

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

62nd Legislative Day

5/27/2009

Speaker Turner: "The hour of 11:00 having come and gone, today, May 27, 2009, the House will be in Session. We shall be led in prayer today by Pastor Craig Miller, who is with the Plainfield Methodist Church in Plainfield, Illinois. Pastor Miller is the guest of Representative Cross. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. Pastor Miller."

Pastor Miller: "Thank you. Let us pray. Gracious and loving God, I give You thanks for those assembled here today as Legislators and public servants, and I thank You for their cultural, social, political diversity and for the.. the host of legislative talents and interests that collectively they bring to this time and to this place. Almighty just and merciful God, it is with a profound sense of privilege and responsibility that this assembly gathers today to undertake the affairs of state for the citizens of Illinois. It is a daunting task, especially in these very difficult times for our nation and for our state. Today, I.. I pray for all who hold public office and who demonstrate civil authority, but especially for this legislative assembly as it seeks to bring order to our society and to implement to those means and measures that secure justice and prosperity within our state borders. Inspire with Your will and purpose and inform with Your wisdom those actions that are taken and the decisions that are made within the walls of this legislative chamber. Instill within the hearts and minds of each Member of this

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Body a profound sense of purpose that would reflect the highest ethical values and virtues that would mirror in every respect Your will for all of Your people. In these economically troubled times, when many people from all walks of life have been seriously affected by financial hardship, the task of building and funding a budget for our state can be an intimidating undertaking, yet, it is one of the most important and difficult charges that this noble Body has had to assume in modern times. As those gathered here to discern and discuss and decide on matters of fiscal responsibility, I ask that You bless them with the ability to do so with as much universal fairness as is possible and with compassion, especially for those who are most vulnerable in our society and for whom service is provided by the state and by municipalities are essential to their well-being and in some cases, even their survival. Just as our personal and family budgets reflect our personal and cultural values, so may the state budget reflect the values that are worthy of Your guidance and Your will for all of us. God, of true righteousness, in a time when the citizenry is demanding higher ethical standards for its public servants, may You bless these who legislate with the high calling to give themselves over to the greater good of those they serve, thus avoiding the temptation to... to cater too extensively to special interests. May we, the people, be a model that is ever so much on their minds and equally, may these who legislate hold the citizenry to a high standard by providing legislation that calls us and calls out the best in all of us. As our nation finds itself in a

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state of conflict in several locations throughout the globe and as many of Illinois's sons and daughters are serving in these foreign lands as civilian public servants and as military personnel and are to be found in harm's way, we pray that You would protect them that they may safely return to their homes and to their loved ones. We pray for those who have given their lives in service of our nation and pray for Your comforting graces upon their families, friends and communities and today we especially remember the former ICC chairman Terry Barnich whose life was tragically cut short in Iraq on Monday. Comfort his family in their time of loss and sorrow. Mindful of the great and indisputable truth that we are all Your children and our need of Your grace, we pray that You will make Yourself and Your divine will known to us so that all that we do will truly be pleasing in Your sight. In humble gratitude for Your divine presence, Oh God, and with attentive hearts, minds and spirits, we do pray these things, Amen."

Speaker Turner: "The Gentleman from Cook, Representative Harris."

Harris - 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 Turner: "Thank you, Pas... Roll Call for Attendance. The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect the excused absence of Representative Collins."

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Speaker Turner: "The Gentleman from Bost, Representative Jackson."

Bost: "The Gentleman from Bost, Representative Jackson. Well, okay, but how about the Rep... the Gentleman from Jackson, Representative Bost there, Mr. Speaker, but that's all right. Representative Shane Cultra is excused on the Republican side of the aisle."

Speaker Turner: "Okay. There are 116 Members answering the call, a quorum is present and we shall proceed with business. The Lady from Lake, Representative Cole, for what reason do you rise?"

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

Speaker Turner: "State your point."

Cole: "Thank you, Mr. Speaker. Today, in the gallery, we have a group of distinguished guests from Lake County. They are Susan Lahr, the Mayor of Lindenhurst; Dominic Marturano, the Lindenhurst Trustee; Dan Venturi, Lake Villa Township Supervisor; Suzi Schmidt, the Lake County Board Chairman; J.R. Halek, the Chief Lake County Rescue; Aaron Bernau, Deputy Chief of the EMS for Lake Villa; Jim Stout, Lake Villa Township Fire Protection District Trustee; Mark Jones, Lieutenant, Lake County... of Lake Villa Rescue and Lisa Whitcomb, a citizen from Lake Villa. They're here to express the urgent need for a hospital in western Lake County. Please join me in welcoming them to Springfield."

Speaker Turner: "Welcome to Springfield. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Flider, Chairperson from the Committee on Electric Generation &

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Commerce, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #2 to Senate Bill 1918. Representative Boland, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is House Joint Resolution 54 and House Resolution 374. Representative Phelps, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted as amended' is Senate Joint Resolution 56; 'recommends be adopted' is Senate Joint Resolution 42 and a Motion to Concur in Senate Amendment 3 to House Bill 182. Representative Osterman, Chairperson from the Committee on Labor, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is House Resolution 375, Senate Joint Resolution 29, and Floor Amendment #2 to Senate Bill 1369. Representative Bradley, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 1833; 'recommends be adopted' is a Motion to Concur with Senate Amendment #1 to House Bill 1142 and a Motion to Concur with

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Senate Amendment #1 to House Bill 3832. Representative Beiser, Chairperson from the Committee on Transportation, Regulation, Roads & Bridges, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #2 to Senate Bill 414, Senate Joint Resolution 51 and a Motion to Concur with Senate Amendment #1 to House Bill 353. Representative Bradley, Chairperson from the Committee on Revenue & Finance, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' is Senate Bill 256, Senate Bill 1623, and Senate Bill 1691. Representative Hamos, Chairperson from the Committee on Mass Transit, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is a Motion to Concur with Senate Amendment #1 to House Bill 2296. Representative D'Amico, Chairperson from the Committee on Vehicles & Safety, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is House Resolution 390, a Motion to Concur with Senate Amendment #1 to House Bill 71 and a Motion to Concur with Senate Amendment #1 to House Bill 72. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same

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back with the following recommendation/s: 'recommends be adopted' House Resolution 322, House Resolution 338, House Resolution 343, House Resolution 351, House Resolution 360 and House Resolution 386, Senate Joint Resolution 19, Floor Amendment #3 to Senate Bill 1906 and a Motion to Concur in Senate Amendment #1 and Senate Amendment #2 to House Bill 853 and a Motion to Concur in Senate Amendment #1 to House Bill 1335. Representative Holbrook, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is a Motion to Concur with Senate Amendments 1 and 2 to House Bill 3854 and a Motion to Concur with Senate Amendments 2 to House Bill 4021 and Senate Joint Resolution 36."

Speaker Turner: "The Lady from Cook, Representative Deborah Graham, for what reason do you rise?"

Graham: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Turner: "State your point."

Graham: "I'd like the Body to help me welcome to the General Assembly today Lilia Drummond and Bob Vondrasek from the South Austin Coalition, a group in the Austin community and right here behind me. Let's welcome them."

Speaker Turner: "Welcome to Springfield. Ladies and Gentlemen, we're going to go to the Order of Second Readings and on page 7 of the Calendar, Representative Beiser, Senate Bill 314. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "Senate Bill 314 has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Beiser, has been approved for consideration."

Speaker Turner: "The Gentleman from Madison, Representative Beiser, on Amendment #3."

Beiser: "Thank you, Mr. Speaker. Senate Bill 314 as amended, is an initiative of the Health Care Council of Illinois and the Ombudsman program. It simply... what we've done, we've been trying to answer the concerns of all the people, and it basically amends the State Finance Act and it amends the Nursing Home Care Act. As far as the... Mr. Speaker, at this time, could I pull this from the record?"

Speaker Turner: "The Gentleman asks leave to take the Bill from the record. Representative Brady. Representative Nekritz. Representative Brady on Senate Bill 1556. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1556 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. On the Order of Third Readings, we have Senate Bill 2091. Representative Mautino. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2091, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm very happy to say that we're bringing today in

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a Bill which will allow the regulation of viatical settlements. This deals with the issue of stranger-owned life insurance. Over the past three years, we've been trying to institute a way to regulate an industry that has been growing and has had no regulation, provide for consumer protections, and this Bill is the culmination of joint work between the House and the Senate. The viatical settlement industry as well as the life insurance industry and this morning we received agreed legislative intent language that, for the record, I'd like to go ahead and put into the... put into the record and that will hold our agreements in place. And for that, I'd ask that the Chair call on Representative Watson."

Speaker Turner: "The Gentleman from Morgan, Representative Watson."

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

Speaker Turner: "Indicates he will."

Watson: "Frank, first, thanks for the work that you've done in trying to pull this together. Just a couple of questions for clarification. There is a sentence in there that reads, 'STOLI arrangements do not include lawful viatical settlement contracts as permitted by this Act'. And we've had some calls, people expressed concern that this sentence may... may have unintended consequences. Can you elaborate on your intent?"

Mautino: "STOLI is a dangerous practice and it preys on our aging population, and this Bill prohibits stranger-owned life insurance practices without exception. As the principal Sponsor of the legislation, allow me to express

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my intent and clarify that all STOLI acts, practices and arrangements are illegal and contrary to the public policy of this great state. The sentence merely confirms that lawful viatical settlements are now statutorily defined transactions. Any interpretation of the sentence would narrow the definition of STOLI and allow for STOLI transactions, as we explicitly prohibit, would be contrary to the letter, spirit, and intent of the legislation. The Act clarifies that this settlement of insurance policies that, among other factors, were originally purchased with the requisite insurable interest and for the purpose of policy ownership are not to be considered illegal STOLI arrangements. Also, the Act clarifies that all STOLI practices or efforts to circumvent the prohibition against STOLI will be subject to harsh penalties, including financial, criminal and regulatory action."

Watson: "Thank you. One final question, Frank, if you... if I may. Section 105 excludes certain unconventional insurance transactions. Can you explain the intent and purpose of that Section?"

Mautino: "As a state, we're acting to prohibit stranger-owned life insurance and to regulate lawful viatical settlement transactions. During the course of our drafting, we learned of a business practice that is described does not appear to be either STOLI or lawful viatical settlement transactions. As described in committee testimony, the life insurance policies in these transactions are not sold to a third party and premium lender intends and benefits from the policy owner living as opposed to dying, which is

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the practice in STOLI. Assuming this to be true, we developed an approach that accommodates this practice but does not exclude it from regulation. In fact, to be eligible for treatment pursuant to Section 105, the person or individual, an entity seeking such treatment must provide written notice to the director of the department explaining that that person engages in a business practice as outlined in this Section. To the extent that the individual or entity receives treatment pursuant to Section 105 and is later found to have engaged in stranger-owned life insurance or have been engaged in transactions involving third-party premium financing with the plan to sell the policy, then the director is explicitly empowered to take disciplinary actions, including license revocation, and criminal and monetary penalties as provided throughout the Insurance Code. Then that is... that is my intent with Section 105. I appreciate your work, Representative Osmond's work and the 20 people that we had in the room throughout the past three years. I also thank Senator Haine and Senate President Cullerton for their work. With this Act in its place, we'll be able to regulate an industry that was not regulated in the past and provide safety for our seniors and our consumers."

Watson: "Thank you, Frank, and thanks for the... the explanation. It's crystal clear now."

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

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

Speaker Turner: "Indicates he will."

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Fritchey: "Representative, greetings. I'm not sure if I'm more or less confused after hearing the legislative intent read into the record. Let... let me try this this way in a very simplistic manner. Is it your understanding and intention that an insurance carrier would not deny coverage of any policy that is entered into that's in... otherwise in full accord with the provisions of this statute... of this legislation?"

Mautino: "Under the... under the provisions of this Act, the settlements and viatical settlements have a legitimate place in there and so, there would be no denials allowed, so long as they followed the Act which is a model Act."

Fritchey: "And that's what I'm trying to get at. You know, I want to commend you, not just on the inordinate amount of time you put into this issue, but the work and attention that you've given the issue, the stakeholders, et cetera. It's easy, especially for people that don't specialize in this area, to get lost in the semantics or the nuances here and to try to cut through that to whatever extent that I can, though. So long as a policy is entered into that is otherwise in full compliance with the provisions of this legislation, there would not be a grounds to deny that policy. Is that correct?"

Mautino: "Correct. As long as they do that, that is exactly correct."

Fritchey: "Thank you very much. I appreciate it."

Speaker Turner: "The Lady from Lake, Representative Osmond, for what reason do you rise?"

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

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Speaker Turner: "Indicates he will."

Osmond: "Representative, just to make sure that everyone understands. This particular type of insurance, when it was unregulated, preyed on the senior citizens. Is the safeguards in place for... for their action on this type of policy?"

Mautino: "Yes, as a matter of fact, it started as one of the National Association of Insurance Commissioners' model Bills as well as the NCOIL, Conference of Insurance Legislators, it's a blending of those two Bills and it's designed to stop the practice where people would be essentially wagering on the death and profiting by the death of an individual. We will stop that. The Attorney General has put in some great consumer protections within the Bill, and the bulk of the industries now have agreed to be regulated. No one wants to see that practice."

Osmond: "Thank you. To the Bill. This Bill has been worked on, as Representative Mautino said, for the last two years. Numerous people have weighed in to make certain that all areas of this were going to be regulated for the right reasons. And I stand in support of this Bill."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 2091?' 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? Harris, Hoffman. The Clerk shall take the record. On this question, there 115 voting 'aye', 1 voting 'no', 0 'presents'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Committee Report for the Committee on Executive. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is a Motion to Concur in Senate Amendment #1 to House Bill 2425; 'do pass as amended Short Debate' is Senate Bill 52, Senate Bill 262, Senate Bill 265, Senate Bill 321, Senate Bill 451, Senate Bill 1609, Senate Bill 1825, Senate Bill 1846, Senate Bill 1959, Senate Bill 2052, Senate Bill 1433, Senate Bill 1434, Senate Bill 1466, Senate Bill 2168 and Senate Bill 2218."

Speaker Turner: "On page 11 of the Calendar, under Senate Bills-Second Reading, we have Senate Bill 1925. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1925's been read a second time, previously. Floor Amendment #1, offered by Representative Rita, has been approved for consideration."

Speaker Turner: "The Gentleman from Cook, Representative Rita on Amendment #1."

Rita: "Thank you, Mr. Speaker. I move the adoption of Floor Amendment #1. We could either discuss this now and take questions now or when it comes to Third Reading."

Speaker Turner: "Gentleman moves..."

Rita: "It deals with the License Landscape Architects Act.. Title Act."

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Speaker Turner: "The Gentleman moves for the adoption of Floor Amendment #1 to Senate Bill 1925. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

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

Speaker Turner: "Third Reading. Representative Currie. On the Order of Third Readings, page 3 of the Calendar, we have Senate Bill 367. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 367, a Bill for an Act concerning State Government. Third Reading."

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

Clerk Mahoney: "Thank you, Speaker and Members of the House. This measure is intended to fix the problem that was created when we created, by Executive Order, a new health care program for people who earned between 185 and a larger percent of poverty. What this measure does is just grandfather in the bills that were incurred by those individuals during the... during that time and will retain health care opportunities for those people as long as they continue to meet an income level that is above 185 percent of federal poverty and less than 400 percent of federal poverty. I would be happy to answer your questions, and I'd appreciate your support for this cleanup measure."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 367?' 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? The Clerk shall take the record. On this question,

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there are 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Burns on House Bill 1289. Read the Bill, Mr. Clerk. Senate Bill 1289."

Clerk Mahoney: "Senate Bill 1289, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Cook, Representative Burns."

Burns: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I present Senate Bill 1289. It... as amended by Amendment #5, Senate Bill 1289 creates a process by which law enforcement officials, courts, and other participants in our criminal justice system can identify nonviolent offenders who pose no risk to the community, creating an assessment tool to find those folks and to create an incentive program for counties to sentence nonviolent offenders, who are assessed as not being a threat, to community-based and local-based alternatives to incarceration. There's no immediate fiscal impact from this Bill. No county has to participate in the program unless it chooses to do so. I'm proud to announce to the floor that the Cook County State's Attorney's Office is a proponent of this legislation. The State's Attorneys Association of Illinois is a... neutral. And I've worked hard with a number of my colleagues on the other side of the aisle to come up with a Bill that will reduce the state's long-term fiscal cost while finding a smart way to

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deal with crime. I look forward to answering any questions and would appreciate an 'aye' vote."

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

Nekritz: "Thank you, Mr. Speaker. To the Bill. I had the great privilege of chairing the subcommittee on post-discharge community services for employment of persons of criminal records task force which did... the entire task force was chaired by Representative Howard. And it was very eye-opening for me to learn about the issues related to nonviolent offenders and how we could more efficiently use our resources in this state in order to maintain public safety and create lasting change in the communities that have been... that have been racked by crime. Representative Burns's Bill is an excellent step forward in this regard, and I think it's really critical for the state, especially with the fiscal issues that we're having to be looking at alternatives to incarceration and how we can best utilize the resources that we have. So, I'd urge an 'aye' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 1289?' 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? Jakobsson, Harris. The Clerk shall take the record. On this question, there are 98 voting 'aye', 18 voting 'no', and 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Dugan, we have Senate Bill 1682. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "Senate Bill 1682, a Bill for an Act concerning State Government. Third Reading."

Speaker Turner: "The Lady from Kankakee, Representative Dugan."

Dugan: "Thank you, Speaker, Members of the House. Senate Bill 1682 addresses an issue concerning the Preneed Funeral and Burials Act. This is an initiative of Comptroller Hynes that seeks to address the most important issue right now regarding the regulation of how funeral preneed funds are invested. It receives the support from AARP, Citizen Action, the Secretary of State's Office, and the Department of Financial and Professional Regulation. The most important change is that it now requires that every dollar of consumer preneed trust funds be placed with an independent trustee that is a corporate fiduciary. The Amendment requires the independent trustee to provide annual notice and in... there's... probably the main thing about this particular Bill is to address an issue that I think all of us have heard about as far as the preneed funeral expenses and what happened with the trust fund where millions of dollars of consumers' money was put at risk. And so, this addresses that part of the situation and Comptroller Hynes and myself believe this is something that needs to be addressed immediately. And so, I certainly stand to answer any questions and would like an 'aye' vote."

Speaker Turner: "The Gentleman from McLean, Representative Brady, for what reason do you rise?"

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

Speaker Turner: "Indicates she will."

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Brady: "Representative, good morning."

Dugan: "Fine."

Brady: "I understand you've entered the field of mortuary sciences here."

Dugan: "I suppose."

Brady: "Okay. Sometime ago when this Bill was in committee, I had asked you if you would consider holding the Bill until such time that a task force, which you voted for and I believe everyone in the House voted for, which is House Resolution 177 which is referred to as the Preneed Funeral and Cemetery Task Force, had time to do their job which was to conduct hearings and report back to the General Assembly. I asked you at that time if you would consider, as well as the Comptroller, would consider holding this Bill until that task force had the opportunity to do the job that the Illinois General Assembly asked them to do. Have you, by any chance, changed your mind on that?"

Dugan: "No, I have not, Representative. As I... I think had it said in committee, I believe that this part to take the... and to protect the consumers' money immediately, the task force which certainly I am a supporter of and would be glad to certainly work with you on some of the other issues, but as I said in committee, I think to get the consumers' money protected before the December 31, which is the date the task force should give recommendations, is something that I don't think is in the best interests of the consumers and that's why I want to at least address that part of the preneed funeral issue now."

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Brady: "So, if I understand correctly, you believe piecemealing this is the best approach and that we shouldn't wait for a charge from the Illinois General Assembly to have a task force to do its work which the task force has an even number of Republicans and Democrats from the House. It has regulatory agencies from the Department of Insurance representative, it has Professional Regulation representative, and specifically has two representatives from the Comptroller's Office per the Comptroller's request: one from the office and one from the burial and trust fund side of things. And also, we inserted specific language per the Comptroller's request for the Resolution itself. So, you're saying that this particular piece of legislation should supersede that, and we'll have a more comprehensive approach to the consumer and to the funeral homes that are caught in this mess in the State of Illinois. I just want to make sure I understand you correctly, right? I don't want to put words in your mouth, but it sounds to me that's what you're saying."

Dugan: "Well, Representative, and I certainly respect that. I believe that the task force certainly is something that needs to look into the big picture, but I think what the concern is right now is we are talking literally millions of dollars of consumer preneed funeral funds that unfortunately were mismanaged, and it caused an issue that I believe that we need to take that part of this and put it into... right now, I think it needs to be addressed by making sure that their funds are held, as a corporate fiduciary and under the scope in appropriate regulatory bodies. I

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don't believe, with the millions of dollars of consumers' money, that we can wait until December 31 for the full task force recommendations on other things that we may need to look at. This, I believe, is too important to put off until December 31."

Brady: "Representative, I certainly have great respect for you and for Comptroller Hynes and his staff members, even though we have a difference of opinion here. Have you talked to any funeral homes in your district regarding this legislation?"

Dugan: "I've had a couple of calls from my funeral homes as far as the concerns of what happened with the trust fund and the fact of the money that has seemed to have some issues. So, those are the conversations that I've had with my funeral homes because of the concern of what was happening with the money which, again, is why I believe we have to get... I have consumers that have called me that, unfortunately, have kind of been involved in this, too because it's consumers that pay the preneed expenses. So, again, I've talked to some, there's certainly concerns as to what happened to the trust fund and so, I believe, that many think that this is at least the action to address the immediate issue."

Brady: "Representative, again, I'm not going to belabor the point with you, but I do have one other... one other question and then maybe a comment. First, maybe the comment, if you would allow me and that is that this legislation doesn't do anything for the present situation that the Illinois Funeral Directors or National Prearrangement Services and

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Life Insurance, all the consumers find themselves in because it is the funeral homes that are left to deliver guaranteed services. So, the families are not out. It is the actual funeral home establishment that has lost thousands and millions of dollars and will continue to because of the problems at the Illinois Funeral Directors Association. Do we agree on that much?"

Dugan: "And certainly that's true, Representative, and if they lose out, then I believe that you can also make the argument that the consumer's going to lose out."

Brady: "Well, the consumer would lose out if their services weren't provided for, but I have not heard of one firm in Illinois that has not provided guaranteed or nonguaranteed services to a family at this point. But I do have one question. How... how does this Bill affect the funeral homes that have been harmed by the present trust problems that have now sought out local financial institutions and have began to trust preneed money with them?"

Dugan: "Representative, are you asking me as far as this... if they have money in a particular local bank and then they have to go to a corporate fiduciary? Is that the question?"

Brady: "The question is, how does this affect, at what cap, how do this affect the funeral homes that have now gone off in a different direction to say, I've had these problems, not my fault, I'm going through a federally-insured financial institution. I've been setting up accounts, and now we're going to change the protocol of which they can do that in

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Illinois, potentially from this Bill. My question to you is, how does that affect them?"

Speaker Turner: "Representative, bring your remarks to a close. You can answer, Representative Dugan."

Dugan: "Yes, Representative, just to answer your question, they will just have to make sure it's with a corporate fiduciary as far as from this particular Bill."

Brady: "But... but my point is, they're going to have to change accounts, they're going to have to change things, and we're not going to wait for the task force to do its work. Thank you, Representative. And certainly, I know this is not your field; this happens to be my field, and I have a particular interest and passion in it, for what's been done here and for the wrongs that have been committed. I just simply have a different way of, I think, we could approach it for the benefit of the consumer and really have a comprehensive repro... approach. To the Bill, Mr. Speaker."

Speaker Turner: "No, you ran out of time."

Brady: "Okay."

Speaker Turner: "The Gentleman from Morgan, Representative Watson, for what reason do you rise?"

Watson: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Brady."

Speaker Turner: "Representative Brady, you're back in business."

Brady: "Thank you, Mr. Speaker."

Speaker Turner: "Turn him on."

Brady: "To the Bill, Ladies and Gentlemen. This has been a mess for the funeral directors across this state and quite

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frankly, of no doing of theirs. Their association in a variety of different reasons, enough blame to go around between the Illinois Funeral Directors, investors, the Comptroller's Office. The problems, as I said, the deficit in the trust is a problem the funeral directors inherited. What we know for sure is that the funeral homes across the state in your and my districts continue to provide a guaranteed service for families in their time of need and the funeral home takes the financial loss because of this problem. Who's licensing the IFD to operate a trust? Well, it goes back to the Comptroller Burris, now Senator Burris and up until recently, Comptroller Hynes. How does something of this magnitude occur and not be caught in audits? Well, that'd be a great question for the task force. Let me read to you a letter written by Percy Lucina from the director... director of cemetery care and burial trust division of the Comptroller's Office. On September 21 of 2007, she wrote, 'after thorough review, the IOC, the Illinois Office of the Comptroller, has determined that the Illinois Funeral Burial Funds Act provides no authority for the Illinois Office of the Comptroller to license the trust for entrustment of preneed contract funds.' Basically, in layman's terms, we don't know how this happened. We never should have been licensing in the first place, and we're jumping off the Titanic now. The Bill does nothing to cut to the fundamental core of who's selling preneed funeral and burial-related products in our state; how they're selling it, if they are licensed, how they are licensed, do they have continuing education like other professions we

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license. This Bill does nothing to address our mess in prearranged funeral and burial services in merchandise fronted by insurance in the state, which is in a huge illegal mess with national prearranged services who again have left hundreds if not thousands of funeral homes on the hook again for losses, not the families, the funeral homes. This Bill does nothing to address the needed change of the percent of trust that funeral home and cemeteries may keep on hand for operation. No, those issues and other issues are where true reform lies and are needed for consumer protection. I began to draft legislation a year and a half ago. I tried to work with the Illinois Funeral Directors and the Illinois Cemetery and Funeral Home Association. They didn't like my legislation 'cause it cut too much to the core. In fact, the Illinois Cemetery and Funeral Home Association walked the halls of this Capitol with a flyer like this, Ladies and Gentlemen, purposely deceiving you to mislead you so you would not understand the magnitude of this problem. They conducted themselves like that around the halls, imagine, under the director of Mr. Steve Morrill, what they tell grandma and grandpa at their kitchen table to get them to sign on the dotted line. We tried to work with the individuals involved and bring real reform. I simply would ask the Members of the General Assembly to do what you voted all to do and that was to allow the task force to do its work. My legislation was shelved. My legislation was not needed, but this particular legislation gets to see debate on the House Floor for a variety of different reasons, most political.

