

STATE OF ILLINOIS  
98th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

29th Legislative Day

3/14/2013

Speaker Turner: "The House shall come to order. All Members shall be in their seats. We shall be led in prayer today by Reverend Ted A. Hartley who is with the First United Methodist Church and Stiritz in Johnston City, Illinois. Reverend Hartley is the guest of Representative Bradley. Members and guests are asked to refrain from starting their laptops, turn off all cell phones, and rise for the invocation and the Pledge of Allegiance."

Reverend Hartley: "Let us bow our heads and be at an attitude of prayer. God of all the nations, You have called all people to lives of righteousness and justice. You have called all people to lives of peace and wholeness. We also thank You for our natural resources and how You have given their care to us. But we confess that sometimes we've cared more for lofty places than we have for places of service. We confess that sometimes we have worked more for power than we have for purpose. Bless, now, those who gather in this place, the Illinois House. Give the gifts of discernment, give the gifts of wisdom and give the gifts of vision. To those who lead here, grant the patience of cooperation. To those who debate here, grant clarity of thought. To those who decide here, grant the courage for truth. Keep ever before us the broken places of our lives together, places of despair and disappointment. Set our ears to hear the cry of the poor. Set our eyes to see the needs of the physically and mentally ill. Set our hearts to beat in rhythm with yours, Oh God. And blend us with all people of good will, both in this place and beyond in order

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that this state, this great State of Illinois might be a signal of hope and fulfillment to all, Amen."

Speaker Turner: "We shall be led in the Pledge of Allegiance today by Representative Mell."

Mell - 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: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect that Representative Tabares is excused today."

Speaker Turner: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Sosnowski is excused on the Republican side of the aisle."

Speaker Turner: "Clerk, please take the record. On a count of 116 being present, a quorum is established. Representative Ives, for what reason do you rise?"

Ives: "I rise to a point of personal privilege."

Speaker Turner: "Please state your point."

Ives: "I'd like to introduce my son Nick Ives; he's here on the floor with me today. He is a plebe at West Point. And in the gallery we have Mike... or Andrew Lewaniak who is a freshman midshipman at the naval academy and Emily Serfling, also from Wheaton, who is at Case Western. They're joining us here today."

Speaker Turner: "Thank you. Representative... Representative Harms."

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Harms: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I would like to acknowledge that the Hoopeston Area FFA is here today under the direction of Emily McCray."

Speaker Turner: "Thank you. Welcome to your Capitol. Mr. Clerk."

Clerk Hollman: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on March 14, 2013: recommends be adopted, referred to the floor is Floor Amendment #2 to House Bill 1379. Representative Rita, Chairperson from the Committee on Business Occupational Licenses reports the following committee action taken on March 13, 2013: do pass Short Debate is House Bill 1338; do pass as amended Short Debate is House Bill 1545. Representative Hoffman, Chairperson from the Committee on Labor & Commerce reports the following committee action taken on March 13, 2013: do pass Short Debate is House Bill 2540; recommends be adopted is Floor Amendment #1 to House Bill 922, House Resolution 65. Representative Franks, Chairperson from the Committee on State Government Administration reports the following committee action taken on March 13, 2013: do pass Short Debate is House Bill 1250, House Bill 2362, House Bill 2484, House Bill 2613, House Bill 2614, House Bill 2624, House Bill 2654, House Bill 2695, House Bill 2775, House Bill 2854, House Bill 2869, House Bill 2919, House Bill 2925, House Bill 2930, House Bill 2943, House Bill 2946, House Bill 2955, House Bill 2969, House Bill 2979; do pass Standard Debate is House

