration."

Speaker Turner, A.: "The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. Amendment #4 is some clarifying and cleanup language provided to the drafters of this Bill by the Department. And I would appreciate your support."

Speaker Turner, A.: "...man from Vermilion, Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. Will the... now, to save time I'll save my questions 'til Third Reading, 'cause I certainly intend to vote for Floor Amendment #4. Thank you."

Speaker Turner, A.: "Seeing no further questions, the question is, 'Shall the House adopt Floor Amendment 4 to Senate Bill 461?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #4 is adopted. Further Amendments?"

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

Speaker Turner, A.: "Third Reading. On the Order of Concurrences we have House Bill 1887. Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a

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Bill that has to do with lead poisoning prevention. The Senate Amendment reduced the scope of this Bill, but still includes some very important provisions that have to do with the administrative action that can be taken to... against... to provide civil penalties against licensed lead workers, people who work on lead removal, in addition to that, against any person who violates the Lead Poisoning Prevention Act. Again, civil penalties, the civil penalties would go back into the County Lead Poisoning, Screening, Prevention, and Abatement Fund for the purposes of doing more inspections. The whole goal really of this Bill is to make sure that we're doing a better job, a more effective job in preventing lead poisoning. And I ask for your support."

Speaker Turner, A.: "The Lady from Cook, Representative Zickus, for what reason do you rise?"

Zickus: "Will the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Zickus: "Do these Amendments remove the opposition from the Illinois Association of Realtors?"

Hamos: "Yes, with this Amendment... this morning in committee the realtors signed in favor of this Bill, along with the Waste Management Association which had had some concerns with part of this Bill. So, this is an agreed to Bill."

Zickus: "Okay. Thank you."

Speaker Turner, A.: "Seeing no further questions, the question is, 'Shall the House concur in Senate Amendments 1 and 3 to House Bill 1887?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. This Bill, having received 117 'ayes', 0 'noes', 0 'presents',

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having received the Constitutional Majority, is hereby passed. On the Order of Third Reading... on the Order of Concurrences we have House Bill 3192. Representative Coulson. Representative Coulson, the Lady from Cook."

Coulson: "I move to concur in Senate Amendment 1 to House Bill 3192. The Amendment adds the Board of Higher Education to the InterAgency Coordinating Council. It adds the Secretary of Human Services and the State Superintendent of Education to be co-chairs of the Council and therefore to call the meetings. And it deletes the longitudinal study and it does require the InterAgency Coordinating Council to report annually to each Legislator on their findings on transition programs for disabled children into work and home. And I'd appreciate your support."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

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

Speaker Turner, A.: "She indicates she will."

Black: "Representative Coulson, in your discussions and I certainly appreciate the work you have done on early intervention and other topics throughout the Session, but in all of your meetings has any consideration been given to raising the statutory level that we fund special ed? I believe it's currently \$8,000 per special ed teacher. I think it's been that way for more years than I can remember. And it doesn't even come close to covering the costs the school districts incur to carry out the mandate for special education. My... my local district in Danville puts in almost \$4,000,000, over and above what they get for that categorical. And it is a rapidly increasing budget amount out of their General Revenue Funds, largely from

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their property taxes. Is there a way that you would be able to spearhead some talk about raising the statutory level of reimbursement for special education?"

Coulson: "Representative, we have talked about it several... for several years. Representative Mitchell has had a Bill in the Education Approp Committee. I believe it gets out of Committee every year. We continue to try to raise that level. This year I thought it had a chance. I think we raised it to either 10 or \$12,000, which is still not enough. Unfortunately, it's not been in the final... I would be happy to continue working on that with you in the future."

Black: "All right. I really appreciate that because it is becoming a major cost of implementing and I've never heard a school administrator say they resent it or that they don't think it's necessary. It's just that every year they have to come up with more and more scarce... evermore scarce local dollars to meet the cost of special education, sometimes at the expense of their regular curricula, or particularly the gifted curricula, that they would also like to offer. It's a... it's a problem that's going to only get worse. I commend you for your efforts and I look forward to working with you."

Coulson: "Thank you."

Speaker Turner, A.: "No further questions, the question is, 'Shall Sen... shall the House concur in Senate Amendments 1 to House Bill 3192?' All those in favor should vote 'aye'; all those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'nays', 0 'presents'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. On the Order of Concurrences we have House Bill 2419. Representative Osmond, the Gentleman from Lake."

Osmond: "Thank you, Mr. Chairman. I move to concur with Senate Amendments 1, 2, and 3 on 2419."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House...' the Gentleman from Cook, Representative McCarthy, for what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

McCarthy: "Could the Sponsor just gives us a short explanation of what was in those Senate Amendments?"

Osmond: "Be happy to. The language that was added over in the Senate did not change the intention of the Bill at all. They one areas... the area where credit scoring is being used the most that we were concerned about is in the area of personal lines insurance. And Senate Amendment #1 makes reference to those Sections of personal lines insurance: auto, boat, homeowners, umbrellas. And that's how the department defines what personal lines insurance is. When LRB put language in there, they put a sentence in that was not correct which was removed in Amendment #2, which says that moving it to an affiliated company does not constitute a nonrenewal. So, that corrected an LRB wrong wording. And then Sen... Senate Amendment #3 brings that language in compliance with the Fair Credit Reporting Act. We ran into some difficulties in drafting language in the area of disclosure of what a credit scoring report actually means to the consumer. That's an area that we still are going to work on, Representative, and I hope to talk either with the Governor's Office or maybe address it a little bit longer. We're going to try to move the disclosure report function

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into an underwriting decision and not under, if you will, an adverse decision area. The Bill still prevents companies from nonrenewing policies on the sole basis of credit, which is what it was designed to do. It'll still prevent companies from not offering a policy based solely on credit. Because as you know, there are some people that don't have a credit history. And for companies to use that solely as a basis is wrong. And the industry recognized that. The leader of this... the credit reporting functions, Fair Isaacs, never intended it to be used as a sole method of underwriting. We've had great cooperation from... from the companies on this. They wanted it to be a good underwriting tool. They've really been with us all the way in moving legislation along so that we think the consumers will be well-served by this. It really is going to allow the department to investigate the use of crediting to make sure that it isn't discriminatory based on income. That was a problem that we had. We didn't want the companies to somehow or another use this as a redlining tool based on income. This now gives the department the authority to go in and make sure that that's not being done. I think, as you and I talked, this is going to... I think be very good for the consumers."

McCarthy: "Thank you, Representative. Does it also include like very steep increases? Because sometimes instead of saying we won't renew you, they just raise the premiums so high. I mean was that covered in the Bill as well?"

Osmond: "Nothing in this Bill will prevent a company from pricing. I think, Kevin, that the market will take care of that, though. I think that if one company feels that they must renew at 40, 50% increase there'll be other companies out there that will price it differently. But, we did not

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get into the pricing mechanism of this at all. Illinois is a very good state for free market competition, and I did not want to do anything that was going to hinder that."

McCarthy: "Thank you very much."

Speaker Turner, A.: "No further questions. The question is, 'Shall the House concur in Senate Amendments 1, 2, and 3 to House Bill 2419?' All those in favor should vote 'aye'; all those opposed should vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Reading we have Senate Bill 1283. Representative May, the Lady from Lake."

Clerk Rossi: "Senate Bill 1283 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative May, has been approved for consideration."

Speaker Turner, A.: "The Lady from Lake, Representative May."

May: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Amendment is technical language requested by the Department of Revenue to limit it more to the Sales and Use Tax. It was minor, it was cleanup, is rewritten."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment 2 to Senate Bill 1283?' All those in favor should vote 'aye'... the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I apologize for hitting my button a little late, and I appreciate your indulgence. Would the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

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Black: "Representative, I'm not sure that I have a complete grasp of Floor Amendment #2 that becomes the Bill, and it appears to be a rather complicated Bill. When I first looked at it, I thought it only had to do with certified public accountants, and upon further review, I don't think that's exactly what it does. What is the effect of Floor Amendment #2 that becomes the Bill?"

May: "This... this... this Bill, they actually rewrote it in the Amendment, but it establishes the voluntary program. It really would be good for business. It would be good for the state. It's a CPA Bill. They are suggesting that they create a Certified Audit Program. This is a three-year pilot program. And, on the Amendment, they just rewrote it because it was all technical. But it allows the Department of Revenue to qualify Illinois licensed CPAs to conduct the tax audits to Illinois businesses who choose to have this audit."

Black: "These CPAs that will become... that will do the certified audits, will they then be on contract to the Department of Revenue or will they become..."

May: "No, they would be paid by the businesses."

Black: "They will... I'm sorry, they will be what?"

May: "They would be paid by the business. In other words, if you owned a business and you contracted with them, it would be a separate contract, but the Department of Revenue would train them and would give them the license. They would give them the certification."

Black: "So, if the family business that my family has been in for more than 70 years wanted an audit, they would have to request it, the department wouldn't automatically show up at their door and say..."

May: "That is correct, and we believe that certain Illinois

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businesses would want to do this because they can choose when they would have their audit at their own convenience rather than having the auditor show up at the door. And I think it would help the Department of Revenue, and they support this, by the way, because it would... it would allow more audits and possibly more revenue to come into the state, so, I think it's a win-win situation all around."

Black: "Would these be audits prior to filing taxes or audits after, and may result in a huge fine to the business?"

May: "I believe that they could do this before, as they were planning for their taxes."

Black: "What if a business called the Department of Revenue, they had a CPA come in as a designated certified auditor, they audit your tax return, your sales tax return, which is the bane of many, many businesses, and they found that in 1995 your sales tax returns were erroneous and you owe the State of Illinois a \$120,000."

May: "Then you would pay the state, but the..."

Black: "Now what... excuse me. Excuse me. Then you would pay the state the \$120,000 from the sales tax return you filed 6 years ago?"

May: "I understand there would be an appeals process. The one other segment of this Bill, that they wouldn't charge the penalties and interest. It would be an inducement for people to undergo this audit."

Black: "So, if you did the voluntary audit procedure, you could escape interest and penalties. If you did not do the voluntary procedure, and the department shows up at your door, which they on occasion have done in my district to dentists and businesses of all kinds, so, if the department shows up and does an audit, finds that you made an honest

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error five years ago, the penalties and interest may, in fact, be more than the actual monetary amount of your error."

May: "That is true, and it's happened to me also, these honest errors, but I think that's why people might do this, because that is waived. It's an inducement to people to do this."

Black: "All right. So, this is completely voluntary?"

May: "That's true."

Black: "If a business wants to come in, wants someone to come in, review their filings, and if the auditor then finds an error, the business may be liable but not liable for interest and penalties."

May: "That's correct."

Black: "I assume the Department of Revenue would give constructive notice. What I'm trying to avoid is a small business operation who might look at this and say, 'Oh boy, they'll come in and see what the shortcomings may be on our bookkeeping.' And after they invite them in and say, 'I never did quite understand how to do that one section.' And then the person doing the audit says, 'Well, I'll show you how to do it correctly, but by the way, you now owe the State of Illinois \$10,000.' I just... I don't want a small businessman or woman in my district to say, 'What in the world have you done? I thought they were just going to come in and review my bookkeeping procedures.'"

May: "Well, you would ask earlier. This is not a CPA from the department. I, as a business owner, would think that you would want to know as you mentioned with the honest error, that if you were making a mistake. I see you're conferring with a CPA there."

Black: "All right. So, if a small businessman or woman called

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the department, they explained this program, they would also explain... what I need is some assurance that they would explain what this was, why they were doing it, but they would also explain, 'Now look, if this audit shows that you have made an error, you may owe the State of Illinois money. Now, the good part is, we won't charge you interest and penalties, so, this audit may be better for you then to just wait for one of our auditors to come.' All I want is constructive notice. And if you can assure me that will be done so that the small business owner doesn't think somebody's just coming in to review their accounting procedures, point out their deficiencies, and then leave, and then they get a bill. I mean, I don't want to be in that position and neither would you in your district office."

May: "No, I don't think so, and we... cosponsor on the Bill is Representative Tenhouse, and he's a CPA, and I think that, you know, an audit is the official audit."

Black: "Okay. And might I add that he is an outstanding CPA."

May: "I'm sure he is. We..."

Black: "He could come into my business anytime."

May: "We have many outstanding CPAs as cosponsors on this Bill."

Black: "All right. Fine. Thank you, Representative. I really do appreciate your indulgence because I just... I just wanted to make sure that the small business owner would not be under a false impression that this was just a review to help him or her establish better accounting procedures and then the auditor gets ready to leave and say, 'Hey, guess what I discovered, you owe \$10,000.' And as long as they know up front that it is a compliance audit but they will be excused from penalties and fees, I think most of them could agree to that, and I certainly appreciate you putting

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that on the record."

May: "You ask the best questions. Thank you."

Speaker Turner, A.: "... being no further questions, the question is, 'Shall the House adopt Floor Amendment 2 to Senate Bill 1283?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it, and Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. On Third Reading, we have Senate Bill 75. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 75, a Bill for an Act concerning the environment. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Madison, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 75 contains the Brownfields Site Restoration Program, which would allow for the Environmental Protection Agency in conjunction with the Department of Corrections, to provide assistance and remediation costs for brownfield sites. The agency would ensure that money would be approved for payment for remediation applicants for remediation costs occurred at the remediation site. The grants could not be in excess of \$750,000. This would ensure that 20% of the capital investment would be reimbursed to developers. It is all subject to appropriation, but this would follow other states in trying to get brownfields that are now currently contaminated and out of production, back into production. I ask for an 'aye' vote."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 75?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'; and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 30, 2001, reported the same back with the following recommendation: 'to the floor for consideration' Amendment #4 to Senate Bill 264, Amendment #3 to Senate Bill 385, Amendment #5 to Senate Bill 975, Amendment #2 to Senate Bill 1504. 'To the Order of Concurrence' a Motion to concur with Senate Amendment #1 to House Bill 789, and 'to the Order of nonconcurrence' a Motion to recede from House Amendments 1 and 2 to Senate Bill 265."

Speaker Turner, A.: "On the Order of Second Reading, we have Senate Bill 883. Representative Ryder, the Gentleman from Jersey. Read the Bill Mr. Clerk."

Clerk Rossi: "Senate Bill 883, has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Read the Bill Mr. Clerk."

Clerk Rossi: "Senate Bill 883, a Bill for an Act concerning the executive branch. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The purpose of this Bill is to change the name of the Department of Public Aid to the Department of Health Finance. This was necessitated when we created the omnibus organization of the Department of

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Human Services. There will be no financial impact, they will absorb the cost and it will be phased in. The FY financial reports will be in the name of the Department of Public Aid."

Speaker Turner, A.: "The Lady from DuPage, Representative Bellock, for what reason do you rise?"

Bellock: "I'd like to speak to the Bill."

Speaker Turner, A.: "Speak."

Bellock: "Thank you. I just have a concern over this that being that the Public Aid Department covers child support and public aid, that I think by changing the name to the Department of Health Finance, it will lose the definition of the child support agency being within that same agency at this time. If the child support agency was taken out of this I would have no problem with it. But at this time, I think Department of Health Finance in no way addresses child support division."

Speaker Turner, A.: "Was that a question?"

Bellock: "Yes. I should have asked."

Speaker Turner, A.: "Representative Ryder."

Ryder: "Thank you. This was made to make it in compliance so that we'd have this separation from Department of Human Services. I would submit to you that Public Aid no more covers this subject matter that you discussed than does Health Finance. There is considerable amount of confusion because we created the Department of Human Services and that's the reason for that. There are other things that are involved within Health Finance that the agency will be doing, obviously, child support is one of those. Child support is not part of the name now. I think that your argument loses some of its merit when you suggest that the new name should contain it."

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Bellock: "I'd just like to respond in that I still ascertain that Department of Health Finance in no way addresses child support because it has nothing to do with health finance. And I'm afraid that it will lose its identification when it's put under an agency. Public Aid, on the other hand does refer to some type of aid being given in the form of child support. And that's my problem with it, is that child support is not Health Finance, even though Medicaid is definitely Health Finance. So, if what we have asked for child support to be taken out of Public Aid then I would have no problem with the term 'Department of Health Finance', but as it stands right now, in my opinion, that loses recognition for the agency of child support which we feel does not get as much recognition as it needs anyways at this time. Thank you."

Ryder: "And I've supported the Lady in that effort to remove it from that agency. I think that would be an admirable thing to do. Unfortunately, at this point we're just trying to avoid the confusion with Department of Human Services."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Yes, will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Black: "Representative, on the synopsis of the Bill that the Department of Public Aid passed out, the fourth paragraph says, 'the future of the Child Support Enforcement Program as part of this Department has been under debate for many years. Serious efforts have been made to transfer the program to the Attorney General' et cetera, et cetera, et cetera. On May 22, the Illinois House voted 115 to 0 to create the House Task Force on Child Support Collection to explore the possibility of creating an independent agency

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for the collection and enforcement of child support, and I certainly supported that Resolution."

Ryder: "As did I."

Black: "The question... let me follow up on what Representative Bellock asked you. If this name change, which I certainly do not oppose, by any name this department will still have the initial.... the primary responsibility for the collection and disbursement of child support within the State of Illinois, will it not?"

Ryder: "Yes."

Black: "All right, so just by changing its name... I think the only concern that any of us have who have gone through the SDU and the resultant nightmare, I don't want to vote for something then the Department in August tells me, well, we went to JCAR and since we changed our name we'll no longer enforce child support orders or be the primary responsible party for the State Disbursement Unit. Part of me might say, well, that's good, but I mean without somebody to take its place then it would be utter chaos. And I just want to make sure that's not gonna happen."

Ryder: "Representative, those... excuse me for interrupting, I apologize. Those duties are statutory. And if they're going to be changed, we'll change them. The Joint Committee will not change those, those are statutory duties, so that the child support will be continued to be collected under this Department no matter what its name may be, Public Aid or Health Finance."

Black: "All right, so obviously, it is your intent that there be no further disruption and you can't promise that any more than I can. But it is certainly the intent of this legislation that the Division of Child Support suddenly be floating around looking for a home. It will be in this

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department whatever its name."

Ryder: "Absolutely."

Black: "Thank you."

Ryder: "Statutorily, that's the case. While I may support you or others to place it in an independent agency and I think I voted that way, as did the Resolution. It is, however, part of this agency."

Black: "Thank you very much."

Speaker Turner, A.: "The Lady from Cook, Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong opposition to this legislation. A few years ago when the Department of Human Services came into being, many of us were concerned at that time. I wasn't in the Legislature yet, but from the outside, we were concerned that actually child support had become a stepchild of the entire State Government because it was left behind in what is, in fact, a badly named agency, Department of Public Aid. So at that time, child support, in fact, had this steep climb downwards as a stepchild of the entire State Government. With this Bill we definitely make it a stepchild. Now, the Medicaid providers who might benefit from this name change are making millions and millions of dollars as we know in this current budget. They can afford to have accountants, they can afford to have executives who know exactly where to find the Illinois Department of Public Aid to make their claims. It is the child support, moms and dads though, who would be lost in this vast State Government. And if all of us who work in State Government can't even figure out what one agency does, what one community group does, think about the child support moms and dads who are supposed to find their way to an agency that doesn't in any way reflect what the agency has been

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called for the past 20 years of child support. This might be a perfectly good thing to do when we, in fact, do succeed in taking child support and either turning it into a separate agency or giving it to the Attorney General or something. But to do it willy-nilly and once again lose all of these child support cases within this vast bureaucracy just makes no sense. It's bad for the people who are paying child support and it's bad for the people who are receiving child support, and I urge a 'no' vote."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

Lang: "Representative, the fiscal note indicates that the cost of changing the name on the buildings would be about \$10,000. How many buildings are we talking about?"

Ryder: "Representative, that was an original estimate. At this point, the Department is indicating no fiscal estimate simply because we're talking about changing the signs and they're going to do that over a period of time. Obviously, there's going to be some cost. The Department's absorbing that. They're being good managers of the money. And as these things take place, that's going to occur."

Lang: "Well, absorbing it may mean that there's no new GRF impact and they're taking it out of their budget but there is a cost. And so how many buildings and facilities are..."

Ryder: "Fifteen."

Lang: "...run by the Department of Public Aid today?"

Ryder: "All right, I am told 15 to 20."

Lang: "Fifteen to twenty in the State of Illinois."

Ryder: "Yes, Sir."

Lang: "And all of them will have to have new signage, is that

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right?"

Ryder: "Eventually, yes."

Lang: "And they'll all have to have new stationery?"

Ryder: "Only... no. Only as the stationery runs out. So, that the cost... you're going to print the stationery with the old name or the new name the cost is the same. Only as the stationery runs out."

Lang: "So, the only up-front cost, and you're telling me this will be done over time, is the signage. That's the only cost involved here."

Ryder: "That's all that I've been aware of, Sir."

Lang: "Let's talk about the child support issue, briefly."

Ryder: "It would cost more to do that because it's more words."

Lang: "Let's talk about the child support issue, briefly."

Ryder: "Certainly."

Lang: "The Department of Public Aid in their effort to get this Bill passed, as I understand it, said in committee that the reason they wanted to make this change was to make the name more closely in tune with what they do and to avoid public confusion, is that correct?"

Ryder: "That's right. We're getting lots of folks who are now referring to the Department of Human Service Offices of which there are many throughout the state, are still being referred to as the Department of Public Aid, and folks who are thinking that they're going to Public Aid go to Human Services, so it becomes confusing to those folks."

Lang: "And will this not be confusing to those who are involved in the process of collecting their child support?"

Ryder: "They usually call you and me anyhow, so I don't think those names are gonna change."

Lang: "However, however... "

Ryder: "Let me honestly answer your question. Certainly, any

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time that you change a name there's gonna be some confusion and I understand that. But the names remain the same, the case workers remain the same. I assume like you, would have liked to have seen it in a separate agency. That hasn't happened yet. I'd be happy to work on that with you if that's your desire."

Lang: "But if the goal here, if the stated goal is to avoid confusion, won't this confuse tens of thousands of people who are trying to access State Government to try to get their child support paid?"

Ryder: "I don't think so because it's the same number, the same people, the same process, none of that's going to change. The name will change, and yes, it will confuse some people, I agree, but I believe that it will clarify for those hundreds and thousands of folks that go to the Department of Human Services Offices saying, 'I need my public aid assistance or I need to get my... where's my child support check?' So, I think the confusion was caused by us when we did the Department of Human Services, and hopefully, this is trying to help out in the long run. I agree with you, Lou. In the interim, sure there's gonna be confusion."

Lang: "Should we not have made part of this Bill a change to move child support out of that agency?"

Ryder: "Would have loved to. You and I agree on that. But when you're Governor I'm sure that we can work on that as the first thing that you do. However, the Senate in their wisdom, didn't seem to want to put that in the Bill. It's only a name change and that's all that I was dealt with. It's a little late at this point. If, however, that's what you wish to do, I'm with you, let's get it done."