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I simply ask you, Ladies and Gentlemen of the House, if you think it's an issue you don't know much about and you think it's something that I have some knowledge in and you have trust in me, I would simply ask you to do what we did here in Senate Bill 1920 on May 22, when a debate came up between the mobile home and landlord industry. You voted 115 to 0 to let that task force do its work. Let the task force do its job, the job you've empowered it to do for the people we all represent. Ladies and Gentlemen, I'll be voting 'no', and I ask for a 'no' vote so we can let the task force do its work and represent the people of Illinois and have comprehensive reform in this industry. Thank you very much, Mr. Speaker."

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

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

Speaker Turner: "She indicates she will."

Davis, M.: "Okay. First of all, Representative Dugan, I believe this legislation was prepared based upon some... what some may call consumer fraud. Is that correct?"

Dugan: "Yes, you could call it that, I guess."

Davis, M.: "This legislation was developed in order to protect consumers who were purchasing preneed burial or funeral expenses, and it appears that there were lots of loopholes in these regulations that did exist. The Comptroller of the State of Illinois is the responsible person over funeral homes and the behavior of funeral parlor and directors. Is that correct?"

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Dugan: "Yes. I think, Representative, one of the issues is the fact of the oversight and the regulation and unfortunately, because that wasn't there, there was some, certainly, I believe it's being classified as mismanagement of the funds from the funeral homes that, of course, consumers had paid them for preneed... preneed funeral arrangements."

Davis, M.: "So, if I owned a funeral home, I wouldn't like this Bill would I?"

Dugan: "No, I..."

Davis, M.: "If I owned a funeral home..."

Dugan: "No..."

Davis, M.: "...would I like this Bill or would I be trying to kill it, because I have been doing things that obviously were harming consumers."

Dugan: "Well, and Representative, I don't want to speak on behalf of the funeral directors, but I can say to you that they did not come with opposition to my Bill. I believe that... that many know that with what happened with the trust fund of the preneeds money that something needs to be done quickly, just to make sure that it does not happen in the future and to have some protection for the consumers."

Davis, M.: "Thank you for your answers. First of all, I know that the AARP supports this Bill, the Secretary of State supports this Bill, the Department of Financial Institutions support this Bill because we are... we're living in a time in which people are placing their trust in many organizations or operations. And if the Comptroller of the State of Illinois is responsible to protect those investments that our people are making, then I think this

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Bill does a great job to advance that. I believe that one of the most important portions of this Bill states that... well, it requires that the trustees comply with the trust and trustees Act concerning the investment and management of trust funds. I think it's in the best interests of the public to have their annual statements sent to the consumers. I think it's in the best interests of the consumer that an explanation of that purchaser's right to a refund be available. I think it's in the best interests of the consumer to identify who the primary regulators of the trust are and also, provide information if a life insurance policy has been purchased and so forth. I believe, Mr. Speaker, this is a great piece of legislation to protect consumers and protect them at a time in which many of them are at their lowest point. People usually purchase these kind of things after a great loss, and I really have to commend the Comptroller for coming forward on such a timely basis and giving us an opportunity to give some real protection to those who are in need of funeral parlor services. Thank you, Madam Spea... Madam Representative and Mr. Speaker. Thank you."

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

Rita: "Will the Sponsor yield?"

Speaker Turner: "Indicates she will."

Rita: "Representative, what are we addressing in this legislation? Can you point out a few things that we are addressing in this?"

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Dugan: "Well, the most important change is that it now requires that every dollar of consumer preneed trust funds be placed with an independent trustee that's a corporate fiduciary. And what this does is it then... we know that the funds will be regulated in the appropriate state and federal level regulator. The independent trustees must abide by the Prudent Investor Rule, so that's a national standard. And it also requires that the independent trustees continue to make the consumer aware of, you know, the status of their money and so on and so forth. So, I think, that's the two most important things that this is trying to address to put into place right now with preneed funeral money."

Rita: "And there was many issues that were brought up in this debate so far, but these issues need to be addressed now. Is that correct?"

Dugan: "This is the... Comptroller Hynes... we believe that this is the most pressing issue to make sure that the dollars are in... invested and put into products that are regulated. There certainly are other issues and reforms that may need to take place, but the task force that was spoken about before needs to still be part of it and other reforms may come, but to say that we want to wait until the end of this year to protect the consumers' money, that's what this action does. We believe that it needs to be taken care of immediately, and then other reforms can certainly come forward from the task force, but protecting the consumers' money now and have it under regulatory control is something that we cannot put off. Millions of dollars were mismanaged of the consumers' money, and we need to make

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sure that it doesn't happen again and this is just one thing and it's the most pressing issue the Comptroller feels to be addressed right now."

Rita: "So, by addressing these issues now, allowing the task force to do its job and bring... bring forth some other changes after they finish, we could address them other issues, what the task force does, correct?"

Dugan: "That is correct, Representative, in fact, I have even offered to sit on that task force so that we can make sure any other concerns certainly are looked at from the task force and come back with a recommendation by the end of... I think it's December 31."

Rita: "To the Bill. I'm asking for a 'yes' vote in this. I'm going to be supporting this measure so that we can address this... these issues now that are pressing that has been brought up and to allow that task force to go into them other issues that were brought up in this debate. Thank you."

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

Rose: "To the Bill, Mr. Speaker. With all due respect to the Sponsor and I do respect the Sponsor. Representative Brady's... has done this. He's been a coroner; he's been a funeral director. And if Representative Brady says that we need to let the other process run its course, then we need to let the other process run its course. And again, I... with all respect to the Sponsor, I think in this entire Body, Representative Brady's the only person who's probably ever picked up someone who's just passed on, as a coroner

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and also as a funeral director. And if he says this is not the way to go, I quite frankly think we all ought to respect Representative Brady's judgments on this and vote 'no'. And with that I'd... I'd ask for a verification, Mr. Speaker."

Speaker Turner: "Your request will be noted. The Gentleman from Cook, Representative McCarthy, for what reason do you rise?"

McCarthy: "Thank... thank you, Mr. Speaker. I move the previous question."

Speaker Turner: "The Gentleman has asked that we move the previous question. All those in favor of moving the previous question say 'aye'; all those opposed say 'no'. We will continue with the debate. The Gent... the Gentleman from Bond, Representative Stephens, for what reason do you rise? The Gentleman from Cook, Representative Durkin, for what reason do you rise?"

Durkin: "Will the Sponsor yield?"

Speaker Turner: "Indicates she will."

Durkin: "Representative, I understand that... I've heard that there's an urgency to get this legislation passed. Why can't the Comptroller's Office just do this on their own without having to go through the Legislature? A lot of these things seem to me that they can do just on their own within their office as opposed to coming here and making this big production."

Dugan: "Because right now, Representative, they're not required to use a corporate fiduciary, and that's what this particular piece of legislation does."

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Durkin: "You're raising investment standards. Why doesn't the Comptroller's Office just do that on their own? Why do they have to have that written into the legislation?"

Dugan: "The Comptroller, Representative, wants to have this in statute. He wants to make sure that the... that it is a matter of public record as far as how this particular protection of the consumers' funds is going to be in place. So, that's why it's being done legislativewise."

Durkin: "When did the Comptroller first find that there was a problem with the fund?"

Dugan: "Representative, I don't have that exact answer for you, right now. I know that there's still an investigation going on and there's been one going on, but I don't know the exact time."

Durkin: "How long has this Comptroller held office in this position?"

Dugan: "Ten years, Representative."

Durkin: "Has this fund been audited on an annual basis?"

Dugan: "It's my understanding, yes, Representative."

Durkin: "Wouldn't these problems have been shown up in earlier audits?"

Dugan: "Hold on, Representative. Representative, I can't seem to get that answer right now as far as the specifics. The person that could give me that answer is not here right now."

Durkin: "Are those reports... those audits going to be made available to the task force?"

Dugan: "The... the Comptroller is going to be on the task force, Representative, and I'm sure that the Comptroller, as he's

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already said, is certainly willing to work with the task force members to address the issues and the concerns."

Durkin: "That doesn't respond... that's not a response to my question. Will they share the audits with the task force?"

Dugan: "I think they're checking on this... on trying to get you the answer, Representative. We think, from what I'm being told, they think it was the 2004 audit that picked up a discrepancy. And I, like I said, I know that the Gentleman that has all of this information, unfortunately, is not available right now."

Durkin: "Representative, the question I have is whether the Comptroller's Office is going to share the audits with the task force that is already... which will be convened and will be operating this summer?"

Dugan: "Representative, I'm not sure. I, of course, at this particular point and Comptroller Hynes is not here, that the task force... the task force is outside the purview of this legislation. As far as to what the task force will be asking for or doing, really doesn't have anything to do with this legislation."

Durkin: "Yeah."

Dugan: "But certainly, I'm sure that you are more than welcome to request it, and the task force can request whatever they want. You're asking me to respond and speak on behalf of Comptroller Hynes on regulatory issues that... and that's not what... we're outside the purview of this Bill."

Durkin: "Are you chairman..."

Speaker Turner: "Representative Durkin, bring your remarks to a close."

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Durkin: "Are you the chairman of the task force?"

Dugan: "I, no, not at this point. I don't even... it hasn't been determined..."

Durkin: "All right."

Dugan: "...who's even on the task force, Representative."

Durkin: "Well, I think it's a pretty simple question I ask. We want to be able to make sure that those audits are going to be shared with the task force to find out when this problem started. Now, you stated that the discrepancy was noticed in 2004, and I'm not sure I... why we're five years later we're all of a sudden making some legislative changes. Last question. There was an actuarial study that was commissioned by the Comptroller's Office regarding the trust funds held by the funeral association. I understand that that has been not disclosed and that the State Journal-Register and other newspapers have been denied access to that. Will that be disclosed to the task force?"

Dugan: "Representative, I'm sorry. Was there a question or were you just..."

Durkin: "That was a question. The actuarial study that was commissioned by the Comptroller's Office, apparently it's under lock and key, no one can see it. Who's going to be able to get access to that actuarial report, which was paid by taxpayers' dollars?"

Dugan: "Well, and certainly, Representative, you can direct that question, again, since it's out of the purview of this Bill, you can certainly call the Comptroller's Office and request information that you're looking for. Again, that has nothing to do with this legislation. What that has to

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do is questions that possibly the task force, which will be set up, can ask and look for information."

Durkin: "Right."

Dugan: "That is outside the purview of what I'm trying to do with this legislation, which is to make sure that the consumers' money is protected."

Durkin: "All right. Well, I appreciate your nonresponses."

Speaker Turner: "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: "Indicates she will."

Black: "Representative, during this time that this alleged misuse of money, misappropriation of money, whatever you want to call it, who was the lobbyist for the Illinois Funeral Directors Association?"

Dugan: "I'm sorry, Representative."

Black: "Yes. During the time that this fund was losing millions of dollars, who was the lobbyist for the fund in the IFDA?"

Dugan: "I... I think there was a number of them, Representative. I'm not..."

Black: "Oh... who was the lead? It's been all over the State Journal-Register. There was one person who was known as the lobbyist for this industry. Let me help you out."

Dugan: "Thank you."

Black: "It was Roland Burris. Roland Burris. Mr. Speaker, and Ladies and Gentlemen of the House, to the Bill. You know, I don't mind a CYA Bill. I'm... I'm familiar with it. We've

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all participated in them at onetime or another. I have great respect for the Comptroller of this state. Why don't you just let the task force do its job? Most of you don't even know what we're talking about here today. If it hadn't been for the Springfield State Journal-Register, most of you wouldn't even know that the preneed funeral trust fund is more than \$50 million short. Fifty million dollars. You will get... be getting calls as I have from constituents who got a statement of their account, and when they paid for their mother or their father's funeral, it was \$4 thousand. Now, they're being told there's only \$1200 in the account. But don't worry, don't worry, the funeral home is still going to do the burial. I have a funeral director who came into my office and said this is going to cost me a million dollars. That's why you should be listening to Representative Dan Brady. He's in the funeral business. He was a coroner. He knows more about this pending scandal than anybody here and it is a pending scandal. Fifty million dollars missing. Somebody is going to go to jail over this if I... if I have any guess. Somebody got up earlier and said, well, the Comptroller's in charge of this, and that's why this is a good Bill. If the Comptroller is the watchdog, he must not have had anything to eat or drink during this time because nobody uncovered this, nobody. If he was the watchdog, God help us. All Representative Brady has said is let the task force do its job. Let's find out exactly what happened, how much money is gone, who, if anybody, took money illegally, what were these life insurance contracts that

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were sold on a commission basis, and the life insurance policies were sold on inside members of the IFDA, but if they didn't die, then the money didn't go to the trust fund, and many of these people who had the policies taken out on them were only in their 40s and 50s. Something very, very rotten has gone on in this fund, and if it hadn't been for the Springfield State Journal-Register, most of us until we got calls from our constituents, wouldn't have known anything about it and Roland Burris was the lobbyist when much of this was taking place. I have great respect for the Comptroller of this state, but this is rush to judgment to try and keep the lid on things, and that's not what we should be about at this time. Let the task force study it; let the task force give us the report. Let us find out exactly what happened and then..."

Speaker Turner: "Let him finish."

Black: "...after the task force gives us that data, we can then take appropriate action, all of us together, the Comptroller, the General Assembly. That's what we need to do. I cannot in good conscience vote for this Bill. This is coming to me and say... and saying, in effect, Representative, Representative, all of the horses have been stolen from the corral. Now, I need your help to buy a new lock to put on the corral. Well, it's too late for that. The horses are already gone. Vote 'no'."

Speaker Turner: "The Gentleman from Winnebago, Representative Sacia, for what reason do you rise?"

Sacia: "Mr. Speaker, to the Bill. Ladies and Gentlemen of the House, I have had the privilege of being in this Body for

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seven years. Seven years ago Dr. David Miller had a Bill that I will never forget because he was extremely passionate about it. It was very, very important to his district, much like this Bill is very important to Representative Brady. Mr. Speaker, could I have some order, please? Ladies and Gentlemen, this is not a Democrat issue; this is not a Republican issue. All of us in this Body carry Bills. We carry them for our constituents back home, we carry them for lobbying organizations, and I submit to you that I would rather believe, and I have great respect for the Sponsor, that this Bill is not one that carries the passion that Representative Brady carries for this Bill. Having just had a Bill get defeated on this floor that was very, very important to me passionately and to the ag industry, I understand only too well how important the killing of this Bill is to Representative Brady. And again, I stress, this is not a Republican issue; it is not a Democrat issue. I, again, go back to Dr. David Miller who so desperately needed help years ago, and I remember learning at that time if it doesn't adversely affect my district, if it's not immoral, if it's something good and solid, I should support it. By the same token, if something is passionate, where a Member of this Body has appealed to all of us, Republicans and Democrats alike, vote 'no' on a Bill. We have an obligation, Ladies and Gentlemen, to help the Gentleman because he is the only one in this Body that truly has a grasp for the industry. It is an opportunity for us to stand, to show our mettle and do the right thing and

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support Representative Brady with a 'no' vote. Thank you, Mr. Speaker."

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

Lang: "Thank you. Thank you, Mr. Speaker. Ladies and Gentlemen, to the Bill. I found the previous Gentleman's comments interesting. To take him at his word, you would think that every time a Member is passionate about something around here we have to be on their side which means, I suppose, the previous speaker will vote for ERA when it's on the floor because I'm passionate about that, and I suppose he'll vote for Representative Harris's civil unions Bill because he's passionate about that, and I suppose that he'll vote for anything that anybody's passionate about or against something that somebody else is passionate about. I don't think that really is what we're about here. We're about what we feel is right and just. Another speaker on that side of the aisle talked about Senator Burris. Well, you can raise that as a specter about this Bill, but I really don't think that has much to do with this Bill. You can raise it as a reason for being opposed to a Bill, but maybe you ought to read the Bill. And so, I understand that Representative Brady has strong views on this. I share his passion that we must do something about this. I share his view that we must move forward with this task force and the task force is moving forward, but Ladies and Gentlemen, Representative Dugan has a Bill before you that's dealing with a current crisis and a current issue that must be dealt with now. The task

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force could take a long period of time and then it will come forth with perhaps with legislation that may or may not pass, that will also take a long period of time. As you know, sometimes Bills around here take a long period of time. We should not sit around watching a crisis come up to our ears and not deal with that crisis. Representative Dugan has worked long and hard with many to try to craft a piece of legislation that will address the current crisis. Much of what I have heard here this afternoon are about extraneous matters, important, but extraneous to this Bill, aside the point from this Bill. Now, you can say, well, we... we're going to deal with all of this in a comprehensive way when we get around to it. I suppose, the... 'we're going to get around to it theory' works on a lot of things around here. But on this Bill, Representative Dugan is dealing with an issue, a critical issue, involving this industry and involving families. This is a Bill that is written in a proconsumer way, a Bill that if your constituents were standing here they would say, we ought to pass this Bill. We ought to pass this Bill to protect them, particularly at a time of crisis in their lives. We should not let politics get in the way of this Bill; we should not let passion get in the way of this Bill; we should not let Party affiliation get in the way of this Bill. This is a Bill about consumer rights at a time where there's a crisis in this industry that we must deal with today. You can put it off, but you're going to make the crisis worse. And I know that many of us who have favored the task force believe that the task force ought to move forward, ought to

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talk about this issue and others, but we have to deal with today's problem today, not tomorrow. And so, Representative Dugan is on the right track. All these other comments are extraneous. You know they're extraneous. And so, let's not vote against the Bill simply because one Member is passionate and as passionate as he is, and as correct as he is, that we should move forward on other aspects revolving around the problems in this industry, this Bill must not be stopped today. I strongly recommend that you protect consumers in Illinois and vote 'aye'."

Speaker Turner: "The Lady from Brown, Representative Tracy, for what reason do you rise?"

Tracy: "Thank you, Mr. Speaker. To the Bill. I, likewise strongly oppose this Bill. I think we've missed the point. I have great respect for the Comptroller, and I have great respect for Representative Dugan in trying to work this out. I think the point is is that we have formed a task force. This... whether or not Representative Brady is passionate about this is beside the point. The point is he has a great deal of expertise, and this is a very complicated area of law. It involves burial preneed trusts, and this Bill does not assure all consumers or all mom and pop funeral directors that they are going to recover the funds lost in this travesty that was allowed to occur. However, all parties admit no one knows why and how this travesty occurred and how is the best way to prevent it from ever happening again. Many people will lose money, whether or not we pass this Bill or not, and I think the

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most important thing is is that when we form a task force we do so be... especially in complicated areas where the answer may not be easily discernible on its face, just as here. But we form task force to bring everybody at the table and try to solve a problem and learn how it was created to prevent it from ever occurring again, as Representative pointed... Brady pointed out, this Bill does not do that. I think it's premature. I don't think it's any guarantee. People will lose money under this Bill. It does not go to the heart of it as if there could be more that could be obtained for the protection of Illinois consumers and Illinois small businessmen. So, with that, I stand in strong opposition, and I think we must remain on the point that this is a complicated issue; it's not so easily resolved. I know Representative Dugan has worked long and hard on this particular Bill, but I think it is premature and that we can properly address this matter later after the task force completes a very thorough investigation. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey, for what reason do you rise? Representative Dugan to close."

Dugan: "Thank you, Speaker and Members of the House. Thank you for all of the ideas and suggestions and comments about this particular Bill. And I, too, want to say and I do understand Representative Brady's passion and the belief of reform that is needed in this industry and I don't think that's anything that any of us doubt needs to take place and that's why the task force was set up. The issue and

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the difference here, with this particular Bill, is the fact that this addresses an item that deals with a loss in money, consumers' money, to the tune of almost \$40 million that is believed to have been mismanaged. That is consumers' money. That's why this Bill is supported by the AARP, the Citizen Action, the Secretary of State's Office and the Department of Financial and Professional Regulation. The rest of the issues that want to be discussed in the task force need to go forward, but that is no reason why we would not take an industry and take action to protect consumers' money to say that it is going forward too fast and we should just wait. Forty million dollars of consumers' money has been mismanaged, so therefore, to wait for everything to be done and other reforms that others may want to do on this that I do support, we have to protect the consumers' money that unfortunately by this trust fund was stood to lose to the tune of \$40 million. This is to protect the consumers. I ask for an 'aye' vote."

Speaker Turner: "So, the question is, 'Shall the House pass Senate Bill 1682?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? There has been a request for a verification, so Members are asked to punch their own switch. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 71 voting 'aye', 30 voting 'no' and 15 voting 'present'. Representative Rose."

Rose: "Let's... let's give it a try."

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Speaker Turner: "Let's give it a try. Mr. Clerk, read the affirmatives."

Clerk Mahoney: "The following Members voted in the affirmative: Representative Acevedo; Beiser; Berrios; Boland; John Bradley; Burke; Burns; Cavaletto; Chapa LaVia; Colvin; Connelly; Crespo; Currie; D'Amico; Davis, M.; Davis, W.; DeLuca; Dugan; Dunkin; Farnham; Feigenholtz; Flider; Flowers; Ford; Franks; Froehlich; Golar; Gordon, C.; Gordon, J.; Graham; Hamos; Hannig, B.; Harris; Hatcher; Hernandez; Holbrook; Howard; Jackson; Jakobsson; Jefferson; Joyce; Lang; Joe Lyons; Mautino; May; McAsey; McCarthy; McGuire; Mell; Mendoza; Miller; Nekritz; Osterman; Phelps; Reitz; Riley; Rita; Ryg; Senger; Smith; Soto; Sullivan..."

Speaker Turner: "Mr. Clerk..."

Clerk Mahoney: "...Thapedi; Turner..."

Speaker Turner: "Representative Rose."

Rose: "Withdraw."

Speaker Turner: "The Gentleman withdraws his request for a verification. So, on this question, there's 71 voting 'aye', 30 voting 'no', 15 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Dugan, one more time. We have Senate Bill 1905. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1905, a Bill for an Act concerning State Government. Third Reading."

Speaker Turner: "The Lady from Kankakee, Representative Dugan."

Dugan: "Thank you, Speaker, Members of the House. Senate Bill 1905 is the task force recommendation for the Health Facilities Planning Board. We have met... and the task force

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itself was mad up from members of all different areas of the health care arena along with senior... senior citizens, working men and women, Legislators. And we put together the task force that of course was approved through the House and worked for 15 months to address all of the concerns brought forward as far as the Health Facilities Planning Board and Certificate of Need process that we have in the State of Illinois. We all know that there was some issues that came forward with the Health Facilities Planning Board, and I think we all remember that that board was then disbanded and new members put on. We are looking as we listen to testimony from doctors from hospitals from constituents from organizations that represent the consumers, and we saw a lot of nursing homes... we heard a lot of testimony. We heard of a lot of different things that happened in that process that one is technically, in some cases, too expensive. In other cases, certainly, takes a lot of time and many things we think were put on... on hospitals and on nursing homes that maybe ne... didn't necessarily need to be done. There were people on the task force that were in support of remaining and keeping the Health Facilities Planning Board, and there were people on the task force that were opposed to keeping the Health Facilities Planning Board Certificate of Need; however, after 15 months and literally tons of hours of testimony from people all over this state, we came to the consensus together that it was in the best interests of this state to make sure to be able to provide access to health care to every resident in this state that we needed to keep in

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place the Health Facilities Planning Board and the Certificate of Need process but with reforms that are included in this Bill. Another main part of what this Bill does is it creates the Center for Comprehensive Health Planning. It was determined that by the task force that we not only need to make sure that people have health care access, but we really needed to look at what types of health care needs and facilities are needed in the state and how do we combine everything together and work with the groups together to make sure that people have the health care access. So, it is with that thought and after 15 months of working on this, Members of both sides of the aisle and apart... people that opposed the Bill, I mean, opposed the Health Facilities Planning Board along with those that supported it, we came to the consensus and unanimously agreed that we were going to bring to the General Assembly this legislation that makes reforms to the Health Facilities Planning Board and Certificate of Need process that then in turn ends up being in the consumers best... for best for the consumer and certainly for all of us who have concerns about access to health care. This particular piece of legislation addresses the concerns and unanimously we agreed that we were going to bring it back. And so, I certainly would appreciate an 'aye' vote. It is something that took a lot of work, a lot of investigation and we believe that we have made changes that are good for this state, that are good for health care and certainly, then are good for the people of this state. Thank you very much."

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Speaker Turner: "The Gentleman from Jasper, Representative Reis, for what reason do you rise?"

Reis: "Will the speaker... or Sponsor yield?"