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Bill 2816; do pass as amended Short Debate is House Bill 1189, House Bill 2747; recommends be adopted is House Resolutions 39, 48, 95, 97 and 99. Representative Soto, Chairperson from the Committee on Energy reports the following committee action taken on March 13, 2013: do pass Short Debate is House Bill 1070. Representative Jakobsson, Chairperson from the Committee on Higher Education reports the following committee action taken on March 13, 2013: do pass Short Debate is House Bill 2674, House Bill 2910. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on March 14, 2013: recommends be adopted is Floor Amendment #1 to House Bill 310. Representative Jackson, Chairperson from the Committee on Counties & Townships reports the following committee action taken on March 14, 2013: do pass Short Debate is House Bill 2454, House Bill 2482, House Bill 2690, House Bill 2737, House Bill 2807, House Bill 2820, House Bill 2832; do pass as amended Short Debate is House Bill 2905, House Bill 2976. Representative Farnham, Chairperson from the Committee on Economic Development reports the following committee action taken on March 14, 2013: do pass Short Debate is House Bill 1544. Introduction of Resolutions. House Resolution 153, offered by Representative Cavaletto. House Resolution 154, offered by Representative Flowers. House Resolution 155, offered by Representative Flowers. House Resolution 156, offered by Representative Berrios. And House Joint Resolution #27, offered by Chapa LaVia, is referred to the Rules Committee."

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Speaker Turner: "Representative Scherer, for what reason do you rise?"

Scherer: "I ask to rise on a point of personal privilege."

Speaker Turner: "Please state your point."

Scherer: "I have a group here from Taylorville, the Future Farmers of America and also from Maroa."

Speaker Turner: "Thank you. Welcome to your Capitol. Representative Sacia, for what reason do you seek recognition?"

Sacia: "Thank you, Mr. Speaker. I'd like to, first of all, acknowledge, I actually have two acknowledgements, but first of all, I'm stunned by these lovely queens and one of the young ladies is from my district. Karisa Clark is the daughter of Christine and Brian Clark from Davis, Illinois. She is Miss Junior Illinois Horse Fair Princess. Would you acknowledge her please? Wave at us, Karisa. That's her. And if I may, Mr. Speaker, while I have the floor, I have three very dynamic FFA organizations here. I have Lisa Oellerich, the advisor and her young... stand up, folks, and her young folks from Scales Mound, Illinois. I have to tell you about Scales Mound, folks. There are 80 people in the four high school classes, 80 total. Forty, exactly one half, are in FFA and I think that speaks volumes of them. Would you acknowledge them? And if you would help me in acknowledging Cynthia Feltmeyer from Eastland and her students, if they're up there. I... I think they are. If I missed them. Anyway, they're here. So, thank you."

Speaker Turner: "Thank you, Representative Sacia. Welcome to your Capitol, everyone. Representative Bost."

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Bost: "Thank you, Mr. Speaker, for a point of personal privilege."

Speaker Turner: "Please state your point."

Bost: "Thank you, if everybody would... if we... from my district is a young lady who is the Illinois Horse Fair Queen, Virginia Smith is up here in the gallery right here. And if everybody could welcome her to Springfield and we appreciate her being here today."

Speaker Turner: "Representative Unes."

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

Speaker Turner: "Please state your point."

Unes: "Mr. Speaker, standing behind me in the... up in the gallery, I also have a group of students here celebrating Agriculture Legislative Day. And it's the FFA group from Cuba, Illinois and they are here with their advisor Doug Faulk. If we could please recognize and thank them for coming to Springfield."

Speaker Turner: "Thank you and welcome to your Capitol. Representative Moffitt."

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

Speaker Turner: "Please state your point, Sir."

Moffitt: "Also up in the balcony here, at the north end or behind me, I have from my district, the Miss Illinois... Miss Rodeo Illinois, Cassandra Lynne Spivey from Sherrard. Would you please make her welcome?"

Speaker Turner: "Welcome to your Capitol. Leader Mautino."

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Mautino: "Thank you. I wanted to join with the other Members and recognize the Putnam County FFA who are here with us in the gallery. And we appreciate their hard work and their instructors and all the ag and education folks as well as FFA that are here to join us today. Thanks."

Speaker Turner: "Thank you and welcome to your Capitol. Representative Davidsmeyer."

Davidsmeyer: "I rise for a point of personal privilege."

Speaker Turner: "Please state your point, Sir."