Lang: "Well, Representative, this is your Bill, it's here in the House. Why don't we take it back to Second Reading and do

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that?"

Ryder: "I know, but Lou, I'm so intimidated by those Senators that when you put an..."

Lang: "Well, you and I both, no question about that."

Ryder: "... when I put an Amendment on and they tell me I'm being a bad boy and as a result I don't have the ability to get it passed over there."

Lang: "Thank you, Mr. Ryder."

Ryder: "Besides that, Senator Geo-Karis is the Senate Sponsor, perhaps you want to go explain to her that we're changing her Bill, I don't."

Lang: "Well, thank you, Mr. Ryder. Mr. Speaker, to the Bill. The stated purpose of the Department of Public Aid in proposing this piece of legislation was to avoid confusion. By the Sponsor's own comments, it's clear that this will create more confusion in the short term. Now, I agree with Representative Hamos, if we had already taken child support out of this office, this would I guess, be a throw-away vote. And for many of you who are not paying attention, you might think that this is a throw-away vote now. Let the Department change their name, who cares? It's minimal cost. But Ladies and Gentlemen, there are hundreds of thousands of people involved and tens of thousands of families that need to access what is now the Department of Public Aid for questions regarding child support. We know that today we have a terrible system for collecting child support. We've been on this floor ranting and raving for some time now about the fact that Illinois is now, I think, 50th out of 50 states in their collection of child support. Moreover, we have a responsibility, not only to improve how we collect the money, but to improve our communication with taxpayers in the State of Illinois.

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This Bill will go a long way toward making our communication with our taxpayers worse, not better. We should be about the business here of making it easier for people to access State Government, not harder. And let me also suggest that if we would spend just a little of the time and energy that we spend on this kind of legislation trying to improve education or mental health or even the collection of child support, we would be a lot better off in this chamber and so would our taxpayers. So, this is not a throw-away vote, Ladies and Gentlemen. This is a 'no' vote. Please reconsider if you're just planning to do this because it seems simple. It is not simple, it will create much confusion. I would recommend a 'no' vote."

Speaker Turner, A.: "The Lady from Cook, Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Many of my colleagues have expressed my concerns but I feel compelled to add to them inasmuch as I think that this is premature. I sponsored a Resolution in this House that will require a task force to study the issue of child support this summer. And I would hope that the Sponsor would consider taking this out of the record. I don't know what the urgency is. And I think at the appropriate time when child support is, hopefully, in another... is either a stand-alone agency or with another department, we can look at the issue of changing the name of Public Aid. I also understand that this... there is some cost of a half a million dollars associated with this. And at a time when we're trying to tighten our belts I'm not sure this is an appropriate time. Again, I think it's premature and would ask the Sponsor to take it out of the record."

Speaker Turner, A.: "The Lady from Cook, Representative Coulson,

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for what reason do you rise?"

Coulson: "Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Coulson: "Representative, I have a question about the name change, mostly because I don't understand if there's any change in function of the agency."

Ryder: "None."

Coulson: "There's no change in function? Is there any impetus or push to target, assuming that they're going to be doing Health Finance, that they would actually look in better ways how to get financial assistance? For example, in the Medicaid Program from the Federal Government? Is that gonna be, you know, a bigger part of their job than they've done up 'til now which..."

Ryder: "I would hope so, but I would hope they'd do that without a name change, as well."

Coulson: "To the Bill. I guess a lot of other people on the floor have spoken related to the child support issue and I agree with them on that. But I'm also very concerned about the other portion of Public Aid's function and that is the Medicaid funding, and I would hope with or without a name change as the Sponsor mentioned, that they would do a better job at medical financing and looking for the ways that they can receive appropriate funding from... assistance from the Federal Government. And I guess to me it may be premature to change a name without also tying the functions of the department to that name change. Thank you."

Speaker Turner, A.: "The Lady from Cook, Representative Davis. For what reason do you rise?"

Davis, M.: "Thank you, Mr. Speaker. My concern, Representative Ryder, is that people may confuse the Department of Health

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Finance with the Department of Health. You know, can you elaborate on that? My fear is that people who are seeking the Department of Public Health will find themselves on a circuitous route and not realize that this department now basically funds health care systems."

Ryder: "Representative, in answer to your question, I believe that one can confuse any of the agencies of State Government. It's easy to confuse them all and if we had had titles that delineated exactly all of the functions of those departments we'd have to pass a supplemental appropriation because the signage would be extraordinarily expensive. There is a Federal Agency of Health Finance and that, I believe, is the basis for the name of this agency, that is the vast majority of that which it does, as a result, the agency has asked, it's an agency Bill, that they wish to change their name for that reason."

Davis, M.: "Well, we're really concerned... you know, I don't think of the Department of... what is it Energy and Environment, or..."

Ryder: "No, that's a committee."

Davis, M.: "...the Department of Human Services."

Ryder: "That's an agency, yes."

Davis, M.: "Now, does the Federal Government have a Department of Public Health? What do they call their Department of Public Health?"

Ryder: "I think they have an agency that's Health and Human Services, HHS."

Davis, M.: "I think it's Health, yeah, Health and Human Services. So, but we don't have that."

Ryder: "Well, actually we have two. Obviously, you know that."

Davis, M.: "Yeah."

Ryder: "We have Department of Public Health and we have the

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Department of Human Services."

Davis, M.: "Yeah, my only opposition would be that it might, or I'm sure would create confusion as to... if a person is contacting the Department of Public Health, the Illinois Department of Public Health or are they contacting the Department of Health Finance?"

Ryder: "I understand... I understand the question. I think that's legitimate... given the folks that call my office maybe you have some like this, too. They get confused whenever they see State of Illinois and it's difficult for them to figure out which one is the right agency. If they're too confused they call good offices like yours and you tell them right away who to contact. I understand the concern, I wish I could allay it. I think that over time we'll be able to and over time the name of this agency will be more accurately reflecting that which it does.

Davis, M.: "You know, I think..."

Ryder: "We really..."

Davis, M.: "Maybe... maybe it would better if it said, it if 'Finance' was first."

Ryder: "Could be. I..."

Davis, M.: "You know, the Financial Office of the Department of Health."

Ryder: "Yeah."

Davis, M.: "So, thank you for your answers."

Ryder: "Sure."

Davis, M.: "I do appreciate that."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lang. You spoke once in debate, Sir."

Lang: "Thank you. Mr. Speaker, should this Bill get the requisite number, I would ask for a verification."

Speaker Turner, A.: "The Gentleman from Jersey, Representative

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Ryder to close."

Ryder: "Excuse me, I would like to correct a couple of things in the record. One of the speakers made reference to a cost of \$500,000, that's incorrect. The Department has indicated that the cost will be minimal. They indicated it's less than \$10,000 to change the signage and that's the only cost and they will absorb that in their operations. All of the other costs will be the normal cost of printing and those things will change. I would submit that I personally would have liked to have the name of Department of Health Finance and Child Support Enforcement, except that with that kind of a name then the folks who are asking for a child support order, who need to go to court to do that, would be calling up the agency and they would be just as confused in the reverse, as those who want to have child support dollars through the Department of Health Finance. The agency has asked for the name change. We really caused the necessity of this when we created the Department of Human Services and put some, but not all, of the social services within that department. So as much as I agree with my colleagues who suggested that the name should be more comprehensive, personally, I would prefer to pull the Dept...Children... child support out into its own agency alone, and for that reason I would ask your favorable support of this Bill. Thank you for a very energetic debate."

Speaker Turner, A.: "The question is, 'Shall the House pass Senate Bill 883?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Please vote your own switch, the Gentleman has requested a verification. Have all voted who wish? Have all voted who wish? ... all voted who wish? ... all voted who wish?"

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The Clerk shall take the record. On this question, there are 41 voting 'aye', 71 voting 'no', 5 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared failed. On the Order of Third Reading, we have Senate Bill 1283. Representative May."

Clerk Bolin: "Senate Bill 1283, a Bill for an Act in relation to audits. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Lady from Lake, Representative May."

May: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Through Representative Black's good questioning of the Amendment that was just added, we have an explanation of this. I believe this is good for the Illinois taxpayers, it's good for the state coffers, it's good for the Department of Revenue, and it's good for the Illinois CPAs. It's modeled after a similar program in Florida that brought many millions of dollars into the state coffers. I urge an 'aye' vote."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 1283?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'; and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrences we have House Bill 922. Representative Yarbrough."

Yarbrough: "Amendment #1 to House Bill 922 says that, 'if prior to the preparation of estimated tax bills, a certificate of error has been either approved by a court on or before November 30th of the preceding year... before November 30th of the preceding year, then the first installment of taxes

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on the estimated tax bills shall be computed at 50% of the total taxes for the preceding year as corrected by the certificate of error.' I'll entertain any questions."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendment 1 to House Bill 922?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Davis. Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'nays, 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Reading we have Senate Bill 730. Representative Moore."

Clerk Bolin: "Senate Bill 730, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. A Motion to table Amendment #1, has been approved for consideration."

Speaker Turner, A.: "The Lady from Lake, Representative Moore."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Table... Amendment #1 actually shelled Senate Bill 730, and so I would move... I would like to actually give consideration, have the House be able to give consideration to this Senate Bill. And so, I would move to table Amendment #1."

Speaker Turner, A.: "The Lady moves to table Amendment #1 to Senate Bill 730. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. And Amendment #1 is tabled. Further Amendments?"

Clerk Bolin: "No further Amendments. No further Motions."

Speaker Turner, A.: "Third Reading. The Lady moves for the consideration of Senate Bill 730 on Third Reading. Read

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the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 730, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Turner, A.: "Representative Moore."

Moore: "Thank you, Mr. Speaker. Senate Bill 730 is an initiative from the Illinois Chamber and several other businesses in Illinois, and this will provide a temporary storage exemption that would allow Illinois businesses to buy business material and equipment from Illinois vendors and use Illinois warehouses or distribution centers to temporarily store the materials before the shipment to another state, without incurring Illinois Sales Tax on such transactions. I would be happy to answer any questions."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

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

Speaker Turner, A.: "She indicates she will."

Black: "Representative, in your previous Motion, you tabled Amendment #1. I assume that's Committee Amendment #1? 'Cause I find no Floor Amendments on the Bill."

Moore: "Yes, that was a Committee Amendment to shell the Bill, and now that that is tabled, the actual Bill is on the floor for consideration."

Black: "The Bill goes back to its original form?"

Moore: "Yes, Representative."

Black: "Okay. Fine. Thank you very much."

Speaker Turner, A.: "Further questions? The question is, 'Shall Senate Bill 730 pass?' All those in favor say 'aye'; all those opposed... I should say vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'nays'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Reading we have Senate Bill 1176. Representative Moore. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1176, the Bill's been read a second time, previously. Amendments 1, 2, and 3 have been adopted to the Bill. No further Amendments have been approved for consideration. No Motions filed."

Speaker Turner, A.: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1176, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Lady from Lake, Representative Moore."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Department of Revenue Bill and it contains three Amendments that has some fee language and applies to delinquent income taxpayers. It makes three major changes to existing law. First, it amends numerous tax laws listed above to mandate that a significant portion of the required transfers of money from commercial and industrial taxpayers to the state, move from the medium of paper checks to the electronic transfer. It also creates a statutory law to govern the activities of the Department of Revenue when they forge agreements with other 49 states for the mutual collection of each others' delinquent taxes. And then it amends the Counties Code and the Civil Administrative Code to create a program which the Department of Revenue and the state's attorneys will work together to collect bad checks made out to the Department of Revenue. I'd be happy to answer any questions."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

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

Speaker Turner, A.: "She indicates she will."

Black: "Representative, I had filed Floor Amendment #4 on this Bill. Obviously, it isn't on the Bill. I've checked the... I've checked our laptop, so, I assume that was kept in Rules, and that Bill would simply suspend the Illinois Gasoline Tax for 90 days, from July 1st to September 30th. I'm sure you would have supported that Amendment had it gotten out of Rules, but..."

Moore: "I think you had a Resolution that was encouraging suspension of gasoline tax federally that we supported, also."

Black: "Yes, Yes. That was a Resolution urging that the Federal Government take action on a Bill that's been introduced in the Federal Congress, and that was defeated yesterday in the Revenue Committee on a partisan vote. So, I guess there are people here who just say, let the people pay two dollars, two fifty for a gallon of gas, and if they can't afford it, the heck with 'em. It's a wonderful attitude that we have down here, sometimes. Thank you very much for your indulgence."

Speaker Turner, A.: "The Lady from Cook to close."

Moore: "Thank you very much, Mr. Speaker. This is a Department of Revenue Bill, and I would appreciate your support."

Speaker Turner, A.: "The question is, 'Shall the House pass Senate Bill 1176?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ... voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 2 voting 'no', 0 voting 'presents'. And this Bill, having

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received the Constitutional Majority, is hereby declared passed. On the Order of Concurrences we have House Bill 1907. Representative Steve Davis. The Gentleman from Madison."

Davis, S.: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 1907. What the Amendment does, it provides for the issuance of West Point Bicentennial license plates at an additional initial charge of \$15 and an additional renewal charge of \$2. And I'd be happy to answer any questions on the Motion."

Speaker Turner, A.: "The question is, 'Shall the House concur in Senate Amendment 1 to House Bill 1907?' All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... Ryder...Reitz. Representative Ryder, are you voting? The Clerk shall take the record. On this question, there are 94 voting 'aye', 18 voting 'no', 4 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Meyer on Senate Bill 975. Motion to concur. Read the Bill... I should say, House Amendment 5. Representative Meyer."

Clerk Bolin: "Senate Bill 975, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #4, offered by Representative Jim Meyer, has been approved for consideration."

Speaker Turner, A.: "The Gentleman from Will, Representative Meyer on Floor Amendment #4."

Meyer: "Thank you, Mr. Speaker. I have a question. First of all, on Senate Amendment #... excuse me, House Amendment

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#1, it was adopted in committee. Do we have adopt that here in the House Floor before we go on to..."

Speaker Turner, A.: "No."

Meyer: "Okay. And do you show that you have Floor Amendment #5?"

Speaker Turner, A.: "We do."

Meyer: "Okay. And, so, on Floor Amendment #4, which is going to be incorporated into Floor Amendment #5, I would move that we table Floor Amendment #4."

Speaker Turner, A. "The Representative wishes to withdraw Amendment #4. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. And Amendment #4 is withdrawn. Further Amendments?"

Clerk Bolin: "Floor Amendment #5, offered by Representative Jim Meyer."

Speaker Turner, A.: "The Gentleman from Will, Representative Meyer on #5."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #5 contains some technical language that follows Floor Amendment #4 which was heard in committee and passed out of committee unanimously. We're bringing this Bill to the floor. It's cleanup language that we're asking that the Body approve. We have in two instances, one in Lemont Township and one in a school district in DuPage, Indian Prairie School District in DuPage County and Will County. Referendums were put on the ballot that... for two different reasons did not fully meet the parameters of the new law. In the case of Lemont Township, the question was designed prior to the new law being signed into law, and it was designed and indicating the percentage of the EAV as opposed to an actual dollar amount. The percentage of the EAV that was reflected on

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the question was equal to the dollar amount, but that was just not caught, and so in order to issue bonds, we don't want to change the law, but we want to make an exception in this case. And that referendum passed by an 81% margin, so there's actually no question whether that referendum would have passed either way. And again, the percentage was equal to the actual dollar amount. In the case of the Indian Prairie School District it is a school district that... its boundaries are in both Will County and DuPage County. The publish... publishing the referendum question in the newspaper was fulfilled according to current law in the County of Will. In the County of DuPage Section, it was published five days in advance as opposed to ten days. The people did have access to that question through the publishing of the Will County portion. Both questions were published in the same newspaper and therefore, people did have an opportunity to see that question. Again, in this case, the referendum was in two parts; the first part passed with over 60% voting 'aye' on it; and the second portion, which was substantial, passed on... over 55% voting 'aye'. I just ask for a favorable vote."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #5 to Senate Bill 975?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it, and Floor Amendment #5 is adopted. Further Amendments?"

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

Speaker Turner, A.: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 975, a Bill for an Act in relation to elections. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Will, Representative Meyer."

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Meyer: "We just had a full explanation what this Bill does, and I just urge you to vote 'yes' on it."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 975?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from DuPage, Representative Daniels, for an announcement."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wonder if I can have your attention just for a moment. Our former colleague, former Speaker of the House, former Secretary of State, former Lieutenant Governor, and now Governor of the State of Illinois, would like to invite all Legislators and staff over the age of 21, to attend a reception tonight at the Mansion after adjournment. So, you're all invited to attend the Mansion tonight after adjournment to discuss pressing issues. So, we estimate that'll be approximately around 7:00 somewhere in that time, and the Governor hopes that you'll all be able to join him tonight, along with staff. So, thank you, Sir."

Speaker Turner, A.: "Thank you, Representative and the Governor. The Gentleman from Champaign, Representative Winkel, on Senate Bill 264. Read the Bill, Mr. Clerk."

Clerk Bolin: "... Bill 264, the Bill's been read a second time, previously. Floor Amendment #2, offered by Representative Barbara Flynn Currie, has been approved for consideration."

Speaker Turner, A.: "The Lady from Cook, Representative Currie, on Amendment #2."

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Currie: "Thank you, Speaker and Members of the House. The Amendment is pretty straightforward. It adds some cleanup, follow-up language on the Alternate Learning Bill that Representative Winkel sponsored that has already passed this chamber. And in addition, it provides that World War I, World War II, Korean War, and Vietnam veterans are eligible to get high school diplomas, even if they did not already have a GED or the diploma itself."

Speaker Turner, A.: "... there any questions?"

Currie: "So, I'd shall be happy to answer your questions and I'd be grateful for your support."

Speaker Turner, A.: "The Gentleman from Kane, Representative Hoeft, for what reason do you rise?"

Hoeft: "Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Currie: "Sorry, Speaker. Speaker, I'm sorry. I think I wanted to withdraw 2 and move, if Representative Winkel withdraws 3, to Amendment 4."

Speaker Turner, A.: "The Lady withdraws Amendment #2. Is that correct?"

Currie: "Yes."

Speaker Turner, A.: "All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 is withdrawn. Further Amendments, Mr. Clerk?"

Clerk Bolin: "Floor Amendment #4, offered by Representative Barbara Flynn Currie, has been approved for consideration."

Speaker Turner, A.: "Representative Currie on Amendment #4."

Currie: "Thank you, Speaker. I did just describe what I thought was Amendment 4 and that is Amendment 4. It is the diplomas for people who have served their country in combat up to and through the Vietnam War. And it also provides

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this follow-up trailer language on the Alternate Learning Bill, so as to provide that the school districts would only offer those at a facility separate from the regular school if there were a good reason to do so, and that the indicators of student outcomes for any evaluation under the Alternate Program, could include student academic achievement. So, I'd be happy to answer your questions and I'd be grateful for your support."

Speaker Turner, A.: "The Gentleman from Kane, Representative Hoeft, for what reason do you rise?"

Hoeft: "Will the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Hoeft: "I had a heck of an argument on Amendment 2. I was disappointed you withdrew that, but let's move to #4. This... is this the same idea that was discussed in Education Committee adding the Vietnam veterans to the group to get a diploma, that the committee of 21 after debate, only 3 people voted for it?"

Currie: "Well, I thought that Amendment included other conflicts, as well. This would be limited to World War I, World War II, Korea and Vietnam."

Hoeft: "It was Vietnam specifically that we were talking about. In the committee of 21, only 3 people found merit in this. Can you explain to me in the legislation, it says that, 'those Vietnam veterans who left high school before graduation in order to serve the Armed Forces', how are we going to prove that 35 years later?"

Currie: "Well, of course, that would be a problem for those... I would think even a greater problem for those who served in World War I."

Hoeft: "Yes, since..."

Currie: "...let alone World War II. But, if you remember, this

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Amendment operates permissively. So, the school board would be giving this if the school board found that this honorably discharged veteran served in these conflicts, lived in an area within the district, left high school before graduation in order to enlist, and has not in the meantime received a high school diploma."

Hoelt: "This is really..."

Currie: "So..."

Hoelt: "...problematic in a lot of ways. Number one, with the consolidation of schools in 1948, most of our high school districts' records are gone before that period, and so, it would be extremely difficult to figure out from what high school this individual dropped out of. Let's take a look at this. A high school diploma is an indication in this state of achieving certain academic excellence. Going through certain rigorous training in math, science, social studies, and English. An individual who dropped out of school to go to Vietnam, God bless him or her because they served this nation, but if we pass this Bill, we dilute the thing that we have worked so hard to strengthen, and that is the high school diploma. How do we know that they have learned the materials that are necessary in writing? How do we know they have math skills? We have put a great deal of effort and money in this state into increasing our standards for high school. And these standards are not in any way, going to be measured by this Bill. We're simply granting these individuals a high school diploma."

Currie: "Well, remember Representative, under this Bill, we are not. The school board, the school district, 'may' decide to do that only if these criteria are met. Now, we've had a lot of discussion in this chamber, most recently about license plates for Marine Corps Veterans. And I think all

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of us do believe that those people who served in armed conflict in order to keep our nation safe, in order to keep democratic values and ideals alive, ought to be given some recognition for the sacrifices they made. Nothing in this Bill requires a school district to award a diploma if they think that inappropriate, but this gives them the opportunity to do that for people who left school in order to serve the people back home. I don't see anything wrong with that. These may be people who won medals, but maybe a high diploma is even more important to them today than the medal that they got for service in Korea or service in Vietnam."

Hoelt: "You mentioned it perfectly. We're trying to honor them. But a high diploma is not an honor, it is an achievement. And we're mixing up our efforts here in state. Public policy says that we have diplomas to prove that children, individuals, have certain academic skills. We are trying to honor individuals here who need to be honored through granting this diploma. It is bad public policy. We discussed it fully in the committee, and only 3 people..."

Currie: "Representative..."

Hoelt: "...voted 'yes'."

Currie: "...in an earlier version of this Amendment, offering school districts the opportunity to award high school diplomas to World War II and Korea conflict veterans, the committee action was 17 'yes', 1 'no', and 1 'present'. Seventeen people have voted 'yes' for the concept that awarding high school diplomas to veterans honorably discharged who served in these named conflicts, is a decision that ought to be left to the local school board."

Hoelt: "My mind might be doing tricks on me, but I believe that vote was for the Korean War and World War II. The World

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War I, one..."

Currie: "Representative, Representative, you are correct. My point is, as a matter of public policy, I don't see how you can differentiate between those who served in World War I or those who served in Vietnam from the public policy that's involved in awarding diplomas to veterans of World War II or the Korean War. Now, you may have been the one who voted 'no' in committee, but 17 of your colleagues have already said 'yes' in committee to the public policy preference that gives to local school boards, the opportunity to bestow a high school diploma on people who meet these specified criteria."