Speaker Turner: "Indicates she will."

Reis: "Representative, will the real Lisa Dugan please stand. After you'd presented the last Bill, I can't believe you sit up next and presented this Bill the way you did. I only wish that you had done the last Bill like that. You talk about people working together in 15 months, hours of testimony, listening to people, trying to come up with the right answer and in my mind, you probably got it here. But I wish we could have done that with your last Bill as well."

Dugan: "Thank you, Representative. And I just want to remind the Body that when the issue of the corruption on the Health Facilities Task... Planning Board took place that board was dismantled immediately."

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

Lang: "Thank you, Mr. Speaker. I rise in support of the Bill. Representative Dugan and Senator Garrett and many others toiled for a very long period of time to draft a really good Bill. We are all aware of the problems at the Health Facilities Planning Board. We're all aware that there needed to be substantial changes there. This makes those changes, but it makes them in a way that not just reforms the board but puts us in a position where we'll actually do some planning. You know, the Health Facilities Planning Board really has only been a paper-pusher over the years.

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They've never actually done planning for health care. And now, when this Bill passes and the Governor signs it, we'll have a body and a separate planning board that actually helps us decide where we need medical facilities in Illinois and where we have too many medical facilities in Illinois. This will be, in the long-term, the best possible thing for our consumers, the best possible idea for improving health care in our state. I want to applaud the chairs, Representative Dugan and Senator Garrett, who did a really excellent job and I also want to commend staff who really helped put the report and the final Bill together. This is a Bill we definitely should pass."

Speaker Turner: "The Gentleman from McLean, Representative Brady, for what reason do you rise?"

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

Speaker Turner: "Indicates she will."

Brady: "Representative, I, too, just want to commend you. I... I thought I heard that a task force was allowed to do its job before this legislation was drafted. Was that correct or not?"

Dugan: "There was a task force that was set up, Representative, after, of course, when the issue happened with the..."

Brady: "Yes."

Dugan: "...Health Facilities Planning Board."

Brady: "And I... and..."

Dugan: "Immediate action was taken and in addition to that immediate action taken by this General Assembly, we then set up a task force."

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Brady: "Representative, I intend to support your legislation. I guess, I am... I am... it's... I've been struck by light or vision or something that allowed a task force to do its job first and then come back with a comprehensive package for something as important as this to reform. So, I am glad that you've seen the light in this matter and I intend to support your legislation."

Dugan: "Thank you, Representative."

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

Black: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Turner: "State your inquiry."

Black: "Have any Amendments been adopted to the Bill?"

Speaker Turner: "Mr. Clerk, are there any Amendments?"

Clerk Mahoney: "Amendment... Amendments 1 and 2 were adopted in committee and Amendment #5 was adopted by the Body."

Black: "Okay. So, Leader Cross's Amendment #3 probably is still in the Rules Committee, right?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Cross, is in the House Rules Committee."

Black: "Oh, I'm shocked. It must be an oversight. Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "Indicates she will."

Black: "Representative, is the nominating committee still empowered under the Bill?"

Dugan: "No, it is not."

Black: "So, that's been taken out, right?"

Dugan: "Correct. That was the special nomination panel, that came out in House Amendment #5."

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Black: "Okay. What... Is there a reason for increasing the membership from five to nine?"

Dugan: "We've... we've had some issues and it became very apparent that with the smaller number of members, unfortunately, it's a hard to get a quorum which then therefore, puts everything kind of on hold. And as health facilities are looking to do what they need to do, unfortunately, a smaller number on the board and so, that's why it was determined to make it larger."

Black: "What... what do the board members receive in pay or remuneration, currently?"

Dugan: "Their expenses."

Black: "Their... only expenses? I... did they receive \$300 a day when they were meeting?"

Dugan: "I believe there was one that received about \$300 a day and that was in the..."

Black: "Okay."

Dugan: "...while they were in session. That was in the law from what I understand, Representative."

Black: "But the new Bill, they're all going to be paid \$65 thousand a year, correct?"

Dugan: "Correct."

Black: "And the chairman or chairwoman or chairperson will receive \$90 thousand a year. Is that correct?"

Dugan: "That... that is correct."

Black: "And a board member can be fined \$500 for an unexcused meeting absence. Is that still in the Bill?"

Dugan: "Yes."

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Black: "I assume that an unexcused absence will be determined by rule?"

Dugan: "Yes."

Black: "Okay. And it extends the Certificate of Need the Health Facilities Planning Board, out for 10 years, 2019."

Dugan: "Correct."

Black: "That's very interesting. What's the Medical Practice Act being... Well, it's not your Bill. It's funny that the Medical Practice Act is only being extended one year at a time... wonder why that is... but the Health Facilities Planning Board is extended for 10 years. Even though we've had all kinds of trouble with it, we're just going to turn them loose for 10 years. Well, very interesting, very interesting. Representative, there's no doubt that you've done a great deal of work on this Bill, and I appreciate the work you've done. There was a person who lives in my district who was the chairman of this board for 20 years, never was paid a dime, never paid a dime. And now, I just get a message today from the coordinator of my adult education... not mine... the adult education department at Danville Area Community College, and he calls and says, are you aware that no money has been put into adult education line item anywhere? You've put in the federal match of the 25 million, but you've put in no state money. So, with no state money, we can't... we can't even attract the federal match. I find that fascinating, but we're going to pay eight members of the Health Facilities Planning Board \$65 thousand a year or whatever is set by the Compensation Review Board, oh, wait a minute, didn't we just abolish the

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Compensation Review Board? Hmmmm, that's interesting. And the chairman of the board will be paid \$90 thousand a year and they will have a professional staff which is estimated to cost more than \$1 million a year. That is a lot of money. I guess if money alone will clean up an embarrassment, well, we're going to spend a lot of money to see if we can clean up this embarrassment. In a year when we have thus far haven't funded adult education, or much of anything else, the only thing we're sitting here arguing about is..."

Speaker Turner: "Bring your remarks to a close."

Black: "I'd be more than... I'd be more than happy to, Mr. Speaker, because quite frankly this Bill gives me a headache and indigestion. In a year when we can't fund or not... not funding some key services, in a year when the only thing we're doing... and the Republicans still aren't invited to most of the budget meetings... and then somebody comes out of the meeting yesterday, a Democrat, and says, well, you Republicans got to put more votes on the income tax increase. Well, I find that fascinating. You haven't invited us to participate all year. You drove the bus in the ditch a year ago and suddenly, it's our fault and we have to put more money on an income tax increase so you can pay members of the Health Facilities Planning Board \$65 thousand a year. If that's reform, count me out. I'm not voting for this thing. Sixty-five thousand dollars a year. I hope you put in here that Legislators can't quit and join the Health Facilities Planning Board. If you're looking for a chairman, I'm available at \$90 thousand a year, and I

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won't even take the increased pension. Just make me chairman of the Health Facilities Planning Board. I've spent time in ICU. I've had more operations than the \$6 million man. I should be the chairman at \$90 thousand a year. Vote for me."

Speaker Turner: "The Gentleman from McHenry, Representative Franks, for what reason do you rise?"

Franks: "To the Bill."

Speaker Turner: "To the Bill."

Franks: "Mr. Black is a tough act to follow, but what he said had a lot of merit. And I think... I hope that the Body is listening closely to what Mr. Black had just said. While we're facing a huge budget deficit, we're contemplating increasing the cost of government and also limiting the amount of health care that can go to our residents. When the Health Facilities Planning Board was started some 30 years ago, it was done to try to bring additional health care to those that needed it the most. It has been an abject failure. It's also been a cesspool of corruption. Just a few months ago all of us voted to impeach a former Governor. Much of the evidence was taken from the Tony Rezko trial where Rezko had such influence over the boards and commissions and this is one that he had co-opted. We should not be extending this planning commission for another 10 years. The right vote here is to abolish it. If we talk... if you look at it economically, the Justice Department and the Federal Trade Commission have both said that the Health Facilities Planning Board does nothing to bring additional health services; in fact, it's as an

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impairment to bringing health services. And what it does is it drives up prices artificially and it promotes monopolies. This is an archaic board that needs to die. I cannot think of any other business that needs this type of regulation. We don't... we don't have our banks and real estate telling us that we can't open banks on every corner or have a real estate business on every corner. Health provision is extraordinarily important, but what the Health Facilities Planning Board does is inhibit the ability to provide medical services. It does nothing to promote additional services. I would encourage all of us, if you really believe in reform, if you really believe that we need to take back our government and we need to do things differently. Let's start right here and right now. Let's abolish this ridiculous commission that has caused us nothing but trouble, that the government says should go... the Federal Government should go... and for those of you that may read the Chicago Tribune, they've editorialized on this... excuse me... numerous times. The logical vote here, folks, if we really want to make a stand and if you really care about reform, is to vote 'no'. Anything else... if you vote 'yes' on this, what you're saying is the status quo is fine; let's keep doing what we're doing and taking a total blind eye of what's happened in this state. Please vote 'no'."

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

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

Speaker Turner: "Indicates she will."

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Bassi: "Good enough. Thank you. Representative, did you... did you say that you're increasing the size of this board?"

Dugan: "Yes."

Bassi: "From five to nine?"

Dugan: "Correct."

Bassi: "And paying them \$65 thousand a year and 90 thousand for the chairman?"

Dugan: "The... the chairman's position... I think what the thought of the task force was, is the chairman's position would become a full-time position to oversee, which is not the way it's done now. We're doing away with the executive secretary's position, and now what we're doing instead it will... we're recommending a full-time chairman of the board instead of an executive secretary, kind of like... like the Commerce Commission where we have a chairman of the board. The members of the board, it was decided to look so that we could make sure that we had people that were committed to this board and that... and to spend... there's a lot of time that's spent, if you've ever been to one of these Certificate of Need..."

Bassi: "Yep, I have."

Dugan: "...hearings."

Bassi: "I have been."

Dugan: "Yeah. And so, it takes a lot of time and these board members work tirelessly on... on applications. So, that's why it was determined by the task force to recommend payment for them."

Bassi: "Well, I, you know, there are a number of other boards that we have in the State of Illinois that spend countless,

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countless hours on... on their work like the State Board of Education. They are reimbursed for expenses, but not for... not... but are not given actual salaries or stipends. I know that the Illinois Education Labor Relations Board receives a salary of \$93 thousand a year for their members, and I think the chairman gets over a hundred thousand dollars a year and that's for 12 meetings a year. In a year that we are facing the kind of deficit that we're facing and people are talking about the need for additional revenue, to expand the cost of government with a board that has been so fraught with problems and with... with... and rife with potential corruption, to put this kind of an expense including the million dollar cost that it's going to be to bring up together the entire board, seems to me to be somewhat ridiculous to put it mildly. The Civic Federation is recommending that we eliminate salaries and stipends for members of all appointed boards and commissions, which I think would be an excellent idea. Let's get people who are willing to serve, like school board members are, without anything other than expenses paid. I would recommend a 'no' vote. Thank you very much."

Speaker Turner: "Yeah. There's been six speakers on this Bill and this Bill is on Short Debate. I'll take one more proponent and one more opponent and then we'll move the question. Representative Rose is an opponent. The Gentleman from Champaign, Representative Rose."

Rose: "Thank you. Will the Lady yield for a question?"

Speaker Turner: "Indicates she will."

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Rose: "What is the... what is this in here about a comprehensive health planner and they're going to make \$120 thousand a year or have their salaries set by the Compensation Review Board, whichever is greater? Why would... why would we be getting into a statutory salary designation?"

Dugan: "Well... well, the Center for Comprehensive Health Planning is something new, Representative, that's been set up by, you know, that has... that's in this legislation. It actually sets up the Center for Comprehensive Health Planning, and we believe that we certainly need a comprehensive health planner overseeing that health planning commission that will be set up."

Rose: "Okay. Notwithstanding, I have no idea what you just said."

Dugan: "There used to be..."

Rose: "Why are we setting their salary in statute as the greater of \$120 thousand or the Compensation Review Board? Why wouldn't it be the lesser?"

Dugan: "We... we do set the salaries for other executive director in agencies, Representative, and that's what this is."

Rose: "We set the salary in statute, let's say, of the director of DCFS that's not set in the Executive Office?"

Dugan: "I believe it's by statute, Representative."

Rose: "Okay. I don't believe that's accurate, Representative, but who is going to... I see here that it's going to be appointed by the Governor. I... and I guess, look, Representative, I understand you put a lot of time in on this and when you spend that much time, you become attached to it. But I've just heard three people from three

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different parts of the State of Illinois say exactly the same thing: Representative Franks, Representative Black, Representative Bassi. I... They make sense. I'm sick and tired of dealing with the Health Facilities Planning Board and the scandals that we've had to live with in this state. I... I... Why are we paying these people \$90 thousand salaries? Why are we giving this person to do whatever you just said it was that I couldn't understand, 125... \$120 thousand guaranteed or more if it's set by the Compensation Review Board? Why are we doing this? I mean, in a 10-year window. What... what happened to the seven years when there's another scandal of the Health Facilities Planning Board? Do we have to come in and pass a fumigation-lite Bill aimed just at this? I... I was just... I wasn't going to say anything on this. I was just going to vote, but to be quite hones with you in seven years I've looked at this Health Facilities Planning Board, it's the most haphazard, disorganized process there is. It tears communities apart, tears them apart, this CON process, puts neighbor against neighbor. One guy goes to one doctor, one guy goes to the other doctor, and then the next thing you know, they're screaming at each other in the backyard about what the Health Facilities Planning Board should do. I... I don't get it. And I'm going to vote 'no', but before I do that, I'd like to ask for unlimited Debate. Thank you, Mr. Speaker."

Speaker Turner: "You're not joined by anybody, so the last speaker will be Representative... the Gentleman from Bond, Representative Stephens."

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Stephens: "The Gentleman was joined by five Members on this side of the aisle requesting a Standard Debate. I'd like you to honor his request."

Speaker Turner: "I did not see five Members representing the hand, Representative."

Stephens: "All right. You... you... And you know what, I understand. You're getting to that age. I... I had to get my glasses readjusted and... it's... it's just a common courtesy, Speaker, please."

Speaker Turner: "The Lady from DuPage, Representative Bellock, for two minutes."

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

Speaker Turner: "She indicates she will."

Bellock: "Thank you. I wondered if your task force... a couple of years ago, there... I think we spent a quarter of a million dollars on a report, I'm not sure if it was the Lewin Company or what, on this issue. Did you take the suggestions or did the task force pay attention to those suggestions?"

Dugan: "Yes, we did. That... the Lew... the Lewin Report."

Bellock: "Yes, the Lewin Report."

Dugan: "Yes, correct."

Bellock: "Because in the end, this has been such a controversial issue because of the corruption on the board I wondered why you took out the panel for the recommendation to the Governor. Who now... probably one of the most important things about this board would be who is nominated to the board. What will the specific process be

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now of who will go on the board? Who will do that nominating?"

Dugan: "They will be nominated by the Governor and... but they have to be approved by the Senate and they are... they're appointed for three years. And then... and then they have to be... go back in front of the Senate again. I mean, it's just not they're reappointed by the Governor. So, it's for three years and then by... and only for three terms."

Bellock: "So, that was one of the most controversial things is to somewhat cleanse the system as to how these people get on this board. So, I don't see any change in that. Number two, I agree with what whoever... one of the Representatives mentioned about this health planner at \$120 thousand a year. I don't see where that comes into... what necessitates that?"

Dugan: "Well, what necessitated it, Representative, is in the task force we... as we talked about the plan, the health plan in the State of Illinois and what planning had... 'cause that's something that should have been being done."

Bellock: "How..."

Dugan: "And unfortunately... and unfortunately in the Department of Public Health. And unfortunately it was..."

Speaker Turner: "Bring your remarks to a close."

Bellock: "Pardon me? Oh. Anyways, the main reason that the Lewin Report, and the only reason I am supporting this Bill, is the Lewin Report said that the only way that we will prevent the poorest of the poor hospitals, those that are expedited and those that are the safety net hospitals for the poor, especially in the northern part of the state,

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if this goes out they will probably go under. So, that will be the only reason, because I don't think that there's many reforms here. There's a lot here that I don't care for at all: 65 thousand for the board members, 120 thousand for the health planner. The only reason I'll support this is the Lewin Report, which studied it for a year, said if you take the CON process away, the safety net hospitals will go under. Thank you."

Speaker Turner: "The Lady from Lake, Representative Osmond for two minutes."

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

Speaker Turner: "...Bill."

Osmond: "Ten years ago my husband, Tim Osmond, the former State Rep here, tried to get a hospital in northwest area of Lake County. This morning, Representative Cole introduced nine members of our commun... community that came down here to plead with the Governor for consideration for a hospital that is a taxpayer, for a hospital that owns the property, for a hospital that will pay and it... not one dollar of the State of Illinois money goes into the agreement for this hospital, but yet, we are denied over and over again by the CON board. The last meeting we had over 200 people in the hearing. The secretary... only a secretary... showed up, not a member, for the hearing and she showed up 45 minutes late. And her complaint was the traffic is too bad. It's too difficult to maneuver. Well, that's the reason we need a hospital in northwestern Lake County. This hospital is more than willing to dig the hole tomorrow if we got permission, but no, the CON board in their infinite wisdom

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of reviewing the hours and hours of testimony came back and said no because MapQuest, MapQuest, showed that we were only 20 minutes away from a hospital. It takes our members, our volunteers, 40 to 45 minutes to get across Lake County to get them to a hospital. And I stand before you today and ask you to say no to this board."

Speaker Turner: "The Gentleman from Cook, Representative Miller for two minutes."

Miller: "Thank... thank you. Will the Sponsor yield?"

Speaker Turner: "Indicates she will."

Miller: "Representative, there's been comments in regards to selection process of members on the board. Is there any description that... for individuals who are to be considered?"

Dugan: "Yes, there is. It's in the... it's in the Bill. It does list and I can look... They have to have at least, you know, the knowledge of the health care system. In fact, it's actually, Representative... and I can find it in the Bill, but yes, it actually details as far as to the... the members of the board and what they need to have."

Miller: "And as far as some of the... the statements have been made dealing with the problems of... of the board in the past, specifically, how does this... how does this Bill deal with some of the issues that are in regards to it? Are there any requirements in terms of transparency or other... any other of the reform measures that we've... we passed earlier?"

Dugan: "I believe, Representative, probably... I mean, that the way that they're appointed to the board and then the Senate

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confirmation and the Senate confirmation all the time. It's not just automatically that they get on. Also, as far as the process itself, we have done away with the executive secretary position. So, we did address what some thought was a concern as far as some of the staff, in the talking that would be going on between the board and CON processes. And we looked at that we decided that's where we came up with where we believed the chairman of the board instead of an executive secretary was a better idea, made someone more accountable on that board than what has been done in the past..."

Miller: "Let... let me cut you off because the time is short. It just... also and last question, in regard... in regards to concentration and in terms... terms of health care deserts. Is there... is the goal of this is to make sure that access to care and health care is dispersed throughout areas as opposed to cherry picking in more affluent areas?"

Dugan: "Correct. The safety net hospitals is one of the main issues, and I think, as one of the other Rep..."

Speaker Turner: "Bring your remarks to a close."

Miller: "Thank you, Mr. Speaker. To the Bill. I support this legislation and I understand some of the problems that historically had existed with this. I think the Representative has tried to at least deal with some of those problems based on some... the committee's response and report. However, there also is the bigger issue of access to health care. Until we have some sense of a uniform... a uniform health care system, you have to make sure that... that hospitals do not cherry pick in communities of wealth

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versus communities of poor where they know that reimbursement rates were... where... will be greater, where they know whether maybe the quality of life may be greater and to make sure that all residents have access to health care. At least, this helps with that problem as we move for universal health care. Thank you."

Speaker Turner: "The Gentleman from McHenry, Representative Tryon, for what reason do you rise? Two minutes."

Tryon: "Thank you, Mr. Speaker. I rise in support of the Representative's legislation, and I would like to know if she would yield so I can speak to the Bill..."

Speaker Turner: "Indicates she will."

Tryon: "...and ask her a question. If we do not have some kind of health facilities planning process or even a lapse in a health facilities planning process, it could have devastating effects on many of our hospitals. All hospitals aren't created alike. Some hospitals have trauma centers, some hospitals have to take every single patient that shows up to their hospital, and if you allow any hospital or any facility to build across the street from another hospital, they will take good payers from that hospital, and what does that hospital have to do, the existing hospital? They have to raise their prices. They raise their prices... The hospital that opens up across the street they don't lower them, they raise theirs too. It's market driven economics in reverse, if you have improper siting. And why is that, because the government patient doesn't show up with enough money to pay the hospital; therefore, they have to ship the cost to the payers with

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money. So, it's the only... We have a system; I don't like it; you don't like it, but sick people with money are paying for sick people without money. And if you put this system in place and you allow anybody to open any kind of health facility across the street from another one, it will have devastating affects on the hospital that's been in your community for a long time and prices will go up. It will work against consumers; it will work against insurance companies and before you know it, we'll have more people on the street looking for government health care because they won't be able to afford it. We have to have some kind of process in place. While I don't like what I see in the formation of this board, to have a lapse in this process could be devastating too. So, I'm... I'm saying vote 'aye' and/or at least pull this Bill out of the record and work on some of the salaries that are seeming to be the objection here. But even the Lewin Report said without something in place, there are hospitals..."

Speaker Turner: "Bring your remarks to a close."

Tryon: "I would hope that we wouldn't leave a lapse in the health facilities planning system because the hospital is one of the most important assets in a community."

Speaker Turner: "The Gentleman from Crawford, Representative Eddy for two minutes."

Eddy: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, can you explain why you go from five to nine?"

Dugan: "Yes, Representative. That was because of the number of members of the board that need to be present to have a

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quorum and unfortunately, it was... it was being... it was found that with a lower number on the board..."

Eddy: "So... so..."

Dugan: "...many times there wasn't a quorum."

Eddy: "...you can't get a majority of five, so it'll be easier to get a majority of nine? Let me ask you another question. Why do we need to pay individuals to serve on this board? Is there a shortage... has there been an absolute shortage of qualified individuals that would come forward and serve on the board without compensation?"

Dugan: "No, but Representative, there... there were... there are many different boards that we have in this state where we do pay and it becomes a commitment from those people, especially when there's a lot of hours that they put into this. We also believe and I think Representative Lang had talked about as far as the amount of money and how that was determined. The chairman, of course, being a full-time position. That's... we're changing the way that this commission was actually set up."

Eddy: "Representative, I think the previous speaker talked about the need for this commission. I think there's debate as to whether or not this is even necessary. It has been a web of deceit, corruption, and illicit activity and instead of trying to do something that would abolish that type of system, we're going to double the size. Business as usual in Illinois. Let's just double the size of something corrupt. Let's start paying the members. We don't have a million dollars. We're going to be wrestling with budget issues on this floor this week where we're not able to take

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care of existing expenses that we have in this state and our answer is the same old, tired, Democratic Majority answer. Let's do another million dollars. Let's do a million here; let's do a million there. When are we going to get the message, Ladies and Gentlemen, we do not have a million dollars. We don't have a dollar. You have to vote 'no'. We can't afford this."

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

Lang: "Thank you, Mr. Speaker. My name was used in debate, so I'll rise on a point of personal privilege, if I might."

Speaker Turner: "State your point."

Lang: "Thank you. I am listening to this debate, and I have no idea what the heck most of you folks are talking about. Yes, this Bill costs a little money, but we're talking about the future of health care in the State of Illinois. We're talking about trying to put a board together that works, that shows up for work, that is professional, that is beyond corruption. The previous board was not beyond corruption. And the previous board couldn't... oftentimes couldn't get their work done because they couldn't get a quorum. So, the reason for making the board larger is not to create a larger bureaucracy but to make sure they have a quorum. Much of the testimony that the committee heard over 15 months was just about the process of how the board works, what the board does, how the board goes about its business. Many witnesses said, we need a larger board. Many witnesses said, you know, the best way to make sure this board is beyond corruption is to pay them full-time

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salaries. Get qualified people who understand what health care is about, who understand what health care planning is about and pay them a salary so they'll... they'll do their job, so they'll care about the product and so we can have planning about health care for the future of health care in the State of Illinois. Now, many of us talk about plans that will cost the state millions and millions and billions of dollars to improve the health care of our state. This is a Bill that won't cost billions of dollars. It's to create a board that will do planning for health care so that when we have the cash to improve the health care system in the State of Illinois we'll be there to do it. So, we'll have a plan. Where should we put a hospital? Where should we not put a nursing home? Where should we put a free-standing health care clinic? Where should we not put one? We don't have that in place in Illinois today. And so what we have are many communities in this state that have..."

Speaker Turner: "There are... there are two speakers left and both have spoken in debate, and I don't recall their names being called. So, we're going to... Representative Black."

Black: "Good... excellent point, Mr. Speaker. My inquiry of the Chair was either there's a conspiracy to let the Gentleman on your side always have the last word or he said somebody used his name, and I don't think anybody on this floor would use his name so he could get up again. So, who used his name this time? I don't think anybody did. You know, I was here when we had the 'dump Lou' movement. It was really about Lou Henson, but let the chips falls where they

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may. I don't remember anybody mentioning his name. I know nobody mentioned my name, so I think we're ready to vote."

Speaker Turner: "But you've had the last word and on that, Representative..."

Black: "No, I didn't have the last word. I'd like to, but I didn't."

Speaker Turner: "Representative Dugan to close."

