

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

Speaker Hannig: "The House will come to order. And Mr. Clerk, we need to establish a quorum, so there'll be a Roll Call for Attendance. And once again, your own switches only, please. Rep... Representative Currie, would you like to go through the list of excused Members."

Currie: "I'd be happy to, Speaker. Please let the record show that for this Regular Session of the General Assembly, the House of Representatives, Representatives Acevedo, Rich Bradley, Collins, Delgado, Dunkin, Feigenholtz, Graham, Hamos, Howard, Kelly, Molaro, Morrow, Osterman, Scully and Slone are excused."

Speaker Hannig: "Thank you. And Representative Bost."

Bost: "Thank you... thank you, Mr. Speaker. Let the record reflect that Representatives Biggins, Brady, Meyer, Lindner, Parke, Black, Sommer, Jerry Mitchell, Beaubien, Osmond and Mathias are excused today of this... for this Special Session or this Session as well."

Speaker Hannig: "Okay. And the record will so reflect. Mr. Clerk, would you take the Roll, please. On this question, there are 88 Members answering the Roll Call, a quorum is present. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or joint action Motions was/were referred, action taken on July 12, 2004, reported the same back with the following recommendation/s: 'approve for floor consideration' is Amendment #4 to House Bill 7307. Representative Barbara Flynn Currie, Chairperson

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
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TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

from the Committee on Rules, to which the following legislative measure/s and/or joint action Motions was/were referred, action taken on June (sic-July) 12, 2004, reported the same back with the following recommendation/s: se... for... sent to the Elementary & Secondary Education Committee Senate Bill 1955 Amendment #2."

Speaker Hannig: "Representative Cross is recognized for a Motion."

Cross: "Thank you, Mr. Speaker. I wanted to make sure we were all on the same page. I'd like to move: one, to waive the Calendar requirements existing before us today and second, to waive the one hour notice requirements with respect to Amendment #4 on House Bill 7307 and any other Amendments pending with respect to that Bill."

Speaker Hannig: "So, the Gentleman from Kendall, Representative Cross, has asked that we... that we waive... that the one hour posting requirement for Floor Amendments be waived and that the requirement for a Calendar for Bills and Amendments be waived with... with respect to House Bill 73... 7307."

Cross: "And 4. I think it's Amendment 4 we're talking about."

Speaker Hannig: "Amendment #4."

Cross: "Yes."

Speaker Hannig: "Okay."

Cross: "Correct."

Speaker Hannig: "Is there any discussion? Is there... The Lady from DuPage, Representative Bellock. Okay. Is there any discussion? Is there leave for the Attendance Roll Call?"

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

Leave is granted. And the Motion is adopted. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 7307, a Bill for an Act concerning executive agencies. This Bill's been read a second time, previously. Amendment #1 was approved in committee. Floor Amendment #4, offered by Representative Currie, has been approved for consideration."

Speaker Hannig: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Amendment deals with the structure of the Illinois Health Facilities Board and it is a streamlined version of the Amendment we considered last Friday. The point of this Amendment is to abolish the current membership of that board, to reduce from 9 to 5 the number of members who may sit on that board, to establish staggered terms as currently exists and to make sure that there is some partisan balance on the board. In addition, this Amendment would establish criteria for those individuals to meet. In Friday's version, people were required to have a reasonable knowledge of health planning, health finance and health care. In this version, we have made that requirement in the alternative: health planning, health finance or health care. In addition, there's a requirement that nobody can be appointed to this board nor could anyone continue to serve on the board if the individual, him or herself or a spouse, child or parent, is either a member of the board of directors of the health facility or has a financial interest in said facility, or has a business relationship

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

with such a facility. There's a change also in the ex parte communication rules. Currently they apply, a prohibition on ex parte contact with respect to the substance of a pending application. We would expand that to include impending applications, that is to say an application that is on its way even though it has not yet been filed. And finally, there's a difference between the Friday version and this in that there was some language about interveners. Apparently, that is a legal term of art. That section was removed as was notice requirements with respect to Members of the General Assembly. I'd be happy to answer your questions. I think this is a clean, straightforward version of what, I believe, the Members of this Assembly want to do with respect to the structure of that agency. And I would appreciate your support."

Speaker Hannig: "The Lady from Cook, Representative Currie, moves for the adoption of Floor Amendment #4. And on that question, the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Very briefly, I wanna just say 'thanks' to the other side of the aisle. There was some... somewhat of a bit of confusion on the... the other afternoon with respect to what was included in this... in Amendment 3. And Amendment 4, I think, cleans up those concerns, especially with respect to public hearings that is now deleted with respect to the intervener section of that Amendment 3 that has now been completely deleted and the cleaning up of the qualifications for the board as well as

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

the ex parte communications. I appreciate those on the other side working with us and I think we now have made this a good Amendment. And I think we've addressed the concerns that exist with respect to the Illinois Health Facility Planning Board and are making some much needed change to those members on this board or I should say the new members on the board and how that board operates. So, I would appreciate an 'aye' vote as well. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Davis, Will Davis."

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

Speaker Hannig: "She indicates she'll yield."