Hoeft: "The difference is that a individual who was in Korea, and that war, I believe, ended in '52, at this particular point would not be presenting that credential for employment. At least, they would be at the very end of their career."

Currie: "We do not..."

Hoeft: "The individual..."

Currie: "...have age discrimination laws in our country. So, I would believe that these people are eligible for employment."

Hoeft: "The individual in World War I, if they entered the conflict when they were 16 at their youngest age, would be 99 today. So, that individual, again, I don't think would be starting their work career. I simply think that this is going to water down the high school diploma. Quite frankly, there is some question about whether this is going to help... harm our accreditation in this nation, if in fact, we're giving out diplomas for nonacademic purposes. I think this is... we all agreed it was a bad idea in committee. I would ask that this Bill be placed on a roll call so that we can assess the individuals who are

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following the Education Committee's commitment, or in fact, most present Amendment. Could we... I'm also asked to verify the vote."

Speaker Turner, A.: "The Gentleman has made a request for a verification. The Gentleman from DuPage, Representative Johnson. For what reason do you rise?"

Johnson: "Will the Sponsor yield?"

Speaker Turner, A.: "He indicates... she indicates she will."

Johnson: "Representative, can you tell me, what is the initiative behind this? Who's driving this? Did the veterans' groups drive this type of legislation or maybe you could tell me what the genesis of all this is?"

Currie: "This was originally a proposal from Representative Mathias, and I do believe he was working with veterans' organizations to make this public policy option a reality."

Johnson: "But, it's my understanding that none of the veterans' groups took a position on this."

Currie: "I was not in committee, I can't speak to that. All I can say is that Representative Mathias was the initial Sponsor and I assumed that he worked with some people who'd been involved in some of these conflicts in bringing this matter to us."

Johnson: "Okay. Now, you're a Leader in this House, and I guess one of the questions that I have, and this goes to a process. You know, many of us have had a hard time even getting hearings of our Amendments, either Floor Amendments or in committee. Now, what is the reason for us even having a committee when a committee considers identical legislation to this, except that it's Vietnam Veterans now? Why even have committees, if in fact, you can just avoid a committee and bring something now straight to the floor? When, in fact, the committee had hearings on this and said,

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'No way.' Why?"

Currie: "Well, Representative, I don't believe this was ever voted on in precisely this fashion. And as I say, the initial Bill containing the precise public policy, the opportunity for high school diplomas for veterans of certain named conflicts, did come out of committee, 17 to 1 to 1."

Johnson: "Do you see any merit at all in what Representative Hoeft has just gone through with you in terms of the importance of earning a high school degree..."

Currie: "Represent..."

Johnson: "... as an indicia of people meeting certain standards and maybe in this case, an honorary degree would be appropriate if we want to bestow an honor. But as opposed to an indicia that somebody is qualified and has learned that which is required of all of our students in this state to get this diploma, to just hand it to them. Do you see any merit in that?"

Currie: "Well, Representative, I would just have to reiterate, 17 Members of the House Education Committee, voted for this public policy option. Now, they had the opportunity to amend the Bill and say, 'No, no, we'll make it an honorary diploma.' But they believed that districts ought to have the opportunity to award high school diplomas to honorably discharged veterans in armed conflict who met certain criteria, people who left school in order to defend your freedom and my freedom. And I'm just giving you the number from the Education Committee, 17 to 1 to 1. If you don't agree with the policy, of course, you're welcome to vote against it, but the Education Committee seems to think this is sound."

Johnson: "Okay, to the Bill... or to the Amendment and I'll speak

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directly to this Amendment because this Amendment would grant a high school diploma to a Vietnam Vet who left home and couldn't finish his high school, and now we're gonna give'em this diploma. Well, I am a Vietnam Vet, and I believe that this type of legislation... there was a comparison made that this is like giving honorary license plates. Well, I respectfully disagree with that. We set high standards and we keep trying to raise the standards, and they're important in terms of getting a high school diploma. It's one thing if we want to bestow honorary degrees, we ought to be able to do that. I, for one, left college to go serve in Vietnam. Maybe we should pass a Bill in here that I should get a college diploma and have that. I would much rather have that, it's a lot cheaper and it gets me further, but it doesn't mean that I've learned what I need to know to survive. And I believe that this Floor Amendment is flawed in that sense. It should not be compared to other honorary things that we bestow on our veterans. And believe me, our veterans need all the honor that can be bestowed on them, but not something that says that you are qualified and you have met all kinds of standards when that is not the case. Because that's not what we went and fought for. That's not what we served for. And, I believe this diminishes in the eyes of all of our kids, our families, and in the state, what a high school diploma is about. And I would urge an 'no' vote on this Bill."

Speaker Turner, A.: "The Lady from Will, Representative Kosel, for what reason do you rise?"

Kosel: "I rise to speak to this Bill, ask some questions, please."

Speaker Turner, A.: "The Lady indicates she'll yield."

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Kosel: "Thank you. How does this differ from the Amendment that was defeated in committee?"

Currie: "I wasn't in committee, so I'm not sure. I do know that the committee supported the idea of diplomas, high school diplomas, at the discretion of the local school district..."

Kosel: "Very obviously..."

Currie: "...for veterans of conflicts in World War II and Korea, if they met certain criteria, that is if they left school in order to serve in the military. This Amendment combines precisely what was already approved by committee, adding veterans of two other conflicts, World War I and Vietnam. So, somebody earlier had debated the public policy, ought we do it or ought we not? People are welcome to differ on that point, but I would urge that if we're going to make that an option, it ought to apply to people, to veterans who left school to serve their country, whether it was in World War II, or Vietnam, whether it was in World War I or Korea, and that's the point of this Amendment. If you reject the basic public policy, feel free to vote 'no', but if you want to say that Vietnam Veterans are somehow less worthy than those who fought in Korea, I would reject that proposition."

Kosel: "So, you don't know what the technical difference is between the Amendment that was defeated in committee and this Amendment?"

Currie: "Actually, I believe there was an Amendment, I'm now told. I was not in committee, but I'm told that there was an Amendment that covered any armed conflict situation which could have included Grenada, could have included Desert Storm, and in fact, of course, people who served in Desert Storm had to either have a high school diploma or a

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GED. So, that Amendment was, in fact overly broad, did not accomplish a targeted goal.'

Kosel: "So, that was the one that was defeated in committee?"

Currie: "I believe... that's what my staff tells us."

Kosel: "And very obviously, the original concept I support since my name is up on there, and was very active in drafting the Bill. My Senator is also the person who supported this in the Senate, and we were very active in working with him on that, and originally was going to carry the legislation in the House, and decided to defer to another Member to do that. In the process of writing this legislation, Representative, we worked very hard, and one of the criterias that we used in deciding exactly how far this was going to go, was the age of the veteran and the availability of a GED. GEDs were not readily available at the end of World War II, and very... and they were not widely available for the veterans returning from Korea. That was the exact reason why those were the only two conflicts that were listed in the Bill. And for that reason, I must continue to oppose this Amendment as I opposed the other one in the House. Thank you."

Speaker Turner, A.: "The Lady from Cook, Representative Soto, for what reason do you rise?"

Soto: "Thank you, Speaker. I rise on a point of personal privilege. I would like to recognize Alderman Ricardo Munoz and the parents from the South Side of Chicago who are here today lobbying us for a new school in their community, and they and their children and the parents would like their school to be a priority. Thank you."

Speaker Turner, A.: "Thank you, Representative... I mean, Alderman Munoz and the delegation. The Gentleman from Whiteside, Representative Mitchell, for reason do you

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rise?"

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

Speaker Turner, A.: "She indicates she will."

Mitchell, J.: "Representative Currie, this... this is a tough one. As a former educator and also a veteran, but I have some difficulty with some areas of this particular Amendment. Does this just simply give blanket approval for a school board to vote up or down on whether or not they're going to give diplomas, or can they in fact, look at these on a case-by-case basis?"

Currie: "They can look at it on a case-by-case basis. If they were to offer the diploma, the individual requesting one, would have to meet a very stringent criteria. That is, would have to have been honorably discharged, would have to live in the appropriate school district, would also have to have left school in order to join up. So, this isn't somebody who was out of school, dropped out of school, hung around for six years, then joined up. It would have to be somebody who had left school in order to serve to protect you and to protect me."

Mitchell, J.: "Well, as a former administrator, I know there are several young men and even several young women that were given an option of either joining service or leaving school, but not voluntarily."

Currie: "That's right. Some people were drafted, although I think not..."

Mitchell, J.: "No, no, no, I don't mean drafted, I mean given the option of being suspended or going to the service. Would they, in fact, be able to distinguish between those particular students and those that volunteered to leave at a tender age to serve their country?"

Currie: "Representative, the language is drafted in a totally

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permissive fashion, that is, the school district upon request, 'may', but that 'may' can only happen if specific criteria are met, and there's nothing in here to suggest that the school district 'must', if those criteria are met."

Mitchell, J.: "So, can the school district then take this language a bit further and implement their own individual rules beyond those that are in the Amendment itself?"

Currie: "Yes, it says 'may award to' and then it's the 'may' is conditioned upon the four factors I've listed. But yes, they could adopt rules that would more severely curtail that opportunity."

Mitchell, J.: "Would they possibly be opening themselves up to lawsuits if they, in fact, looked at some people that answered the criteria in the law, but did not answer all the extra criteria that they put in, would they, in fact, then maybe have to battle this in court?"

Currie: "I don't believe so, Representative. There's nothing in this language that would say that they may not adopt additional criteria, as well. All it says is that those minimum criteria must be met before they have the option. And then in exercising the option, I would envision that they could establish other criteria, as well. I don't think they'd be subject to any type of litigation."

Mitchell, J.: "Thank you, Representative. In all due respect, I'm afraid that they would be opening themselves up to lawsuits simply because, if I'm a veteran and I've answered the rules that are in the Amendment that would become law, and the school district tried to impose even more than that then would be taking away one of my rights. And I think we might be heading down a road that we don't want to head. The other is, I'm very concerned that this Amendment winds

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up on the Alternative Education Bill, which is one that we vitally need. And I'm not sure that this is quite germane to the topic that we have, so there may be a court challenge even to that. And to lose that progress that we've gained in Representative Winkel's area of alternative schools, I think we could have found a better home and I'm real concerned that we're going to have problems down the road with this Amendment on this Bill. Thank you, Mr. Speaker."

Speaker Turner, A.: "The Gentleman from Champaign, Representative Winkel, for what reason do you rise?"

Winkel: "Mr. Speaker, to the Amendment. Mr. Speaker, as a matter of background so that the Body understands, we did just recently pass House Bill 1096 as the previous speaker mentioned. And as a part of the negotiations in working out the Amendments that were finally adopted to House Bill 1096, I agreed to Sponsor a trailer Bill, Senate Bill 264, to add language in the event that House Bill 1096 were to become law. So, the part that I was talking about would become law, if and only, if House Bill 1096 is amended by Senate Amendments #1 and 2, actually become law. Now, it did pass both Houses, and 1096 is on its way to the Governor's Office. Now, the part of this Amendment that I'm rising in favor of, is the part that provides that no Alternative Learning Opportunities Program may be established at a facility separate from the regular school setting unless the school district presents information in its district plan showing that the use of a separate facility is in the educational interests of the participating students. Now, it's that part of Floor Amendment #4 that I rise in support of, and I just wanted to make it clear that that's the part of the trailer Bill

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that I committed to carry. That's a part of this language in Floor Amendment #4, and I rise in support of that part. Thank you."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

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

Speaker Tuner, A.: "She indicates she will."

Lang: "Representative, I haven't really decided how I'm voting on this yet, but I do have some questions. First, I'm a little confused. If this Amendment does not go on the Bill, what status does the Bill in?"

Currie: "Let me check... I be... I believe that it would be a shell Bill."

Lang: "All right. Now, if this were... if this Bill were to become law and a veteran wanted a high school diploma, what high school would they go to? Would they go to the high school..."

Currie: "They would go to the high school in the district where they currently reside. They would then have the burden of showing, presumably, through records from the high school they left, they'd have the burden of showing that they left high school in order to serve in the armed services. They would have to show that they were honorably discharged. They would have to show they hadn't, in the meantime, been granted a high school diploma. Those would be the criteria that would have to be met before the district of the requesting veteran would have the opportunity to decide to grant a high school degree."

Lang: "So, this would only relate to vets... this would only relate to the school district in which the vet now lives?"

Currie: "Yes."

Lang: "And so, this on... this would only be helpful to vets who

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remain in the State of Illinois, who went to high school in the State of Illinois?"

Currie: "I believe if you could show that you had left high school in Iowa you could still ask your local Illinois High School District to grant you a diploma."

Lang: "But, it couldn't effect the reverse?"

Currie: "No."

Lang: "You lived in Illinois, now you live in Iowa."

Currie: "Right."

Lang: "You can't go to your old high school under this Bill?"

Currie: "That's right. That's right. That's right."

Lang: "Now, how... how long do you have had to have gone to high school to be able to avail yourself of this?"

Currie: "There is no set time. Again, I would think a school district might want to, if it wanted to establish additional criteria could certainly by rule, say that you had to have been in school for two years or three if they wish to do that. Under the terms of this Bill, I believe they could."

Lang: "And how long do you have to be in the military to be able to avail yourself of this?"

Currie: "Yes. It has to be during armed conflict, the ones specified and you have to have been honorably discharged."

Lang: "Are some of the criteria under which we provide high school diplomas specified under state law, rather than local school board rule?"

Currie: "Yeah, but this would supercede the usual requirements because it would say the school board in these particular instances could grant a veteran's request for a high school diploma if these 'i's' are dotted and those 't's' are crossed."

Lang: "And they would not have to go to the State Board for a

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waiver?"

Currie: "No."

Lang: "One other question, can I presume that it's conceivable that after having gone to high school for six months, someone would go into the service, be honorably discharged from the service, and be totally illiterate and be able to apply for a high school diploma?"

Currie: "Yes. But the school district, as I say, could in its judgement and wisdom establish additional criteria. And I would point out that the Education Committee, dealing with a couple of armed conflicts, has already approved with 17 'yes' votes, the concept that certain of these veterans ought to be able to be granted a high school diploma at the discretion of the school district."

Lang: "Are we not leaving ourselves open to sort of the 'camel's nose under the tent' thing, where we say that, 'Well in this situation we're going to allow local school boards to supercede state laws or state rules regarding how to get a diploma.' Aren't we leaving ourselves open to many other types of Bills where someone might say, 'Well this person served us honorably' and... and work backwards and try to pass legislation? And pretty soon, we've got a lot of exemptions about how you're going to get a diploma."

Currie: "Well, I haven't seen any in the past and I would just rely on the expert judgement of the Members of our House Elementary and Secondary Education Committee, who, I think would tend to look unkindly at proposals like that. And yet, with only 1 'negative' vote approved not the specific language in this Amendment, but approved the concept that people who served in certain conflict situations should be able to get a high school diploma."

Lang: "Thank you, Representative."

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Speaker Turner, A.: "The Lady from Cook, Representative Davis, Monique Davis, for what reason do you rise?"

Davis, M.: "I rise to ask questions, Sir. Will the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Davis, M.: "Representative, this Amendment will include all veterans, is that... for foreign wars?"

Currie: "Not all, but it would include World War I, World War II, Korea, and Vietnam. By the time we get to later conflicts, one of the criteria for service..."

Davis, M.: "I know, yeah, I know."

Currie: "... was that you already have the diploma or the GED."

Davis, M.: "To the Bill, Mr. Speaker."

Speaker Turner, A.: "To the Bill."

Davis, M.: "Without a high school diploma, one's life is usually put on hold. Currently, you cannot register for city colleges if you don't have a high school diploma. Those veterans from foreign wars did not have an opportunity for that coveted prize of a high school diploma. If they were serving in the United States and not in a foreign country they could have had classes where they were stationed. But because they were fighting on foreign soil, they did not have an opportunity to get a high school diploma. For any of us to suggest, for any of us to even perhaps provide an illusion to the fact that some veterans who put their lives on the line are not as significant or important as others, if I were a mother perhaps who had lost a son in one of these wars and if someone presented me with that high school diploma, it would certainly be a gre... a very great, great effort and I would be most appreciative. In this case, we are fortunate and blessed in having these veterans still be among us that the Lady's Bill is

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addressing. These are veterans who have survived, who have survived those wars. And during a period in their lives when they should have or could have been in school, when they could have prepared themselves for college, that didn't happen. However, with the travel they've garnered, with all they've learned from their protecting of Americans, I think they have earned a high school diploma. Representative, I join you in this noble effort, in this noble effort to assist in a tiny, tiny way those who gave all they had to give and that was perhaps, almost their lives. Some of them may be disabled, but they can go to school in a wheelchair. Some of them may have a leg that is a prosthesis, but they can still get to those classes. And I think this is a Bill, not only whose time has come... we just celebrated Memorial Day. And for those veterans who are still living with us, this could be a very timely memorial, to receive a diploma from the State of Illinois for the four years of education they were denied because they were serving their country. And because of that, Mr. Speaker, I am eternally grateful and I will vote 'yes' and urge others to do so."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Amendment. This Amendment was heard in committee and was defeated in committee. Many of us don't even get one bite of the apple, let alone two. And yet, somehow this Amendment that was defeated in committee after a fair and open hearing, suddenly reappears after being discharged from the House Rules Committee and sent directly to the floor, not back to the committee where it was originally heard and defeated,

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but come directly to the floor. Now, I understand how that works. I was in the Majority for a brief moment or two and I understand the Rules Committee can do that. But this Amendment had a hearing before a full committee and was defeated. And now it's brought back for whatever the reason and I've listened to this debate now for 30 minutes. And it was insinuated early on by the Sponsor and I don't think it was an intentional insinuation, that somehow those of us who oppose this, oppose the Vietnam Veterans or that we somehow had a biased towards Vietnam Veterans. Nothing could be further from the truth. On my right wrist is a bracelet that I have worn every Memorial Day for more than 30 years. It has the name and rank of my closest friend in high school, Lieutenant Junior Grade, Thomas Edward Brown, United States Navy, April 29, 1966, when his jet was shot down over North Vietnam on the first mission of his second tour. Probably the best friend I had all through high school and through college. So, don't... don't talk to me about disrespect for Vietnam Veterans. Some of us lived it while some in this chamber may have protested against it. But, this Amendment has had its bite of the apple and it failed. And it never ceases to amaze me around here, how the process can be altered and changed to meet the agenda of certain people whatever that agenda might be. While others of us who have served in the trenches just as long and have worked just as hard are told repeatedly, no. I've had Bills in committee that didn't even get a vote, a courtesy that I thought was extended to all of us. And to say that WWI Veterans are going to get a high school diploma, if there are any left, God Bless them. World War II Veterans are dying at the rate of 1,000 a day and will soon pass from the scene and I agree with Tom Brokaw, the

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greatest generation this country has ever seen. Korean Veterans are now all in their 60's. Vietnam Vets are aging rapidly. But, you know one thing that hasn't been said, this state, thanks to those who preceded us in the General Assembly, is very generous to its veterans. They get a... they get a tuition waiver. Many, many, many Vietnam Veterans that I knew and went to high school with went back to school after service on the GI Bill or the Illinois Tuition Waiver, completed their GED and have subsequently completed their college degree. I don't think the Amendment's necessary. I think it's put on the Bill for purposes other than what the Amendment says, but only the Sponsor knows that for sure. I rise in opposition to the Amendment."

Speaker Turner, A.: "Seeing no further questions, Representative Currie to close."

Currie: "Thank you, Speaker. I'd like to point out for the record that this Amendment was not voted upon, not defeated in the House Education Committee. This Amendment merely adds to what was originally in the Bill, opportunities for high school diplomas for World War II and Korean Veterans, a measure that came out of the committee on an overwhelming vote, that same opportunity for veterans of World War I (sic-World War II) and Vietnam. So, if anybody suggests that opposition on this floor to this Amendment is not directed at Vietnam Veterans, you have another think coming. We've heard from two opponents of this Amendment that the problem is those veterans who served in Vietnam. Many of us did protest against the war in Vietnam, but the soldiers who signed up, the ones who left school in order to pick up the cudgels for us in Southeast Asia, they deserve a break, just as do the heros of World War II and

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Korea. I believe we owe them the same opportunity, the same opportunity for dignity and honor that this measure originally would have given to veterans of other conflicts. And I expect and I hope that in honor of those who fought for you, your vote on this Amendment to Senate Bill 264 will be a resounding 'yes'."

Speaker Turner, A.: "There has been a request for a verification and a Roll Call on this Bill. So, please hit your own switch. The question is, 'Shall the floor adopt Senate Amendment... House Amendment #4 to Senate Bill 264?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Again, there's been a request for a verification. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 54 voting 'aye', 49 voting 'no', 14 voting 'present'. And a request for a verification has been... the Gentleman refuses the verification. This Amendment, having received the Majority, is hereby adopted. ... Amendments?"

Clerk Bolin: "No further Amendments. A fiscal note and a state mandates note have been requested on the Bill as amended and those notes have not been filed."

Speaker Turner, A.: "On the Order of Third Reading, we have Senate Bill 461. Representative Feigenholtz. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 461, a Bill for an Act in relation to children. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 461, that we just

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amended, is a culmination of months of discussion about the Early Intervention Program. I don't think that there is a person in this chamber who last summer and in the fall got calls from their constituents who have children in the Early Intervention Program. Their concern being that the Department wanted and... they learned that State Government wanted to bifurcate the system and provide two-tiered sets of services to children who are up to 30% delayed and over 30% delayed. Senate Bill 461 is an effort for reform so that we can attempt to employ cost containment measures to continue this program. It is a labor of love because we all wanna provide these children with these services so that when they are ready to learn and go to school they can be successful throughout their lives. And I would entertain any questions."

Speaker Turner, A.: "... no questions, the question is, 'Shall Senate Bill 46... the question is...' The Gentleman from Vermilion, Representative Black."

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

Speaker Turner, A.: "She indicates she will."

Black: "Representative, I really do appreciate the work you've done on this Bill. I think early in the year all of us probably had as many calls and letters on this Early Intervention issue as anything early in this Session. For the record, and you may have said this and I apologize if I was busy and didn't hear you. In working out the Early Intervention Program, you are not mandating that parents turn to private insurance companies to get these services, correct?"

Feigenholtz: "Representative, what we've done in this Bill is, we have encouraged people who have private health insurance to

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attempt to access health insurance to pay for this as a payor. There are exemptions in this Bill and exceptions that will be determined by the Department of Human Services that will be promulgated by rule."

Black: "Let me just ask you..."

Feigenholtz: "But there's... there is no mandate..."

Black: "Correct. And I do appreciate that."

Feigenholtz: "... on the insurance industry. It's existing policy and what exists in policy."