Dugan: "I would just like an 'aye' vote. This is very important to the health care and access to people of this state. Thank you."

Speaker Turner: "And so the question is, 'Shall the House pass Senate Bill 1905?' 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? The Clerk shall take the record. On this question, there are 92 voting 'aye', 23 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. 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 have filed a written Motion under House Rule 18(g). I move to discharge House Resolution 92 from the House Rules Committee. Under... under House Rule 54(a)-2, all Motions are to be assigned Standard Debate status and I wish to debate my Motion. If on the conclusion of the debate, I would ask for a recorded vote on the Motion to Discharge under Rule 49, Article IV, Section 8(c) of the Illinois Constitution, any vote shall be a recorded vote whenever five Representatives show... so

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request. There are five Members on my side of the aisle asking for that request. Thank you, Mr. Speaker."

Speaker Turner: "The Lady from Cook, Representative Currie, Majority Leader Currie."

Currie: "I object to the Gentleman's Motion."

Speaker Turner: "The Lady has objected to the Motion. And so, the question is, 'Shall the House be sustained?' Chair be sustained."

Black: "Speaker. Mr. Speaker, I may have... I didn't ask for a Motion to overrule the Chair, yet, but I... if you want me to, I will."

Speaker Turner: "It's a good day, Representative."

Black: "Well, all right. Mr. Speaker, under House Rule 57(a), I move to appeal the ruling of the Chair that there be no recorded vote to discharge House Resolution 92 from the House Rules Committee. Ladies and Gentlemen of the House, House Resolution has no force of law. In light of recent developments, all House Resolution 92 does, and we filed this some time ago, it says in effect, whereas, Roland Wallace Burris, the current junior Senator from the State of Illinois has stated et cetera, et cetera, et cetera, in light of recent information from wiretaps that were released yesterday, we ask for his resignation from the United States Senate."

Speaker Turner: "I don't want to make any mistakes, Representative. So, the question is, 'Shall the Chair be sustained?' The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

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Stephens: "Mr. Speaker, to the Motion. I... I was just sitting here at my desk reading some... I like to read... and I was reading case #06GJ1160, I believe the jurisdiction in Cook County, and I quote, 'Burris speaking.' 'Hello, Roland, this is Rob Blagojevich again. How are you?' 'Well, I'm fine, I'm doing fine.'"

Speaker Turner: "Representative, Representative."

Stephens: "What's going on?"

Speaker Turner: "Representative. To the Motion, Representative."

Stephens: "Well, I... I understand that his Motion is about whether we were to discharge a Resolution calling for the resignation one... of one Senator Roland Burris and I happened to, at the same time, be reading documents about Roland Burris, and I want to quote again. Blagojevich..."

Speaker Turner: "'Should... the Motion is whether the Chair should be sustained.'"

Stephens: "And..."

Speaker Turner: "And to that question..."

Stephens: "...and the Chair ruled that we could not discharge the Motion... the Resolution."

Speaker Turner: "Correct."

Stephens: "And that's why I'm trying to bring a... the point is this is a very important issue and you don't want to talk about it. You're trying to shut me up now. Democrats like to shut up Republicans who talk about reform and a clean... clean air in Illinois. We want transparency. We want to know what Roland Burris paid for his Senate job. We want to know whether he lied before the House Committee on... to

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impeach Governor Blagojevich. Governor Blagojevich was so spoiled that his own brother didn't want to be confused with him and I quote, 'When Roland Burriss thought, oh, Governor, we were just discussing you yesterday.' 'Oh, oh, you were.' Now, this is the Governor's brother not, all right, not the Governor. 'I know. I know, you're telling me that you're going to make me the King of the World.' And the... and the Governor's brother laughs. And Burriss says, 'and therefore, I can go off to you, you know, wherever and do all those great things. Unintelligible, next word. Well, tell me, tell me one thing I'm not... I'm not is a bull blanker... oh, that was the Governor's brother talking. Burriss chuckles, 'So, I'll just shoot straight with you.' This is the Governor's brother. I'm going to shoot straight, imagine that."

Speaker Turner: "Think he... do you think he'd really sound like that?"

Stephens: "I'm not good at imitating people. I wasn't trying to, but... but let... Do you want me to?"

Speaker Turner: "... difference."

Stephens: "Blagojevich says, 'and many juxpectations. Now, I may be a little bit different... I may be a little different.' The Governor's brother said, 'I may be a little bit different, but other fam... than other family members, but I'm not a bull blanker.' 'Okay, Rob, 'cause I've been... I've been trying to figure out what the heck you know. I can do, go ahead.' 'Well, I'm just following up, yeah.' And it goes on, Mr. Speaker. And it's national news again. And once again, Illinois is embarrassed

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because... because of what? Because of politics as usual in Cook County and in Springfield, Illinois. Politics as usual. The same politics, Ladies and Gentlemen, that brought a Majority to your side of the aisle, a statewide control of all state offices by the Democratic Party. You rule uncontrollably in the Senate. You're trying to, once again, shut us down."

Speaker Turner: "So, the question now... the question is, 'Shall the Chair be sustained?' Ladies and Gentlemen, according to the rules there is one person on Rule 50... Rule 57, if you'll read that Rule, I would think that we've heard from the one person who is a proponent. There is no one else that's willing to speak as... After we discharge this Motion, let... State your point, Representative."

Stephens: "Mr. Speaker, are any Members on our side of the aisle seeking recognition?"

Speaker Turner: "Twenty of them."

Stephens: "Mr. Speaker, I would suggest that as prescient as you can be, we don't know what purpose they rise and so, I would suggest that it's appropriate for you..."

Speaker Turner: "It would be a violation of the Rules, Representative, for me to let all of those..."

Stephens: "They might have a question of the Rule."

Speaker Turner: "Well, then they can do that after they vote on whether I should be sustained."

Stephens: "Oh, af... after we're denied airing out Roland Burris's laundry, then we'll talk about the Rule."

Speaker Turner: "Then you can... you can continue to air out anybody's laundry you choose, wherever you choose to do it,

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but on the floor we're going to move to this question. And the question is, 'Shall the Chair be sustained?' The Gentleman from... Representative Black, you've made the Motion."

Black: "Mr. Speaker, if you won't... You know, you're changing the Rules again in mid stream, and if that's the way you want to do it, I understand the Rule of 60. You have the Majority, you can do anything you want, but let's take a look at House Rule 57 on page 35 and 36. House Rule 57, subsection (d) says the Rule that you are quoting may be suspended by the affirmative vote of 71 Members elected. I would ask that you allow a vote on Rule 57(d). I don't know if any Members on your side of the aisle will let us carry on this debate. I would hope a few would at least say, what harm would it do to discuss this Resolution? We know we don't have the votes to force you to vote on the Resolution, but maybe there's enough people on your side of the aisle under 57, subsection (d) that would at least let us continue the discussion on House Resolution 57(d)."

Speaker Turner: "Representative, it appears that you're trying to bring an intervening Motion. We have a Motion currently on the floor, and so now you want to bring another Motion before we vote on this Motion..."

Black: "Well..."

Speaker Turner: "...that's currently on the floor?"

Black: "...only... only to point out that there is a way around Rule 50 that you're invoking that you have not invoked before. Now, if we're going to do this, then obviously, many of my Members will seek to speak on a point of

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personal privilege. But the Rule you quoted could be suspended by 57(d). Now, again, you've got the votes and I don't want to belabor it, but maybe there's enough votes of Representatives on your side of the aisle would say, what harm does it do to discuss some of these issues? We're not asking for a vote. We don't have the... we don't have the numbers to force you to a vote. I just think we should discuss what we're trying to do, and when we shut off discussion, we're shutting off part of the basis of a representative democracy."

Speaker Turner: "Representative, you're trying to discuss an issue that's before the Rules Committee. That issue is not on the floor. So, the question you've asked is whether we should discuss the discharge from the committee and bring that Bill to the floor. It has been objected to. The quest... the next question on the floor you've asked to appeal the Chair."

Black: "Yes."

Speaker Turner: "The question now is, 'Shall the Chair be sustained?' You've now have with... come with another Motion that says, if there's 71 Members here who wants to overrule that recommendation that we should take that vote. I say we take the first Roll Call first. If you then want to make another Motion, we would... the Chair would gladly entertain that second Motion."

Black: "Well, then the debate will start all over."

Speaker Turner: "It's no problem. If you choose to start the debate over again, we'll take another Roll Call. We will debate it as long as you want to debate it, we'll take Roll

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Calls as often as I call them. Care to withdraw this Motion that's before the Chair now or should we just go ahead and start taking the Roll Calls?"

Black: "Well, Mr. Speaker, I really think, without an official ruling from the parliamentarian, I do think the Rule I quoted would take precedent over the Rule, but if that be the ruling of the Chair, fine. We'll... I'll go along with it. I just think our... our Rule did supersede your invoking Rule 50, but you're in the Chair. I'll accept your... I'll accept your definition."

Speaker Turner: "Representative Black, we've taken into your consideration your thoughts on the parliamentary ruling. I agree with the parliamentary ruling that was made earlier and to that Motion, we're going to now entertain the question, 'Shall the Chair be sustained?'"

Black: "Who's on this?"

Speaker Turner: "Moving to the question, the question is, 'Shall the Chair be sustained?' 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? The Clerk shall take the question. On this question, there are 65 voting 'aye', 48 voting 'no', 0 'presents'. And the Chair is sustained. The Gentleman from Crawford, Representative Eddy, for what reason do you rise?"

Eddy: "Mr. Speaker, I'll withdraw my request for a point of personal privilege at this time."

Speaker Turner: "Thank you, Representative. The Gentleman from Winnebago, Representative Sacia, for what reason do you

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rise? The Gentleman from DuPage, Representative Reboletti,
for what reason do you rise?"

Reboletti: "A point of personal privilege. Mr. Speaker..."

Speaker Turner: "Representative..."

Reboletti: "...same... I'll withdraw, Mr. Speaker."

Speaker Turner: "The Gentleman from Bond, Representative
Stephens, for what reason do you rise? And the Gentleman
from Vermilion, Representative Black, for what reason do
you rise?"

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

Speaker Turner: "State your inquiry."

Black: "What's the status of House Bill 4571, 4571?"

Speaker Turner: "Mr. Clerk, what's the status of House Bill
4571?"

Black: "Yes, Mr. Speaker. This is a recommendation of the
Collins Commission."

Clerk Bolin: "House Bill 4571 was filed today."

Black: "May we respectfully ask that that Bill be read into the
record?"

Speaker Turner: "And at the appropriate time we will read the
Bill into the record. It was just filed today."

Black: "What... what is an appropriate time, for a Bill that was
filed today?"

Speaker Turner: "Representative, practice has been without an
agreement on both sides that usually, once the Bills are
read, they're usually read in during the Perfunctory
Session."

Black: "Well..."

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Speaker Turner: "That's been... that's been the appropriate time in the past."

Black: "...well, there is a clear precedent for doing this. In fact, you did it on a request of mine three weeks ago. The Rules have changed now or are there the... I shouldn't say the Rule has changed, that's not accurate. The procedure evidently has changed."

Speaker Turner: "Representative, if you want to discuss your recommendation or your ask with the Majority Leader that we're clear as to how we move forward with this, the Chair has no problem with entertaining it."

Black: "Well, we'd just like the Bill read into the record. Is there objection to that?"

Speaker Turner: "There is no objection to reading the Bill in the record. All Bills will be read in the record at the appropriate time, Representative."

Black: "All right. Mr. Speaker, let me pursue Rule 43. House Rule 43(b) clearly says that any Order of Business may be changed at any time upon the Motion of any Member, and I am making that Motion, supported by five additional Members, I have five additional Members on my side of the aisle, joining me in that Motion. I would change the Order of Business and ask for a recorded vote on my Motion that the Order of Business be changed and that House Bill 4571 be read into the record."

Speaker Turner: "Representative Black... Representative Black, would you care to state your Motion again so that we're clear?"

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Black: "Yes, Sir. It's 43(b) on page 28. Any Order of Business in the House may be changed at any time upon the Motion of any Member, and I am making that Motion, supported by five additional Members, and the five hands went up, and I have asked for a recorded vote."

Speaker Turner: "Representative, House Rule 54(a) on page 34 Section 1 says that the presiding officer may refer any Motions to the Rules Committee, but we're going to be very fair today, and we want to make certain that we're very transparent. And so, we're going to put this Motion that you've requested on the board and ask if the... if we should change the Order of Business. So, the question is, 'Shall we change the Order of Business?' If you believe that you should change the Order of Business, you should vote 'yes'. If you agree with the Representative... with the presiding officer, you should vote 'no'. So, the question is, '... All those in favor or all those who agree that we should change the Order of Business should vote 'aye'; all those opposed vote 'no'. The voting is now open. The Motion requires 71 votes. Have all voted who wish? The Clerk shall take the record. On this question, there are 47 voting 'aye', 68 voting 'no', 0 'presents'. And the Motion fails. The Gentleman from DuPage, Representative Reboletti, for what reason do you rise?"

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

Speaker Turner: "State your point."

Reboletti: "Mr. Speaker, and Members of the Body, it looks like again we've decided that we're not ready for reform here in the State of Illinois. Yesterday we talked... I talked about

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rearranging the deck chairs on the Titanic and today the band plays on. This Bill is about real time contributions being reported so that we see what's happening, who's receiving money, in what amounts, within 48 hours or five days, depending on the amount, if it's \$500, if it's a thousand dollars. We talk about transparency and accountability on this floor. We talked about it back in our districts, but when it comes down to votes on the House Floor, we're not prepared. I'm not really sure why the Quinn Commission even bothered to meet, if we're not going to take up any of those issues. I think it's fair time that we put those issues to a vote. The people of the great State of Illinois know that we are really ready for reform and that we're prepared to retake the state of corruption and turn it into something that we can all be proud of so that public service is an honorable profession again. All the Bill wanted to do was they.. make things more transparent and accountable. I think it's a pretty simple thing. I think it's something each one of us here on the House Floor support. I'm assuming it would be a unanimous vote. I'm assuming our colleagues across the aisle would be for it and I can't imagine that the Governor wouldn't sign this legislation immediately. We couldn't talk about former or.. now as U.S. Senator, Roland Burris, we didn't want to talk about that where he was concerned about buying a Senate seat for \$1500. I think it's just high time now, we didn't know what contributions we're being taken in by Governor Blagojevich at the time of the impeachment hearings. I think this would shed some light

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on the process. I think it'd be open, honest and transparent and I think that we've defeated that measure today and I don't think that's good for the people of the State of Illinois. Thank you, Mr. Speaker."

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

Black: "Thank you very much, Mr. Speaker. I congratulate you for reading the last sentence of Rule 43. You catch on pretty quick, for a young fellow. But Mr. Speaker, I feel I have no choice but to once again move under House Rule 18(g) for the discharge of House Bill 4569, 4569 from the House Rules Committee. I would request that this Motion be assigned Standard Debate status. I wish to debate this Motion. Obviously, we may not get that opportunity. Upon the conclusion of the debate, I would ask for a recorded vote on the Motion to Discharge. I'm joined by five Members on my side of the aisle wanting a recorded vote on Motion to Discharge House Bill 4569 from the House Rules Committee. Thank you, Mr. Speaker."

Speaker Turner: "And on that question, Majority Leader Currie."

Currie: "Thank you, Speaker. I object to the Motion."

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

Kosel: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we all know that patronage in hiring has been around for a long time in our capital. It is not a Republican or a Democratic issue, both Parties have encouraged patronage hiring while holding the highest office. However, the corruption charges against our former Governor and the Tony

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Rezko trial have showed us that the Blagojevich administration took it to a whole new level. The old adage of it's not who you know... not what you know, but who you know, is true. And more importantly for Rod Blagojevich, the real question was, how much can I get for it? House Bill 4569 is straightforward legislation designed to clean up the hiring process in the State Government. For those people being appointed to boards and commissions or to agency heads, let us who... let us... let's see who's behind them. Let's see who put their name forward. The people of Illinois have the right to know who makes the recommendations for positions to the highest level of our government. If you really want to fumigate State Government, if you really want to fumigate State Government, then we should shine a light on the hiring decisions of the Executive Branch. I urge my colleagues on both sides of the aisle to support the Motion for House Bill 4569. Thank you."

Speaker Turner: "The Gentleman from McHenry, Representative Tryon, for what reason do you rise?"

Tryon: "Thank you, Mr. Speaker. I wish to speak to the Motion to Discharge this Bill from committee."

Speaker Turner: "...Motion."

Tryon: "I look, as we wind up this Session here and I look at the fact that we have had a historic year in Springfield and we've actually witnessed what bad hiring practices can produce for a Governor who's corrupt. And we should not stand for this types of practices that be allowed in the future. We shouldn't go home without having meaningful

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reform in all areas of State Government. We've passed some reform Bills; we've passed some that do a good job; we've passed some that do just an okay job. We can do better than this. We need to do better than this. Our people in our districts are demanding that we do better than this and when you look at what's happening here in Springfield and in the history of State Government, it accommodates machine politics where the front seat of the machine is we get you a job and the back seat of the machine is we get you a contract. And it's time to end that culture by putting sunshine on the hiring of state employees. At least let people know when we're involved in writing lack... letters of recommendations, I have no problem with that, you should have no problem with that. And we should put an end to the type of machine politics that's been running this state for the last 50 years. It's time for real reform in hiring; it's time for transparency in hiring. It's time that we dismantled the machine that gets people contracts and jobs for favors. And I urge an 'aye' vote for discharging this Bill from committee."

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

Pihos: "Thank you, Mr. Speaker. I'd like to speak to the discharge of House Bill 4569."

Speaker Turner: "...Motion."

Pihos: "As Members sit here today, we continue to read the newspapers and see television reports asking when, if ever, the General Assembly is going to enact those tough ethical reforms everybody has talked about in the last few months.

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Quite frankly, I'm not really sure that there is this will in this chamber. As many of you said after the impeachment, our work is not done and you were right. As a matter of fact, it hasn't even begun, because it only takes one vote to kill responsible measures such as this. Does a day go by when we are not reminded what our former Governor has done and the damage that's been caused to Illinois? Every time you reject these calls to increase the ethical standards of government, you are condoning the very actions that were exploited by our former Governor. Today, we are talking about a very simple measure that would shine some light on a hiring process that the general public sees as rigged and special treatment for everyone from friends to family. The legislation is simple. House Bill 4569 requires individuals or entities to submit job recommendations to an executive board or commission or executive state agency in writing. All written and signed references would be available to the public and would ensure why they were recommended and the association with the potential employer from the recommender. Is that really too much to ask for in a state that has gained national attention for Governors who find themselves on the wrong end of federal indictments? This Bill would bring transparency to a very secret process. If you are going to repeatedly tell the media that you are for reform, then you should support this Bill and see that it is discharged. Thank you."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, one more time."

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Black: "Thank you very much, Mr. Speaker. We're about to run out of time. Let me just leave you with a couple of thoughts."

Speaker Turner: "And ruled on the Motion. Do... do you still want to proceed with that Motion?"

Black: "Yes, let me proceed with the Motion. Under House Rule 57(a), I move to appeal the ruling of the Chair that there be a recorded vote to discharge House Bill 4569 from the House Rules Committee. I would like to speak to that Motion, Mr. Speaker."

Speaker Turner: "So, the question is, 'Shall the Chair be sustained?'"

Black: "Mr. Speaker..."

Speaker Turner: "Yeah..."

Black: "...could I speak to my Motion, please?"

Speaker Turner: "To your Motion."

Black: "Ladies and Gentlemen, time grows short. With what we've all been through in the last two or three years, if we don't do reform now, just tell me when. Just tell me when we're going to do it. And if we don't do reform, who is? Just tell me who is, give me some idea. Haven't we all been embarrassed enough? I would think this embarrassment would move some of us to action, but I guess politics rules the day. That's really a shame that we can't have up or down votes on many of the measures that the Collins Commission, the Quinn Commission, whatever you want to call it, gave us. But for whatever the reason, your side is bound and determined that at least our requests for reform will not be honored and again, I just

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would remind you on your... people on both sides of the aisle, these Motions to Discharge do not require you to vote for the Bill. All we're asking is that the Bills be allowed to be debated, not tied up in the Rules Committee forever, dying a slow and tragic death. Let them come to the floor and be debated. I don't know if they'll pass or not, but you don't even give them an opportunity. These Bills die before they even had a chance to live. I just don't think it's fair. I renew my Motion."

Speaker Turner: "Representative, rest assured that we will be dealing with a Bill before we leave here that deals with transparency and dealing with some open reform. Just stick around, it won't be long before the day is over hopefully, but before we adjourn we will be addressing that issue. So, the question is, 'Shall the House be... shall the Chair be sustained?' 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? The Clerk shall take the record. On this question, there are 66 voting 'aye', 48 voting 'no', 0 'presents'. And the Chair is sustained. Representative Mautino in the Chair."

Speaker Mautino: "Representative Mautino in the Chair. The Gentleman from Vermilion is seeking recognition, Representative Black."

Black: "Mr. Speaker, if I could, with the indulgence of the Chair, I have an inquiry of the Chair."

Speaker Mautino: "Certainly, Sir."

Black: "And I know I'm not the only one. I realize things have changed here dramatically since 9/11/01. I don't have a

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problem with the ID card; I don't have a problem with... well, on occasion, I have a problem with access to the floor... it was only two or three years ago that someone's spouse was denied access to the floor. It took an hour to get that worked out. Mr. Speaker, I came over here yesterday against the advice of my doctor. I'm on some powerful antibiotics. I need water; I need some things from the back. My secretary is 150 feet from my seat and when I called back and asked for water or my medication, and I would think you would all want me to take my medication on a regular basis, she can't get in. She can't get in the floor; she can't even come over here to this door and wave. I'll go over there and get the water or the medication. I mean, I just... it's little points like this that... and again, I respect the rules and I respect what's happened after 9/11, but at some point I would ask the Chair to indulge some of us who have to have things brought out from our office that at least our legislative administrative assistant be allowed to come to the door, open the door and wave. I can at least send a Page. It gets a little difficult to leave debate, go back and pick up the water, go back and pick up the medication, go back and pick up a snack or whatever else I'm supposed to have. I just wish the Chair would take that under advisement. I know I wouldn't be the only one who would appreciate that indulgence."

Speaker Mautino: "The Gentleman from Crawford, Representative Eddy."

Eddy: "Inquiry of the Chair."

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Speaker Mautino: "Sir, state your inquiry."

Eddy: "The previous Chair mentioned that there was soon to be legislation brought before us dealing with the whole issue of transparency. Are you of that mind as well now that the Chair has switched that... do you have that same feeling that aura that... that that's going to happen?"

Speaker Mautino: "I think that there's been a lot of work done between the chambers and the Governor's Office. And I do believe we'll see an excellent package of change in reforms in many areas of State Government soon."

Eddy: "And then I would suspect that they'll... they'll center around transparency?"

Speaker Mautino: "I know that that is definitely one of the issues that has been discussed and will be addressed."

Eddy: "So, then we can expect the transparent reform package to be posted in a manner that people will have time to read it, in the spirit of transparency."

Speaker Mautino: "Yeah. I would expect that. As a matter of fact, even bullet points for..."

Eddy: "Speed readers or just... just speed readers..."

Speaker Mautino: "I've... I've always been a fan of the Evelyn Wood Speed Reading courses; however, not everyone has taken them. But I think we should have bullet points and staff should be given definite notice and should have some input."

Eddy: "Well, I appreciate that and hopefully, after all this time and all this talk regarding transparency that when the reform package, which includes transparency as a central

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goal, is... is presented, that there will be ample time for the actual Bill to be read. Thank you."

Speaker Mautino: "The Gentleman from Bond, Leader Stephens."

Stephens: "Thank you, Mr. Speaker. Just to agree with Representative Black that on behalf of our caucus, we never want him without his medication. And I'd like to know what the future ruling on access to the floor is going to be."

Speaker Mautino: "Thank you. I'll take those comments under advisement and I agree, though, he should always have his medication. Clerk."

Clerk Bolin: "Committee Report. Representative Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'approved for consideration' is Floor Amendment #2 to Senate Bill 189. The following Motions to Concur have also been approved for consideration: a Motion to Concur with Senate Amendment #1 for House Bill 237, a Motion to Concur with Senate Amendment #1 to House Bill 773, a Motion to Concur with Senate Amendment #1 to House Bill 849, a Motion to concur with Senate Amendment #1 to House Bill 2322."

Speaker Mautino: "On page 7 of the Calendar appears Senate Bill 189. Place that on the board. Read the Bill."

Clerk Bolin: "Senate Bill 189, a Bill for an Act concerning government. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Speaker Madigan, has been approved for consideration."

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Speaker Mautino: "Speaker Madigan on Floor Amendment #2."

Madigan: "Mr. Speaker, I move for the adoption of the Amendment."

Speaker Mautino: "The Gentleman has moved adoption of Amendment #2. And on that question, the Gentleman from Vermilion is seeking recognition. Representative Black."

Black: "Mr. Speaker, inquiry of the Chair."

Speaker Mautino: "Yes, Sir."

Black: "This is what we see so often from your side of the aisle. This Amendment was popped out of the Rules Committee to the floor less than 15 minutes ago. Our staff has not had the final draft of this except for about 55 minutes. None of us on this side of the aisle are privy to a copy. We don't know what's in it. I... and there's no one is better qualified than the Speaker, to tell us what's in it. But you know, come on. All right. You going to follow up our suggestions to bring Bills to the floor with a Freedom of Information Act Bill directly to the floor, popped out of the Rules Committee 15 minutes ago, didn't go to committee for a substantive hearing. Our staff has not yet analyzed the Bill. I want to know certain things. Is the Illinois Press Association in favor of the Bill? Is the Attorney General in favor of the Bill? Is this really a Freedom of Information Act or is it some watered down, leftover piece of dessert from yesterday?"