Davidsmeyer: "I also want to rise to say I appreciate all the FFA kids that are here today. I have a number of FFA groups from Triopia, Pittsfield, Barry, a number of other areas as well. I want to say that this FFA program is an amazing program for kids to go through. An amazing leadership program and I continue to be impressed the more kids that I meet. So, I want to appreciate all these kids. Thank you."

Speaker Turner: "Thank you, Representative. Representative Poe, for what reason do you seek recognition?"

Poe: "Point of personal privilege."

Speaker Turner: "Please state your point, Sir."

Poe: "I'm going to take a little prerogative here on Representative Brauer's district. We have the Athens High School with Mr. Brown's their... leader and my grandson Charles is in that FFA group. So, I want to congratulate them and welcome them to the Capitol."

Speaker Turner: "Thank you. Congratulations and welcome to the Capitol. Representative Mautino."

Mautino: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I'd also like to have everyone add their

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congratulations to a Member of this great Body, who is celebrating yet another one of her 29th birthdays, Representative Emily McAsey. Happy birthday."

Speaker Turner: "Happy birthday, Representative McAsey. Mr. Clerk, what is the status of House Bill 2265?"

Clerk Hollman: "House Bill 2265, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments, but notes have been requested, but not filed on the Bill."

Speaker Turner: "Thank you. We'd ask that all Members go to their seats and all staff retire to the rear of the chamber. Clerk, can you please read House Joint Resolution 12."

Clerk Bolin: "House Joint Resolution 12, offered by Representative Rosenthal.

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who gave their lives in the service of the State of Illinois; and

WHEREAS, Trooper Kyle W. Deatherage of Highland, gave his life in the line of duty on November 26, 2012; and

WHEREAS, Trooper Kyle Deatherage was born on April 11, 1980, in Maryville; the son of Barry W. Sr. and April Kay (nee Karpowicz) Deatherage; he married his loving wife, Sarah, on September 16, 2006; and

WHEREAS, Trooper Kyle Deatherage as a youth lived in Collinsville before moving with his family to St. Jacob in 1990 and graduated from Triad High School in 1998; he subsequently earned his associate's degree in criminal justice at Lewis and Clark College; and



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WHEREAS, Trooper Kyle Deatherage began his career in law enforcement with the Staunton Police Department; he later worked for the Madison County Sheriff's Office from July 7, 2004 until May 28, 2009; on May 31, 2009, he became an Illinois State Trooper with District 18 and began serving as a motor officer; and

WHEREAS, Trooper Kyle Deatherage enjoyed fishing, hunting turkey, deer, and birds and spending time with his close friends and his fellow officers; he was known for always being willing to help; above all, he loved his children and his wife, Sarah; and

WHEREAS, Trooper Kyle Deatherage was preceded in death by his paternal grandfather, Ralph M. Deatherage; and his maternal grandparents, Casmir and Rose Anna Karpowicz; and

WHEREAS, Trooper Kyle Deatherage is survived by his wife, Sarah A. (nee Gregory) Deatherage; his daughter, Kaylee Ann Deatherage; his son, Camden Kyle Deatherage; his father, Barry W. Deatherage Sr.; his mother, April Kay (nee Karpowicz) Deatherage; his brothers, Barry W. Deatherage Jr. and Kenneth M. (Ashleigh) Deatherage; his sister, Anna B. Deatherage; his paternal grandmother, Brooksie M. (nee South) Deatherage; and his father-in-law and mother-in-law, Gean B. and Eleanor L. (nee Christin) Gregory; and

WHEREAS, Governor Pat Quinn honored Trooper Kyle Deatherage by ordering the United States and Illinois flags flown at half-staff from sunrise, Thursday, November 29, 2012, until sunset, Saturday, December 1, 2012; and

WHEREAS, Police officers from Illinois, Missouri, the Texas Highway Patrol, the Louisiana State Police, the Ohio State