Black: "I'm very close to the director of the ARC Program in Iroquois County. Let me, on her behalf, just ask you three or four questions that concern people in the human services field. Does the Department of Human Services intend to develop some of these provisions in rule, particularly those regarding an exemption process from the use of family fees for a catastrophic circumstance including medical, natural disasters, representing 15% of gross income and from the..."

Feigenholtz: "I'm sorry. I can't hear him."

Black: "Okay."

Feigenholtz: "Could you start over?"

Black: "Yes. Does the Department of Human Services intend to develop some of these provisions of Early Intervention in rule, particularly those regarding an exemption process from the use of family fees for a catastrophic circumstance including medical, natural disasters, et cetera, that would represent 15% of gross income and from the use of private insurance, if the family has self-employed health insurance and its Early Intervention Services would exhaust a lifetime cap?"

Feigenholtz: "I believe they do, Representative Black, and if you look at the Bill on the Amendment, Amendment 3, Section F,

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it stipulates on line 9 or line 14, the family fee obligations. And I do believe that that is what the Department of Human Services intends on doing through administrative rule."

Black: "All right. Let me continue. This Bill, as amended, also states that the child will continue to receive services pending a decision regarding insurance coverage. Who will bear the cost for such service while a decision is pending?"

Feigenholtz: "The Department will, the EI Program."

Black: "And who will bear the cost if the insurance company denies said coverage?"

Feigenholtz: "The Department will."

Black: "Thank you. Amendment #3 allows families currently enrolled in the program 60 days to transfer to network providers. What happens to the family if they are rejected?"

Feigenholtz: "It'll be covered by the EI Program."

Black: "Representative, I have no reason to doubt your veracity, but my fear is that language may be lacking in a case such as this, if it is, I know you'll fix it."

Feigenholtz: "In Section 13.20, Representative Black, of the Amendment, there is family with insurance coverage Section."

Black: "What was the Section number again, Representative?"

Feigenholtz: "13.20, 13.20."

Black: "While we're looking for that, let me ask you the last question. Why does the Division of Specialized Care for Children oppose this Bill?"

Feigenholtz: "I think they have concerns about added costs for diagnostics."

Black: "Staff tells me that one of the concerns enumerated by

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community-based providers is that they have never billed an insurance company for this, they're not sure of how to do it. That's not true, scratch that. They're just simply not sure that they will hear, in a timely fashion, or get the bill paid. And if that is the case, then from what you said earlier, the Department will be the responsible party for payment, correct?"

Feigenholtz: "That's correct."

Black: "All right. This Bill, effectively, closes off what the Department wanted to do early in this Session and that was to create what literally was a dual system of Early Intervention. Would that... is that a fair statement?"

Feigenholtz: "Yes, yes."

Black: "Okay. Representative, I thank you for the work you've done on this Bill. I know you will monitor it carefully. This is a... of all of the Bills we've discussed today, this has some of the most serious implications for children in this state of anything we'll do today or probably have done in the last two weeks. You have worked valiantly to take a program that I wasn't sure anybody could get a hold of and straighten out. And I, and many parents of children with special needs in my district, thank you and we are in your debt for the work you've done. And if the Department, if the Department doesn't follow through with some of the things they've done, I look forward to joining with you to make certain that no child is turned away or denied that Early Intervention that they need, which and it's an old statement here but true, if we ignore and don't take care of it, it just shows up and manifests itself later at a much higher cost. Thank you very much for the work you've done on the Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Coulson,

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for what reason do you rise?"

Coulson: "Will the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Coulson: "Representative, can you tell me if the Oversight Committee is in this Bill for a task force?"

Feigenholtz: "There's a Legislative Advisory Committee in this Bill, Representative."

Coulson: "And who does it include?"

Feigenholtz: "Two Members from each caucus."

Coulson: "Okay. And are there any requirements or suggestions for reporting in the Bill? For the Advisory Committee?"

Feigenholtz: "The data reporting on the part of the Department to the committee must be supplied no later than the 21st of September, 2001, and must include the previous two quarters of data."

Coulson: "And are there any reports required by the committee to the Legislature at all?"

Feigenholtz: "Not in this statute, no."

Coulson: "I'm sorry."

Feigenholtz: "Representative Coulson, when we were in committee on this Amendment today, Representative Winters got up and spoke to the committee electing a chairman."

Coulson: "Okay."

Feigenholtz: "So, for legislative intent, I would like to, in the record, remark that it is the intention of those of us who agree to pass this Bill out of committee that that is what is done. That their... the committee elects its chairman."

Coulson: "Well, I would like to preface my next question, there is a House Joint Resolution 46 that asks for more detailed reporting by the Department and I would like to encourage your support of that House Resolution. Because while I don't believe it needed to be in this Bill, I'm concerned

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that the wording in the Bill, as it is now, may not give us the report in time to make sure that they follow all the recommendations that we have made in the Early Intervention task force that we worked on. Could you speak to that?"

Feigenholtz: "Representative, I would be glad to talk to you about that."

Coulson: "Okay. To the Bill. This is a very, very important issue. We have all worked long and hard on this issue. I had thought my name was going to be up there, but for those of you who are asking me, is this a good Bill? I think it's as... it is a good Bill. There are a few areas where we could probably continue working, but we're almost out of time. We need this Bill in order to go forward with the Early Intervention agreements that we've made over the course of this Session. As I mentioned, I thought I would be in the cosponsorship up there so you would all know that this is a Bill that we have all worked on. And I thank everyone on both sides of the aisle for all the work they've done and encourage your 'aye' vote."

Speaker Turner, A.: "The Gentleman from Peoria, Representative Leitch, for what reason do you rise?"

Leitch: "Will the Lady yield?"

Speaker Turner, A.: "She indicates she will."

Leitch: "I am very curious as to why Representative Coulson's name is not on the Bill."

Feigenholtz: "Representative Leitch, I intend to put her name on it right now. I thought I did it yesterday. I'd be glad to do it. I have a slip right here."

Leitch: "Thank you."

Speaker Turner, A.: "The Gentleman from Logan, Representative Turner, for what reason do you rise?"

Turner, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen."

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Actually, the last Representative, Representative Leitch, mentioned what I wanted to. I understand Representative Coulson is gonna be put on the Bill and I certainly would like to extend to her my appreciation for her hard work, as well as, the hard work of all the other Republicans on the Early Intervention task force, as well. Thank you, Mr. Speaker."

Speaker Turner, A.: "... no further questions, the question is, 'Shall the House pass Senate Bill 461?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Hoffman on Senate Bill 265. Representative from Madison, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We would like to move to recede from House Amendments #1 and #2. They essentially, just added an additional provision to the Bill creating a new offense pertaining to presence of persons under 18 during illegal delivery of controlled, counterfeit, or look-alike substance. What we want to do is just put the Bill back into its original form and pass it. The Senate did not concur in these Amendments and it's really up to Senator Jacobs. It's his Bill and I agreed to recede from the Amendments and pass the Bill in its original form."

Speaker Turner, A.: "... question is, 'Shall the House Recede from Amendments #1 and 2 to Senate Bill 265?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Reading we have Senate Bill 284. Representative Boland. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 284, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Turner, A.: "Third Reading. ... the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 284, a Bill for an Act relating to schools. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Rock Island, Representative Boland."

Boland: "Yes, thank you very much Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 284 corrects a census error in regard to the count of low-income students. This census snafu has left two school districts, United Township High School District in my representative district and Rock Falls High School District in Representative Jerry Mitchell's district shortchanged approximately 200, \$250,000. This problem arose due to mainly two factors. One, the low-income census figures for one city's census blocks were incorrectly assigned to another school district. And then secondly, the 1990 census of low-income pupil count, unlike in the 1980 census, was based on a survey of returns in one out of every six that were returned. So, in comparison these school districts had an increase of students that participated in the free and reduced lunch program, which many low-income students qualified for. And also, the number of low-income students

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in the grade school feeder districts increased by 50%. I might add that these, the local school districts have tried to correct the problem through the U. S. Census Bureau, through the Illinois Board of... State Board of Education, and even the U. S. Office of Education, finally coming to us for a redress. And this legislation is all the more crucial I might add, Ladies and Gentlemen, because of the closing of two major employers in these two school districts. The Case New Holland plant in my hometown of East Moline will lose 800 jobs, as well as a very large property tax payment to the schools. And also, the closing of Northwest Steel and Wire in Sterling, Rock Falls area with the loss of 1,400 jobs. This... Senate Bill 284 is supported by the IEA, the IFT, Statewide School Management Alliance, EDRED, Scope, the High School Districts Association and the State Board of Education. It passed the Senate 52-0."

Speaker Turner, A.: "The Gentleman from Whiteside, Representative Mitchell, for what reason do you rise?"

Mitchell, J.: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen of the House, this problem, as Representative Boland has so aptly explained, is one that started at the beginning of the 1990 census. So, it's been going on now for 10 years and they've sought relief from the beginning. When you look at the amount of money, which is a very, very small amount now, multiply that times 10 and these districts have lost over \$2 million over the last 10 years. At this point, this relief is only a one-time shot because when the 19... when the 2000 census kicks in this will no longer be an issue. So, they have come to us in desperation to try to regain some of that money they have lost over the last 10 years. It's not an ongoing thing.

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It will happen only one time and one time only. And it will certainly help out a couple of school districts that are really in dire need. Rock Falls Township High School has been a hold harmless district since we passed the new school reform legislation and the new foundation level type of formula. They have never had an increase in all that time. And certainly, Representative Boland's indication of the two major economic disasters recently held in those metropolitan areas really is going to send shockwaves through them. So, every little bit certainly helps in that area, although it's not a lot of money. Thank you."

Speaker Turner, A.: "The Lady from Macon, Representative Curry, for what reason do you rise?"

Curry: "Thank you, Mr. Speaker. I would like to rise in opposition to this legislation. I have great respect for the Sponsor of this Bill and for Representative Jerry Mitchell and what they're trying to do to help their two school districts. To be quite frank with you, probably each and everyone of us have school districts in our legislative district that have incorrect poverty or census numbers that reflect the real poverty in our community. We could talk about high unemployment rates in communities that have been devastated by the loss of jobs and no one knows that better than myself and Representative Bill Mitchell, who represents the Decatur area. Outside of Chicago and the Metro-East area we have one of the largest unemployment rates in the state. And I can tell you that our census numbers for poverty do not reflect what is actually occurring in our community. Right now, Decatur is in the poverty concentration level between 20 and 35%, when our free and reduced lunch are up to 60% of the students receive those lunches. So, we know that the census figures

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back from 1990 incorrectly reflect what is actually happening in our community. And if we went back to 1980, we'd probably have an even higher number. So, what I would ask you to do today, there are 900 school districts throughout this state who face similar problems. And we're talking about two school districts and trying to make adjustments for their poverty concentration levels for just this next school year. And I think we have new numbers coming out in the next couple years that will benefit all of us. But I'm not here just advocating on behalf of my school district. When we advocated and we worked on the State Budget this past weekend we made major changes in the formula for poverty grants for school districts all over the state, especially the poorest school districts of the state. So, I'd ask that you think about this carefully. And think about the fact that you have school districts that probably have inaccurate numbers, as well. But you will not be taken care of as a part of this legislation. Thank you."

Speaker Turner, A.: "The Gentleman from Kankakee, Representative Novak, for what reason do you rise?"

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to the previous speaker, I know she's a very competent chair lady of the Appropriations Committee for Education, but I don't have anything personal involved in this Bill. But I'd just like to rise and support it because I can say about three years ago you helped me on an issue with a poverty grant problem in my district for a poor African-American high school district in the eastern part of Kankakee County. At that time it was attacked as special legislation. But after some phone calls were made and some considerations or some situations were

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reconsidered, it won support in the House overwhelmingly, and support in the Senate. And it dealt with two feeder elementary districts feeding into a high school districts, one predominately black, one predominately white. The high school was predominately black because most of the kids from the white elementary school go to private schools, which is their preference. But what happened was, was the Census Bureau made a serious, serious undercount and robbed about \$1.5 million away from this high school in my district. And so, I asked you to help me. And you did. Now, I'm asking you to help Mr. Mitchell, Mr. (sic-Ms.) Younge, Mr. Boland, Mr. McGuire. Please help them."

Speaker Turner, A.: "Seeing no further questions, the question is, 'Shall Senate Bill 284 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 78 voting 'aye', 36 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Hassert on House Bill 3247. This is a Motion to nonconcur."

Hassert: "Thank you, Mr. Speaker. I just move to nonconcur with Senate Amendments #1 and 2."

Speaker Turner, A.: "... Questions? The question is, 'Shall the House nonconcur on Senate Amendments 1 and 2 to House Bill 3247?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur on Senate... on House Bill 3247. On the Order of Second Reading we have Senate Bill 1504. Representative Bellock. We got the message."

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Clerk Rossi: "Senate Bill 1504, has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Bellock, has been approved for consideration."

Speaker Turner, A.: "The Lady from DuPage, Representative Bellock on Amendment #2."

Bellock: "Thank you very much, Mr. Speaker and men and women of the Assembly. This Amendment would allow for the staff of mental health and DD facilities who have been found guilty of physical or sexual abuse or egregious neglect to be placed on the nurses aid registry, so that they may not be rehired again in one of those facilities to serve the most vulnerable population of our society. We've worked for two years on this Bill, and I'm glad to say that we have finally come to a compromise between the Public Health, AFSCME, DHS, ARC, Equip for Equality and the other agencies that have worked tirelessly for two years on this compromise. Amendment #2 contains the negotiated language that we have worked on and it enters that under this Amendment only the worst offenders, the physical and sexual abuse, and egregious neglect will be reported to the registry. I also would like to say that at this time, we do not have time for a technical Amendment, but I wanted to state that anyone who has collective bargaining rights would in no case go on the registry until after the DHS hearing has been concluded. I'd be glad to answer any questions. There is no opposition on this Amendment at the time."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall Floor Amendment #2 to Senate Bill 1504 pass?' All those in favor should say 'aye'; all those opposed say 'no'. In the

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opinion of the Chair, the 'ayes' have it. And Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1504, a Bill for an Act in relation to health care. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Lady from DuPage, Representative Bellock on Senate Bill 1504."

Bellock: "Thank you very much. I just would like to briefly describe what this Bill actually does, and two years ago HCFA audited the State of Illinois and found that there was a lot of abuse going on in the mental health and DD facilities. They were going to withhold \$80 million of federally funding to Illinois. So we have addressed this issue for the last two years. We have finally come to a compromise that people who do have serious physical neglect and abuse and egregious neglect will now be placed on the registry. And I'm proud to say that Illinois will finally be a leader in the nation in something regarding mental health abuse."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

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

Speaker Turner, A.: "She indicates she will."

Lang: "Representative, I'm looking on... at the Bill. This is the Amendment, on page 8 and you referred to the petitioning to the Department of Human Services to have an individual remove themselves from the registry, and I'll give you a second to get there. So the question would be, what are the criteria that the Department will use to remove someone? What is the form of the petition? So for purposes of legislative intent, I don't oppose your Bill,

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but for purposes of legislative intent, I think it would be a good idea if we stated on the record, how a person petitions, what the criteria is for having their name removed from the registry."

Bellock: "Thank you very much, Representative. And we did discuss that and we discussed that that would be in Rules. Because in order to come to this compromise, it's taken us two years just to get where we were on this, so they agreed that that could be done in Rule."

Lang: "Well, the... will JCAR specify the criteria for removal from the list? Don't you think at least that much should have been done legislatively?"

Bellock: "We had quite a bit of discussion on that. There is a definition for 'egregious neglect' right now. And so, it was of all the... there was 10 or 12 different parties involved in the negotiation, and it was their opinion that we should leave that to Rule. But there is a definite definition for 'egregious neglect'."

Lang: "You're telling me how a person gets on the registry, but this Section talks about how you get off the registry. And so, I understand how you get on the registry, you've worked very hard at that. But here's a provision, which is basically... Representative."

Bellock: "Right."

Lang: "Here's a provision which is basically your basic throwaway... throwaway provision that says, 'Well if you do these nasty things, you're gonna get on the registry and by the way, you can get yourself off if you're a good boy or a good girl.' What do they have to do to do that? What are the criteria?"

Bellock: "There will be a definite criteria, but again, amongst all the 12 that sat around the table for the two years, it

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was their opinion that that should go into Rule rather than into statute and I'm sure that will be clearly defined, because that's what we had from the hearing the OIG hearing, the DHS hearing, and then the collective bargaining, you know, arbitration. We spent hours and hours and hours of debate on that. So, I'm sure that they would put clear definition into Rule as to how you could petition to get off the registry."

Lang: "Did the nurses not raise an issue as to this Section of the Bill?"

Bellock: "No, because as far as the Nurses Aid Registry goes, nobody has ever petitioned to... nobody has ever petitioned after the hearing had been heard and Public Health stated that."

Lang: "Right, I'm not sure what you just said to me."

Bellock: "Public Health has the similar provision because this Nurses Aid Registry is under Public Health. So, we were trying to go along with most of their provisions that we could, and what they had stated was that anybody that had gone on the registry had never petitioned the Department to be removed. So, after all those hearings and having been found guilty... or substantiated hearings of three different hearings, I guess that it really hasn't been that big of a problem. That was what Public Health stated. Their attorneys stated that nobody had ever petitioned to come off the registry."

Lang: "Well, this is new language, though. We haven't had a provision in the law where you could get off the registry, have we?"

Bellock: "No, but I'm saying, as far as the Nurses Aid Registry like has been in effect for several years, I think for over 10 years for nursing homes and they stated that they have

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never had that as a problem."

Lang: "Are there rules in place today about how someone would get off the current registry?"

Bellock: "Yes, Public Health rules. Yes, there are already."

Lang: "There are rules, which were approved by JCAR sometime ago?"

Bellock: "Yes, right."

Lang: "And no one's ever..."

Bellock: "'Cause this is a Federal Law, as far as nursing home goes."

Lang: "And no one... but we don't care about that around here... and no one's, no one's made a petition to get off that other registry?"

Bellock: "No, the attorney from Public Health said, we asked him that several times, he said they had never had a petition for someone to come off the registry."

Lang: "Well..."

Bellock: "In fact, he said in several cases, after the hearings they just went away because if they were found guilty of egregious neglect, and abuse, physical or sexual, I guess they were somewhat embarrassed to go further, if the findings were substantiated."

Lang: "Well, if somebody is now on the registry and they want to petition, is it your plan for it to be done just on the basis of good behavior or if the... under the rules you can get off the registry... do we just now say that you can, you can go ahead and do this work again, or do we actually strike your name from the registry? What is the... what is your plan?"

Bellock: "Yeah... you mean if they petition to get off the registry?"

Lang: "And they're successful."

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Bellock: "Yes, and they're successful, then their name will be stricken from the registry."

Lang: "Now, that's as opposed to a situation where they don't necessarily petition to have their name stricken, they petition to say, 'Well, I know I did this terrible thing, but I want to continue to do this work' and they want to get permission to do the work without striking their name."

Bellock: "No, once their name has been placed on... this is what we are so emphatic about. Once their name has been placed on the registry, unless they petition and you know, are agreed that they can come off, their name remains on the registry and they may not be rehired in the State of Illinois, in a mental health or DD facility that is licensed by the Department of Human Services."

Lang: "And none of the 12 people sitting around the table raised the issue of the criteria that would be used to get off the registry?"

Bellock: "It was the opinion by everybody around the table that they would do it by Rule because again, the lawyer for Public Health said there was... there are... there is a plan to do that, but that it had never been a problem that they had never in their entire history, and I think it's 10 years, had anybody petition to get off the registry."

Lang: "But, by that argument, Representative, you can strike this whole Section from the Bill. So, once you put this Section in the Bill, it's our responsibility, it seems to me, to give people the opportunity to use the provision."

Bellock: "Absolutely."

Lang: "So, here we are 118 Legislators in the House and we're gonna turn over to JCAR because we were either too busy or no one wanted to come to an agreement or because there... because no one even talked about it, about what the

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criteria would be for letting these heinous, terrible, rotten people off of this registry. Now, if these people are so terrible that they're going to be on the registry and you're going to take the time to put in the Bill that they can get off the registry, shouldn't one of the 12 people sitting around the table have come up with this brilliant idea, well by what criteria will they come off this list?"

Bellock: "I'm trying to check with Public Health right now, Representative Lang, to see if that criteria is already in there, which I think it is, but I don't want to state that until I know that for sure."

Lang: "Well, then..."

Bellock: "But, that was the opinion of everyone around the table and as I stated, that in 10 years Public Health said nobody had petitioned. I agree with you, there must be criteria. We talked about it, that JCAR or that Rules would set that up, that that was something that did not have to be in statute. The criteria for the OIG findings, all of them are not in here either, or the DHS, or collective bargaining, but that still is in the Bill that that must take place. And I'm just reminding you, Representative Lang, that this is a Bill that we have worked on for two years to prevent people that are seriously physically, and sexually abusing mentally ill and disabled people in our facilities. We are trying to get them not to be rehired. I agree with you that there needs to be criteria. I think it's there, but I just can't say what it is right now, 'cause it's not in the Bill."

Lang: "Representative, don't get me wrong, I don't oppose your Bill. You know how I feel about these issues. I'm strongly supportive of what you're trying to do. It just

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seems to me that the 12 people sitting around the table have abdicated our responsibility as a General Assembly to create appropriate criteria to another body. Now, I don't understand if you spent two years negotiating this Bill, why you couldn't spend another 15 minutes and come up with the criteria to determine how these people would get off the registry?"

Bellock: "Okay, well, the representative from DHS said that they will gladly put that in Rule. I'm still trying to find somebody from Public Health to find out if it already is in their rules. But we are glad to put that in, it just... we did not feel around the table, that it needed to be in the statute, but that they definitely felt that there needed to be criteria in Rule in order to petition to get off the registry."

Lang: "Thank you. Mr. Speaker, to the Bill."

Speaker Turner, A.: "To the Bill."

Lang: "I'm certainly gonna vote for the Bill. I understand what Representative Bellock is trying to do. It's an important thing to do. But I think those of us who have been here awhile would agree with me that we see over and over and over again legislative initiatives that turn over to JCAR our responsibilities. We pass hollow Bills and make these grandiose statements about how we want to improve Illinois, but then we don't want to improve Illinois, we want to send over to another body, another group of people, some of whom are us, the opportunity and responsibility of filling in the gaps. It's a... if you will, a sort of... a super shell Bill. So, we just create a hollow Bill that says well, we need to fix this problem. And we say we're gonna fix it, but we're not gonna fix it, JCAR is gonna fix it. And it seems to me that, while I would recommend voting for

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this Bill, this General Assembly ought to spend a little more time trying to dot the 'i's' and cross the 't's' on our legislation and making sure it does everything we intend it to do, not just the things that it's convenient for us to do."