Speaker Mautino: "Oh..."

Black: "This... this is what gets all of us, and I know even some people on your side of the floor, this is not the way to do the public's business. How the hell do you expect me to

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make an informed vote when you do this repeatedly and then you try to turn around and say, well, the Republicans aren't interested in reform. I'm interested in reform. I sponsored a FOIA Bill. I sponsored a public access Bill, and the Democrats told me I couldn't move it, you're the wrong Sponsor. I request an immediate Republican caucus. And when you give us a copy, we may come back up and vote for it, if we know what's in it."

Speaker Mautino: "Speaker Madigan."

Madigan: "Mr. Speaker, somewhat in a response to previous remarks, all elements of this Bill have been before House Committee already. In terms of a draft that was submitted to Republican staff, in terms of any changes in the draft; that was shared with Republican staff. This is the Freedom of Information Act. Those that wanted to be interested in this issue have been able to be involved in the issue. Those that wanted to make suggestions, those that wanted to work with the interested of stakeholders were all permitted to participate in the discussions. Senate Bill 189 is part of a package of ethics reforms that the House has passed this year. One of the bedrock principles of our ethics reforms has been transparency in government. In Senate Bill 51, we provided that the procurement process would be made more transparent by requiring public disclosure of all bid documents and procurement decisions and in addition, that there be public hearings for exceptions to sealed bidding. In Senate Bill 54, we made the Ethics Act more transparent by: one, publicly disclosing disciplinary decisions for ethics violations; two, requiring public

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hearings for revolving door issues; three, requiring weekly reports of all expenditures by lobbyists during the Session. In Senate Bill 2090, we abolished the Compensation Review Board and we will be held accountable for pay increases on up or down votes before the Legislature. In Senate Bill 1333, we required that Governor Quinn review all employees placed in favored double exempt positions by Governors Ryan and Blagojevich and either retain or fire them within 90 days. With Senate Bill 189, we amend the Freedom of Information Act to facilitate access to information at all levels of government. The Bill would create a public access counselor under the Attorney General to settle disputes between public bodies and people requesting information. The public access counselor will do the following: one, issue binding opinions to resolve disputes; two, issue advisory opinions to guide public bodies; three, pseudo enforce FOIA in four trained FOIA officers at all levels of government. The public access counselor will also resolve disputes regarding the Open Meetings Act. The Bill provides a presumption of disclosure. The government... the government, must prove an exemption from FOIA by clear and convincing evidence. There will be quicker FOIA responses. It shortens the initial time to respond to FOIA requests from seven to five business days. It shortens the time for extension from five... from seven to five business days. It cuts down the time from 21 days to 10. The Bill would impose stiff, civil penalties for FOIA violations. Courts may impose fines from 2500 to \$5 thousand against public

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bodies that intentionally violate FOIA. The current law contains no penalties. There will be mandatory attorney fees to FOIA requesters who prevail in court. The current law is only permissive. It requires public bodies to produce records in electronic format. If a requester asks for a document that is maintained in electronic format, the public body must produce it in the format if possible. There will be consequences for failing to respond to FOIA requests. If a public body does not respond to a FOIA request, it cannot charge for copies or claim the request is unduly burdensome, which is an often abused exemption. It narrows and clarifies the personal privacy exemption. This exception has been identified as the most abused. We provide narrow category of private information include definition of unwarranted invasion of privacy. The Bill would add scrutiny to the private exemption and the deliberative process exemption. Public bodies that claim either of these exceptions must automatically submit their position to the public access counselor for review. It limits copy charges. The first 50 pages are free, then 15 cents a page. Color or larger documents are limited to actual cost. Provides for designated FOIA officers in training, public bodies shall designate a FOIA officer who will be accountable for FOIA decisions and who must complete annual training by the public access counselor. The public access counselor shall also provide annual training on compliance with the Open Meetings Act. Mr. Speaker, I move for the adoption of the Amendment."

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Speaker Mautino: "The Gentleman has moved adoption of Floor Amendment 2 to Senate Bill 189. And on that question, the Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, we have no adopt... we have no objection to the Gentleman's Motion to adopt Floor Amendment #2, and as soon as it's adopted, we will request a Republican Caucus. As I said, you tend to do things in a hurry around here, and let me just say this, if President Obama had nominated Speaker Madigan to be the chief salesperson for Chrysler Motors, they not only would not be in bankruptcy, they'd still be selling three million cars a year."

Speaker Mautino: "And with that, all in favor of adoption of Floor Amendment 2 say 'aye'; opposed say 'no'. The 'ayes' have it. And the Amendment is adopted. Mr. Clerk, Third Reading. The Lady from Lake, Representative Osmond."

Osmond: "Thank you, Mr. Speaker. The Republicans will caucus in 118 immediately."

Speaker Mautino: "How long will you need for your caucus?"

Osmond: "One hour."

Speaker Mautino: "Okay. For one hour, the House will be at the call of the Chair. The House stands at ease. The House will be in order. Mr. Clerk, place Senate Bill 189 on the board and read the Bill a third time."

Clerk Bolin: "Senate Bill 189, a Bill for an Act concerning government. Third Reading of this Senate Bill."

Speaker Mautino: "Speaker Madigan."

Madigan: "Mr. Speaker..."

Speaker Mautino: "Yes, Speaker."

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Madigan: "...is Mr... is Mr. Black ready? Could you ask Mr. Black if he's ready?"

Speaker Mautino: "The Gentleman from Vermilion is preparing his notes."

Madigan: "And Mr. Speaker, is the Bill on Third Reading?"

Speaker Mautino: "Mr. Clerk, status of the Bill."

Clerk Bolin: "Senate Bill 189 is on the Order of Senate Bills- Third Reading and has been read a third time."

Speaker Mautino: "Yes, Speaker Madigan, it's on Third Reading. The Gentleman from Crawford is seeking recognition, Representative Eddy."

Eddy: "Mr... The Speaker provided us with a review of the Bill on Second. I didn't know if he had any additional comments to make prior to debate on the Bill or if he... if he has finished the explanation during the Amendment, I do have some questions I'd like to ask him."

Speaker Mautino: "Speaker Madigan."

Madigan: "Mr. Eddy, as you know, I explained the Bill on Second Reading. I would simply say I'm prepared to take questions."

Eddy: "Okay. Thank you. I... I just want to clarify some things regarding one component of the Bill that has to do with records, private information, exempt from FOIA. I'm particularly concerned with student records and what is FOIable or anything... has there been a change in what is FOIable under the Student Records Act related to this Bill?"

Madigan: "The answer is no."

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Eddy: "Okay. So, anything that is exempt now we still do not have a requirement to produce, same thing with personnel, like personnel records, teacher records?"

Madigan: "Teacher records are not changed."

Eddy: "Okay. Nothing's changed there. So, if we get a request for information that is currently exempt from FOIA, what we would not share regarding student records or personnel records at this time, there's nothing in here that changes that requirement at all?"

Madigan: "The answer is yes."

Eddy: "Okay. Thank you. And I have a question in process here related to the AG's Office and... and their decision on a piece of requested information that was denied by the public body, but then the... the AG's Office or the office within the AG's Office orders the release of the information. Is... is there any liability to the public body then or is that relieved based on the order of the Attorney General's Office to release the information if there's some kind of court action?"

Madigan: "If the government follows the direction of the public access counselor, then there would be no liability for the government."

Eddy: "Okay. So... so, then any action taken regarding the release or any effects caused by the release would be defensible by the Attorney General's Office not the local public body?"

Madigan: "The answer is yes."

Eddy: "In the... in the Section of the Bill that designates an official or employee to act as a Freedom of Information

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officer for the public body, are there any specific requirements as to... and I know the training requirements are in there... but qualifications or can any individual within that public body be named as the officer?"

Madigan: "The public body will decide who would perform that function and then that person would be trained by the public access counselor."

Eddy: "But it can be anyone?"

Madigan: "The answer is yes."

Eddy: "There are in here civil penalties. Where do the funds collected from civil penalties get deposited?"

Madigan: "That decision would be made by the court."

Eddy: "Okay. So, if there is a \$2500 fine or a \$5 thousand fine, the court would determine..."

Madigan: "Yes."

Eddy: "...which body would receive it. In the... in the part of the Bill that deals with cost... possible cost to public bodies related to adherence to this Act, is there a... is there a... an exemption from the Mandates Act or will there be some type of reimbursement made should there be expenses incurred by public bodies to... to provide the aspects of this legislation?"

Madigan: "There's no reimbursement."

Eddy: "Okay. So, whatever that cost that's the cost and they'll absorb that."

Madigan: "Our view is that appropriately the local government should bear that cost. I think you would agree with me that the problem in Freedom of Information requests has been with local governments and with elements of the

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Blagojevich administration. And so, argue was a good way to compel compliance with the statute is to impose stiff civil penalties for noncompliance."

Eddy: "And... and I understand that. I just wanted to, for the record, note that there could be a cost involved, not necessarily the fine cost, but cost to implement and those costs are not reimbursed and this is not subject to the Mandates Act for reimbursement and I..."

Madigan: "The answer is yes."

Eddy: "Okay. Under the part that deals with a very emerging area of public information and that has to do with telecommunications or communications through the Internet, e-mail, et cetera. Are... are communications sent... and I'll just give you an example. If... if I send out communications from my school district to my board under an e-mail to the group, it appears that the intent of this legislation would be that that is FOIable specifically to e-mail. That e-mail would then be, under this legislation, FOIable, that particular e-mail."

Madigan: "A few points, Mr. Eddy. Number one, that sounds like it might be subject to the Open Meetings Act, but then going to Freedom of Information, the answer is yes. It would be FOIable; however, it might be covered by an exemption, such as an exemption for the deliberative process or an exemption on privacy."

Eddy: "Okay. Well, I just know, in many, many cases at the end of the week, superintendents send out one e-mail to all their board members and administrative team highlighting issues related to that, and I think the clarity that for my

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purposes is is that is the intent of this legislation to make those types of correspondences open to a FOIA."

Madigan: "The answer is yes."

Eddy: "Text messages as well? And I understand this is an emerging area, but... but those are the kind of questions that might emerge."

Madigan: "Mr. Eddy, the best to answer I can give your last question is that the text message likely would not be under the purview of the public body."

Eddy: "Okay. One final question. We received in our desks we were given a phone as Members of the General Assembly for purposes of use. Would... would records related to that phone, I think they're currently FOIable."

Madigan: "The answer is yes."

Eddy: "If that phone is used as a text message, would that then be FOIable, for those Members who may use the phones in that manner for telecommunications?"

Madigan: "If the message is under the control of the public body, the answer is yes."

Eddy: "So, if the phone then is owned by the public body, would that make it under the control of the public body?"

Madigan: "The answer is yes."

Eddy: "Same thing with BlackBerries that are used by the Governor's staff, executive administrative staffs, most of them have BlackBerries they carry around."

Madigan: "The answer is yes."

Eddy: "Okay. Thank you."

Speaker Mautino: "Further questions? And with leave of the Body, I'm going to turn the timer on at five minutes. We

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have seven people seeking recognition. Next to speak will be the Gentleman from Vermilion, Representative Black."

Black: "Is it just me or do you always turn the timer on after Roger Eddy gets 45 minutes?"

Speaker Mautino: "It's you."

Black: "Okay. Thank you. I... I thought it was. I always appreciate an honest answer. Will the Gentleman yield for some questions?"

Speaker Mautino: "He indicates he will."

Black: "Thank you. Mr. Speaker, succinctly, why didn't this Amendment go back to committee so those groups who had expressed great interest in this could have had an open and transparent forum to say what they liked about your Amendment and what perhaps they didn't like about your Amendment?"

Madigan: "It's, as I said earlier, Mr. Black, all elements of this Bill were subject to a public hearing before a committee of the House and we have maintained an open dialogue with all of the stakeholders to the Bill."

Black: "Well, am I not a stakeholder of the Bill? And that's not a frivolous question. The reason I ask you, I... I sponsored a public access counselor Bill in the 95th General Assembly and in this General Assembly. A representative of the Attorney General's Office, in this 96th General Assembly, asked me not to move my public access counselor Bill, that it would be moved by a Democrat, not you, and that I would be a cosponsor and invited to participate in the discussions. I am not a cosponsor; I was never invited to participate in the

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discussion. My record of introducing Bills on this is clear. I think Illinois has been a slacker in the Freedom of Information Act. But I have to tell you, I stand here before you right now, I don't know where the Illinois Press Association is on this Bill. It depends on what column, I guess, you've read in what paper today. Have they indicated to you that they favor the Bill, they're neutral on the Bill, they wish it was better, it could have been worse. I mean, what's their position?"

Madigan: "Mr. Black... Mr. Black."

Black: "Yes, Sir."

Madigan: "I know you'll be pleased to know, that we've been advised that at this moment the staff of the Illinois Press Association has enthusiastically recommended support of the Bill and that recommendation is being considered by the board of directors of that association at this time."

Black: "I don't suppose we could delay action on this until we heard from the board of directors, could we?"

Madigan: "I would think that... it would be a short meeting and shortly they'll be on the phone to you."

Black: "Could you turn off the time so we could lengthen the debate, maybe we could hear from the board of directors?"

Speaker Mautino: "No."

Black: "I didn't think so. The Attorney General, has she enthusiastic... enthusias... well, in other words, is she in favor of the Bill or not?"

Madigan: "The answer is yes."

Black: "Would she liked to have seen a little more in the Bill, perhaps?"

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Madigan: "Well, Mr. Black, I'd let the Attorney General answer that question and speak to those questions."

Black: "Is she here? I don't see her. If... if what I read, Mr. Speaker, is true, there were some serious concerns with the Bill that was being brought forward. Now, you're telling me that most of those concerns have been addressed? I take you at your word. Let me ask you one question that I can't find in the Bill. Anything we do can be subject to abuse. What can a public body do under this Bill if somebody constantly... let's say every day, files a Motion for a Freedom of Information request, literally every day and no matter how much they're given, they're back the next day, back the next day, back the next day. At what point can a public body say, wait... wait a minute, what are you after and when... and at what point could the public body say, where do I go to get some relief from a person or a group making a request, let's say, every day for a month?"

Madigan: "Mr. Black, the government can always assert that the request is unduly burdensome. And in addition, in the Bill specifically states that repeated requests for the same information can be denied."

Black: "Does the individual then have the right to go to court and say..."

Speaker Mautino: "Could you bring... Could the Gentleman bring his questions to a close? Representative Black."

Black: "I'll do the best I can, Mr. Speaker. Does that individual then have the right to go to court and say, I don't agree with that? I don't agree with your denial."

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Madigan: "The... the individual making the request has the option to go to the public access counselor or to court."

Black: "All right. So, the..."

Madigan: "And I... Mr. Black, because they like you so much, Mr. Black, Mr. Craven has just called that the Press Association supports the Bill."

Black: "I'm glad to know that, seriously, and Mr. Craven and I go way back. Thank you."

Madigan: "Sure."

Black: "If I... if I could just... just two more questions. In other words, if I hear you correctly, the public access counselor could then prevent what has been the case for several years, the Illinois State Police denying release of records regarding a official of some government regarding a DUI arrest. Well, that's an invasion of his privacy. We won't release that."

Madigan: "The answer is yes."

Black: "So, the public access counselor could get into that and say, you have no grounds to do that."

Madigan: "Correct."

Black: "Okay."

Madigan: "That's why we've provided for the public access counselor..."

Black: "Okay."

Madigan: "...in the Bill."

Black: "Just keep in mind, I've sponsored that Bill both of the last years, you know, some... a subcredit, perhaps. Two questions that I don't understand. The final outcome of a disciplinary case would not be exempt. So, if you fired

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somebody for malfeasance or for cause, I can get that record. I can say, why was he fired, he was fired for cause, right? That is not exempt."

Madigan: "The answer is yes."

Black: "All right. But if I want the records that led up to his... his or her firing, those personnel records would be exempt. Is that my understanding?"

Madigan: "Would be exempt?"

Black: "Yes. All of the details that led to the dismissal."

Madigan: "I'm advised the answer is yes."

Black: " Okay. Settlement agreements entered into, and this has long been a bone of contention, a school district, a city, a township, a county, whatever, they reach a settlement on a..."

Speaker Mautino: "The Gentleman will finish this question then a number... another Member be able to yield."

Black: "Thank you. This is my final question. They reach an agreement on a lawsuit. They don't go to court. They settle for an amount of money, and this is often driven the taxpayer as well as the media gatekeepers crazy. Well, what did... how much did it cost? Well, we don't have to tell you that. We can't tell you that because part of the agreement was that neither side would disclose what we paid, but yet the taxpayer says, well, you paid them, literally, even though you may have an insurance policy, you paid them with my tax money. What do you mean I can't tell... I can't be told what you settled that case for? If I understand what you're saying, that settlement would now be FOIable."

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Madigan: "The answer is yes."

Black: "Thank you."

Speaker Mautino: "Further questions? The Lady from Cook, Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. I just have some questions for... to clarify the legislative intent under this. Under... It's my understanding that under this Bill, an agency's required to provide records requested by the public access counselor. What if some other State or Federal Law precludes disclosure of those records to some other party like HIPAA, an IG report or something like that? How does that... how does that get resolved?"

Madigan: "Point number one, the Attorney General will review those documents in confidence. They would be kept confidential. Point number two, if it were a Federal Law in conflict, why, the Federal Law would control."

Nekritz: "Okay. And... and if some investigating authority such as the U.S. Attorney asked to have that certain records not be disclosed similar to what happened in the Impeachment Committee, what... what would be the result there?"

Madigan: "As has happened in the past, the Office of the U.S. Attorney could interact with the Office of the Attorney General, make a request, but the final judgment... the final decision would be made by the Attorney General."

Nekritz: "Okay. The public access counselor can also issue subpoenas to obtain records related to an alleged violation of the Open Meetings Act or the Freedom of Information Act and it specifically states that if a public body fails to furnish specified records pursuant to this Section or if

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otherwise necessary, the Attorney General may issue a subpoena to any person or public body having knowledge of or records pertaining to the alleged violation of the Act. What is 'or if otherwise necessary' mean?"

Madigan: "That was an attempt to give the office full discretion not to tie their hands, and it's an acknowledgement that we just don't know what might happen."

Nekritz: "So, would the subpoena power... could that be utilized for some reason outside of a review being conducted by the public access counselor?"

Madigan: "It must be related to that purpose."

Nekritz: "Okay. So, the public access counselor can issue a binding opinion against a state agency, and if the state agency wishes to challenge that opinion, would... would the Attorney General represent both parties, which party?"

Madigan: "Pursuant to the usual rules on conflicts of interest, I would expect that parties would be given their counsel of choice."

Nekritz: "And forgive my ignorance on this, does both parties then have a... have an opportunity to select the counsel of their choice in this instance?"

Madigan: "Representative Nekritz, could... could you repeat your question?"

Nekritz: "So... you said that the parties would be able to select their attorneys of choice, and I just don't know in these instances, historically, whether the Attorney General makes a decision as to which party he or she is going to represent and then the other party gets their choice of

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counsel or whether both parties get their choice of counsel when the Attorney General has a conflict?"

Madigan: "It would be the state agency that could choose outside counsel if they wish."

Nekritz: "I see. Okay. Thank you. And normally in civil litigation, a party has to meet a preponderance of the evidence standard in justifying its actions. In this Bill, the public body has to meet the clear and convincing standard in defending its use of exemptions. Is it... why is it necessary for the public bodies to meet this higher standard?"

Madigan: "We wanted to make very clear to the local governments that we're very serious about this effort."

Nekritz: "Okay. And then the Bill gives the Attorney General the power to issue an advisory opinion to public bodies upon request of the public body. I understand later in the Bill it says the Attorney General may also issue advisory opinions for any reason. Can you clarify for me whether it's on request only or for any reason?"

Madigan: "The second Section was put into the Bill because in other instances the Office of the Attorney General issues advisory opinions, and we didn't want to have any confusion as to that continuing authority."

Nekritz: "I see. So, the later part of the Bill refers to not... not just restricted to these Freedom of Information Act opinions, but any... any advisory opinion that the Attorney General might issue?"

Madigan: "The answer is yes."

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Nekritz: "Okay. Thank you, Mr. Speaker. And I would... I would hope that as we move forward if some of these things become issues that we might revisit this to clarify them. Thank you."

Speaker Mautino: "Further discussion? Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Mautino: "He indicates he will."

Durkin: "Mr. Speaker, the public access counselor is... are they an employee of the Office of the Illinois Attorney General?"

Madigan: "Yes."

Durkin: "They'll be paid out of their budget?"

Madigan: "Yes."

Durkin: "Do they need Senate confirmation?"

Madigan: "No."

Durkin: "They're chosen by the Attorney General themselves, right?"

Madigan: "Yes."

Durkin: "This is kind of a follow up to the last questioning. There are going to be situations where the Attorney General Office will be... a FOIA request will be submitted upon them and there is a denial. There will be that conflict of interest. Who will be standing in the place of the public access counselor in that situation when the Attorney Go... Attorney General Office does deny a FOIA request? 'Cause I don't believe that the public access counselor can serve in any capacity at that point, 'cause that is, to me, would be a conflict of interest."

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Madigan: "They have a standard procedure for matters where there are conflicts, and in an instance like this, they would follow that, but they could... they would provide that someone else would stand in place of the public access counselor."

Durkin: "I'm not trying to belabor the point, but I'm just kind of curious. Who would be that individual... or who has... would be the person that stands in the place of the public access counselor?"

Madigan: "Mr. Durkin, I don't have the... the specific answer for that question right now. The best I can give you is to say they have a standard procedure, and obviously, they would follow that."

Durkin: "Would your parliamentarian or the counsel be able to at least... I'm... I'm interested in that response and I... if they could follow up with me..."

Madigan: "Yeah."

Durkin: "...I'd be greatly appreciative."

Madigan: "The answer is yes."

Durkin: "Thank you."

Speaker Mautino: "Further questions? Representative Tryon."

Tryon: "Thank you, Mr. Speaker. I would like to ask a few questions of the Speaker, if he would yield?"

Speaker Mautino: "Indicates he will."

Tryon: "Speaker Madigan, having been a former county board chairman, we were faced many times with FOIA requests and sometimes difficult FOIA requests and one of the things that was awful difficult was in the cases of settlements of court cases. In the settlement of a court case, there were

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times where the plaintiff was requesting that there be nondisclo... nondisclosure. It could have been a sexual harassment case; it could have been certain types of cases where there was a need to disclose the names of the individuals maybe even the amount of the settlement. If the court approves a settlement agreement that, as part of that settlement agreement, has nondisclosure, is that FOIable?"

Madigan: "The answer is that as a public record that would be subject to FOIA, but please understand that you do have exceptions in the statute such as privacy, deliberative process."

Tryon: "So, that doesn't..."

Madigan: "Let me also add, you can do redactions."

Tryon: "Okay."

Madigan: "You can do redactions."

Tryon: "So, you... to take out names and if part of the settlement was negotiated and part of the negotiation of the settlement approved by a court and in one specific case I'm thinking of was a Federal Court and the amount was nondisclosable. Would that still be nondisclosed as well?"

Madigan: "Again, it's subject to FOIA, but let me add that the intent of this Bill is not to look with favor upon governments entering into sealed records and sealed agreements of court. I mean, that's part of what we're trying to do here. We're trying to open things up."

Tryon: "Okay."

Madigan: "And we certainly would not want to be encouraging governments to enter into agreements like that."

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Tryon: "Okay. And certainly, in cases of privacy then you're saying the exception would apply possibly to names and that types of thing?"

Madigan: "The answer is yes."

Tryon: "Okay. My second part of the question is, the fact that something is FOIable does not mean it's not destroyable and then that is the case with e-mail and notes in memoranda, electronic voicemails. We're not making any changes to record retention requirements that we currently have?"

Madigan: "The Illinois statutes that are concerned with retaining records are not changed at all."

Tryon: "Okay. So... so, temporary communications then would remain to be able to be destroyed when you're done with them, because you don't... you're not required to retain them."

Madigan: "We have not changed the current law."

Tryon: "Okay. Thank you."

Speaker Mautino: "Further questions? The Lady from Cook, Representative Mulligan."

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

Speaker Mautino: "He indicates that he will."

Mulligan: "Speaker, are there any penalties for malicious use of information gained or requested in this Bill?"

Madigan: "No."

Mulligan: "Isn't that of some concern?"

Madigan: "Other sections of Illinois law would pertain to that."

Mulligan: "So, that would be covered... I mean, sometimes you have someone that comes to, say, a municipal city council

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meeting for no other reason than to harass or to get information and... and they use it on a blog or they use it... in information about something in employee records, things that you wouldn't want divulged. It used to be that once a year you'd go through your closed-door minute meetings and then you'd re... release what you thought was all right to release at that time and some things would be sealed. I'm not sure how... if that law is changed now and... but I'm sure this would certainly change it to some extent that if you... you no longer would have anything that would not be disclosable."

Madigan: "That Section of the statute is not changed."

Mulligan: "So, if you have a city council that has closed-door meetings, say, they're discussing a lawsuit, the purchase of land, employee records, would they still... would all of that be open for FOIA or would it still be at the end of the year you'd go through and then release the things that no longer needed to be confidential?"