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Patrol, and Patriot Guard riders joined a procession of motorcycles and squad cars to Marine City Cemetery where Trooper Kyle Deatherage was laid to rest with honors; and WHEREAS, Trooper Kyle Deatherage's courage will be remembered fondly by his loving family, his fellow officers, and all who knew him, and it is therefore fitting that we not forget Trooper Kyle Deatherage's sacrifice; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the northbound and southbound Coalfield rest stops located at mile post 64 on Interstate 55 in the State of Illinois as the "Trooper Kyle Deatherage Memorial Rest Stop"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Kyle Deatherage, Governor Pat Quinn, the director of the Illinois State Police, and the secretary of the Illinois Department of Transportation."

Speaker Turner: "Representative Rosenthal."

Rosenthal: "Thank you, Mr. Speaker, Members of the General Assembly. Today, with us we have Trooper Deatherage's family up above in the Speaker's Gallery: his wife, Sarah, his mother, April, his daughter Kaylee and other family

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members along with representatives of the Madison County Sheriff's Office, the Staunton Police Department, the State Police, including Director Hiram Grau and also friends. You know, Trooper Deatherage loved what he did. He was protecting the lives of the people of Illinois and he died in the line of duty. And I think it's only fitting and appropriate that we recognize him. I ask that all of the Members of the General Assembly sign on as cosponsors to this Resolution. And ask that we offer a moment of silence for Trooper Deatherage."

Speaker Turner: "Representative Sacia."

Sacia: "Thank you, Mr. Speaker. I... I did not have the privilege of knowing young Trooper Deatherage, but I have a tremendous kinship to the men and women of the Illinois State Police, police agencies across this state, sheriff's agencies and all those that stand in the line of duty to protect us day after day. Their families never know when they leave in the... leave for work in the morning or in the evening if this could be their last day of service. We lost Trooper Deatherage in a very tragic auto accident. He was struck as he was standing alongside the road beside his motorcycle. I know from having had lengthy discussions with retired captain, Timothy Becker and the liaison to this General Assembly, Darren Clark and John Thompson, of the tremendous service this young man provided to all of us. And to all of the men and women in uniform and those special agents not in uniform, who stand for each of us every day, I know how each and every one of them and each and every Member of this Body join in the tremendous sorrow

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in our expression of condolences to not only the immediate family, but the family of troopers, sheriff's deputies, police officers and special agents. Thank you, Mr. Speaker."

Speaker Turner: "Now, we shall have the moment of silence for Trooper Kyle Deatherage. Thank you. Representative Rosenthal has moved that all Members be added as Sponsors. Seeing no objections, all Members will be added as cosponsors to House Joint Resolution 12. Representative Rosenthal moves for adoption of House Joint Resolution 12. All those in favor say 'aye'... all those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. Clerk, please take the record. On a count of 116 voting 'yes', 0 voting 'no', 0 voting 'present', House Joint Resolution 12 is adopted. Representative Bost."

Bost: "Thank you, Mr. Speaker. The Republicans request an immediate caucus."

Speaker Turner: "Republicans will caucus in Room 118. Democrats will caucus... 115, my apologies. Republicans will caucus in Room 115 and Democrats will caucus in Room 114. Thank you. Representative Bost."

Bost: "Inquiry of the Chair."

Speaker Turner: "Yes, Sir."

Bost: "Well, we were a little confused on our side of the aisle. We were kind of waiting on you. We didn't know why your caucus took so long. It confused us."

Speaker Turner: "A lot going on. On page 2 of the Calendar, House Bill 1154. Mr. Clerk."

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Clerk Bolin: "House Bill 1154, a Bill for an Act concerning public employee benefits. The Bill was read for a second time on a previous day. No Committee Amendments. Floor Amendment #7 has been adopted to the Bill. Floor Amendment #10, offered by Speaker Madigan, has been approved for consideration."

Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. This is the... impacts the... it's a pension Bill Amendment that sets a limit on the amount of salary that is... that can be subject to the pension. It would be the higher of the Social Security wage cap which is currently \$113,700 or the employee's current salary, if it's higher than... currently higher than that pensionable salary or that Social Security wage cap. The Social Security wage cap is indexed to inflation so that number could grow over time. And I would urge your support."