Speaker Turner, A.: "The Lady from DuPage, Representative Bellock to close."

Bellock: "Thank you very much, Mr. Speaker. And I welcome the opportunity. I respect Representative Lang and his comments, but I would not call this a hollow Bill. For two years all the people regarding the mentally ill and disabled in the State of Illinois have sat around the table. And we not only are thinking of which we have spent the majority, 80% of the time, on the workers in these facilities, I would like to centralize on the victims of sexual and physical abuse in these facilities. And I guarantee you, Representative Lang, that we will in Rule have criteria for people who want to get... and attempt to get off the registry. But again, I am telling you that the majority of the people... all of the people on the Nurses Aid Registry for the last 10 years in nursing home, who went through months and months, sometimes over three years of collective bargaining, while they still remained abusive in mental health and disabled facilities. They remained there for three years, when they knew they were guilty of abuse. So, I am asking all of you to support this Bill to get those people out of mental health and disabled facilities in the State of Illinois. Thank you."

Speaker Turner, A.: "The question is, 'Shall Senate Bill 1504 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? On this question... the Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Reading we have Senate Bill 994. Representative Poe, the Gentleman from Sangamon."

Clerk Rossi: "Senate Bill 994 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Poe, has been approved for consideration."

Speaker Turner, A.: "The Gentleman from Sangamon."

Poe: "Yeah, Mr. Speaker, on the Amendment I would like to... if this becomes the Bill and this made some technical changes in the original. And the name change and the grants for capital construction projects will be delayed for another year. So, there's basically money in there for studies. And then the third thing that they changed in the underlying Bill was to do away with the advisory board. I think there's a move to do away with a lot of boards in the state and they didn't want to create one more. So, I'd appreciate a 'yes' vote."

Speaker Turner, A.: "The Gentleman from Effingham, Representative Hartke, for what reason do you rise?"

Hartke: "Stand in support of the Amendment, it's a great idea."

Speaker Turner, A.: "Stand in support. The question is, 'Shall Floor Amendment #1 be adopted to Senate Bill 994?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, is... the 'ayes' have it. And Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No Further Amendments."

Speaker Turner, A.: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 994, a Bill for an Act concerning

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agriculture. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Sangamon, Representative Poe."

Poe: "Yeah, Mr. Speaker, this is the Bill that we voted on many times in the House. And what this does is a Bill that helped develop infrastructure in the State of Illinois, provide grants for studies that would help enhance businesses in Illinois. And it also is a value-added program that Representative Myers had in the past and it dovetails into this Bill and becomes part of it, so we can encourage new products in the State of Illinois. I just ask for a favorable vote."

Speaker Turner, A.: "The Gentleman from Jo Daviess, Representative Lawfer, for what reason do you rise?"

Lawfer: "Thank you, Mr. Chairman. To the Bill. This a good piece of legislation. This is legislation that will help the agriculture economy. And as we all know, agriculture is #1 industry in the State of Illinois. And I would ask for a 'yes' vote and I plan on supporting it."

Speaker Turner, A.: "And the question is, 'Shall the House pass Senate Bill 994?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, we'll have Senate Bill 1171."

Clerk Rossi: "Senate Bill 1171 has been read a second time, previously. There is a Motion to Table Committee Amendments 1 and 2, which has been approved for consideration by the Rules Committee."

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Speaker Turner, A.: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Member of the House. I would ask that we table Amendment #1 and... table Amendment #1 and 2."

Speaker Turner, A.: "Gentleman requests to table Amendment #1 and 2. All in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, is... the 'ayes' have it. And Amendment #1 and 2 are tabled."

Clerk Rossi: "Floor Amendment #7."

Speaker Turner, A.: "... Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #7, offered by Representative Saviano, has been approved for consideration."

Speaker Turner, A.: "The Gentleman from Cook, Representative Saviano, on Amendment #7."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #7 becomes the Bill. It makes a technical change which was necessitated by the tabling of House Amendments 1 and 2. It's similar to Floor Amendment #5 which includes the language for the Metropolitan Water Reclamation District, the Illinois Park District Association. We have provisions in there for Representative Andrea Moore, specific to Lake County. We have a provision in there for Representative Pat Lindner, specific to the Kane County area. And we also have a provision in there for the Botanical Gardens and Lincoln Park Zoo. And I will entertain any questions."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #7 to Senate Bill 1171? All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, is... the 'ayes' have it. And Amendment #7 is adopted. Further Amendments, Mr.

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Clerk?"

Clerk Rossi: "No further Amendments. But several notes have been requested on the Bill as amended by Amendment #7 and those notes have not been filed."

Speaker Turner, A.: "The Bill will remain on Second. Representative Currie on Senate Bill 22. Out of the record. Representative Currie on House Bill 2703. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2703 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Turner, A.: "Representative Currie on Amendment #1."

Currie: "Thank you, Speaker and Members of the House. This merely provides that former Members of the General Assembly may add their SERS time to the General Assembly Retirement System, just as current Members can do, by virtue of paying the employer cost, the employee cost, and any interest that might have accrued. I know of no opposition. I'd be happy to answer your questions. It's a reasonable proposition and a good Amendment."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Black: "Yes, Representative, did this Amendment go through the Pension Laws Commission?"

Currie: "I am told that it did. And it came out of the House Personnel and Pension Committee this morning without a desenting vote."

Black: "No, I'm talking about the Pension Laws Commission that

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was created by both chambers..."

Currie: "I am told..."

Black: "... that was supposed to review..."

Currie: "I am told that it did."

Black: "All right."

Currie: "I can't... I can't answer by virtue of having been there, I wasn't."

Black: "All right."

Currie: "But, I was told that it was approved."

Black: "You may want to check on that. Our staff tells us it did not. And I have no idea, but I have found that staff both on your side of the aisle and my side of the aisle, usually are half a step ahead of most of us. So, if staff tells me it didn't go through the Pension Laws Commission, I would tend to think that perhaps it did not. And if it did not then I..."

Currie: "I'm... I'm told by our staff, Representative, that it definitely did go through the Pension Laws Commission."

Black: "Okay, well we seem to have a..."

Currie: "Our staff was there."

Black: "We seem to have a disagreement among staff. But, whatever. Thank you."

Speaker Turner, A.: "No further questions. The question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2703?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments, but several notes have been requested on the Bill as amended that have not been filed."

Speaker Turner, A.: "The Bill will remain on Second Reading. On the Order of Third Reading we have House Bill 30."

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Representative Brunsvold, the Gentleman from Rock Island."

Brunsvold: "Thank you, Mr. Speaker. House Bill 30..."

Speaker Turner, A.: "Wait, Mr.,... the Clerk hasn't posted it yet, hold on."

Clerk Rossi: "House Bill 30, a Bill for an Act amending the Workers' Compensation Act. Third Reading of this House Bill."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill has had a... and Bills like it have had a long history. In fact, we've been working on this for about five or six years trying to eliminate what's called 'balance billing' in our Workers' Compensation Act. The process now is that the medical side of the payment of an injury... and the insurance company work out an agreement on most situations. If they don't do that then many times a doctor will bill the employee for the remainder of the fee. Now, we happen to be the only state in the Union that does this. So, we've been working to try to come to an agreement. And there were really two bills this year, House Bill 30 and House Bill 29 or 2192, which set up in fact quite a lengthy procedure where we used Medicode millions of billings that were set up. And then trying to come to some agreement about whether they're going to pay at the 80th percentile or the 85th percentile. The doctors wanted the 90th percentile, meaning they would pay at the 90% level of a hundred claims. And they were... at that point, the hospitals were not in agreement with House Bill 30. They were trying to work on 2192. And going through that whole process and we've been meeting with a lot of groups over the last few years. The last meeting we had was about a month ago and we sat down and everybody got to state their position again. And the biggest support

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starting with the labor unions, the insurance companies, the IMA, the Retail Merchants Association, the Trial Lawyers. All were in support of House Bill 30. Whereas, the doctors and the hospitals were in support of House Bill 2192. So, this simply is a Bill that is very clear that says you can't balance bill. So, what happens in the procedure then is that the medical side of the issue and the insurance side of the issue sit down and work out the agreement like they do 90% of the time anyway. So, that's what this simple Bill does. It's very short and to the point. And it doesn't set up a lengthy bureaucracy that could cost a lot of money. So, I ask for your support and would be glad to answer any questions."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you, Mr. Speaker. I rise in support of House Bill 30. I think it's important to understand what balance billing is. A person's injured at work, they have a workers' compensation claim pending, they go to their doctor and they know that the workers' comp arbitrator had said that these bills are going to be paid. So, they go to a doctor and then they go home and weeks later they get another bill from the doctor. These are... these workers have assumed that insurance has picked up their bills, they've gotten treatment from medical providers and lo and behold, they get more bills. This is simply a Bill that says once the Industrial Commission decides the reasonableness of that medical fee then that's what it'll be. The medical provider, whoever it may be, can go after the employer, they can go after the insurance company, but not after the consumer, not after the injured party. Once that injured party goes to arbitration and once they

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believe they're being sent to a doctor for treatment, they're not expecting further billing. And so that further billing comes as a major shock and certainly as a major crimp in the finances of that person. So, this is a good reasonable piece of legislation to protect working men and women all across Illinois. And I urge your 'aye' votes."

Speaker Turner, A.: "Representative Hartke in the Chair."

Speaker Hartke: "... recognizes Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative Brunsvold, excuse me, it's very hard to hear in here. I thought in your opening remarks you said the Illinois Health and Hospital Association is opposed to the Bill. We don't have them in our file listed as an opponent."

Brunsvold: "They are opposed to it. In our last meeting..."

Black: "They are... they are opposed to it? All right."

Brunsvold: "... they are as the doctors are. And basically that's the two organizations that oppose the Bill."

Black: "Okay. I... this issue has been around, as you and I know, for some time. And one of the things, maybe you can enlighten me, I've never understood if it is a legitimate workplace injury covered by the no-fault workers' compensation system and I go for treatment, I've never understood how the treatment can be expanded to something where the insurance carrier says, 'I'm not going to pay for that?' I... if it's work related and it's a no-fault system it was always my understanding that you must pay for treatment for that injury. Where... where do we get into this problem with balance billing?"

Brunsvold: "Representative Black, I think you have hit the flaw

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in the system. We... there is no provision that says they can't do that, except for the one in front of us today. This is, I think, a flaw that we need to correct. And the industry itself, the medical side and the insurance side, will as they do most of the time, will work out an agreement on the cost of that medical care."

Black: "Well, under existing law, Joel, is there any system of arbitration or mediation? If a doctor decides that you need additional surgery on a broken shoulder and maybe two titanium screws put into that joint and the workers' comp insurance carrier says, 'Oh no, no, no, no. Just a simple splint and set, that'll be fine.' I... I would think that could be mediated because the whole purpose of workers' comp is to return the person, if at all possible, to work, to make the person whole."

Brunsvold: "I have nev... I have not found in the meetings we've had in the last two years that if something was required as far as screws in the bones, things to put the worker back into what would be normal condition that that has not been taken care of. Just that some... some situations exist where the billings are above and beyond what would be considered normal costs, normal and customary costs. And that's where the dilemma is generated."

Black: "Well, and that's something that Representative Lou Lang and I have worked on, off and on over the years. And that is a process called 'utilization review', which in Illinois is wide open. You and I could go in the utilization review business tomorrow morning. I... maybe I'm just laboring under a misconception, but I thought under a workers' comp no-fault system someone could not come back on a claim and say, 'Your treatment for my... for our insured's broken back exceeds the usual and customary charges for your zip

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code, therefore we're not going to pay.' I didn't think they could do that on a workers' comp case?"

Brunsvold: "They sit down and agree on payment that is usual and customary. Now, the situation exists in the marketplace right now where some contracts, like under Caterpillar, have worked out contracts where they're paying in the percentile of the 70 range. There's hospitals in Chicago working on contract at 80 percentile of what would be a number of Medicaid-billed claims, millions and millions of claims. They pick out the 80th percentile and say, we'll pay at the 80th percentile. The docs want 90th percentile on their situation, saying it costs more to do workers' comp... work compensation claims. But, generally they do work'em out. There's really not a lot of claims that have to really go through the arbitration process."

Black: "Well... it just seems to me, to go back on an injured employee for a bill defeats the entire purpose of the workers' compensation system."

Brunsvold: "I agree."

Black: "And if that becomes the norm and the providers... the health care providers, the workers' comp insurance carriers... and we both know, we may have philosophical differences, but workers' comp costs are not a minor cost of doing business in the State of Illinois."

Brunsvold: "Absolutely."

Black: "It just seems to me that if the providers and the insurance carriers can't work this out then it would seem that many an injured worker would just simply hold out for total and permanent disability and say, the heck with it. I..."

Brunsvold: "True."

Black: "If you're going to bill me \$5 thousand for charges not

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usual and customary and I'm not working, then what the heck should I go through the system for? I'll just find a doctor who says I'm totally and permanent disabled and make the necessary filings. Now, I'll grant you, it'll go to arbitration, it'll go to mediation. It may take years, but it would seem to me that the balance billing system may be an impediment to what the system's supposed to be. And that is, that if you can be made whole and go back to work, that's what you're supposed to do and that's what the system's supposed to do."

Brunsvold: "That is what we tried to create back in the 70's, Representative Black, when we passed the Workers' Compensation Bill, to... in order to facilitate the care of injured workers. We set up a process that ended up in taking care of that injury and putting the worker back to work. That's the ideal situation. The Industrial Commission is in the middle of this to try to erase the problems. And this flaw that we have on the extra billing is something that, frankly, we need to solve."

Black: "Ok... well, I appreciate your work on this. I would think that there would... cooler heads would prevail and a system of mediation and arbitration could very easily be worked out."

Brunsvold: "It can be."

Black: "I just think it's inherently unfair... I know there's abuse, I know there are problems in the system. My family's been in business for 70 years."

Brunsvold: "I agree."

Black: "And workers' comp costs are one of the great concerns that my brother faces everyday in trying to meet a payroll. But, when you are legitimately injured on the job, as I have seen people become, I don't think you need the added

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hassle of bill collectors coming after you for medical bills that you can't pay. It defeats the entire... the entire concept of a no-fault system. And I... I hope you're able to get something worked out."

Brunsvold: "Thank you, Mr. Black."

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

Miller: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Miller: "Representative, I have a question in regards to this legislation in terms of... the former Representative called, the usual and customary payments. How are the payments decided on... that the physician will be compensated?"

Brunsvold: "The insurance companies and the... the employee... employers, like Caterpillar for example, would sit down and work out an agreement."

Miller: "Are you saying that, for instance, IBM or Boeing or like you said Caterpillar, will determine on what fee that a... that they were willing to pay out towards a physician?"

Brunsvold: "Well, the bigger employers will sit down and work out agreements. And usually, they would come up with a lot of data coming from Medicode, which is a data collecting system, that has millions and millions of claims that would give you approximate usual and customary situations dealing with whatever particular injury someone has."

Miller: "What is the definition of 'usual and customary'? Do you know? Is that spelled out in this Bill?"

Brunsvold: "It's... it's not wo... it's not defined in the Bill, Representative. Usually it's defined by the insurance company."

Miller: "So, the insurance company is deciding... just want to

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paraphrase this, the insurance company is deciding on what the usual and customary fee is on what someone should be compensated for emergency treatment?"

Brunsvold: "And they get that from the millions and millions of billings in what is normal and customary that the doctors are billing for."

Miller: "Are you... yeah, I understand that. And so once again, the insurance companies are dictating what is normal for a physician to get paid or for some health care provider to get paid, based on their numbers and what someone is billed? Is that wha... is that..."

Brunsvold: "I would not say it that way, Representative. I would say they're not dictating at all, because I've seen them sit down on thousands and thousands of these cases and work out agreements that are very well-agreed to by not only the doctors but the hospitals. And they do agree on the billing and the process. And almost all the time, they settle their claims."

Miller: "Are you aware that usual and customary fees does... do depend on... does depend on location of where the emergency or where the accident happened? For instance..."

Brunsvold: "Oh yes. That... an injury in certain parts of the state's more expensive to treat than injuries in other parts of the state. That, I think, is recognized by everyone."

Miller: "This mediation process of... for the determining on what is this, how long will that take?"

Brunsvold: "I don't if I can define..."

Miller: "For instance, if I treat..."

Brunsvold: "I don't know if I can define that, Representative, because some take longer than others."

Miller: "Well, let me say this. Okay. For... let's say your

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child is on a playground and breaks his arm or strike that.
If somebody breaks their arm and the insurance company
doesn't pay..."

Brunsvold: "At work."

Miller: "At work, that's true, at work. And... how long is that
arbitrary... how long is that arbitration gonna to be
between the time that person suffers a work-related injury
and by the time that a decision is made in addition and to
compensation for the physician?"

Brunsvold: "I would say about 18 months, Representative."

Miller: "Eighteen months?"

Brunsvold: "Some cases, yeah."

Miller: "What is the... what is the normal arbitration process,
now?"

Brunsvold: "Most... yeah, most cases are settled and they get
temporary benefits. Of course, the injuries are taken care
of and all that is done and the injury is treated and the
person usually back to work. And then the finality of the
paperwork usually takes a little while."

Miller: "So, now what I'm saying is, for instance, the... I mean
the health care provider had provided those services that
day. So, you're saying it takes a year and a half for that
person to be compensated for that incident that
happened..."

Brunsvold: "No, they're compensated right away. If you're asking
the question, how long this whole process takes as far as
paperwork and getting finished, sometimes it can be
lengthy. Sometimes it goes to court. But generally,
Representative, most cases are settled fairly quickly. I
mean 90% are... they come to an agreement within a
reasonable time."

Miller: "Is there any due process for the provider once... let's

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say for instance, the compensation is less than what their fee is. For instance, let's say they bill for \$1,200 and they're paid a thousand dollars or \$500. Is there any due process to challenge that decision?"

Brunsvold: "The arbitrator has the power to decide that, Industrial Commission, decide the compensation for that. And frankly, some doctors charge more than other doctors."

Miller: "Well, I understand that. But, at some point... is there some way in which the physicians or the health care provider's case can be heard on why their fee or why this is being... why their fee is different than others? Or maybe it's within a speciality, maybe they used like the other Representative said, titanium instead of something else or a different procedure to... for at least for that to be able to articulate in that process, or why they treated the emergency one way versus another that may have led into an increased cost."

Brunsvold: "Well, the..."

Miller: "Is there any... is there any course for that argument I just made to be heard in this legislation?"

Brunsvold: "Well, I would believe that the arbitrator in this case, looking at the costs, would make a fair and just decision on that... on that specialized treatment. I mean that's what the arbitrator's there for."

Miller: "To the Bill. I rise in strong opposition to this legislation for various reasons. One of the reasons the Sponsor just mentioned is that once again we're talking about health care related to cost. And so if... if the insurance companies... their argument may be, well... well, this procedure or that procedure costs too much that's why we're not going to pay for it. But I guarantee you when you're in an emergency situation, if your... if your arm is

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hurting, if your leg is hurting, if you're in some accident you're not going to be talking about costs. You're not going to be talking about the lesser equipment or this that and the other. You're going to be wanting the top type of treatment there is available to you. And I think that should be the most consideration of what is considered. Second thing, that the physicians... some do charge more than others. But when you start talking about 'usual and customary' without no firm decision on how 'usual and customary' is established, then it leaves... where once again ambiguous amount of fees in which someone can charge and which someone can pay. And the bottom line, if somebody's not compensated for the full appreciation for what they do, they'll stop treating emergencies and they'll stop treating this. And they'll start looking at the bottom line as the Sponsor has mentioned. And so I would encourage all my colleagues in the General Assembly to vote 'no' on this legislation."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative Brunsvold, isn't the workers' compensation system supposed to be the sole remedy for the injury of an employee in this state?"

Brunsvold: "Yes, Mr. Parke, it is."

Parke: "Is this the only state in the United States that actually goes to the individual, injured employee and says, 'We cannot come up with an agreement between the insurance company and the worker or the health care provider, so therefore you, the injured worker must pay the difference.' Is that correct?"

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Brunsvold: "That's correct."

Parke: "To the Bill. Ladies and Gentlemen..."

Speaker Hartke: "To the Bill."

Parke: "... this is an outrage that this State of Illinois allows our workers' comp system not to be the sole remedy for the treatment of an injury. Ladies and Gentlemen, under this current system, antiquated as it is in this particular place, we now can go to the injured employee and say, 'You have got to come up with the difference. You now have the responsibility of making sure it gets paid.' And for those... some of those people who have to bill that employee can then send it to collection. Collection, Ladies and Gentlemen. This is the person that's injured. Now, on top of the injury and having to take care of and recover and take care of all the expenses of being out of work. They now are billed by some health care provider because they can't get an agreement between the insurance company and the health care provider. Ladies and Gentlemen, this is our opportunity for correcting a major flaw in this state workers' compensation system. I say... I rise in strong support and I ask this Body, correct this flaw, make this the sole remedy and keep the injured party out of this in determining who pays. Ladies and Gentlemen, I support this Bill."

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

Yarbrough: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Yarbrough: "Representative, I'm looking at my analysis and... could you tell me who's against this Bill?"

Brunsvold: "The... the Med Society and the hospital organization."

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Yarbrough: "Do you know why they're against the Bill?"

Brunsvold: "They would like more pay for their work on an injury case. For example, the Med Society would like to be paid at the 90th percentile of a cost of a claim instead of at a lower rate. When other hospitals and contracts with employers are working at... in the 70th percentile and at the 80th percentile."

Yarbrough: "Is that the only opposition, the Med Society and the Illinois hospitals?"

Brunsvold: "That's it."

Yarbrough: "Thank you."

Speaker Hartke: "Representative Brunsvold to close."

Brunsvold: "Thank you, Ladies and Gentlemen. We've been meeting with... with a lot of groups. We just talked about the opponents. The proponents, been working with the labor unions and they're supportive. The insurance industry is supportive, the Illinois Manufacturers Association, Retail Merchants and Trial Lawyers have all been meeting also, and been trying to clear this up. And they are in support of House Bill 30. And I would say, let's just end this process of billing the injured person. And let's vote for House Bill 30. We created this system and let's end this flaw right now and pass House Bill 30. Thank you."