Madigan: "Again, no change in the statute. And after you go through that review that you're talking about they become public records subject to FOIA."

Mulligan: "All right. Some... some attorneys who represent municipal clients act as the FOIA officer for that municipal client. Does their liability then go through their law firm or would it go through the municipality who has hired them and sometimes it's on a retainer and... for individual charges and sometimes it's on a yearly retainer. The law firm I was with, it did municipal law. We acted as the FOIA request person for small municipal entities, water

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districts, things like that. Would that... would they then be liable if they turned down a request under this Act?"

Madigan: "The answer is no because it's the public body."

Mulligan: "So, it would be the entity that hired them to do the request that would have the liability?"

Madigan: "The answer is yes."

Mulligan: "What if one of the state departments is having a closed-door meeting with, say, CMS in negotiations for union contracts coming up, would that be... would they be able to FOIA... would the union be able to FOIA those records so they would know to what extent the state was willing to pay for the upcoming contract or would they still be closed negotiations until the contract was concluded?"

Madigan: "Again, Representative, we have not changed that Section of the statute."

Mulligan: "So, that would be confidential until the contract was concluded?"

Madigan: "I presume that there had been interpretations of that statute, presumably in court decisions and we have not changed any of that."

Mulligan: "All right. Because we don't even put in a budget what we think we're going to pay for the coming year, so we don't divulge to them what... what the scope of the amount of money is that we're willing to pay. So, I would think if they couldn't FOIA the closed-door meeting, it would not be a good thing. All right. Thank you."

Speaker Mautino: "The Gentleman from Cook, Representative Lang."

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Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. To the Bill. In all the zeal to ask the Speaker questions about the Bill, nobody's actually spoken up for the Bill, so I think it's a good time to do that. Mr. Speaker, Ladies and Gentlemen, people around the state have been asking for reform in a number of ways. This is one more piece of that reform that will come out of this House before the end of this week. We all know we did procurement reform; we did reform of the governance of the pension systems and this is but the next piece. There will be those around the state that say, well, it isn't enough; it isn't right; it isn't this; it isn't that, but those that worked hard on this, particularly Speaker Madigan and staff on... put together a great piece of legislation. As you know, as you heard, the Press Association, who was its biggest critic, has signed off on it. The Attorney General of Illinois worked hard on this and I think it's time for all of us to make sure this becomes the law of the State of Illinois. It's got a number of provisions that are important to type... to tighten up FOIA, to make sure that documents and information is available to our citizens, to the press and in our effort to clean up Illinois, subsequent to the Blagojevich years, it's important that we take this step forward to make sure our people are aware that we are as serious about reform as they hoped we would be. This Bill is a significant and important piece to make sure that happens. And I would recommend passage."

Speaker Mautino: "The Gentleman has moved passage of Senate Bill 189. Speaker Madigan to close."

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Madigan: "Mr. Speaker and Ladies and Gentlemen, this is the fifth item reported by the Joint Committee on Government Reform. You may recall that when we created that committee by action of the House and the Senate, there were those who said this committee won't do anything. This committee will not report anything; nothing will come out of this committee. So, let me point out to you, this is the fifth item to be reported by the Joint Committee on Government Reform. Senate Bill 51, which made the procurement process more transparent and provided insulation around the procurement process from undue influence by those outside the process and even by people in the Governor's Office. Senate Bill 54, the ethics statute, which provided more transparency by providing that the... the reports... the reports coming from the Inspector General would be made public, that there'd be public hearings, revolving... revolving door issues and that there would be weekly reports by all of the lobbyists. Senate Bill 2090 repealed the Compensation Review Board and said quite clearly for there to be salary increases in the future, there's going to be a vote, up or down, in the Legislature. Senate Bill 1333, which would require the complete review by Governor Quinn by all policy-making decision makers appointed by Governors Ryan and Blagojevich and now, Senate Bill 189, which dramatically changes the Freedom of Information Act, and as I mentioned in my remarks earlier, the Bill now is supported by the Illinois Press Association. I would ask for a 'yes' vote."

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Speaker Mautino: "The Gentleman has moved passage of Senate Bill 189. The question is, 'Shall this Bill pass?' All in favor vote 'yes'; 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. 116 voting 'yes', 0 voting 'no', 0 voting 'present. Senate Bill 189, having received Constitutional Majority, is hereby declared passed. The Gentleman from Vermilion, Representative Black is seeking recognition."

Black: "Mr. Speaker, with your indulgence, I rise to a point of personal privilege."

Speaker Mautino: "Certainly, state your point, Sir."

Black: "Mr. Speaker, I don't need to be lectured by a Gentleman on your side of the aisle who insinuates that if we ask questions, we're somehow a subspecies. Well, nobody.. nobody has said they support the Bill. Well, how can we stand up and say we support the Bill when we just saw it 30 minutes ago. You know, I... and you can list a hundred Bills that supposedly address the Collins Report, not one of them is word for word in the Collins Report. I'm going to FOIA what transpired between your side of the aisle and the Illinois Press Association. I have a hunch this... this is all you're going to get; you take this or you don't get anything. I don't know what... what's transpired. This isn't the Bill they originally wanted. I don't know if this is Bill that the editorial writers wanted. We're not given that opportunity because it cannot go to committee where we can listen to editorial writers, news reporters, television reporters, the Collins Commission people. No,

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it's what you on your side of the aisle insist on, and Steve Brown can smile all he wants, but there's one inescapable fact, you must control every aspect of what goes on in this chamber. Who sponsored the Bill on the Compensation Review Board repeal? We did. Couldn't hear it. You have a Bill. Now, we hear you're going to bring a Bill forward on recall. We had a Constitutional Amendment on recall, could not be assigned to committee, would not be debated. What is it? What is it with this overwhelming, all-consuming desire that it's either controlled totally by your side of the aisle or there will be no debate or vote whatsoever. Maybe it's that desire that ought to be FOIable. What is it? I mean, seriously, I wish the Speaker or somebody would let me know. If you don't control it, you don't have authorship, and you don't have all the Sponsors or the bulk of them, it's not going to be debated here, and it certainly won't be voted on. That's reform? I saw this in 1990 and '91 and '92; I don't need to go through it again."

Speaker Mautino: "It's the intent of the Chair now to go to Bills on Third Reading, starting from page 3 of the Calendar appears Senate Bill 450, the Sponsor, Representative Reitz. Out of the record. On page 6 of the Calendar is Senate Bill 2172. Representative Mendoza is at her seat. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2172 is on the Order of Senate Bills-Third Reading. Two Floor Amendments have been approved for consideration, if the Bill is returned to Second Reading."

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Speaker Mautino: "Put the Bill on Second Reading, I believe for the purpose of Amendment. On Floor Amendment #1, the Lady from Cook, Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House... oh, Amendment #1, hold on. Are we doing Amendment #1 or #2?"

Speaker Mautino: "Amendment #1."

Mendoza: "Okay. Okay. House Amendment #..."

Speaker Mautino: "And then... then we'll need to do Amendment #2."

Mendoza: "Yeah, then we'll do #2."

Speaker Mautino: "So, we'll start with one and then go to two afterwards."

Mendoza: "Okay. Sorry. I thought... I thought we had already adopted one. Okay. House Amendment #1 changes a couple Sections of the DCEO law of the Civil Administrative Code. It's responding again to a 2006 audit of DCEO that found that the department was not adhering to various Sections of that Code. This Amendment simply makes these Sections permissive by changing the word 'shall' to 'may' in the beginning of each Section. And it will basically correct the audit findings of 2006, which would be repeat findings in the 2008 audit without this technical change. Would ask for your support of the adoption."

Speaker Mautino: "The Lady has moved adoption of Floor Amendment 1 to Senate Bill 2172. All in favor say 'yes'; opposed say 'no'. The Amendment is adopted. Further Amendments?"

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Clerk Bolin: "Floor Amendment #2, offered by Representative Mendoza."

Speaker Mautino: "The Lady from Cook, Representative Mendoza on Floor Amendment 2."

Mendoza: "Thank you, Mr. Speaker. Floor Amendment #2 deals with the trade show acquisition program where the Department of Commerce and Economic Opportunity would be authorized to reimburse the Metropolitan Pier and Exposition Authority for incentives awarded by MP&EA to attract large conventions, meetings and trade shows to McCormick Place or Navy Pier. The following strict guidelines would safeguard the program: DCEO and MPEA and the TTTV must consult before granting the incentive, the convention, meeting or trade show receiving the incentive must have a registered attendance of over 10 thousand people, it must be shown that, but for the incentive, the convention, meeting or trade show would not have been used by McCormick Place or Navy Pier... would not have used those places, and the program amount is capped at a maximum of \$10 million per year and again, would not be given unless if the trade show met all of the prior requisites. So, I would ask for your support of that as well."

Speaker Mautino: "The Lady has moved adoption of Floor Amendment #2 to Senate Bill 2172. All in favor say 'yes'; opposed say 'no'. The 'yeses' have it. Amendment #2 is adopted. Mr. Clerk, any further Amendments?"

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

Speaker Mautino: "Place this Bill on Third Reading and read the Bill for a third time."

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Clerk Bolin: "Senate Bill 2172, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Mautino: "The Lady from Cook, Representative Mendoza."

Mendoza: "I guess I pretty much explained the Bill as is, so I would ask for your support. And be happy to answer any questions."

Speaker Mautino: "The Lady moves passage of Senate Bill 2172. And on that question, the Gentleman from Tazewell, Representative Sommer is seeking recognition."

Sommer: "Will the Sponsor yield?"

Speaker Mautino: "She indicates she will."

Sommer: "Representative, this... how will this work? Will there be an appropriation..."

Mendoza: "Yes. Reimbur..."

Sommer: "And..."

Mendoza: "Reimbursements are from amounts appropriated by DCEO from the MPEA incentive fund."

Sommer: "So, they..."

Mendoza: "All right. So, after the convention comes in, before they can even be approved for this grant, they would have to prove that they're going to meet all of the prior requirements."

Sommer: "But the approp..."

Mendoza: "And once they accomplish that, then they would be reimbursed the money."

Sommer: "But this will be... in following up on an appropriation that's made for that year."

Mendoza: "Right. For example, you know, the conventions are booked at least 18 months in advance and so we'd have... we'd

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know how much we would need to appropriate. This has a fiscal impact of zero for 2010 and again, there's a whole bunch of hoops that the... the trade group would have to go through in order to even qualify for the grant."

Sommer: "This is for McCormick Place and Navy Pier, correct?"

Mendoza: "Exactly."

Sommer: "Has some consideration hopefully going to be given in the future to exposition facilities throughout the state?"

Mendoza: "I would certainly hope so. I think this is a really great step. It's a creative process that we're using here for the first time and I would anticipate and actually encourage other convention centers in other parts of the state to look at how this works out and hopefully be able to accommodate them as well."

Sommer: "Well, what I'd like to see is an amended Bill perhaps next year since we're not going to see anything happen immediately on this to specify an amount that might apply to other exposition centers around the state in our other cities of some size. If it applies to McCormick Place and Navy Pier and anticipate that it would work there, I think that it should apply to our other communities like Rockford or Peoria or Springfield or whomever would have those facilities. Would you sup..."

Mendoza: "I think that's a great idea. I'd be happy to support that."

Sommer: "Thank you very much."

Speaker Mautino: "The Lady has moved passage of Senate Bill 2172. No one else seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed

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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. 115 voting 'yes', 0 voting 'no', 1 voting 'present'. Senate Bill 2172, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on May 27, 2009, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #1 to Senate Bill 1186."

Speaker Mautino: "On page 8 of the Calendar appears Senate Bill 1186. Read the Bill."

Clerk Mahoney: "Senate Bill 1186 has been read a second time, previously. Floor Amendment #1, offered by Representative Madigan, has been approved for consideration."

Speaker Mautino: "The Gentleman from Cook, Speaker Madigan on Floor Amendment #1."

Madigan: "Mr. Speaker, I move for the adoption of the Amendment."

Speaker Mautino: "The Gentleman has moved adoption of Floor Amendment 1 to Senate Bill 1186. All in favor say 'yes'; opposed say 'no'. The 'yesses' have it. And the Amendment is adopted. Any further Amendments?"

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

Speaker Mautino: "Place this Bill on Third Reading. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "Senate Bill 1186, a Bill for an Act concerning appropriations. Third Reading."

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

Madigan: "Mr. Speaker, this Bill is very simple. It provides for full payment of our obligation to the Illinois pension systems. That's it. I move for the passage of the Bill."

Speaker Mautino: "The Gentleman has moved passage of Senate Bill 1186. And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Mautino: "He indicates he will."

Black: "Representative, for fiscal... or Mr. Speaker, for fiscal year '10, what is the total amount that is due and payable to the Illinois Teachers Retirement System?"

Madigan: "A little over two billion."

Black: "All right. On page... page 1 of your Amendment, you have two billion, eighty-seven million and some change. On page 2, additional costs, one... one million, six hundred thousand. What's the additional cost?"

Madigan: "Our belief is that that's for the ERO."

Black: "All right. So, the total cost to the pension system for FY10 is certified to be how much? I have it in front of me, but quite frankly, I... I have trouble reading it."

Madigan: "Mr. Black, our obligation in total is a little over four billion. This Bill is only concerned with the general revenue fund obligation."

Black: "Okay. The FY10 certified general revenue fund which is three billion, four hundred and twenty-nine million and change, correct? So, it's the general revenue obligation

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to TRS, SURS, SERS, the Judicial Retirement System and GARS, correct?"

Madigan: "The answer is yes."

Black: "And what would take us up over the four billion is those are other funds not GRF funds, correct?"

Madigan: "The answer is yes."

Black: "Mr. Speaker, thank you."

Madigan: "You're welcome."

Black: "Thank you very much. I would think that most everybody in the chamber would vote 'aye'. This has been a sticking point with many of us that we're being asked to go back home and tell people to pay more taxes and shortchange the pension system. And for those of you who have been here for any length of time, a three and a half billion dollar shortfall in the out years, ends up costing us thirty-five, forty, forty-five billion dollars, just simply adds to the huge unfunded liability. This makes eminent good sense. I don't know how it will fit into the overall budget, but at least this idea is a good one. And thank you, Mr. Speaker."

Speaker Mautino: "The Gentleman from Crawfor... from Crawford, Representative Eddy."

Eddy: "Thank you. Would the... would the Speaker yield?"

Speaker Mautino: "He certainly will."

Eddy: "Repre... Speaker Madigan, just very, very quickly. Is that reflect final intention regarding the pension payment for the budget?"

Madigan: "Your question, used the word final?"

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Eddy: "Yeah. This... this is an important issue to many of us in here. We understand that there are a lot of questions swirling around regarding the pension, different approaches, the possibility of cost containment. And many of those issues may be the subject of... of discussions in the future and we may revisit this, but I guess as far as this year's budget is concerned regarding the payment. Does this reflect your intention as final action on this issue?"

Madigan: "Mr. Eddy, I think the best answer would be to say that my sponsorship of this Bill today is reflective of my view of this issue having consulted with the Democratic Members of the House of Representatives. Now, you know Governor Quinn thinks differently about this, but that's what happens in a democracy. Mr. Black can explain that to you. There are legitimate differences of opinion."

Eddy: "Well, I... I... I've got part of that in seven years that there are legitimate differences of opinion, and I appreciate the offer for Mr. Black to tutor me, though, he does regularly on... on many issues. I just... I just hope this isn't part of, you know, some type of a strategy to use... use this particular issue as... as a negotiation issue in the budget because it means so much to so many different people. I get calls all the time. I know that pensioners are concerned, annuitants are concerned about what's going to happen to them with their benefits, et cetera, and this is a major issue to them. So, I appreciate your... your words, and hopefully, this is that action and it's final,

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and we're going to make that commitment in next year's budget to make the full payment. Thank you."

Speaker Mautino: "Further questions? The Gentleman from Cook, Representative Burns."

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

Speaker Mautino: "He indicates that he will."

Burns: "Mr. Speaker, what is the fiscal year... what's the general revenue fund deficit for fiscal year 2010?"

Madigan: "Seven point four billion would be a good number to work with."

Burns: "So, our projected deficit for the upcoming fiscal year is \$7.4 billion?"

Madigan: "Yes."

Burns: "What percentage of general revenue fund is \$7.4 billion in terms of a falloff in revenue from the previous year?"

Madigan: "A little over 25 percent."

Burns: "So, we're going into fiscal year 2010 with a 25 percent reduction in our base revenue."

Madigan: "Yes."

Burns: "Additional question. If we make the full pension payment, what does that do in terms of the revenue remaining for appropriations for the operating budget for fiscal year 2010?"

Madigan: "I think a good way to answer that question would be to say that in the plan put forward by Governor Quinn he would have provided not for this Bill, but rather for a partial payment to the pension systems. And had that idea been able to get sufficient votes in the Legislature, that

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would have made available about \$2.2 billion to be spent for current purposes."

Burns: "Thank you. One additional question, Mr. Speaker. Have you ever experienced a year where the state lost 25 percent of revenue from one budget year to the next?"

Madigan: "No."

Burns: "And I see that you have your budget director with you. Is... has he had a chance to research when there might have been a year in the state's history where there was a 25 percent reduction... the last time there was a 25 percent reduction in revenue from one year to the next?"

Madigan: "Well, Representative, the only time I could think that... that may have happened may have been in the Great Depression of the 1930s, but I don't have any evidence on that."

Burns: "Right. To the Bill, Mr. Speaker."

Speaker Mautino: "To the Bill."

Burns: "I am the son and grandson of a union member. My mother-in-law is a retired Chicago public school teacher who relies on her pension. And I believe that we have a commitment to pay our pension responsibilities and liabilities. However, that responsibility must be judged against the conditions under which we're living. You've just heard the Sponsor of this Bill indicate that there's never been... this situation that we're facing in terms of our budget has not occurred since the Great Depression. These are unprecedented times that require unprecedented approaches to balancing the budget. As a consequence of fully funding our pension liability, we are taking \$2.2

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billion off the table that could be used to support our state's fragile safety net. These are health care programs. These are education programs. These are oppor... these are programs that provide an opportunity for people to move out of poverty and into the mainstream of American life. And right now more people than ever are depending on these programs to sustain themselves. I support making the full pension payment, but we must consider the conditions under which this Bill is being proposed. We need to have a long-term solution to figure out how to fulfill our pension responsibilities in future years. I caution all of my colleagues to consider the ramifications of voting for this Bill. I plan to vote 'present' and I ask you to do the same."

Speaker Mautino: "We have two more speakers seeking recognition. I would ask the House to bring these side conversations down. And on that, we'll go next to the Gentleman from Morgan, Representative Watson."

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

Speaker Mautino: "He indicates that he will."

Watson: "Mr. Speaker, first, let me commend you for bringing the Bill forward. I truly believe that this is a responsibility that will weigh this state down, if... should we not fully fund it and therefore, disagree with the previous speaker. All you have to do, folks, is look at what happened to the big three and the weight of that unfunded pension liability that hurt them. That does not to deny the real pain that's... that's out there, but this is a... a problem that will be with us for quite awhile, if we

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don't address it. I do have one question. This is an appropriation Bill, yes... Correct, Sir?"

Madigan: "The answer is yes."

Watson: "And so, it could be reduced by the Governor and then the rest of the budget could go into effect."

Madigan: "Well, Representative, the answer to the question is yes, it could be reduced by the Governor, but there's a backup for this matter of a continuing appropriation. So, current state statute provides that there's a continuing appropriation for this purpose. What that means is that if we took no action, if we didn't have a Bill like this, still the money would fall over to the pension systems."

Watson: "All right. Mr. Speaker, one final question. Has... has COGFA certified that there has been a 25 percent reduction in re... in state revenues?"

Madigan: "My statement is based on COGFA revenue estimates."

Watson: "Okay. Thank you."

Speaker Mautino: "For... final person seeking recognition is the Lady from Cook, Representative Ryg."

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

Speaker Mautino: "He indicates he will."

Ryg: "Thank you. Mr. Speaker, are there any reform measures that will be tied to this appropriation of the full payment?"

Madigan: "Speaking for myself, the answer is no."

Ryg: "Is there any opportunity to consider that for going forward so that the unfunded debt that has been the priority of all the beneficiaries of the state program, there's also been some concern about the long-term

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sustainability of a pension system that is in need of reform."

Madigan: "Well, Representative, you probably know that Representative McCarthy has been intimately involved with the Governor's Office and labor unions in discussions concerning changes in the benefit level in the Illinois pension systems. There was a Bill that was reported favorably by the pensions committee on a Party-line vote. Had the Bill been called on the floor, I would have voted 'yes'. So, I am supportive of efforts to change the benefit level. I think that we're just putting our heads in the sand if we don't recognize that the current benefit level in the Illinois pension system is not sustainable."

Ryg: "Thank you. I am aware of the legislation and attended several of the meetings and also, back in the district, in responding to, again, the beneficiaries, the public employees who have this pension system are very concerned about the long-term sustainability, and I think the questions if they're first priority was full funding of the pensions. So, this is a step in that direction. But I think it is really important that we take that next step and engage with the stakeholders to really negotiate something that can work for them as we have done in the past in terms of bringing down the long-term costs."

Madigan: "Well, Representative, the Governor's Office has told me that they planned to continue those discussions with the labor unions."

Ryg: "Okay. Thank you."

Madigan: "Thank you."

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Speaker Mautino: "The Gentleman has moved passage of Senate Bill 1186. The Lady from Cook, Representative Monique Davis, is seeking recognition."

Davis, M.: "Thank you, Mr. Speaker. Will the Sponsor yield? Repre... I mean, Mr. Speaker, what is the level of pension funding in the State of Illinois at this point?"

Madigan: "It's... below 50 percent."

Davis, M.: "It's above 50 per..."

Madigan: "Below, below 50 percent."

Davis, M.: "Oh, it's below 50 percent? And some... there's some arbitrary number that says it has to be at 80 percent. Is that correct?"

Madigan: "There's a statute that provides for the pension payment carried in this Bill, and that statute runs out over several years until 2045. And the statute provides that if we maintain the payment schedule in the statute, then the funding level will be at 90 percent in 2045."

Davis, M.: "And do we want to go that far?"

Madigan: "Well, I think it's in our best interest to... to follow the statute. You bump up against financial needs all across State Government and which has prompted some people to think well, maybe, we will just make a partial payment this year, which would not be consistent with the current schedule. But that's why we would have to move a Bill, get the Governor to sign the Bill, that would, in effect, change the schedule."

Davis, M.: "But if we don't pass this Bill, then we won't meet the schedule, and we will have additional funds so that agencies will not have to be cut 68 percent?"

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Madigan: "It really would just not be not passing this Bill. We would have to pass a nonappropriation Bill, 60 votes in the House, 30 votes in the Senate, signed by the Governor, that would reduce the payment level to the pension systems by taking the amount in this Bill and reducing it by \$2.2 billion. Our conversations among House Democrats clearly indicated there would not be the support to do that, and that's why I'm sponsoring this Bill now."

Davis, M.: "Well, you know, I'm just really not convinced that this is the best thing to do at this time. I do realize that in 2045, they may have issues, too, but hopefully, those issues will not be confronting them that are confronting us today. And I just also wonder how we can afford to give \$300 million to private universities and that perhaps has little to do with this Bill, right?"

Madigan: "Two separate Bills."

Davis, M.: "Well, you know, I'm really... I'm just concerned, and the reason I'm concerned is, you know, I look at how many things we're not going to be able to fund or pay for and that really does bother me. And it's too late once these children or these agencies or these ill people come to us telling us what we didn't do, and then it's too late to do anything about it. So, I don't know if people are paying much attention, but this is one of the end Bills for this Session. This is one of the ending Bills for this Session of what we're going to have available to do anything with. Now, my understanding is you... we want to increase the eligibility for child care services to 185 percent of the federal poverty level rather than 200 percent. And this is

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at a time when there are more people unemployment or underemployed. So, Mr. Speaker, are you pushing this Bill 'cause it's the right thing to do or are you pushing this Bill because it's the only thing to do?"

Madigan: "Well, two reasons. Number one, even if this Bill does not pass, there's a continuing appropriation. Therefore, in order to change the effect of the Bill, make more money available for general operations, it would require the passage of a Bill with 60 votes here, 30 Bills (sic-votes) in the Senate. Our conversations with our Democratic Members indicated that there's a very low level of support for that type of a Bill. So, I just don't think it's realistic to think in terms of a partial payment to the pension system. I think that this Bill is reflective of how the people on our side of the aisle feel."

Davis, M.: "Okay. Well, why don't we just see. I'm going to vote 'no' and we'll see."

Speaker Mautino: "Further questions? The Gentleman from Kendall, Republican Leader Tom Cross."