Davis, W.: "Representative, I didn't hear, I think, the end of your explanation of the Amendment and I just wanna get some clarification on something. Any applications currently pending before the current board, what happens with those applications right now?"

Currie: "It's my understanding that they will continue under a new board."

Davis, W.: "Under the new board?"

Currie: "Yes."

Davis, W.: "Great. Thank you very much."

Speaker Hannig: "The Gentleman from Peoria, Representative Leitch."

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

Speaker Hannig: "She indicates she'll yield."

Leitch: "Does your Amendment make a provision for a commission or other entity that would lead to the removal of the board

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

through substitution by other legislative means to eliminate the board?"

Currie: "There is a sunset, 2006. And I believe, last week when we discussed this, I suggested it might be a good thing to ask the Health Care & Access Availability Committee to do some hearings on what other states do with respect to the development of health care facilities."

Leitch: "So, that would be your plan?"

Currie: "If it's agreeable to the chairman of that committee and the Minority spokesman."

Leitch: "Thank you."

Speaker Hannig: "The Lady from DuPage, Representative Bellock."

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

Speaker Hannig: "She indicates she'll yield."

Bellock: "I just wanted to go... Thank you for working with us on this Bill, Representative Currie, on your side of the aisle. I just wanted to go back over the one question that we had before that some people were concerned about, that could an individual ask a question pertaining to the procedural steps in the process six months prior to the filing of a complaint?"

Currie: "In fact, there no longer is a reference to six months. The reference is to pending or impending, that is to say, plans that may be underway. But I think the relevant thing here is that is that... is that we are leaving in place the... we are leaving in place current language about the prohib... prohibition against ex parte contact. But if you look at

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

the current definition under Section... Section 4.2(d), I think you'll find it on page 5 of the Amendment, that... that definition already says that communications regarding matters of procedure and practice, such as the format of pleading, et cetera, et cetera, are not considered ex parte communications. Technical re... assistance with respect to an application not intended to influence any decision on the application may be provided by employees to the applicant. Those technical helps, aids, have to be documented in writing, but they are not today prohibited and they would not be under the new language either."

Bellock: "Okay. Great. Thank you. And then the entire section on the consumer intervention was removed?"

Currie: "Yes. As I say, there were some concerns about the meaning... the legal meaning of the term 'intervener' and we thought we would just... just focus on the point of this legislation which is to say we want people serving on this board who do not have the potential for financial conflicts of interest because they have a financial stake in health facilities, the ones they are called upon to regulate."

Bellock: "Okay. Thank you very much."

Speaker Hannig: "Is there any further discussion? Representative Currie to close."

Currie: "Just... Thank you, Speaker, Members of the House. This is a straightforward restructuring. I think it's time to apply the same kind of conflict of interest provisions to this agency which makes multi, multimillion decisions just as we currently do to members of the Illinois Commerce

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

Commission. I'd just... I'd appreciate your support for this Amendment."

Speaker Hannig: "The question is, 'Shall Floor Amendment #4 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

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

Clerk Mahoney: "House Bill 7307, a Bill for an Act concerning executive agencies. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I'd like to compliment Representative Currie and Representative Cross for working together in preparing this Amendment. It's very simple and straightforward. It simply says that the Illinois Health Facilities Board, that is currently constituted, has failed. It should be removed forthwith and it should be done as soon as the Governor signs the Bill and is prepared to completely replace the board. The language in the Amendment and now the Bill provides that there has to be background qualifications before somebody can be appointed to the board plus strong anti conflict of interest legislation so that we can prevent the reoccurrence of what we've seen reported over the last several weeks. I would move for the passage of the Bill."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 7307. Is there any discussion? Then the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

question is, 'Shall House Bill 7307 pass?' All in favor vote 'aye'; opposed 'nay'. 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 88 voting 'yes' and 0 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. Mr. Clerk, do you have any announcements?"

Clerk Mahoney: "The House Executive Committee will meet immediately following Session in Room 118. Tomorrow at 11 a.m. the House Elementary & Secondary Education Committee will meet in Room 114."

Speaker Hannig: "Representative Reitz, for what reason do you rise?"

Reitz: "Purpose of announcement."

Speaker Hannig: "Yes, make your announcement."

Reitz: "I'd just like to let all the Ag Committee know or anyone else who's interested we'll have a meeting with the Ag Leadership Council tomorrow morning, 10:00 in Room D-1. Room D-1, Ag Leadership Council for Ag Committee or anyone else who's interested in attending. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I've already referenced this in my earlier remarks. What we will convene tomorrow at 12 noon for the purpose of another Special Session. So, tomorrow, 12 noon, another Special Session. Thank you."

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

158th Legislative Day

7/12/2004

Speaker Hannig: "Are there any further announcements? Then Rep... Representative Currie moves that the House adjourn to the Regular Session schedule... the Regular Perfunctory Session schedule that has already been distributed to the Members. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted and the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on July 12, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 2791; recommends 'be adopted' Floor Amendment #3 to Senate Bill 1737. The House Perfunctory Session stands adjourned."