Speaker Hartke: "Question is, 'Shall the House pass House Bill 30?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? ... Clerk, take the record. On House Bill 30, there were 62 Members voting 'yes', 46 members voting 'no', and 7 members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On

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Supplemental Calendar #1 appears House Bill 2917.
Conference Committee Report #1. Mr. Daniels. Mr.
Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House.
Referring to Conference Committee Report #1 to House Bill
2917, I move for the adoption of the First Conference
Committee Report. And in so doing, for the record, I would
like to state the following: Following the tabulation of
the 2000 Decennial Census, the Office of the Clerk of the
United States House of Representatives informed the
Governor of Illinois that Illinois is now entitled to only
19 Representatives due to population changes in the 2000
census. Illinois currently has 20 Representatives and
because of the reduction in number of Representatives the
2000 Decennial Census requires reapportionment of the
United States Congressional Districts for the State of
Illinois. Furthermore, because of population shifts during
the 1990s the present Congressional Districts now contain
unequal numbers of people. Based upon the census report,
it is the duty of the General Assembly of the State of
Illinois to enact a Constitutional Reapportionment Plan for
the Illinois Congressional Districts pursuant to the
Constitution of the United States in Section II of the
Voting Rights Act, Chapter 42 USC Section 1971(2). This
plan is intended to comply with the constitutional criteria
established by the Supreme Court of the United States, that
there be fair and effective representation of all citizens
based on the one person, one vote principle of
representation. Accordingly, it achieves precise
mathematical equality of population across Congressional
Districts. The Plan is also intended to comply with
Section II of the Voting Rights Act of 1965, that's Chapter

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42 USC Section 1971(2), with respect to fairness to the voting rights of racial and language minorities. In accordance therewith, the three existing African-American Districts and the one existing Hispanic District have been preserved and reconfigured to achieve population equality, taking into consideration that the total number of districts is being reduced from 20 to 19 and the necessity of preserving the existing minority districts, this plan is intended to locate the new districts to reflect the areas of Illinois where the population has shifted during the 1990s. In so doing, existing district boundaries, relative compactness, communities of interest, and other traditional districting principles have been observed to the extent determined to be appropriate in light of the other factors addressed herein. This Plan is also intended to achieve political fairness. Because of the total number of districts must be reduced from 20 to 19, it is not possible to preserve the existing 50-50 split between the Republican and Democrat incumbents. However, it is the goal of this Plan to provide a framework for a politically fair, projected distribution of Congressional seats across party lines while complying with the requirements of population equality, the voting rights of racial and language minorities, and shifts in population during the 1990s. I move for the adoption of the First Conference Committee Report to House Bill 2917."

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

Cross: "Thank you, Mr. Speaker. If I could ask the Sponsor a few questions?"

Speaker Hartke: "Yes."

Cross: "Representative Daniels, what are the differences in

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criteria for a Congressional redistricting plan versus a state redistricting plan?"

Daniels: "Representative Cross, a Congressional redistricting plan, the first and most important factor is that districts have equal population. Other factors include complying with the Voting Rights Act, political fairness, preserving the continuity of the State's Congressional Delegation, preserving to the extent possible existing district boundaries and contiguity. For a State Representative plan the State Constitution requires that the districts be compact and contiguous and have substantial population equality. The state districts can have more population variation than can Congressional districts."

Cross: "What changes has the 2000 census required in Congressional Districts in Illinois?"

Daniels: "Representative Cross, Illinois has lost a Congressional seat, going from 20 to 19. As a result, each Congressional District must contain approximately 80,000 more people than it did before."

Cross: "What is the ideal population for the new districts and how much deviation is there between districts in the proposed Plan?"

Daniels: "Representative Cross, all 19 districts have the ideal population of 653,457 and there is absolutely no deviation whatsoever."

Cross: "How are minority districts addressed in the map?"

Daniels: "Representative Cross, the plan complies with the requirements of the Voting Rights Act. All three African-American majority districts have been preserved and reconfigured to meet the new population requirements. Likewise, the Hispanic majority district has been preserved and reconfigured to meet the new population requirements."

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Cross: "Please, explain the irregularity in shape of some of the districts in the Plan."

Daniels: "Representative Cross, as I noted before, the requirements for Congressional Districts are different than those for state legislative districts. The United States Supreme Court decisions have recognized that irregularly shaped Congressional Districts can result from a number of reasons and are permissible. In fact, in a recent case involving a North Carolina Congressional District, the Supreme Court approved a very irregularly shaped district that was drawn to achieve political balance. There are a number of sound reasons for the shape of the districts in this proposed Plan. The existing minority majority districts are already irregularly shaped. These districts have been reconfigured to maintain as much of the present districts as possible, while bringing the districts' population to the ideal. Doing so requires irregularly shaped districts. Also, maintaining a politically fair balance of Congressional Districts between the parties and preserving the continuity of the Illinois delegation while at the same time creating districts of precisely equal population requires, Representative Cross, districts that are sometimes of irregular shape. The plan attempts, where it is possible to do so, to recognize traditional district boundaries such as county, township, and municipal lines, however, accommodating the other factors that I have mentioned has required that district lines sometimes run through counties, townships, and municipalities."

Cross: "Thank you. A couple more questions. Where has the population shifted since the 1990 census?"

Daniels: "Representative Cross, the major increase in population has been in the Northeastern portion of the state,

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principally in four Congressional Districts, the 8th, 13th, 14th and 16th districts. The population in those four districts exceeds the ideal by a combined total of more than 250 thousand. The largest shortage from the ideal is in the Southern part of the state. For example, the population in the 12th, 15th, 17th, 19th and 20th Congressional Districts is short of the ideal by a combined total of more than 350 thousand people. There also was a shortfall in the three African-American majority districts."

Cross: "I have one other question, Representative. How does the proposed map address the reduction from 20 seats to 19 seats?"

Daniels: "Well, Representative Cross, reaching the ideal population in every district for a 19 district plan required reconfiguration of each district throughout Illinois. The plan combines three downstate districts where there is a substantial population shortfall from the ideal, as stated earlier, the present 15th, 19th, and 20th district into two districts, which are the proposed 15th and 19th districts. Two other downstate districts with a substantial population shortfall, that is the 12th and the 17th district, were reconfigured to reach the ideal population and retain political balance. The three African-American majority districts were retained and reconfigured and among other reasons to comply with the Voting Rights Act and maintain political balance, districts with populations that exceeded the ideal were reconfigured to reduce the population to the ideal."

Cross: "Thank you, Representative Daniels. And thank you, Mr. Speaker, for the opportunity to ask those questions."

Speaker Hartke: "Further discussion? The Chair recognizes

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Representative Novak, the Gentleman from Kankakee."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't want to ask any questions of the Sponsor. I was at the committee yesterday and I understand. But, I just want to make some comments about this map. As I..."

Speaker Hartke: "To the Bill."

Novak: "Thank you. To the Conference Committee Report. As I understand it, this is our first opportunity and correct me if I'm wrong, in 40 or 50 years that this Body will be voting on a Congressional District map and if that's the case, it's quite a momentous occasion, especially with a map that's drawn in this manner. As a person that lives, I guess somebody can call my district mixed or sort of quasi-suburban, but it's really a downstate district, I live down south of I80. And as a person who represents, to the best of my ability, downstate interests, I think, we're getting the big, long shaft on this one. The problem with this map is that it doesn't even give one of our former colleagues and really, we have two former colleagues just recently that served the peoples' interests in Congress and they're put into the same district, but it doesn't even give the former colleague from Saline County, Representative Dave Phelps, a fighting chance, a fighting chance to compete in a relatively even district. If you examine his district that he's been placed in, it looks as though the odds are almost insurmountable for him just to compete to win in this district. And I understand the figures and the demographics, where the population has shifted, more population in the suburbs, actually the city gained population, the preservation of the minority districts, I understand that. I understand the Voting Rights Act, I understand the laws. I understand the loss

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of population downstate, that's a reality. We're gonna see that probably reflected in the state legislative map when that's unveiled sometime later this year. I understand all those things. But what I don't understand is the fairness. This is an unfair map for Southern and downstate Illinois. It is an unfair map. If there is ever a case of gerrymandering, this is the most pronounced example. And with that, I'll close my remarks and simply ask my colleagues to vote 'no'."

Speaker Hartke: "The Chair recognizes Representative Franks, the Gentleman from McHenry."

Franks: "Thank you, thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Franks: "I studied this over the weekend, this map and I was amazed that we were even considering it. You look at Mark Kirk's district and it's a... he's got a dangling participle which is called Palatine. Gutierrez's district looks like mouse ears. You look at Lane Evans' and it's a C shape. To me, this whole map looks like a bad Rorschach test. Obviously... well, you got... they have their dictionaries, they're okay. Obviously, this map was made for incumbent protection. It's not compact, it's not contiguous. Frankly, I think it's an insult to the intelligence of the voters and to the integrity of our entire system. I believe this map is gerrymandering at its worst and we should not approve of such blatant political boundaries. The only rationale for this map is a bunch of good ol' boys cutting a backroom deal to insure their own jobs. Illinois, I think, has a reputation, unfortunately, for less than aboveboard politics and this map is further evidence. We often talk about integrity and honor in this chamber and this map has neither. I think it would be a

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travesty on the people of the State of Illinois if this map passed. And I'd ask everyone to vote 'no'. Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in opposition to the Conference Committee Report. I voted 'no' on this map in committee yesterday and will continue to do so today. As I have travelled the state, I've seen that while there are huge population shifts, which are clear, the fact is that downstate Illinois's still a vibrant place. They deserve to have the kind of representation they need, they deserve to have the kind of representation they've earned. This map does not accomplish that. The map, as it relates to the Phelps' area, is really not reasonable, it's not fairly drawn. It would have been very easy to put Mr. Phelps in a fair district if the goal was to keep, as close as we could, to a 10-10 split under a 10-9 map, then it would have been easy if that was the goal to create nine safe districts for each side and create a tenth district that was reasonable. A tenth district that either side could win, a tenth district that did not, in advance, determine the balance of power in the Illinois Congressional delegation. So, I do not believe this is a fairly drawn map and I believe that we should take the time to do it appropriately. My friends in Central and Southern Illinois deserve no less."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Franklin, Mr. Forby."

Forby: "Thank you, Mr. Speaker. I stand opposed to this map. Down home, I have Republicans and Democrats have been calling' my office for the last two to three weeks when they've heard about this map. So, I just want to stand up

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for sure and let you know that I oppose this map and I hope everybody down south votes 'no' for this map. Thank you."

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

Garrett: "Thank you, Mr. Speaker. I stand up, also, in opposition to this map for a couple of reasons. The State of Illinois has been labeled as a Democratic state in that, that it went with Clinton in the last, previous election and with Gore in the most recent election. And when you're looking at 19 Congressional seats and you're talking about a delegation, it seems as if the way this map has been drawn, is that it really shows preference to Republican incumbents. One of my concerns is that the Supreme Court, in their last ruling, Sandra Day O'Connor came out and the majority of the Members agreed that maps can be drawn along partisan lines. And if we go along with that kind of premise, we should honor the fact that Illinois has been leaning Democratic and that if we are going to have Congressional representation from the state, we should take these kinds of things into consideration first and foremost before we create a map that clearly just protects incumbents. I live in the 10th Congressional District, in the Northern part of Illinois, and one of the previous speakers alluded to the fact that our map is like a dangling participle and it really is. Part of Waukegan, which is the northern end of the 10th Congressional District in Zion, have been completely excluded and some would say that those are Democratic and also cultural Hispanic precincts. And so I ask my colleagues to think long and hard about how you vote on this particular map because I think what we are doing is voting, if you vote 'yes', counter to the way that most Illinoisans would like

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us to vote. Thank you."

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

Fowler: "Thank you, Mr. Chairman. I, too, rise in very strong opposition to this map. I have lived my whole life in Southern Illinois and at no time can I remember when we were not represented by someone from Southern Illinois. As I look at this map and the way it's colored up, it reminds me, I have a seven-year-old granddaughter who loves to color, but she still has trouble keeping things within the lines and this truly reminds me of something that she has been coloring up herself. We were told that this was gonna be a competitive district, the 19th one would. I think the competition here is like comparing a Little League team playing the New York Yankees. I realize that the State of Illinois is a very large and very diverse state, but I am very much disappointed that we are going to be represented by someone who lives at the far end of this district. Under this map, as it's proposed, if someone in my area wants to see their Congressman and they want to talk to him in person, all it would take would be about a four-hour drive. I think that's truly unfair. I feel like it disenfranchises those people in my part of the state and I firmly believe that this map is not representative of the people currently represented by Congressman Phelps. So, I, too, urge my constituents (sic-colleagues) to vote as I'm going to vote on that and that will be 'no'. Thank you."

Speaker Hartke: "Representative Daniels to close."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This has been an historic process. For the first time in anyone's memory, Republicans and Democrats have worked together to create a Congressional map that respects

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all interests. The Illinois Congressional delegation has upheld its reputation for bipartisan cooperation. In the end, population shifts and the 2000 census numbers determine the placement of these districts. Because Southern Illinois experienced stagnant growth during the last decade, new census data indicate the downstate population cannot support the current number of Congressional Districts. Both sides have made sacrifices during these negotiations. By making tough decisions, the Illinois Congressional delegation placed cooperation above individual interests. Neither party has secured a political or electoral advantage. Let me personally congratulate the Members of the Illinois delegation, 19. Mr. Speaker, Ladies and Gentlemen of the House, 19 Members of the 20 Member delegation from the State of Illinois have approved, support the passage of this Conference Committee Report. And on their behalf and on behalf of the people of Illinois, I ask that the Illinois House adopt First Conference Committee Report to House Bill 2917."

Speaker Hartke: "The question is, 'Shall the House adopt the First Conference Committee Report on House Bill 2917?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Hamos, would you like to vote on this issue? Mr. Clerk, take the record. On this question, there are 89 Members voting 'yes', 27 Members voting 'no', 0 voting 'present'. And the House does adopt the First Conference Committee Report on House Bill 2917. And this Bill, having received the Constitutional Majority, is hereby declared passed. For what reason does the Gentleman from Kane, Representative Schmitz, seek recognition?"

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

Speaker Hartke: "State your point."

Schmitz: "Behind me in the gallery is the Fighting Thunderclouds from H.C. Storm School in Batavia. So, wish them all a warm welcome to Bata... or Springfield."

Speaker Hartke: "Welcome to Springfield, your State Capitol. On page 3 on... no, excuse me. On Concurrence Motions appears House Bill 418. Representative Morrow, on Senate Amendments #1 and 2. ... Morrow."

Morrow: "Thank you... thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur with Senate Amendments 1 and 2 to House Bill 418."

Speaker Hartke: "You've all heard the Gentleman's Motion to nonconcur in Senate Amendments #1 and 2. All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur with Senate Amendments #1 and 2. Mr. Morrow."

Morrow: "Yes, thank you, Mr. Speaker. And I request a Conference Committee."

Speaker Hartke: "And he requests a Conference Committee be appointed. On page 3 on the Calendar appears Senate Bill 188. Representative Biggins. Daniels-Biggins."

Clerk Bolin: "Senate Bill..."

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

Clerk Bolin: "Senate Bill 188, a Bill for an Act with regard to education. Third Reading of this Senate Bill."

Speaker Hartke: "Mr. Biggins, will you please explain the Bill."

Biggins: "Thank you, Mr. Speaker. Be right with you here, pretty soon. I've actually been a fan of Senate Bill 188 for some time. So, I have the good fortune of presenting it here today. This Senate Bill 188, removes the exception

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requiring a public building to be made available for use as a polling place if such use is impossible; provides that if the county board or board of election commissioners chooses a school to be a polling place then the school district must make the school available for use as a polling place, but allows the school district to choose to keep the school open or hold the teachers institute on election day. There are two other House Bills amended into this Bill, one of which was introduced and passed by Representative Bugielski. And requires county clerks and board of election commissioners to furnish updated voter registration information to the State Board of Elections within 10 days of the end of the registration period. And the other was introduced and passed by Representative Scully, a unanimous vote here in the House, which allows judicial retention ballots, in particularly as it affects Cook County, can include up to 80 names and it eliminates the requirement that they all be in capitalized letters. I'd be happy to answer any questions any of the Members may have."

Speaker Hartke: "Is there any discussion on Senate Bill 188? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 188?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 188, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill... Senate Bill 188. Representative Mitchell in the chamber, Jerry Mitchell? ... Clerk, what is the status of Senate Bill 267?"

Clerk Bolin: "... Bill 267 has been read a third time, previously

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and is on the Order of Postponed Consideration."

Speaker Hartke: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I have talked to..."

Speaker Hartke: "Mr. Clerk, read the Bill. Okay. Go ahead, Mr. Mitchell. Sorry."

Mitchell, J.: "I have talked to many of you over the concern with the United States Marine Corps License Plate Bill. And I certainly understand the frustrations felt on the House Floor. There seemed to be several battles going on. I've talked to President Philip. I've explained to him why we're frustrated. I've explained to him why the various license plate Bills that were put together on one Bill and a fee increase at the same time has changed the mood in the House. And I respect that. I've asked him to help in one particular instance, knowing I didn't have time to ask in all of those. But, I've told him that you can't do these kind of things to House Member Bills and expect to be treated in a manner that you expect on the House Floor. He told me that he didn't realize this, take that for what it's worth. He did pledge to help that one individual. And I've pledged to those that I have talked to, to work for the various license plate Bills. I myself have never voted against a special interest license plate because I think they're are good for Illinois. Yeah, they're a little more work for the Secretary of State. But they are good for Illinois and they are good for the various groups. I don't know if this battle is one that we want to continue. I have relayed your concerns to him and he is well aware of what he did. And I pledge to you that I will continue to work through Veto Session for each and every one to get them separated and allow them to have a fair

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hearing. What I'm asking now is that you allow this Bill to go forward for the Marines, their families, their children. And to allow them to establish a scholarship for their particular kids in this instance. I know we get angry and I know we get frustrated. But let's not take it out on a group that have given so much to this country. I leave the decision up to the House. I leave it up to you, my colleagues. And I will respect your decision. If in fact you believe it's a battle that should continue, if you believe that by voting this Bill down, we'll send a strong message to the Senate, I respect that. And I will relay those respect... those decisions to my Senator, to my surrounding Senators, and to the President of the Senate. But if you in fact at this point, agree with me that the Marines themselves had no part in this battle, they only ask, as your groups ask, to allow them to do something for their own, then vote with me. Either way, I will respect you in your decision. Thank you, Mr. Speaker."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I have the greatest respect for the Sponsor of this Bill. I've known him for more... far more years than I have served in this House. He and I were teachers together. Actually, I was a school teacher and he was an administrator back in Danville many, many years ago. A man of great integrity and I respect him a great deal. And I respect the Sponsor of this Bill in the Senate. And I did go over and talk to him a few moments ago and... many of us are perplexed by this Bill and the treatment that some of our Bills that were just as important to our constituents as this Bill is to the constituency of not only

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Representative Mitchell and President Philip, but many of you in this chamber, as well. And I respect that service as I respect the service of my uncle, Bob Trent, who is now totally and permanently disabled as a result of being machine-gunned on the island of Okinawa during World War II. And it would be possible for me to perhaps resurrect the Hospice License Plate Fund Bill by simply sitting down and voting for this Bill. And I may yet. I don't know exactly what I'm going to do. But that would not be fair of me to all of my colleagues who had Bills collapsed into a Senate Bill. You were just as upset and angry and I was. It would not be fair of me to try and cut a deal that involved my idea, not my idea. And that's what makes this such a difficult task. Ideas that are brought to us by constituents, a young lady by the name of Lonnie Dirks, who is the hospice administrator in Iroquois County, brought the idea and an artist's drawing, a drawing that she drew of the hospice license plate. She spends everyday of her life taking care of those people who are terminally ill and dying of cancer, a job that I couldn't handle and I daresay most of us on the floor couldn't handle. I got a letter from her today, I corresponded with her last week, explaining that her concept of the hospice license plate did not survive the legislative process. She is, and I've shared a copy with Representative Mitchell, she's obviously very distraught because she believes just as strongly in her cause as President Philip and Representative Mitchell and others believe in this cause. I don't know what's right. I don't want to pick a fight with the Marine Corps. I've never met a Marine that I could beat in a fight anyway, in any way, shape or form. I have a member of my own family who paid a serious and debilitating injury as

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the result of his service in the Marine Corps during World War II. And it's a dilemma. I don't want to do anything to endanger the Marine Corps plate. But you know, one of the things.... I'll leave you with this thought. One of the things that I think my uncle fought for in World War II and every man and woman who fought in World War II was to give us the right to continue in this experiment of a representative democracy and a chance to have our ideas heard and a chance to have our ideas debated. In other words, the legacy they gave us by their sacrifice was to continue this great experiment that this country has been doing for more than 200 years. And the only frustration that I have at times and I apologize when I express it too emotionally. I believe in that experiment. And all I've ever asked for out of this process is that my Bills be treated fairly, that your Bills be treated fairly, that the Rules be drafted fairly and that all of us have a fair shot at making this experiment of our founding fathers work. And that is a representative democracy where ideas can be debated on their merit and will pass and fail on their merit. My only disappointment in this whole process is I think there were some excellent ideas that were not given a fair chance to live or die on their own merits when the Senate, for whatever reason, decided to collapse so many of these House Bills into one Bill and send it back to us with a fee that nobody had ever heard discussed. I'm not mad at anybody. I'm certainly not mad at my friend Jerry Mitchell. There are times, however, that I'm just very disappointed in the process. And I can't in good conscience sell out my colleagues who feel just as strongly about this issue as I do."

Speaker Hartke: "Further discussion? The Chair recognizes

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Representative Bassi."

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

Speaker Hartke: "Sponsor will yield."

Bassi: "Thank you. Several questions came up along the lines with this particular Bill and I had spoken with Representative Mitchell about this. He had suggested that he had the opportunity to speak with Senator Philip and that only one additional person could be added to this license plate Bill. My concern with this is that we really are part of a representative process. Democracy is something we all work for. Mutual respect is something that is hard earned and ought to be held on to as much as possible. Fair treatment is something that each and everyone of us is entitled to and would like to be accorded. And I don't want to repeat everything that Representative Black had said, but I am interested in why it would be that we couldn't hold all of these license plate Bills. In spite of the fact that Representative Davis got one passed earlier today without the fee increase that the rest of us have been subjected to. It would be interesting at this stage of the game, I'd like to see at least the possibility of holding all these license plate Bills, putting them all in the same bag and putting them in with a fair increase that all of us can deal with. Thank you."

Speaker Hartke: "Representative Mitchell to close."