Cross: "Thank you, Mr. Speaker. I don't have any questions of the Sponsor. I think most people on our side completely agree with the idea of making a full pension payment. I... I... what I do question is some of the comments that have been made over the last few minutes or the last few hours and the last few days that we are in a budget hole or have a budget hole or have a deficit because of the economy and the economy only. This is not the first time this state or this country's experienced difficulty. Many in this room were in business and remember the late '70s and early '80s

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where interest rates were at a, I don't know if it was at an all-time high, but a very high rate into the high teens and low twenties. It was impossible to buy real estate. I remember even when I started practicing law that we were seeing installment contracts more than people going to the bank. This is not new, but to say we have a problem entirely because of the national economy is inaccurate. And I don't want to get into we told you so, because that doesn't do anybody a lot of good, but it does need to be.. we do need to remind ourselves of why we're here today so we don't repeat the sins of the past. And while the economy may have some bearing on where we are today, and clearly our revenues are down, we had a very good run the last five to six years from a revenue standpoint. Our problem was we spent more money than we took in, and that is why you have holes. We spent over \$6 billion over the last five years, and that's more than we took in, and as a result of that, you dig yourself into a hole. We used onetime revenues; we raided the pension system by significant amounts of money. Last year we saw a budget that was sent to the Governor that didn't have the revenue to support it to the tune of about \$2 billion, and of course, a budget that was unconstitutional. I don't know where we're heading today, but everybody says we need more money, we need new revenues and that may be the case, but to just continue down the same path that we have gone down the last six years of either spending more or passing unconstitutional budgets, not having enough revenue to support them, doesn't mean or show any progress or any

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understanding that we've learned. We have a culture here that unfortunately can't help themselves of spending more money than we have and have no discipline and can't say no. We've done nothing over the last four or five months to change that culture. We are here at the last moment. We're seeing Bills at the last minute with no opportunity to debate them in committee. It's ironic that we have tried time and time again to talk about economic reforms and ethical reforms, and we're told we can't have a hearing on them, but yet we can have Bills dropped on our laps at the very last minute that have significance to us as a state into the billions of dollars, but we can't have any debate and discussion about ethics reform. So, we are unfortunately continuing down the same path. Do we need to fund the pension system? Of course, we need to fund the pension system. Do we all want to pass... fund the pension system on this side? Of course, we do. But we don't look at a big picture anymore in this state. We do this in little piecemeals and end up sending things to a Governor's Office that don't necessarily make sense, that don't add up, that are unconstitutional and cause all kinds of havoc for the people of the state, and we've learned absolutely nothing from the past. We've seen no discipline and it is unfortunate that it's the same old business as usual, the same old game, no willingness to reform in ethics... no willingness to reform on the budget, no willingness to reform in any way whatsoever. So, Mr. Speaker, thanks for the opportunity to comment, and I hope we truly do make a pension payment. Thank you."

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Speaker Mautino: "Further discussion? The Gentleman from Winnebago, Representative Winters."

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

Speaker Mautino: "He indicates that he will."

Winters: "Mr. Speaker, I apologize, I was over in the Senate and just came back to hear the tail end of this debate over the pension payments. I didn't feel an earthquake when I came across the rotunda, but is it... is the basic essence of this that we are fully funding the pensions this year?"

Madigan: "That would be the effect of the Bill."

Winters: "I... I really didn't feel the earthquake, but after the exper... the experience that I've had over the last six years of looking at the way we've funded the pensions through hook or crook, through mirrors and smoke, I will commend you on at least the approach of honoring our obligations to the pensions this... with this Bill. The question that I have is that after last week's appropriation, I believe we fully funded our state contract employees; we have the state agencies ready to go for another year with the appropriations Bill last year. What... what do we have left in the general revenue fund and what are the spending obligations that we look forward to the balance of this week? Do you have any round numbers for that?"

Madigan: "Mr. Winters, the... and thank you for putting the question. It's always an honor to be interrogated by a Dartmouth person. A good way to answer your question is to say that after our action of last week, we have 3.5 billion left to spend..."

Winters: "And..."

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Madigan: "...3.5 billion left to spend..."

Winters: "And this takes about three in round numbers."

Madigan: "After this... after this Bill..."

Winters: "After this. Okay."

Madigan: "...3.5 billion left to spend and working off the Governor's introduced budget, there's about 10 billion proposed by the Governor but not yet funded."

Winters: "Okay. So, we're still facing that six and half billion dollar hole with four days left to try to find some way to fill it or to cut that deeply. I will echo Leader Cross in saying that this really is a culmination of the way this state has really looked at our budget over the last six or even seven years that we have not faced up to the fact that Illinois is not growing jobs, we're not growing revenue as fast as the rest of the country, and we have refused to look at a very hard decision in saying that this state cannot afford the government we'd like to have. We've gone out and we've appropriated money for many wants, for many wishes, at the same time we're bleeding to death the needs, the necessities of this State Government, and I just wanted to highlight the fact that with the four days left in this Session we are still in just as bad of... a hole. Yes, we've made the symbolic gesture of appropriating the money to fill the needs of the pensions this year, but it has not solved the overall problem. And I do commend you on this Bill. I wish that we could come back with another appropriations Bill that would have the adequate revenue that I don't think we'll find in the next four days. Thank you, Mr. Speaker."

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Speaker Mautino: "Further questions? The Gentleman from Cook, Representative Will Davis."

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

Speaker Mautino: "He indicates he will."

Davis, W.: "This way, Mr. Speaker. How are you, Sir? I'm going to... I've been thinking about a lot of things here, and I'll try to be brief with my... my questions. As and I think the previous speaker mentioned that this is an effort to fund... fully fund the pensions to make our full pay... pension payment this year, correct?"

Madigan: "The answer is yes."

Davis, W.: "Is this based on what the Governor has proposed as it relates to completing our budgetary processes?"

Madigan: "This is different than what the Governor has proposed."

Davis, W.: "This is different. Okay. Your scenario, as in terms of fully funding the pensions, where does that leave us as it relates to the remainder of what may be left to spend on agencies and other things?"

Madigan: "It would leave us with 3.5 billion. In working off the Governor's budget, there are \$10 billion worth of programs not yet funded."

Davis, W.: "Okay. So, there would still be... there will still be cuts as it relates to this?"

Madigan: "Well, there would be programs not funded."

Davis, W.: "Programs not funded. Okay. Is there any conversation at all about making a partial payment and allowing for more resources to be spent on agencies and other things?"

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Madigan: "Representative, among House Democrats, we've talked about a partial payment, and we asked people how they felt about it, and there was a very low number of people that indicated that they were willing to vote for a Bill that would provide for partial funding."

Davis, W.: "Okay. But presumably, because we're... because we're debating this Bill, the numbers were greater for those who suggested that we make the full payment?"

Madigan: "Yes."

Davis, W.: "Okay. Oh, I'm sorry."

Madigan: "Okay."

Davis, W.: "Okay. I guess my greatest challenge with that and others have talked about what they need in order to vote for a Bill or to vote for a budget, my greatest challenge with that is that in my community where the human services needs are probably greater than in most districts and not that I don't have teachers in my district that would appreciate this, but nevertheless, it can help teachers or will help teachers, but the scenario that's left means that the human service needs in my district are probably going to go reasonably unmet or certainly not met to the extent in which they should be, correct?"

Madigan: "The answer is yes."

Davis, W.: "Okay. And I think this is going to be my last question, 'cause again, I'm just trying to... just trying to... to understand the nature of everything that we're... that we're doing here. Other Representatives have suggested that maybe we vote 'present' on this Bill, and I think the intent is to, not to necessarily say that we're against

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teachers necessarily, but this is something where the pain probably needs to be shared across the board, and I think many, many people would... would agree with that. But relative to balancing this with the possibility of... of raising an income tax, your position is that you've been willing to support an income tax increase of some sort, correct?"

Madigan: "Well, I've... I've said repeatedly and publicly that I'm prepared to vote for an increase in the Illinois income tax to balance the budget and pay the bills."

Davis, W.: "Balance the budget and pay the bills?"

Madigan: "Yeah."

Davis, W.: "If we were to pass an income tax increase, would this be one of the bills that would be paid as a result?"

Madigan: "I think a good way to approach that question would be to say that with the passage of this Bill and looking at the estimated available... the estimated money available to be spent, that there's about 3.5 billion left to be spent. If we were to raise the income tax pursuant to the Governor's proposal, there would be approximately 3.8 billion to spend. So, in the Governor's introduced budget, there are \$10 billion worth of programs not yet funded, 10 billion. If you spend what's left, 3.5 billion, and then use the money from the Governor's income tax increase of 3.8... a little over 7 billion, there'd be 7 billion left or available... 7 billion available to fund programs worth 10 billion."

Davis, W.: "So..."

Madigan: "So, even there there'd be a \$3 billion shortfall."

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Davis, W.: "So, there'd still be cuts, but certainly not as deep cuts."

Madigan: "Correct."

Davis, W.: "Okay. Thank you very much, Mr. Speaker."

Speaker Mautino: "The next speaker is the Lady from Cook, Representative Deborah Mell."

Mell: "Thank you, Mr. Speaker. To the Bill. I wasn't going to say anything, but there's this 88-year-old woman, her name's Jean and she lives on Irving Park Road and she says, honey, if you have something to say, make sure you say it. So, this is for Jean. With... with the savings, if... it's 2.2... Will the... will the Sponsor yield? 2.2 billion, right? Okay. So, I just... I just kind of wanted to make a point that child care services is 590 million, home service program is 518 million, community care program is 490 million, early child education is 392 million and those programs are very beneficial to my area. And so with that, I'm going to voting 'present'. Thank you."

Speaker Mautino: "Final speaker is the Lady from Cook, Representative Feigenholtz."

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

Speaker Mautino: "He indicates he will."

Feigenholtz: "Speaker Madigan, there were a lot of speakers who were just addressing an issue of the budget crisis that we're in, and as you know, the Human Services Appropriations Committee oversees about two-thirds of the Illinois budget that is bankrupt. After we pass this Bill, how much money is left in State Government to spend?"

Madigan: "3.5 billion."

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Feigenholtz: "And if we were to not pass this Bill, how much money would there be to spend?"

Madigan: "Well, it's not just not passing this Bill. We would need to pass yet another Bill that, according to Governor Quinn's plan, would partially fund the pension systems and under that plan there'd be an additional 2.2 billion available to spend."

Feigenholtz: "So, that would mean that we could fund another \$2.2 billion of human services... essential human services, like the previous speaker mentioned."

Madigan: "The answer is yes."

Feigenholtz: "So, in the last few months, have you had conversations with some of the working men and women who are making... who are getting these pensions and their Representatives down here, because it was my belief that there were a significant amount of reforms that were on the table? Is that not correct?"

Madigan: "Well, the answer is yes."

Feigenholtz: "And can you enumerate possibly what some of those options may have been that would have given us a little bit more wiggle room in such a difficult year?"

Madigan: "Well, Representative, there's a two-part process. So, we talk about reforms and that generally means that the benefit level of people enrolled in the Illinois pension systems in the future will not be as rich as they are today, but it only relates to the future. So, when we talk about reforms, please understand it only relates to the future, and then there would be a second step which would be to partially fund the systems to not appropriate the

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amount of money contained in this Bill but to reduce the amount of money contained in this Bill by \$2.2 billion. That could only be done if there were 60 Democrats in the House, 30 in the Senate... excuse me... 60 people in the House, Democrats, and Republicans, 30 in the Senate, signed by the Governor. I've indicated in my previous remarks that we have talked among House Democrats and there's a very minimal level of support for a Bill that would, in effect, provide for a partial payment to the pension systems. And so, this Bill is reflective of what we have developed in our conversations with House Democrats."

Feigenholtz: "Do you know... I've heard from other sources that perhaps there is some will over this summer to discuss some of these reforms and that teachers and other unions are willing to come to the table to perhaps consider that. Is that accurate?"

Madigan: "Well, Representative, all I can do is to quote David Vaught who works for Governor Quinn, and he was assigned by Governor Quinn to work with the labor unions, and his statement to me and to others in a meeting was that the Governor's Office wanted to continue to talk about this over the summer and that the labor unions had indicated to Mr. Vaught that they would be willing to participate in those discussions over the summer."

Feigenholtz: "So, there is some interest and understanding on behalf of some of these unions that we have some structural issues that need to be addressed so that we don't perpetuate this problem for future generations. Is that accurate?"

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Madigan: "Well, Representative, there are statements by agents of labor unions. That's how I would characterize it, statements."

Feigenholtz: "Isn't... Mr. Speaker, when we... when we balance our budget and we have budget discussions, one of the first things that we talk about is the pension obligation. It's a mandate; it's the first thing we pay for when we take a look at the plus and minus column. Is that accurate? This is an obligation. By law we are obligated to pay a huge sum of money. This year how much is this?"

Madigan: "A little over 4 billion."

Feigenholtz: "So, to the Bill. Ladies and Gentlemen, you've heard previous speakers. We are faced with some very, very difficult decisions. We've been voting on segments of this budget. We voted for infrastructure improvements. We have voted for Medicaid payments to hospitals, long-term care and providers and after we vote on this Bill, we will have \$3.5 billion to spend. That leaves us with very few options and will virtually shut down programs that are life sustaining and vital programs to the people of the State of Illinois. I... I don't even know... I can't support this Bill, although I think it's important that we send a message to the Senate that we are in the danger zone by continuing to spend money without considering other options."

Speaker Mautino: "Speaker Madigan to close."

Madigan: "I thought I would prepare about two hours of remarks in summation, but I'd rather just ask for a 'yes' vote."

Speaker Mautino: "Happily, the Gentleman has moved passage of Senate Bill 1186. The question is, 'Shall this Bill pass?'

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All in favor vote 'yes'; 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. 102 voting 'yes', 0 voting 'no', 14 voting 'present'. Senate Bill 1186, having received the Constitutional Majority, is hereby declared passed. It's the intent of the Chair to work on Members' Bills for another hour or so and so, if Members are at their chairs and ready to be called... called upon, I'm going to go right down the Calendar. So, an hour or a little bit better, so you can plan your evenings. Representative Turner is in his chair and Bill #... And on page 9 of the Calendar is Senate Bill 1298. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1298 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No... All Motions have been filed."

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

Clerk Mahoney: "Senate Bill 1298, a Bill for an Act concerning gaming. Third Reading of this Senate Bill."

Speaker Mautino: "The Gentleman from Cook, Leader Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I bring to you today House Bill 1298, often referred to as the ADW Bill. Just to give you a little background. I picked up this legislation because I wanted to try to bring attention to this Body in terms of dealing with the issue of recapture, in particular, with the Illinois Hor... Harness Horse Association. There's an issue that recapture has been around for a number of years, and it has not been funded at the level it should be funded and

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so, I anticipated trying to do something on this Bill to try to help those horsemen, in particular. Unfortunately we've... are unable to reach an agreement at how we're going to move forward with recapture, and so I've decided to go ahead and move this Bill forward. What 1298 does is... it's not... I don't consider it an expansion of gambling, because this is something that currently takes place. There are 20 states that currently have what we call, it's ADW, advanced deposit wagering, and basically, in those 20 states such as California, Connecticut, Kentucky, Louisiana, Maryland, Massachusetts and others, what it does is it allows a bettor to put money up... place money up-front, and then he's able to phone in his bets at a particular time when those races take place. So, it's not like a credit card. The money is put up in front, and then the voters are able to vote for it. Currently, it's estimated that in Illinois, we're losing... there's some \$50 to \$100 million that's spent annually on these types of wagers. And so, this is money that if, in fact, that we were to allow this in Illinois, we anticipate another \$3 to \$5 million could be brought back or could remain in this state which could go to purses and tracks commission. I think that in... just sums up what this Bill does. It would be regulated by the Illinois Racing Board. It's supported by all the tracks and all of the interested parties that are interested in racing. And I move for the adoption of Senate Bill 1298."

Speaker Mautino: "The Gentleman has moved passage of Senate Bill 1298. And on that question, the Gentleman from Crawford, Representative Eddy is seeking recognition."

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

Speaker Mautino: "He indicates that he will."

Eddy: "Representative Turner, I think you mentioned somewhere in your comments that the anticipated revenue is around \$3 million?"

Turner: "That's correct, between 3 to 5 million."

Eddy: "And where... where does the revenue... is it... does it get deposited in the general revenue? Is there a dedicated fund?"

Turner: "It would go into the horseracing fund."

Eddy: "Into the horseracing fund. And could you share with the Body how revenue in the horseracing fund is distributed?"

Turner: "It pays for agriculture-related programs, and then any of the balance... it goes into the general revenue fund. But it's first distributed through the agriculture fund."

Eddy: "Is there any portion of this that would go into the purse fund that would help increase purses?"

Turner: "Yes."

Eddy: "Now, would that be for primarily the quarter horse purse fund or does it also include purse funds for harness racing?"

Turner: "There is a small percentage that goes for the quarter horses."

Eddy: "Okay. But not harness."

Turner: "All of the horse groups will get some money on this: thoroughbreds, quarter horses, harness, all the breeds will be able... would be entitled to some... a percentage of this split."

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Eddy: "And how does the actual wagering take place? Is it the Internet? Is there a company that... is there a bid process for who will be providing the Internet service?"

Turner: "Actually, as I stated earlier, this activity would be regulated by the Illinois Racing Board and the tracks along with the Racing Board would adopt the rules and they would... the Racing Board would be the one who would be administering and who would determine who would be the licensee. So, all of that would be handled by the Racing Board."

Eddy: "So, they... they would solicit vendors to handle the Internet receipts, the actual... the pari-mutuel wagering through the Internet..."

Turner: "Yes."

Eddy: "...would be done through a company chosen by the Illinois Racing Board?"

Turner: "That's correct."

Eddy: "Okay. Thank you, Representative. I support the legislation. I think it's... it's something that's necessary. Really, anything we can do to help that industry that has suffered since basically, the dockside gaming has taken place. I just... I have one... one final question for this that just came up. Do the county fairs... any of this go to county fairs, any of the funding?"

Turner: "The ag... the county fairs get their money through the Ag Premium Fund, and I believe a percentage of this money would go to the Agricultural Premium Fund."

Eddy: "Okay. So, it would... support the fund that supports county fairs. So, this is another way that we could..."

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Turner: "That's..."

Eddy: "...support the county fairs by supporting your legislation."

Turner: "That's correct, Representative."

Eddy: "Thank you. I urge an 'aye' vote."

Speaker Mautino: "Further questions? The Lady from Cook, Representative Mulligan."

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

Turner: "Yes."

Speaker Mautino: "He indicates he will."

Mulligan: "Representative, when you talk about affiliates or ADW contracts, will that be currency exchanges?"

Turner: "That is not my understanding, Representative."

Mulligan: "Who would it be?"

Turner: "The reason it wouldn't be currency exchanges is because that these ADW licensees would be required to carry the signal and accept wagers of all Illinois live... live racing. They would have to have the con... the consent of the host organization to accept those out-of-state wagers."

Mulligan: "So, is this going to be only for people betting from out-of-state or will it be in-state also?"

Turner: "No, this would be in-state and out-of-state wagers. They could accept wagers from out-of-state, but... they would do both."

Mulligan: "And who holds the money?"

Turner: "Just bear with me. The money itself would be collected by the ADW licensee and then the tax will be collected from them and given to the Racing Board."

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Mulligan: "Is there any obligation that the ADW would be in this state or in this country?"

Turner: "Well, the Racing Board would be the agency that would license them or grant them permission to do this here in Illinois."

Mulligan: "Our staff says no. Do you know that there's currently betting going on and sports betting where you go into a currency exchange and place your money. It goes to an offshore account so that we don't even know what's happening there and that that money is held by them. You can't tell what's going on through that."

Turner: "That may... that may..."

Mulligan: "If you don't have someone that's holding that is in this country or in this state or affiliated with the racetrack, where do you know where that money's going and who's holding it?"

Turner: "Well, Representative, your point is well-taken. And in terms for them to be licensed, my assumption is that the Racing Board, in fact, would set up the rules and regulation and those safeguards to make certain that moneys bet in Illinois that we would get the tax that's due to us. As you state, currently, those bets are being placed right now by Illinois residents who go to the racetrack and in fact, can get on their cell phone and place that bet with an ADW facility that is either nonlicensed or that may even be stationed abroad."

Mulligan: "So, can you run... run up a bill on your credit card or can you run... do you have to have some kind of a certified check to walk in or does it have to be so many

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hours before or so many days before, where that money would be placed in an account and then you could bet at will with it?"

Turner: "I do know that the money would have to be placed up-front. The exact timetable, I'm not certain. I'm assuming that the Racing Board would establish those rules and promulgate the rules as to what the time would be. But you cannot bet on money... you have to have money up-front. Now, you could use your credit card or if you've got cash advanced on that credit card or you could just place \$300 with an ADW or whatever the amount with an ADW facility and then you'd be able... be able to call in and spend your wagers accordingly, but the money would have to be in the hands of the ADW facility first."

Mulligan: "So, is the enticement for this the enhance in the revenue for 1.50 to 1.75 and that that money goes first to the purse for the horsemen and then do we get anything from the state or this or how do we collect?"

Turner: "Well, it's subject to the pari-mutuel tax and that that tax rate right now is currently 1.5 of the daily pari-mutuel handle."

Mulligan: "I don't necessarily see this just as a benefit for downstate horsemen or the tracks. I see this as a benefit for an established group of gamblers who have already established offshore accounts who come to us and then who knows who's going to get the contract. It's not specified in your Bill, anybody could have that contract. The money could be going to the Bahamas or someplace so that you don't even know how much has actually been put in the

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account and how much we're going to collect the tax on and then how do you get the tax back? If they've already established this network, which is not particularly legal, now we're feeding into this. How much more of an expansion of gambling in Illinois do we need this year?"

Turner: "Representative, as you said earlier, I don't consider this an expansion. This is an activity that currently goes on right now. You can go to the racetrack, take a seat, get on your phone and place a wager with any of the ADW facilities in 20 states where it's currently licensed and with companies, as you say, overseas that may, in fact, they may not be licensed. This would just allow Illinois the ability to raise... to collect the tax on the money that's currently being bet outside of Illinois."

Mulligan: "I think what Illinois needs to do is take a good look. Maybe some of the newspapers that are so worried about ethics and are... what are going on here ought to do a little investigation of what's going on with the betting that's going on currently with baseball, football, others, basketball, when you put your money in, you run into the currency exchange with your check, you get it in and it goes to an offshore accounts. Who knows what we're getting back. And it seems to me that we're now sanctioning this by going this way with the horseracing industry. I urge a 'no' vote."

Speaker Mautino: "Further questions? The Gentleman from Lee, Representative Jerry Mitchell."

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

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Speaker Mautino: "Indicates he will."

Mitchell, J.: "Representative Turner, I noticed that just about every single horseracing association has agreed upon this Bill. Is that correct?"

Turner: "That's correct."

Mitchell, J.: "And that's pretty tough to do. So, I commend you on those efforts. It's tough sometimes to get the harness horsemen to agree with those that ride on the horse's back. They always have different issues and different... separate pieces of the pie and because the horseracing industry in Illinois has been one that has been waning, there's a struggle to make it fair between the county fairs which are the center for harness horseracing and Arlington, Hawthorne, and some of the bigger tracks up in the Chicago area. The horseracing industry, the thoroughbreds, the saddlebreds, is a fascinating thing to watch and a sport that needs to continue. I notice that... that the reorganization of the Illinois Racing Board has been removed from your language. That it... that the Governor gave, under Executive Order, 95... a 905 that... that made them more or less a separate entity not a quasi-agency under the Illinois revenue service. Is that correct?"

Turner: "That's correct."

Mitchell, J.: "And that language should be coming to us on Senate Bill 1576. I believe that's Representative Lang's Bill?"

Turner: "That's correct."

Mitchell, J.: "Okay. Well, Representative, I commend you for this. As... as a lover of horses and an owner of 15 of them,

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I'm certainly behind the Bill and Ladies and Gentlemen, if you want to see the county fairs continue to have horseracing for your enjoyment, you need to be for this Bill. Thank you."

Turner: "Thank you, Repre..."

Speaker Mautino: "Further discussion? The Gentleman from Lake, Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen, if there was horseracing going on today and there might be, I'm not really sure, there would be people placing bets in Illinois on Illinois races, but they'd be placing those bets outside of Illinois. And so, the other states would be taking advantage of tax monies that potentially could be collected and used for the social service programs that we want to fund today. So, if you want to bring in more tax revenue, and I believe it's estimated at... to a about a million dollars on... in taxes and \$3 to \$5 million in purses, you want to vote for this because there's \$50 to \$100 million in bets being placed annually on Illinois races, but we're not capturing the tax revenue that we need. That's what this Bill is about, capturing the tax revenue that is already taking place. This is not an expansion of gambling. It is making sure that Illinois gets its fair share of what is already being taking place in Illinois. Thank you very much."

Speaker Mautino: "Our final speaker will be the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong support of this Bill. As many of you know, I've

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been working for some years along with some of you, particularly Representative Turner, to improve the horseracing industry in the State of Illinois. Now, this is a Bill that will help us do that. To those that say, well, we can't do this 'cause it's somehow expanding gaming or some other such thing, people are already doing this. This money is already going out of state to other people. It's costing the horsemen of Illinois about \$15 million a year today; it's costing the state about \$2 million a year in taxes today. And some of you may say, well, but if it's wrong, Representative, we shouldn't sanction it by legalizing it. Well, that may be true, but the fact is there's really nothing wrong with it. We already have horseracing in the State of Illinois today. This is a legal activity that's been going on in the state for years. None of you are prepared to file a Bill to prohibit horseracing or gambling on horseracing. So, to those people who are gambling on horseracing in Illinois, it would be completely illogical to keep them from gambling on horseracing in Illinois. This is simply a Bill that allows them to do it in a perhaps easier way, but if you went to Arlington Park a few weeks ago for their opening day, as I did, and you looked around the grandstand, these are grandstands that used to be totally filled with people, thousands and thousands and thousands of people would be in the grandstand at Arlington Park on opening day. It was a beautiful day; it was about 70 degrees, not a cloud in the sky and you could have counted with one finger the number of people at the racetrack, counted with one finger the

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number of people at the racetrack. This is a business that employs close to 40 thousand people in the State of Illinois, and they're losing their jobs on a regular basis because we have not done anything to help this industry. This is a Bill that will help the industry. This is actually a Bill that will help consumers. Let them do what they're doing already; let them do it legally, it's not hurting anybody, their own money, they're gambling it anyway. Let them gamble it here in Illinois. This cries out for an 'aye' vote."