Mitchell, J.: "Thank you, Mr. Speaker. Just to correct the previous speaker, there was no one else added to this Bill. That was not part of any agreement, whatsoever. I didn't know at the time when I spoke to the President of the Senate how many people are involved. I didn't realize that there were so many Bills that were collapsed and I

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apologize for that. I couldn't do them all. I explained to President Philip why we were upset. Not just one Bill, but all of the Bills. I was given a copy of 11 different license plate Bills that were rolled into one Bill. And I respect the frustration of all of the Representatives that sponsored those Bills because I know you did so out of the goodness of your heart. And I know how much hard work goes into passing a Bill. But what I talked to President Philip about was the fact that you just can't do these things. And I agree 100% with what Representative Bassi said. Now, the difference in the fee is \$2. This one is \$78 plus a \$20 fee, it's \$98 for a license plate and the other is 100. That's immaterial. The fact of the matter is... is that this was done in the Senate, should not have been done. Each of those Bills should have been voted on, up or down according to their merit and I agree with that. And a few in this House still feel that this is the only way to get a message to the Senate, I respect that. I certainly will not hold any grudges. I only speak for the Marines. I only speak for something that I believe in as you believe in your license plate Bills. It's not an issue of life or death, it's an issue of honor and respect. And I feel I've done that for the Corps, for Representative Bost, who's the only other former Marine in this chamber and for all military service men and women in this chamber. And I still respectfully request an 'aye' vote. Thank you, Mr. Speaker."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 267?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. ... all voted who wish? ... all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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question, there are 97 voting 'yes', 5 Members voting 'no', 14 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Hartke: "State your point."

Mitchell, J.: "Ladies and Gentlemen of the House, I want to thank you for that. I appreciate it. And I pledge to you that the Pitt Findlay Hospice Union Members, Illinois Lions Club, Illinois correctional employees, the Gulf Veterans Bill, the paratroopers K-12, park district, coal industry and small business Bills; I will personally meet with President Philip and ask that these be given the same consideration that his Bill was just given. In all fairness, you did him a favor that you didn't have to do. But from the Marines, semper fi and thank you very much."

Speaker Hartke: "Mr. Clerk, Rules Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 30, 2001, reported the same back with the following recommendations: 'direct floor consideration' for a Motion to Table Committee Amendment #1 to Senate Bill 385; 'Motion to Recede' from House Amendment #1 to Senate Bill 1135; 'recommend adoption' of House Amendment #5 to Senate Bill 1234; and 'recommended for adoption' House Amendment #3 to Senate Bill 1285."

Speaker Hartke: "... Joint Resolution 37, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Resolution deals with the problem that exists with the downstate teachers health insurance problem. And the

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proposed 45% increase that CMS is suggesting that be imposed for their health insurance. The Resolution would create a group... individuals, three of which would be from each legislative caucus to take a look at what alternatives would be available. And try to report back to this General Assembly so that we could enact a permanent solution to this problem during the Veto Session. The Amendment which was adopted also provides that this group take a look at the fact that the Chicago Pension Systems is currently receiving less than the statutory requirements as a contribution from the State of Illinois. Those are both important problems that we face. And I would ask that we adopt this Resolution so that we could provide for some opportunities to try to address both of those important problems."

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

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, is HJR 37 an appropriation Bill?"

Hannig: "No, Representative it does not appropriate any money."

Cross: "Does it give any one in the executive branch the authority to spend money?"

Hannig: "No, Representative. It simply would create a group to try to find a permanent solution for a problem that exists."

Cross: "Representative, are you aware of the limits on the amount of the contribution the state can make?"

Hannig: "I'm not certain I understand your question, Representative?"

Cross: "Or the contributions the state can make I assume... or

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I'm asking based on the premiums?"

Hannig: "On... on the... the system is set up so that the State of Illinois makes contributions that are equal to the contributions that the active teachers make. Plus, the state's also made an additional contribution of \$11 million. But, the fundamental problem is that while teachers' salaries go up at 4, 5 % the cost of medication in particular, is going up 20, 25% and the system is out of balance. So, you're either faced with someone finding the additional money or reducing the benefits. And CMS is suggesting that they would use their statutory powers to raise the premiums somewhere around 45%. So, I hope that answers your question."

Cross: "I'm going to defer to someone else on some other questions, Mr. Speaker. Thank you."

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

Black: "Thank you very much, Mr. Speaker. First, a parliamentary inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Pursuant to House Rule 54-4, I move to divide the question on HJR 37 as introduced in the Amendment that was added to the Bill. Our effort to table the Amendment was denied on the basis that our Motion was not... in committee was not timely. If it wasn't timely in committee perhaps the parliamentarian could give me a definition of timeliness. This was amended in the Rules Committee. We would like to divide the question between the original Resolution and the Amendment that was added in the Rules Committee."

Speaker Hartke: "Mr. Black, we'll take it under advisement and we will get to you before we vote on the issue."

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Black: "All right. Let the record reflect I have also filed this request in writing with the Clerk. Will the Speaker... or excuse me, Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "How are the... how are the annuitants' health insurance paid for currently?"

Hannig: "Currently, Representative, the active teachers make a 1/2% contribution on... based on their payroll. The State of Illinois matches that. And the state also sets premiums that generally recovers whatever else is necessary in order to make the system work. Now, the state did make an additional contribution of \$11 million and is continuing to do that... a couple years ago to reflect the fact that we actually increased benefits."

Black: "Are you giving me the way the Illinois Teachers Retirement System... retired teachers insurance is handled or are you giving me the way the Chicago Teachers System handles their retired insurance program?"

Hannig: "Did you... which one did you wish, Representative?"

Black: "Well..."

Hannig: "For the retired teacher downstate..."

Black: ".... there's a difference. How's TRIP? How is the current Teachers Retirement Insurance Program funded?"

Hannig: "The State of Illinois... the active teachers make a contribution to the system equal to 1/2% payroll tax."

Black: "Right."

Hannig: "The State of Illinois matches that contribution and in... and the state also has put an extra \$11 million into the program the last couple of years to reflect some additional benefits that we gave to the retired teachers. The balance is collected from the retired teachers in the form of premiums."

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Black: "What are the limits on the amount of the contribution the state can make?"

Hannig: "I think the statutory requirement is that we... we... that we have to as a bare minimum match the amount that the active teachers make. I'm not certain that there's any prohibition that we go beyond that. I mean, I think we might be free to go beyond that if... it would be the will of the Legislature and the Governor."

Black: "Is the appropriation made on a continuing basis?"

Hannig: "I don't think that there's a continuing appropriation, Representative. It's part of the CMS budget."

Black: "I... let me just admit to you, Representative, I'm a little confused. I think we're confusing TRIP and the way that the Chicago Teachers Retirement System is funded. It would appear to me that the Chicago system is on a continuing appropriation. I may be wrong, I'll defer to your judgement, you've been in the appropriations process for many years. But..."

Hannig: "That's correct as far as the pension language."

Black: "Right. Now, could it not be construed then that this is an attempt to increase the continuing appropriation without actually introducing an appropriation Bill?"

Hannig: "Well, Representative, the continuing appropriation language that I believe applies to all the systems say that if you have less than 90%, the continuing appropriation language becomes applicable. And so, the Chicago system's argument is that by statute they're supposed to receive 20 to 30% of what the downstate increases are, which this year would be about \$18 million. But... but, the state has simply failed to appropriate that and because they're over the 90% funding level the continuing appropriation does not help them."

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Black: "I'll defer to your expertise in the appropriations process. You've done it for many years and quite frankly, philosophically we may agree on occasions. But, you do it very well."

Hannig: "Thank you."

Black: "Can we by the force of a Resolution alter any appropriation process? I mean, I was always under the impression that we could not."

Hannig: "No, Representative, the purpose of the Resolution is to create a study group that will come back to us, hopefully, in the Veto Session. And they will lay out to the Legislature what they think are solutions for both of these problems. It will then be up to us to enact those things."

Black: "The Chicago Teachers Retirement System, CTRS, if memory serves me correctly is funded at a higher level than any of the systems in the State of Illinois. Am I correct in that?"

Hannig: "They have a higher level because they also have a local property tax component."

Black: "What level are they currently at? Are they in the 80th or 90th percentile of funding as to liabilities?"

Hannig: "I know they're over 90% because that's why the continuing approp language does not kick in."

Black: "All right. Staff tells me that they're at 96%, which is far higher than any pension system in the... in the State of Illinois. Now, if that's the case, the language in Committee Amendment #1 would seem to me to try and open a door where that property tax levy, instead of going to the Chicago Teachers Retirement System, which is very adequately funded, would then be diverted to other uses in the Chicago Public School System. Now, I'm not Oliver Stone, I'm not... I'm not a conspiracist, but I've been

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around here long enough that when I read something I see a road map. And it just seems to me that the ultimate... the ultimate task would be to divert that property tax money, which has so enviably funded the Chicago Teachers Retirement System at 96% of liability, to divert some of that money to the day-to-day educational fund expenses of the Chicago Public School System. Do you... do you see that inherent risk that I see?"

Hannig: "Well, Representative, I think the fundamental problem is that... that the underlying statute says that we should provide 20 to 30% contributions to the Chicago system based on what we do to the downstate system. In other words, there was a fairness, a parity, that was set up at one time. And now for whatever reason, we've failed to meet our obligation as a state. And so, they've asked that while we're looking at this problem that exists downstate for our teachers, that we also take a look at the problem that exists with the Chicago system and their pension contributions. And perhaps answer the question, why we are not living up to that obligation."

Black: "For the record, Representative, is it... is it your intent to preempt the contribution limits currently established by this Resol... currently established in lay by this Resolution? Is it your intent to preempt those contribution limits?"

Hannig: "I'm... I don't quite under... the contribution limits on which..."

Black: "From CMS?"

Hannig: "Representative, I'm not certain that a Resolution can bind the Governor or bind CMS. I've been told by them that they could impose whatever they want to anyway, and they may very well do that. But, I think if we pass this

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Resolution we at least give them an alternative and a suggestion that it's the... it's the view of this Body and the Senate that they try to keep that premium at a reasonable level, while we take a serious look at trying to find a permanent solution."

Black: "All right. Thank... thank you very much, Representative. To the Resolution, Mr. Speaker."

Speaker Hartke: "To the Resolution."

Black: "Ladies and Gentlemen of the House, if the definition of a dilemma is trying to choose between two options and neither one of you... neither one is entirely satisfactory to you, we have a classic dilemma here. The Teachers Retirement Insurance Program for the downstate system is in trouble. And one of the reasons it's in trouble was a ruling by the Internal Revenue Service some years ago that because of the low funding level of the Downstate Teachers Retirement System we could no longer subsidize the health insurance premiums for those downstate retired teachers out of interest income and revenue from the fund. That... that started this whole problem. Wasn't a problem of our making, other than we did not adequately fund the Downstate Teachers Retirement System. Now, here's the Chicago Teachers Retirement System that is funded to an actuarially sound level and we've combined these two systems into one Resolution. And I think you're comparing a tangerine with a bowling ball. The downstate system, without the benefit of a clean Resolution, may very well collapse. Some of my teachers who, many of you will dispute this, but I think some of them did an excellent job when I was in school. And some of them are still alive. Their monthly annuity is a pittance. And if this 35 or 40 or 45% premium increase goes through, then my 5th grade teacher who is still alive

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and a remarkable women may very well be looking at insurance costs that will eat up 85% of her monthly annuity, at the very time in her life when she simply cannot be without health insurance. I don't think it's fair. Fairness is in short supply around here lately, I understand that. But this Resolution should have been kept clean, the Amendment was added, quite frankly rammed down the throats of those who will go to the Rules Committee. We were not allowed nor given an attempt to separate the Amendment, that's why I filed the Motion. I don't know what the result of that Motion will be. But we are combining something that I don't think will go back to the chamber on the other side of the aisle, receive the attention it deserves. And it will hurt thousands of teachers who devoted their lives to teaching us, our children, with an insurance premium increase that they simply cannot afford. That's not fair in any sense of the word. It's not a political issue, it's not a regional issue, it's not a Chicago issue. It's an issue of the Illinois Teachers Retirement System and the Retired Teachers Insurance Program. I wish we could just simply deal with that Resolution alone. If we could, I would stand with you, Representative, to do whatever is necessary to look at the Chicago Teachers Retirement System, the envy of the all the systems in the state with their funding level. And if Chicago wants to divert money or change how they fund that program, I'd be more than happy to work with you on that or anybody else who wants to work with it. But I think if we leave here with a 49, 50, whatever it will be, billion dollar budget and ask teachers who taught for 40 years and who are now in their 80's and 90's to absorb a 40% or higher increase in their health insurance program is

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a gross miscarriage of fairness and equity and all that we hold dear in this country. I hope we can get this resolved because you're putting people at risk and that's not what this process should be about."

Speaker Hartke: "Mr. Black, you had a parliamentary inquiry, we are ready to respond."

Parliamentarian Uhe: "Representative Black, on behalf of the Speaker in response to your inquiry, under House Rule 64 in order for a question to be divided there must be more than one point under consideration. There is only one issue before the Body at this time and that is HJR 37, as previously amended. Therefore, the question is not divisible and the Motion is out of order."

Black: "Mr. Parliamentarian, I thank you for... for your indulgence. I... I'm not suprised by the ruling. I will accept your ruling. I again, appeal to the inherent fairness of not only those of you at the podium, but all of you in this chamber. You're endangering people who need our help and who helped us when we were in school. And you're endangering their very future and existence and their ability to pay their medical bills in the twilight of their lives by combining this Resolution. And I wish for once common sense and courtesy would prevail and this Amendment would be stripped from this Resolution."

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

Ryder: "Thank you, Mr. Speaker. Representative Hannig, I support this Resolution. I would have preferred that the Resolution had been in the manner that you originally introduced it. You and I were both Members of a Rules Committee in which unprecedented action was taken, in my opinion, to change this Resolution not for the better.

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Despite that, we have only one choice. And that choice is, do we or do we not vote on it as it now stands. This past Sunday my youngest son graduated from high school and we gathered after the graduation with some of those people that had been important in his life, some retired teachers, some active teachers and his kindergarten teacher who is about to retire. It was an emotional and an... and a pleasant experience for all of the Ryder family. I urge my colleagues to vote in support of this, but more importantly, I urge my colleagues to be diligent in the efforts to seek a Resolution. There is sufficient dollars, according to a recent study, within the Teachers Retirement System to fully fund at the same premium level, until the end of this year, their health program. We have the summer, we have the fall, and we have the Veto Session in order to discuss and to determine an appropriate resolution to this issue. This is, in fact I'm fairly certain, this is the only opportunity we have to make our suggestion as to what we should do for those who have educated ourselves, our family, and our youth. This vote says that we believe that this issue should be solved, not just studied, but solved. And it will take a combination of groups in order to make this happen. I would have preferred, Representative Hannig, to have voted for your original Resolution because it focuses entirely on the issue at hand. The extraneous matter that was added in an unprecedented action in the Rules Committee is unfortunate, but is now the fact of life. I would encourage my colleagues to join in supporting the Resolution as it now is presented. Thank you, Representative Hannig, for calling this Bill... or this Resolution. Thank you, Speaker."

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

Cowlshaw: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Cowlshaw: "I'm sorry, to the Resolution."

Speaker Hartke: "Resolution."

Cowlshaw: "I am still acquainted with a women who is a retired teacher in downstate Illinois who is more than 90 years of age. She was my mother's best friend. And difficult as it is to believe that many, many, many years ago they actually taught things like this in high school, she taught Latin at Wheaton High School. She was a teacher for a very long time and a very... to this day, wise and wonderful woman. It is for people like her that I stand and say to you that I think we will probably all vote for this, we must, but that what has been done to this Resolution is not something of which anyone who had anything to do with it should ever have any reason to be proud. The Downstate Teachers Retirement System is in serious financial constraints in regard to paying the cost for the health insurance for retired downstate teachers. This is not just a small problem. This is a crisis. We are talking about the possibility, according to CMS, of asking these retired people who have given their whole adult lives to educating the next generation of Americans, to pay a 70% increase in the amount it costs them out of their meager pension in order to pay for their health insurance. That is unconscionable. And yet, what started out as a Resolution to address that issue and that issue only, because that issue is the crisis, now includes the Chicago Teachers Retirement System, which is in no financial constraints, whatsoever. Consequently, we started trying, in a way that

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I believe is very reasonable, to address the problem of the increase in costs for downstate teachers' health insurance when they are retired. And somehow it has been incorporated as part of... what is incorporated into that has been the Chicago Teachers System, which apparently without having any crisis at all is simply always eager to find more sources of revenue. Like, why doesn't the state send us more money? I have a feeling that if my mother's best friend were here today and of course her pension is particularly meager because the older these downstate teachers are... the older they grow, the more difficult it is for them to survive on those meager pensions. So, in fact, the Downstate Teachers Retirement System punishes people for growing old, which is another problem with the system. But, Mr. Speaker, one thing I know my mother's best friend would say today, which is the reason why I am compelled to stand and say this, is that it is wrong. She would say it is wrong. And she has taught countless children, probably both in Latin and in English, that it is wrong to take advantage of someone else's misfortune. That is what this Resolution now does. Shame on you."

Speaker Hartke: "Further discussion? Chair recognizes Gentleman from Whiteside, Representative Mitchell, Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I'll try to keep this short. The Retired Teachers came to my office, I guess it's because I'm one of those folks myself and said, we have a crisis. And explained exactly what it was. And I said, 'You know, it's too late for legislation, but we could run a Resolution, in order to explore the problem and to try buy some time.' They thought this was a good idea and a worthy idea, hence we have HJR 37. I went to Representative Currie and I explained to her the situation

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and Barb says, 'You know I think it's time that we take a look at the Chicago teachers as well.' So, let's look at this in a positive standpoint. Number one, there are two issues. They are fully separate and I understand that Representative Hannig wants to keep them separate. But you know we get to crisis in this chamber and in the Senate because we wait until it's a crisis. Maybe it's time to look at the Chicago Teachers Retirement System, maybe there is no problem. But... and that's what will come back to us. But if in fact there is a problem coming I'd sure like to know it before every retired Chicago teacher has to come down and plead for a little help. So, in a positive standpoint I think we can sell this across the chamber. I don't think they're going to turn their backs on teachers no matter where they teach. So, let's pass this unanimously, send it back to Senate and say, do what you know you must do. Thank you, Mr. Speaker."

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

Currie: "Thank you, Speaker and Members of the House. I intend to support this Resolution. I do think we have a responsibility to solve the enormous fiscal problems that the current health insurance costs will create for downstate retired teachers unless we find a new solution. For example, asking the districts to help to pay, finding out if it's possible to establish a new level of state contribution. But I also think it would be a mistake to turn our backs on the problems of an unfair funding system for the teachers in the Chicago Public School System. Today the citizens of Chicago are asked to fund their teacher pensions and yours, as well. There is something wrong with that picture. The statutes say that the share

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that goes to Chicago should reflect 20 to 30% of what we fund in the downstate system. That is a matter of simple equity, simple equity. And today the share we send Chicago is a measly 9%. It is fair to say that the Chicago Pension System is reasonably well funded today. It is well managed and well funded today. But it will not be well man... it will always, of course, be well managed, but not well funded tomorrow. We are looking at a crisis down the road and it is a crisis that should not be left for the people who live in the City of Chicago to solve on their own, anymore than we ask the people of Naperville to solve the problems of pensions and health care insurance for Naperville teachers or Downers Grove teachers or the teachers in Danville and the people of Danville. I think these two issues are well married in House Joint Resolution 37. We are looking at problems of equity and problems of underfunding in two separate systems for which we have some basic responsibility. I am happy to add my 'yes' vote to the adoption of House Joint Resolution 37."

Speaker Hartke: "Representative Hannig to close."

Hannig: "Yes, thank you, Mr. Speaker. I would just ask for a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House adopt House Joint Resolution 37?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk,... Mr. Fowler, would you like to vote? ... Clerk, take the record. On House Joint Resolution 37, there are 117 Members voting 'yes', 0 voting 'no'. And the House does adopt House Joint Resolution 37. Senate Joint Resolution 38, Representative Giles."

Giles: "Mr. Speaker, is that..."

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Speaker Hartke: "28, excuse me."

Giles: "28, thank you. Thank you. Senate Joint Resolution 28 deals with the waivers for the schools, the spring of 2001 mandate waivers. We disapprove about 38 of these waivers, there were over two hundred and something waivers that was asked. This Senate Joint Resolution passed the Senate 53-3. State Board of Education and the Illinois Federation of Teachers strongly support this measure, this Resolution. And I ask for its adoption."

Speaker Hartke: "Is there any discussion? Representative Black. Mr. Black. Okay."

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

Speaker Hartke: "State your inquiry."

Black: "We've... gosh, I've been through this enough times I ought to know the answer. But when I sit as a school board member, once a year on this issue, I always have to be reminded how I vote. If I vote for the Bill, I'm denying all the waivers. Is that correct?"

Speaker Hartke: "Yes, Mr. Black."

Black: "So..."

Speaker Hartke: "A 'yes' vote denies the waiver."

Black: "So, a 'yes' vote denies the waiver. Thank you. I always get confused on that. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Thank you. Representative Giles, on your Motion to deny the waivers, one is from the Antioch School District 117 and it was a request to be excused from giving the Prairie State Achievement Examination. It appears that their reason was sound. Are we denying that just simply because the State Board doesn't want to open up that box of worms, so to speak?"

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Giles: "Representative Black, the Antioch School District came to committee. They made a very compelling argument to consider their waiver request. I think they made a very good argument. I just recently spoke to the Senate Sponsor, Senator Cronin, he agreed that they made a very compelling argument, but they also agreed that they will continue to hear dialogue on this waiver. Over the summer, there's going to be hearings to... and of course, Antioch School District will be at those hearings to continue their argument for their waiver request. I have spoken to Representative Tim Osmond, who's the Sponsor of Antioch School District, of the legislation and we all sort of came to an agreement and we will continue to work towards resolving this waiver Resolution. And of course, they can resubmit this waiver in the fall and we will, hopefully, by that time be able to entertain that waiver."

Black: "And I appreciate that. On the other waiver denial, there were a number of schools districts, I believe there were 32, seeking a waiver from the current 90-day substitute teacher maximum. And I'm a little curious and forgive me 'cause I don't sit on your committee. One of the fastest growing problems in school districts throughout this state is finding sufficient numbers of substitute teachers and because of that, on any given day, there was an article in one of the Chicago papers and I've misplaced it so I can't attribute the figures. But there are a number of classrooms in any given day in this state, who don't even have a teacher. They go to a study hall or they do something else. And many of these districts and some are in Chicago and some are all around the state are seeking to extend the number of days that a substitute teacher can in fact teach. If they showed a definitive need and kids are

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not even being able to meet in a classroom because of no substitute, what would compel us to deny this request?"

Giles: "Representative, I think what we have here is that the... for the substitute certification because the Senate what they did was they passed both Senate Bill 1293 and we passed House Bill 2425 that will address that issue. It will go before the Governor and if that's the case and if the Governor signs that then that will meet the request of us disproving these substitute waivers here."

Black: "Okay. But there is a difference between a fully certified teacher and a substitute certificate, is there not? And I supported both of those Bills, by the way. But generally, they're gonna be retired teachers who are fully certified, who may or may not wanna come back and substitute. My wife just retired. I'm trying to tell her now she can substitute 120 days a year. I didn't really get an answer. She kinda scowled at me. But it would still limit those who are only certified to substitute to a maximum of 90 days, correct?"