Speaker Mautino: "The Gentleman from Cook, Representative Turner to close."

Turner: "Thank you, Mr. Speaker. I just move for an 'aye' vote."

Speaker Mautino: "The Gentleman has moved passage of Senate Bill 1298. The question is, Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representatives Currie, Hatcher, Osterman, do you wish to be recorded? Mr. Clerk, take the record. 87 voting 'yes', 27 voting 'no', 1 voting 'present', Senate Bill 1298, having received the Constitutional Majority, is hereby declared passed. On page 8 of the Calendar appears Senate Bill 807. Representative Flowers. Out of the record. On page 12 of the Calendar appears Hou... Senate Bill 2115. Representative Nekritz. Representative Nekritz. Mr. Clerk, read the Bill."

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Clerk Mahoney: "Senate Bill 2115 has been a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Read the Bill. Oh, Third Reading, please. Representative Nekritz, your Bill is moved to Third Reading. Would you like to call the Bill? Out of the record. On page 3 of the Calendar, under Senate Bills- Third Reading, appears Senate Bill 450. Representative Reitz. Read the Bill."

Clerk Mahoney: "Senate Bill 450, a Bill for an Act concerning revenue. Third Reading."

Speaker Mautino: "Representative Reitz."

Reitz: "Thank... thank you, Mr. Speaker. This is a great Bill. I explained the Amendment the other day. It seeks to provide a sales tax exemption for aviation products for replacement parts and modifications. For that we have Midcoast Aviation, in my district and Representative Jackson's district, employ around 750 people; now, they have 1600 and this will keep them moving forward. Thank you. And I'd be happy to answer any questions."

Speaker Mautino: "No one seeking recognition, the Gentleman has moved passage of Senate Bill 450. All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Davis, Representative Burns, Representative Hatcher, do you wish to be recorded? Mr. Clerk, take the record. 115 voting 'yes', 0 voting 'no', 0 voting 'present', Senate Bill 450, having received the Constitutional Majority, is declared passed. It's the

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intent of the Chair to go to concurrences beginning on page 13 of the Calendar. If you'll look at your Calendar, we'll be going down the line and all those that say 'recommends be adopted'. So, we will start with House Bill 9, Motion to Concur from Representative Tracy with Senate Amendment #2. Read the Bill.. or Rep.. Representative Tracy."

Tracy: "I move to concur with the Senate Amendment #2."

Speaker Mautino: "The Lady has moved concurrence with Senate Amendment #2 to House Bill 9. No one seeking recognition, 'Shall the House concur in Senate Amendment #2?' All in favor vote 'yes'; opposed vote 'no'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Harris, Mr. Hoffman, do you wish to be recorded? Mr. Clerk, take the record. 116 voting 'yes', 0 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 9. And this Bill, having received the Constitutional Majority, is declared passed. On page 13 of the Calendar appears House Bill 170. Representative Tryon has filed a Motion that the House do concur in Senate Amendment #2. Representative Tryon."

Tryon: "Thank you, Mr. Speaker. House Bill 170 is a Bill that actually sets up a time limit for having a permitting system for the State of Illinois to be able to comply with the NPDES laws for a residential surface discharging. We've had this Bill for the last two years. It's come out unanimous out of.. or not unanimous, but it has passed out of the House. It got worked on into the Senate. It had agreement for an Amendment that actually extended the date

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for compliance 'til 2013. And I would answer any questions and urge an 'aye' vote."

Speaker Mautino: "The Gentleman has moved the House concur with Senate Amendment #2 to House Bill 170. And on that question, the Gentleman from Crawford, Representative Eddy."

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

Speaker Mautino: "He indicates he will."

Eddy: "Representative, is there, in this, a permitting requirement?"

Tryon: "There is... basically, this Bill says if there is not a general NPDES permit by 2013, we will no longer issue permits to construct a discharge that discharges to waters of the state. So, it doesn't require... it doesn't require a permit. It just says if we don't have the federal permit necessary to do this by this date, we're going to discontinue issuing permits for them."

Eddy: "So, there are no fees in this Bill related to the current process for permitting?"

Tryon: "There is no fee in this Bill."

Eddy: "Okay. And just... in my area and you're familiar with the... the soil and the issues we face down in... down in the... the 100th... the southeastern part of the state. What are the alternatives that might be available if the clock runs out on this 2013 date?"

Tryon: "There are substantial number of alternative designs for septic systems that would include systems that are... where fill material is brought in and systems are installed. There's other types of systems that do pretreatment that

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would allow subsurface discharge to be done in a smaller area. These are all typical systems that we don't see a lot in the southern part of the state because the predominant system is a surface discharging system, even on soils that support subsurface disposal systems."

Eddy: "The only change then from the version of this Bill that left the House was a change in the... the date by which the systems or the permitting must take place or these systems have to cease to be installed, that's the only change?"

Tryon: "That's... that's correct."

Eddy: "Thank you."

Speaker Mautino: "The Gentleman from DeKalb, Representative Pritchard is seeking recognition."

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

Speaker Mautino: "He indicates he will."

Pritchard: "Representative, this sets up the fact that we can't discharge into rivers of the United States. Is there a system of treating the waste that would be needed to be applied in these situations?"

Tryon: "Currently, right now, we install those systems in the State of Illinois, but the Federal Law requires them to be installed and permitted under a federal NPDES permit. They've given IEPA that authority. IDPH has allowed these systems to actually be installed without the permit. So, we have systems that are discharging in the waters of the United States that are in violation of the Federal Law. What this Bill ultimately does is it says we're going to have the proper permitting system in place for these

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systems for our residents to be able to comply with Federal Law."

Pritchard: "So, what's the ramification for the homeowner in these situations? Is it a permit that has to be acquired every year?"

Tryon: "Actually, it'll be... a general permit... the states that have these types of systems, they have one permit and all the systems fall under that one permit. But there are maintenance requirements and monitoring requirements that's part of the national NPDES permit program and... and they have to... when they install these systems, they have to agree to have their system maintained and monitored."

Pritchard: "And generally, these systems really are the only option that the homeowner has. They can't..."

Tryon: "Well..."

Pritchard: "...have a normal septic system?"

Tryon: "That is debatable. The State of Indiana doesn't allow these systems in any of their areas except one county. The State of Wisconsin doesn't allow them. The State of Michigan doesn't allow them. There is technology available for many different types of systems that can be installed and available to people if they... if they choose they don't want have to live under the auspices of a federal permit."

Pritchard: "So, there are a number of suppliers of these types of systems?"

Tryon: "Absolutely. For instance, the... the soil conditions in Vermilion County aren't any different than the soils... conditions in Vermillion County, Indiana and they don't allow them there. So, that... this is a technology that's

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needed in certain areas: areas that flood, areas that have high seasonal groundwater, areas that have impervious soils near the surface, this may be a more desirable type of system to install. The issue here is today IDPH is issuing permits to install these systems, in conflict with Federal Law and in conflict, actually, with State Law that would require a NPDES permit."

Pritchard: "Ladies and Gentlemen of the House, this is an issue that I have seen in my own district where homeowners don't have options for a normal type of system. They can't connect to a city sewer system and we need these kinds of programs that are adhered to and do keep our waters safe and clean. Thank you."

Speaker Mautino: "The Gentleman from Vermilion, Representative Black is seeking recognition."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I simply rise to, again, focus on the comments made by Representative Eddy. There are many of us that live in areas of the state where these so-called discharge systems, aerobic systems, whatever you want to call them, are the only kind that are available in some of the land in southern Illinois, particularly in old coal strip mine land, which I have thousands and thousands of acres. The soil compaction will not allow a subsurface leach field, as many of you may be used to, but if you've never been on a septic tank, you don't understand any of this language, quite frankly. We had this come up about 9 or 10 years ago and I... I went out in the field with a contractor in my district and of every

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10 septic systems he sold, 8 of them would have been above the ground discharge. But I would remind the Body, above ground discharge doesn't mean the sewage is not... has not been treated. It has been treated and... and part of the Bill that says this effluent should be tested, I don't have a problem with that. It should be tested, 'cause these sometimes these systems break down and they are, in fact, discharging untreated sewage and nobody wants that. But to say you can't have this system or you have to have a federal permit and quite frankly, I understand why IEPA has been dragging their feet, there are thousands of these systems in Illinois. And even though the effective date of the Bill has now been delayed until 2013, I don't know if the hundreds of them in my legislative district can be retrofitted by that date, even though it's three years... three and a half years in the future. The problem that nobody's brought up, you don't replace an existing septic tank for \$500. Some of these estimates can cost you \$18 thousand, \$25 thousand, depending upon your soil type, your percolation tests, how much leach field you need, how deep your lot is, can you have a 25 or a 30 foot leach field? Sometimes you can, sometimes you can't. And until I see additional technology that works as well in my district as the current system works, not that the Gentleman doesn't have a point, not that the feds aren't on our case a little bit, but they're on our case every day about something. But I... I just heard from too many constituents of mine that said, look, until you can show me something that I can replace my current system with at a reasonable cost or you

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are going to help me install it because you're mandating I take my workable system out, I can't do it. I won't do it. Don't vote for it. I think most of us try to listen to our constituents. I intend to vote 'no'."

Speaker Mautino: "The Gentleman from Morgan, Representative Watson."

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

Speaker Mautino: "He indicates he will."

Watson: "Representative, what would the cost be to a typical homeowner once this insta... once this is in force?"

Tryon: "Well, remember this Bill doesn't require anything. This Bill just simply says if we don't have a permitting system we're going to stop issuing permits to construct discharges that don't comply with the NPDES program."

Watson: "And so, they..."

Tryon: "So, without knowing what actually is the permit that USEPA approves, I can't tell you what... what the actual cost is. I can tell you from some of the other states based upon their permits what the cost is. And in Iowa the cost of... of testing is generally about a hundred dollars a year. The cost of maintenance I can't tell you because you have to be able to maintain the system. Our Code today requires them to maintain it, so my guess is, if the permit has a testing component to it, which I think is what some of the questions that have surrounded this permitting process is, it's probably going to cost about a hundred dollars a year."

Watson: "And should the permits not become available and then you want to develop in a... in a rural area that has no

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systems like you may be used to, what do you say to those folks?"

Tryon: "Well, let me.. let me back up one step here, Representative Watson, because there are discharging systems that could be installed that if they don't discharge to waters of the United States, as defined in the Federal Clean Water Act, they're not going to need to get a permit. But if they do discharge in the waters of the United States, then they're going to have to get a permit. So, this Bill doesn't eliminate the installation of all types of these systems. In fact, in the future, if they don't want to fall into the permitting system, maybe they'll have to discharge just on their own property. But if they discharge in the waters of the state, I am sure.. I am sure that you would want your constituents to have the proper permits to comply with Federal Law. That's.."

Watson: "Absolutely. And Representative, absolutely, but this.. this.. most of this law we both know is pushed forward because someone's afraid that an environmental organization was going to sue us, and we've heard that for four, now five years, because we might get sued. Ladies and Gentlemen, to the Bill. This Bill will raise the cost of living. It's just another burden on individuals that is not necessary. I don't know of any cases where anything where.. where a major environmental hazard has occurred because someone had a septic system in their house. No one's demonstrated that to me. This is big government again. And I urge a strong 'no' vote."

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Speaker Mautino: "Our final speaker will be the Gentleman from Peoria, Representative David Leitch."

Leitch: "Thank you very much, Mr. Speaker. While I have great respect for the Sponsor, I must agree with the previous speaker. For a long time in this House, this has been one of the most contentious issues that has shown up, and it's one that is very, very upsetting and very cumbersome, expensive, and perceived as needless by many of the more rural parts of the community and even those communities that are developing that don't yet have a full water and sewer system available. In addition, many counties are also adding different restrictions that require different levels of requirements for permitting sewage systems. Again, I have great respect for the Sponsor, but this Bill is a real can of worms, and I would urge a 'no' vote."

Speaker Mautino: "The Gentleman... Representative Tryon to close."

Tryon: "This Bill will put in place a system that Illinois residents need to have access to to be able to comply with the Federal Laws. We are the only state that allows these types of discharges into actual waters of the United States without a proper permitting system. We don't have a choice here. What's at risk if there is a lawsuit filed and there is a notice that there is going to be a lawsuit filed by an environmental group, should they win, what's at stake here is the loss of our ability to monitor and control and operate the Clean Water program which will affect every sewage treatment plant in every city throughout the state. We don't want to lose that. We want to put in place a

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proper permitting system, a permitting system that should have been there 15 years ago when somebody at IDPH decided that they could issue these permits without having to go through the EPA. They couldn't and I don't think it's prudent for us to continue to permit these systems after the year 2013, if people don't have a permit because we may be putting them in jeopardy of a future enforcement action. So, all this is, a permit's a piece of paper, has to be applied for by the Illinois Environmental Protection Agency to the USEPA. The USEPA has issued these general permits to Iowa, to Missouri, to other states that allow this kind of technology and they are able to operate a program, their constituents are able to comply and they don't have this problem. So, I would urge an 'aye' vote so that we can put Illinois in a position of complying with the Federal Clean Water Act. Thank you."

Speaker Mautino: "The Gentleman has moved that the House concur in Senate Amendment #2 to House Bill 170. And the question is... All those in favor vote 'yes'; 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. Clerk... Representative Harris, Representative Hatcher, Representative Hoffman, Representative Washington, do you wish to be recorded? Mr. Clerk, take the record. 79 voting 'yes', 35 voting 'no', 1 voting 'present', the House does concur with Senate Amendment #2 to House Bill 170. This Bill, having received the Constitutional Majority, is declared passed. Mr. Clerk."

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Clerk Mahoney: "Introduction and reading of House Joint Resolution Constitutional Amendments. House Joint Resolution Constitutional Amendment 31, offered by Representative Franks.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article III of the Illinois Constitution by adding Section 7 as follows:

ARTICLE III

SUFFRAGE AND ELECTIONS

SECTION 7. INITIATIVE TO RECALL GOVERNOR

(a)The recall of the Governor may be proposed by a petition signed by a number of electors equal in number to at least 15% of the total votes cast for Governor in the preceding gubernatorial election, with at least 100 signatures from each of at least 25 separate counties. A petition shall have been signed by the petitioning electors not more than 150 days after an affidavit has been filed with the State Board of Elections providing notice of intent to circulate a petition to recall the Governor. The affidavit may be filed no sooner than 6 months after the beginning of the Governor's term of office. The affidavit shall have been signed by the proponent of the recall petition, at least 20 members of the House of Representatives, and at least 10 members of the Senate, with no more than half of the

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signatures of members of each chamber from the same established political party.

(b)The form of the petition, circulation, and procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the petition is valid and sufficient, the State Board of Elections shall certify the petition not more than 100 days after the date the petition was filed, and the question "Shall (name) be recalled from the office of Governor?" must be submitted to the electors at a special election called by the State Board of Elections, to occur not more than 100 days after certification of the petition. A recall petition certified by the State Board of Elections may not be withdrawn and another recall petition may not be initiated against the Governor during the remainder of the current term of office. Any recall petition or recall election pending on the date of the next general election at which a candidate for Governor is elected is moot.

(c)If a petition to recall the Governor has been filed with the State Board of Elections, a person eligible to serve as Governor may propose his or her candidacy by a petition signed by a number of electors equal in number to the requirement for petitions for an established party candidate for the office of Governor, signed by petitioning electors not more than 50 days after a recall petition has been filed with the State Board of Elections. The form of a successor election petition, circulation, and procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the successor election

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petition is valid and sufficient, the State Board of Elections shall certify the petition not more than 100 days after the date the petition to recall the Governor was filed. Names of candidates for nomination to serve as the candidate of an established political party must be submitted to the electors at a special primary election, if necessary, called by the State Board of Elections to be held at the same time as the special election on the question of recall established under subsection (b). Names of candidates for the successor election must be submitted to the electors at a special successor election called by the State Board of Elections, to occur not more than 60 days after the date of the special primary election or on a date established by law.

(d)The Governor is immediately removed upon certification of the recall election results if a majority of the electors voting on the question vote to recall the Governor. If the Governor is removed, then (i) an Acting Governor determined under subsection (a) of Section 6 of Article V shall serve until the Governor elected at the special successor election is qualified and (ii) the candidate who receives the highest number of votes in the special successor election is elected Governor for the balance of the term.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act."

Speaker Mautino: "Mr. Clerk."

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Clerk Mahoney: "Introduction and reading of Senate Bills-First Reading. Senate Bill 1300, offered by Representative Turner, a Bill for an Act concerning criminal law. Senate Bill 1320, offered by Representative Turner, a Bill for an Act concerning criminal law. Senate Bill 1325, offered by Representative Turner, a Bill for an Act concerning criminal law. First Reading and introduction of these Senate Bills."

Speaker Mautino: "Will the Members... We are now distributing House Supplemental Calendar #1. These would be the Bills that were heard and approved in committee, and we're going to take a few moments and read those Bills now. Okay. Supplemental Calendar #1 is Senate Bill 52. Representative Brosnahan. Read the Bill."

Clerk Mahoney: "Senate Bill 52, a Bill for an Act concerning finance. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Senate Bill 256, Representative Walker. Read the Bill."

Clerk Mahoney: "Senate Bill 256, a Bill for an Act concerning revenue. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Senate Bill... Senate Bill 262. Mr. Clerk, on Senate Bill 256, leave that Bill on Second Reading. Senate Bill 262, Representative Jakobsson. Read the Bill."

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Clerk Mahoney: "Senate Bill 262, a Bill for an Act concerning finance. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave that Bill on Second Reading. Senate Bill 265, Representative Miller. Read the Bill."

Clerk Mahoney: "Senate Bill 265, a Bill for an Act concerning finance. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Hold that Bill on Second Reading. Senate Bill 321, Representative Holbrook. Read the Bill."

Clerk Mahoney: "Senate Bill 321, a Bill for an Act concerning regulation. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave that Bill on Second Reading. Senate Bill 451, Representative Currie. Read the Bill."

Clerk Mahoney: "Senate Bill 451, a Bill for an Act concerning revenue. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Senate Bill 1433, Representative Careen Gordon. Read the Bill."

Clerk Mahoney: "Senate Bill 1433, a Bill for an Act concerning finance. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Senate Bill 1434, Rep.. Take that Bill out of the record. Senate Bill 1466, Representative Jackson. Read the Bill."

Clerk Mahoney: "Senate Bill 1466, a Bill for an Act concerning elections. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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Speaker Mautino: "Leave that Bill on Second Reading. Senate Bill 1609, Representative Franks. Read the Bill."

Clerk Mahoney: "Senate Bill 1609, a Bill for an Act concerning finance. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Senate Bill 1623, Representative Walker. Read the Bill."

Clerk Mahoney: "Senate Bill 1623, a Bill for an Act concerning State Government. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave that Bill on Second Reading. Senate Bill 1691, Representative Mathias. Read the Bill."

Clerk Mahoney: "Senate Bill 1691, a Bill for an Act concerning revenue. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Senate Bill 1825. Read the Bill."

Clerk Mahoney: "Senate Bill 1825, a Bill for an Act concerning revenue. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Senate Bill 1833, Representative Rita. Read the Bill."

Clerk Mahoney: "Senate Bill 1833, a Bill for an Act concerning transportation. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Senate Bill 1846, Representative Burns. Read the Bill."

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Clerk Mahoney: "Senate Bill 1846, a Bill for an Act concerning State Government. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Senate Bill 1959, Representative Verschoore. Read the Bill."

Clerk Mahoney: "Senate Bill 1959, a Bill for an Act concerning regulation. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Senate Bill 2052, Representative Walker. Read the Bill."

Clerk Mahoney: "Senate Bill 2052, a Bill for an Act concerning State Government. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave this Bill on Second Reading. Rep... Senate Bill 2168, Representative Farnham. Read the Bill."

Clerk Mahoney: "Senate Bill 2168, a Bill for an Act concerning elections. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave that Bill on Second Reading. Senate Bill 2218, Representative Currie. Read the Bill."

Clerk Mahoney: "Senate Bill 2218, a Bill for an Act concerning State Government. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Leave that Bill on Second Reading. Mr. Clerk, place Senate Bill 52 on the board. What's the status of that Bill?"

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Clerk Mahoney: "Senate Bill 52 is on the Order of Senate Bills-
Third Reading."

Speaker Mautino: "Return that Bill to Second Reading. Senate
Bill... Mr. Clerk, Senate Bill 1434. Read the Bill."

Clerk Mahoney: "Senate Bill 1434. a Bill for an Act concerning
transportation. Second Reading of this Senate Bill.
Amendment #1 was adopted in committee. No Floor
Amendments. No Motions filed."

Speaker Mautino: "Leave that Bill on Second. The Gentleman
from Vermilion, Representative Black."

Black: "Mr. Speaker, inquiry of the Chair."

Speaker Mautino: "Yes, Sir."

Black: "I'm a... a little confused by the action of the Chair.
These Bills are on Second Reading. You're reading them
again and leaving them on Second Reading. Normally, you
move them to Third Reading. Now, why are you reading them
a second time and leaving them on Second Reading? For
Amendments or what?"

Speaker Mautino: "Potentially for Amendments, but in case we
run out of time, they can be moved and voted on in the same
day, if there's no Amendments available for them."

Black: "And God forbid we run out of time. Okay."

Speaker Mautino: "Mr. Clerk... Representative Franks is seeking
recognition. The Gentleman from McHenry, Representative
Franks."

Franks: "Thank you, Mr. Speaker. I'd like to make a Motion to
suspend the post..."

Speaker Mautino: "Proceed."

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Franks: "...to suspend the posting requirements for the following Bills: HJRCA31, Senate Bill 1300, Senate Bill 1320, and Senate Bill 1325."

Speaker Mautino: "Any objections? Seeing none, the posting... Good. Seeing no objections, the postings will be waived. Is... Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolution is House Resolution 462, offered by Representative Flider."

Speaker Mautino: "Representative... Representative Currie now moves adoption of the Agreed Resolutions. All in favor say 'yes'; opposed say 'no'. The 'yesses' have it. And the Agreed Resolutions are adopted. Mr. Clerk, committee announcements."

Clerk Mahoney: "Immediately following Session: the Labor Committee will meet in Room 118, Labor will meet in Room 118. Tomorrow, on Thursday, May 28, at 8:30 a.m., Judiciary-Criminal Law, Jud II, will meet in Room D-1, Jud II in Room D-1 at 8:30. Jud I-Civil Law will meet a 8:30 in Room C-1, Jud I in Room C-1 at 8:30. Telecommunications will also meet at 8:30 a.m. tomorrow in Room 118, Telecommunications tomorrow at 8:30 a.m. in Room 118. And State Government Administration will meet in Room 114 tomorrow morning on Thursday, State Government Administration in Room 114 tomorrow on Thursday."

Speaker Mautino: "The Gentleman from Cook, Representative Will Davis is seeking recognition."

Davis, W.: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Mautino: "State your inquiry."

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Davis, W.: "On the... on the Calendar, there are some House Joint Resolutions. If... Do you have any indication when those may be called, so that I can be in my chair when that time comes around to make sure that my Resolution is called?"

Speaker Mautino: "And you know, I think that's a wonderful idea. If you're in your chair when we get to that order tomorrow, I will definitely call on you."

Davis, W.: "Thank you, Mr. Speaker."

Speaker Mautino: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you, Mr. Speaker. I think Representative Davis has an excellent idea. I have a House Joint Resolution just trying to set up a task force on a four-day school week, which we really have to look into in southern Illinois, and I'd like to be in my chair if it's called. Oh, wait a minute. It isn't out of Rules. Even a... even a House Joint Resolution dis... Oh, well. I'll be in my chair if you can help me get it out of Rules."

Speaker Mautino: "The Gentleman from Knox County, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. An inquiry of the Chair. When the Cle..."

Speaker Mautino: "Yes, Sir."

Moffitt: "...when the Clerk just mentioned the times of the committees and the rooms, State Government's Room 114. Was a time given or were those all at the same time?"

Speaker Mautino: "Mr. Clerk?"

Clerk Mahoney: "All the committees for tomorrow are meeting at 8:30 a.m."

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Moffitt: "8:30."

Clerk Mahoney: "State Government in 114 at 8:30 a.m."

Moffitt: "Okay. Thank you very much."

Speaker Mautino: "No one else seeking recognition? And now, allowing perfunctory time for the Clerk, Representative Currie moves the House stand adjourn until Thursday, May 28, at the hour of 10 a.m. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The House stands adjourned. Have a good evening."

Clerk Mahoney: "Introduction and reading of House Bills—First Reading. House Bill 4571, offered by Representative Coulson, a Bill for an Act concerning elections. House Bill 4572, offered by Representative Coulson, a Bill for an Act concerning criminal law. House Bill 4573, offered by Representative Coulson, a Bill for an Act concerning government. House Bill 4574, offered by Representative Coulson, a Bill for an Act concerning criminal law. House Bill 4575, offered by Representative Coulson, a Bill for an Act concerning criminal law. And House Bill 4576, offered by Representative Coulson, a Bill for an Act concerning criminal law. It's been First Reading and introduction of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."