Giles: "No. I think it would be to the max of 120 days."

Black: "All right. And then I guess the proverbial and the only other question I have and this has come to us every year that we've been put in this position and that is a physical education waiver. And I know from personal experience how important physical education should be, I... or could be. I should have been participating much more frequently than I have. But as we put more and more curriculum mandates on schools, as the extracurricular activities become more and more available before and after school activities, something has to give. Either we have to lengthen the school day or we have to choose between an extra credit class, say a college rhetoric class that you would take

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before school in the morning or after school in the evening, and I know it's a battle and I don't have the answer on these PE requirements, we see 'em every year. It's a difficult task that you have trying to balance what are often seen as legitimate requests versus the State Board and the School Code. I don't envy you. I wouldn't want to be in this position. I've never been comfortable, quite frankly, voting on this. I always said if I wanted to be on a school board that's what I would have run for. These are difficult issues in the districts that request them. And I do appreciate the work and the energy and the time that you put into this. I know none of these requests are frivolous, but they often put Legislators in a position where we're being asked to vote to deny waiver requests on school districts that if we had to find it on a map we wouldn't even know where they are and if we don't sit on your committee, we don't really know what the basis of the waiver request is. So, I do thank you for the work you've put in on this. It's long, it's tiring and it's, no matter what you do, I'm sure it's thankless."

Giles: "Thank you. Thanks for those comments, Representative."

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

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

Speaker Hartke: "Sponsor will yield."

Osmond: "... for a couple questions? Representative Giles, it's my understanding that there's no way to break off any parts of the Resolution, is there, to treat one school district different? This is gonna be a all or nothing list that we approve?"

Giles: "Representative, I believe that's correct and of course, you know, we in the 12th hour here."

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Osmond: "I understand that and I fully expect that this Resolution will pass and that Antioch's waiver probably is not gonna be granted this year. And I do want to thank you for your efforts in going over with me, inviting me to go with you to Senator Cronin to talk about this issue. For those of you that were on the Education Committee when Antioch came down to present their case, I think you'll agree that they did make a compelling argument and one that had a lot of merit to it. The Senate has set up hearings this summer for the subject of statewide testing. They've invited Antioch and Antioch is going to participate in these hearings. I would just like to address a couple of the points, though, that the Board of Education made in their opinion that their waiver should not be granted. I fully expect that Antioch will submit a request, a waiver, again in November and I just wanted it part of the record for it, with regard to statewide accountability, will disappear. Well, the test that Antioch uses has the ability, it's been drafted by the same people that do the SAT tests in Princeton. This is not a test that Antioch High School devised themselves, but it's one that's nationally recognized and it also will be able to give results of not only how Antioch compares to suburban schools, but statewide schools and for that matter, how they compare with any school in the country. So, I think that the fact that they are asking for exemption of only parts of the test support the contention that they wanna be held accountable. They're talking... the board talks about not fulfilling the Illinois learning standards, but in fact when Antioch came down they showed how the test that they're using, the CPT3, does in fact align with learning standards and they can be measured. When they talk about

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students being disadvantaged I really think that there's so much of a hallow (sic-hollow) argument on this, particularly in the point that they raise that students, if they don't take these tests, will not be eligible for any merit scholarships and academic incentives when the Board of Ed says that they haven't even developed any scholarships. They're talking and said, if we do develop these, then these kids won't be able to receive 'em. Well, they haven't even developed any program, so I don't know how that could be an argument at all. The board raises a very good issue when it says that some kids now, under the program, are able to take an ACT test where they may not have been able to before, but there's nothing in here in the waiver request from Antioch that would prevent the State Board of Ed for paying for anybody's ACT test. So, if it's the desire of this Body to pay for ACT tests, go right ahead and do it. If Antioch is successful in granting or getting a waiver and other schools feel that they have a program that's better than our state test, I say sobeit. The school waivers, as I understand it, is set up by the Body, is allowing the local leadership in their schools to come and present their case and the fact that we have such a program to allow them to waive off, should mean that we should grant good ideas, we should grant them the waivers. I believe that they've... we're right back into business. I don't know why we have a waiver request if we sit here and say, well, if one school does it, we'll have to do it for others. In fact, I would say if one school has proven the case that their program is better, other schools ought to look to those tests because our goal should be to get better testing, it should be more accountability. I know all of us in this chamber have

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received calls from their district on some of the problems with the statewide tests now, whether it be in the additional cost to administer it, whether it be in the accuracy of the test, whether it be in the timing of the subject matter. I just can't understand how the state's gonna get any meaningful data anyways when they compare one school that perhaps taught a subject in junior year, comparing that to schools that don't even teach the same subject matter until senior year and I don't know how in the world they're ever gonna try to assess that part of it. I also don't understand why we should, in today's age, take tests in April and then wait for October to go ahead and get the results. Antioch's tests are quicker. They can get results on it. They can change curriculum. It gives a meaningful information. It's a totally accountable and measurable... I would... I wish that we could ask that Antioch's waiver be granted separately, but not in that, I'm going to be voting against the Resolution because I'm in favor of Antioch's compelling report. And again, I want to thank Representative Giles for his help. And I would look forward to the hearings this summer when Antioch participates in it and I fully expect that they'll be back down here in the fall to ask for another waiver. Thank you very much."

Speaker Hartke: "Further discussion? Chair recognizes Representative Hoeft, the Gentleman from Kane."

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

Speaker Hartke: "Sponsor will yield."

Hoeft: "Are all the PE waivers being denied?"

Giles: "Representative, there's two that is being denied."

Hoeft: "The State Board of Education had said while they were testifying that they believed that these waivers should

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only be for a two-year period in terms of PE. Has that been implemented into this Resolution?"

Giles: "Representative Hoeft, no, that has not been implemented in this Resolution, but I don't think that we knew at that time if we had the authority to limit the actual time."

Hoeft: "Could I actually put that into then the legislative intent of this Bill as to have... one of the real problems with this is the school districts have made commitments on these waivers and we've never audited them. We've never gone back and said, have they done what they promised to do? We just simply extend 'em and extend 'em and extend 'em. The State Board was saying, hey, we gotta stop this practice and we gotta take a look at what was promised and see if it was fulfilled. So, would it be appropriate in legislative intent to say that these waivers are for two years and only for two years until we can review the promises made and to see that they have been fulfilled?"

Giles: "Representative Hoeft, I believe that my response would be, I will continue to work with the State Board of Education to make sure that we can try to work out in which we can have some continuity on the waivers and to make sure that each waiver is heard and to make sure that we get some fairness."

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

Speaker Hartke: "To the Bill."

Hoeft: "Ladies and Gentlemen, everyone has talked about how badly the testing system is in this state and we've had numerous examples of tests that have failed. The results, at times, are considered frivolous, they're meaningless. Antioch comes with a proposal that virtually everyone in the committee said, wow. I mean this is impressive. We were impressed with the quality of the thought, the quality of

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the test, the quality of the leadership there. We aren't gonna get serious in this state about reforming testing until someone stops and says, hey, we've had enough, we've gotta make a change. I would urge everybody in this chamber to vote 'no' on this if you're looking for meaningful change in the testing system of this state. You've heard all the horror stories from your high schools. You've heard all the horror stories from your elementary school. It's gonna continue until someone finally draws the line in the sand and says, no more, no more. And that's what we can do today. We vote 'no' on this, we put a force behind meaningful change in testing. I would ask you please to vote 'no' for this so Antioch can get that waiver. Thank you."

Speaker Hartke: "Representative Giles to close."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen. I would ask that you would adopt this Resolution. I think that, in good faith, we have listened to Antioch School District. I believe that Representative Osmond understand the nature of what we're doing here. Antioch did make a very compelling effort and we will continue to hear and dialogue and talk about Antioch School District over the summer and come back in the fall and hopefully, we'll do the right thing and that's on both sides of the chambers. So, I just simply ask for a favorable adoption of this Resolution. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Senate Joint Resolution 28?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ... Myers, would you care to vote. Mr. Persico. Mr. Persico. Clerk, take the record. On

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this question, there are 84 Members voting 'yes', 33 Members voting 'no'. And the House does adopt Senate Joint Resolution 28. Mr. Clerk, Rules Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 30, 2001, reported the same back with the following recommendations: 'direct floor consideration' for House Amendment #3 to Senate Bill 264 and House Amendment #4 to Senate Bill 385."

Speaker Hartke: "Senate Bill 264, Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 264, the Bill's been read a second time, previously. A Motion to Table Amendment #4 has been approved for consideration, offered by Representative Barbara Flynn Currie."

Speaker Hartke: "Mr. Winkel, is that your Motion? You've heard the Gentleman... Representative Currie moves that the House table Amendment #4. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'aye's have it. And the Amendment is tabled. Further Amendments?"

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

Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Floor Amendment #3 is... has been previously explained to the Body when we considered the... Amendment #4. But Amendment #3 is a trailer Bill. It's for House Bill 1096 which we passed out of the House this last week. It's for the Alternative Learning Opportunities Law. And this would become effective if and only if House Bill 1096 as amended by Senate Amendments #1 and 2 becomes law. Now, this Amendment provides that no

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Alternative Learning Opportunities Program may be established at a facility separate from the regular school setting unless the school district presents information in its district plan that shows that the use of a separate facility is in the educational interests of the participating students. I ask for that... this Amendment be adopted."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to Senate Bill 264?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Floor Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No further Motions. And the note request has been withdrawn."

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

Clerk Bolin: "Senate Bill 264, a Bill for an Act with regard to education. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Winkel."

Winkel: "Mr. Speaker, House Bill 264 is now... excuse me House... the Amendment #3 now becomes the Bill, Senate Bill 264. I ask that it be passed."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 264?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass Senate Bill 264. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 16 on the Calendar appears Senate Bill 1135.

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Representative Turner with a Motion."

Turner, A.: "I wanna table. I'd like to recede from House Amendment #1 to this Bill, Senate Bill 1135."

Speaker Hartke: "You've heard the Gentleman's Motion to Recede from House Amendment #1. Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House recede from House Amendment #1 to Senate Bill 1135?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does recede from House Amendment #1 to Senate Bill 11... Yes, Mr. Turner. Mr. Turner."

Turner, A.: "Mr. Speaker, are we... procedurally, are we doing the right thing? ... Proceed."

Speaker Hartke: "... is hereby declared... Mr. Black, you have a question?"

Black: "All right. Mr. Speaker, I've an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "On a Motion to Recede from the House Amendment, which according to the pop-up was a Committee Amendment to shell the Bill, why do we have to have a Roll Call on a Motion to Recede?"

Speaker Hartke: "Because this is final action."

Black: "Well, we could discuss it for five or ten minutes, so what's your hurry. I..."

Speaker Hartke: "I asked for discussion and no one..."

Black: "Well, I..."

Speaker Hartke: "... declared that..."

Black: "I'm actually trying to get a question in here that's against the House Rules. I thought somehow this Bill had

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been... downstate had been removed from this Bill and I... you went so fast I didn't get a chance to ask it. But if that's true, I'll go over and step on Art Turner's toes."

Speaker Hartke: "Okay."

Black: "And I thank you for this opportunity."

Speaker Hartke: "He would appreciate that. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does recede from House Amendment #1 to Senate Bill 1135. And this Bill, having received the Constitutional Majority, is hereby declared passed. Speaker Madigan in the Chair."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 385?"

Clerk Rossi: "Senate Bill 385 has been read a second time, previously. There is a... been a Motion to Table Committee Amendment #1 to Senate Bill 385 that has been approved for consideration by the Rules Committee."

Speaker Madigan: "Mr. Rutherford moves that Committee Amendment #1 be tabled. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted and Committee Amendment #1 has been tabled. Are there any further Amendments?"

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

Speaker Madigan: "Mr. Rutherford on Amendment #3."

Rutherford: "Thank you, Mr. Speaker. I'd like to withdraw Amendment #3."

Speaker Madigan: "Withdraw Amendment #3. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Chair recognizes Representative Currie on

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Amendment #4."

Currie: "Thank you, Speaker. This Amendment is substantially similar to the earlier ones we've seen. I think it restores law library fee which was inadvertently excluded from the last Amendment. And it clarifies that there's a quirk in the statute so that it doesn't inadvertently raise fees with respect to other units of government. So, I'd be happy to answer your questions and would appreciate your support for this cleanup Amendment."

Speaker Madigan: "Chair recognizes Mr. Black."

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

Speaker Madigan: "State your inquiry."

Black: "The Amendment is not on my system and we do not have a copy. We cannot proceed under the House Rules until we... it's on the system or we have a copy. I would appreciate the Chair's indulgence."

Speaker Madigan: "Are those Rules that could be suspended with 60 votes?"

Black: "I'm sorry, what?"

Speaker Madigan: "Are those Rules that could be suspended by 60 votes?"

Black: "Mr. Speaker, you can suspend any..."

Speaker Madigan: "You may want to look over your left shoulder."

Black: "Mr. Speaker... Mr. Speaker, you can suspend any Rule under the Rule of 60."

Speaker Madigan: "You may want to look over your left shoulder."

Black: "Could we at least have a little time to see if we can rustle up a copy?"

Speaker Madigan: "Absolutely. For certain. Mr. Black, the Clerk advises me that it is on the computer now. ... on Mr. Black."

Black: "It may well be, I just crashed mine, whatever I did."

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I'll take your word for it."

Speaker Madigan: "Mr. Black, the matter's on Second Reading."

Black: "Thank you."

Speaker Madigan: "So, Representative Currie 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 Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Rutherford, did you wish to call the Bill? Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 385, a Bill for an Act concerning counties. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Mr. Speaker, thank you. The underlying Amendment became the Bill and it deals with a number of fees that could be placed in for various county services and at the discretion of the county board."

Speaker Madigan: "Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Novak."

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

Speaker Madigan: "Sponsor yields."

Novak: "Mr. Rutherford, one quick question."

Rutherford: "Sure."

Novak: "One simple answer. Are these fees permissive with respect to the counties they affect?"

Rutherford: "Permissive to the extent that the county board would have to resolve that they be put into place."

Novak: "All right. So, the county board... and we're dealing with counties here right? These are county..."

Rutherford: "That is correct. They would be..."

Novak: "County board would have to adopt a resolution?"

Rutherford: "Or whatever means they go through the county to

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adopt fees."

Novak: "Or an or... a resolution or an ordinance."

Rutherford: "Correct."

Novak: "So, and this applies statewide, correct?"

Rutherford: "That is correct."

Novak: "Okay."

Speaker Madigan: "Mr. Winkel."

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

Speaker Madigan: "Sponsor yields."

Winkel: "Want to ask a question of legislative intent, Representative. I note language on page 10 of the amended Bill that requires local records on the World Wide Web to be viewable without fee or charge. Is it your legislative intent that people viewing these records should be charged a fee for using their own printer to print out a copy or should they be able to print what they view?"

Rutherford: "Thank you, Representative Winkel. My legislative intent with this language is that the people should be able to print out a copy of any record they can view on the World Wide Web. The idea is that recorders should be able to charge a fee to commercial users of high-end services that go beyond what they would normally do as a part of their official duties."

Winkel: "Thank you, Representative."

Rutherford: "You're welcome, Representative."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill."

Speaker Madigan: "Proceed."

Cowlshaw: "It's my understanding that the Illinois State Bar Association is opposed to this legislation and has some very serious concerns which are contained in a document

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which I'm sure many of you have already received. But I would simply like to acknowledge that these are statements from the Illinois State Bar Association memo, but I think they are important. These are filing fees for the court system in Cook, DuPage, and 17 other counties. The memo from the State Bar Association says, 'These increased fees are not earmarked or limited to administration of the civil justice system, but are intended as general revenue measures for each county. Given the substantial fees currently in place, these proposed increases jeopardize access to the courts for both public and private entities.' I would add in my own words, Mr. Speaker, I think this is very bad public policy. I believe the court system should be available to everyone who seeks justice, not just those people who are rich. Thank you."

Speaker Madigan: "Mr. Franks."

Franks: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Franks: "Dan, I wanted to ask... Mary Lou had talked about some of those things. And I wanted to ask you a few of those. Do you know where Cook County and DuPage County rank in... on a nationwide basis for the amount charged for the court costs?"

Rutherford: "No, I do not."

Franks: "We're told, at least the Illinois State Bar Association has told me is that we're about the top in the country right now charging these court fees. And I believe that your Bill would increase these fees about 30%. Is that correct?"

Rutherford: "I... I'm not positive, but I wouldn't dispute that."

Franks: "What I'm worried about because right now I believe like traffic ordinance violation, a court cost, is about \$30."

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And now, under your proposal, it would cost approximately \$90. Is that correct?"

Rutherford: "I'm assuming if you're quoting from something that is documented, I'm assuming it is."

Franks: "That's a problem I have because just getting to the courthouse steps then is punitive. Whether you're found guilty or not, you've already had to pay 90 bucks just to have the chance to talk about it. And that... that worries about me... that worries me. Also, again I see the court appearance fee is going to go to \$50... from \$50 to \$150. Is that correct?"

Rutherford: "If that's where you're quoting from, I would suggest it might be."

Franks: "Okay. Well,..."

Rutherford: "If you could tell me the page on the Bill, I'd be glad to verify it."

Franks: "I believe it's page 71."

Rutherford: "Okay."

Franks: "And what we have, I think, is an 80 page Amendment as a Floor Amendment which is sort of hard to digest, but I..."

Rutherford: "It was sponsored by your Majority Leader. So..."

Franks: "Well, we all make mistakes. But that's page... I think it's page 71."

Rutherford: "Thank you."

Franks: "Where I see the increases. I'll go to the..."

Rutherford: "Maybe since this was the Majority Leader's Amendment we may want to direct our questions to her."

Franks: "Okay. Well, no, I'd rather go to the Bill. Thank you."

Rutherford: "I will... I will pass over to the Sponsor of the Amendment if that's all right?"

Franks: "Okay. I'll just go to the Bill."

Rutherford: "Thank you."

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Franks: "Thank you."

Rutherford: "Thank you."

Franks: "Ladies and Gentlemen, I... this Bill may seem innocuous, but the fact of the matter is what this Bill will effectively do is bar access to the courthouse. For people who have disputes, if you have a dispute with your neighbor and it's a small claims dispute, you're going to have to pay three times more money just to get there. And it's... and the money is not going to be kept in the courthouses. They are using this to feed the general coffers of each county. It is not well-thought-out, it is not good public policy. It'll be disaster for our lower-income citizens. I urge everyone to vote 'no' on this because we will keep people away from the courthouse and we need to keep them... to let them have access to be able to protect their rights. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen, I, too, rise in opposition to this Bill. Those of you who have been here for some years have heard me expound about court costs and court fees many times. We've had many Bills on this floor to increase court fees, I've opposed all of them. Already in the Circuit Court of Cook County we have some of the highest fees in America. And Representative Franks was correct when he said it keeps regular, ordinary citizens out of the courthouse. Courthouses, while cost a lot of money to run, still are public and government institutions. And while we expect people to come in and out of the State Capitol freely to avail themselves of the services and facilities we have here in this building, so too, should we expect people to be able to use the courthouses in Illinois to address their legal issues. This Bill goes far toward

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telling regular, ordinary citizens, 'You aren't welcome here in our courthouse.' I'm a strong supporter of what Cook County does and generally speaking, vote with Cook County on issues that are important to them. But in this particular case, I think these fees are way out of line. And I think we should send them back to the drawing board."

Speaker Madigan: "Mr. Rutherford to close."

Rutherford: "Thank you, Mr. Speaker. I'd highlight the fact that this is permissive that when there are fees to be considered by the various county services that it would require a county board's approval prior to that going into effect. This legislation does not put those fees into effect. I'd appreciate an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Acevedo wish to vote? And Representative Feigenholtz? Clerk shall take the record. On this question, there are 57 'ayes', 53 'noes'. The Chair recognizes Mr. Rutherford."

Rutherford: "Mr. Speaker, thank you. I'd like to request Postponed Consideration."

Speaker Madigan: "Place the Bill on the Order of Postponed Consideration. The House shall come to order. Concerning House Bill 2900, Representative Currie moves to suspend the posting requirements to permit the hearing of the Bill immediately. And that Motion is supported by Representative Cross. Is there leave? Leave is granted. And the posting requirement is suspended relative to House Bill 2900 and Senate Amendment #3 and 4. Mr. Clerk, would you read the schedule."

Clerk Bolin: "The following committees will meet immediately after Session. The Cities & Villages Committee will meet in

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Room 114, the Executive Committee will meet in Room 122-B, the Human Services Committee will meet in Room 115, the Judiciary I-Civil Law Committee will meet in Room D-1, the Registration & Regulation Committee will meet in Room C-1 and the Telecommunications Rewrite Committee will meet in Room 118. At 5:45 or immediately following the Telecommunications Committee, the Environment & Energy Committee will meet in Room 118."

Speaker Madigan: "Ladies and Gentlemen, our plan is to consider one more Bill and then adjourn until 10 a.m. in the morning. Everybody should plan on a long work day tomorrow, because tomorrow will be the last day. ... Everyone could just remain in the chamber because as I said, we're going to call one more matter. Mr. Clerk, Senate Bill 385. What's the status of 385?"

Clerk Bolin: "Senate Bill 385 has been read a third time, previously, and is on the Order of Postponed Consideration."

Speaker Madigan: "Mr. Rutherford for a short explanation."

Rutherford: "Thank you, Mr. Speaker. This is a Bill that would allow counties to authorize certain fees. The same legislative intent that we read previously still holds."

Speaker Madigan: "This matter was debated previously. The matter's on Postponed Consideration, it's now under consideration again. Those in favor of the passage of the Bill will vote 'aye'; those opposed will vote 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 62 'ayes', 48 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we'd like to announce that the Governor is hosting his End of Session Party tonight at the Mansion beginning at 6 o'clock. So,

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he said that he'd very much like to see all of you because you're all so very supportive of his programs. And with that, Representative Currie moves that the House stands adjourned until tomorrow morning at 10 a.m., providing perfunctory time for the Clerk. And with the Motion pending, the Chair recognizes Mr. Black. Mr. Black."

Black: "Mr. Speaker, an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "According to House Rules, are we allowed to have an End of the Session Party when it really isn't the end of the Session? Or do you care to suspend that under Rule 60?"

Speaker Madigan: "With 60 votes?"

Black: "Yes, of course. Well, I will... I'm sure I'll go with you if that's all right. If you don't mind?"

Speaker Madigan: "Okay."

Black: "Thank you."

Speaker Madigan: "Thank you. So, the Motion is that the House stand adjourned until 10 a.m. tomorrow morning, providing perfunctory time for the Clerk. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it; the House does stand adjourned until 10 a.m. tomorrow morning, providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 3628, offered by Representative Black, a Bill for an Act concerning education. First Reading of this House Bill. There being no further business, the House Perfunctory Session stands adjourned."