Speaker Turner: "The Representative moves for the adoption of the Amendment. Seeing no debate, all those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment shall be adopted. Mr. Clerk."

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

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

Clerk Bolin: "House Bill 1154, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Turner: "Representative Nekritz."

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Nekritz: "Thank you, Mr. Speaker. I just described the... the Bill itself and this is identical to an Amendment that we considered last week on this floor on Second Reading that got 65 'yes' votes. And I would hope we could send this along as well."

Speaker Turner: "The Lady has moved for the adoption of the Bill. Representative Tryon."

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

Speaker Turner: "The Sponsor yields."

Tryon: "Representative Nekritz, if I understand this Amendment right, as it was last week, this actually changes the time frame at which somebody who is currently a member in one of our pension systems can retire. Is that correct?"

Nekritz: "No, Representative, this is not the retirement age Amendment. This is the pensionable salary cap Bill."

Tryon: "Okay. No further questions. Thank you."

Speaker Turner: "Representative Nekritz to close."

Nekritz: "I urge an 'aye' vote."

Speaker Turner: "The question is, 'Shall House Bill 1154 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Monique Davis. Clerk, please take the record. On a vote of 101 voting 'yes', 15 voting 'nay', 0 voting 'present', House Bill 1154, having received a Constitutional Majority, is hereby declared passed. House Bill 1166. Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 1166, a Bill for an Act concerning public employee benefits. The Bill was read for a second time on a previous day. No Committee Amendments. Floor

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Amendments 5, 6 and 7 have been approved for consideration.

Floor Amendment #5 is offered by Representative Nekritz."

Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. This Amendment simply adds a title to the Bill."

Speaker Turner: "Seeing no debate, the question is, 'Shall we adopt the Amendment to House Bill 1166?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Bolin: "Floor Amendment #6, offered by Representative Nekritz."

Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. I believe Representative Burke is going to present this Amendment."

Speaker Turner: "Representative Burke."

Burke, K.: "Thank you, Mr. Speaker. Amendment 6 to House Bill 1166 changes the retirement age for those currently employed in Tier I. Ages 46 and above, there is no change to retirement age. Age 40-45, the increase in current retirement age is one year; 35-39 increase the current retirement age by three years; and ages 35 and younger increases the current retirement age by five years. It affects four of the five state pension systems. It is the verbatim provisions of House Bill 3411, sponsored by Representative Nekritz and Leader Cross, which has 32 bipartisan cosponsors. We recognize that the state's pension systems are severely underfunded. In order to stabilize the systems and preserve benefits already earned,

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some changes need to be made. The public policy behind this provision seeks to protect those closest to retirement, those with the least opportunity to adjust their financial planning for retirement. As a component of a larger solution, this is a reasonable, carefully crafted measure designed to keep the pension systems solvent and available to current retiring employees. And I urge that it be adopted."

Speaker Turner: "Representative Tryon."

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

Speaker Turner: "The Sponsor yields."

Tryon: "Representative Burke, when we took our seats here, we took an oath of office to uphold the State's Constitution. And in 1970, during the constitutional debate, there was a great debate about the protection of public pension benefits. That debate yielded an Amendment to our Constitution that said that any member of this pension system had contractual rights, a relationship of which the benefits can neither be impaired or diminished. In fact, in the transcripts and the proceedings of the Constitutional Convention, they debated the word 'contract'; they debated the word 'impairment'; they debated the word 'diminishment'. They talked about COLAs; they talked about what happens if the... if the system were to go broke. And one of the concepts of this pension protection provision hinged around impairment. And the proposer of the Amendment, a delegate named Virginia Kinney, said we could eliminate that, but as she said many times in the debate, it is not intended to preclude bigger benefits or better



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benefits for beneficiaries, pensioners or their dependents at some future time. It is simply to give them a basic protection against abolishing their rights completely or changing the terms of their rights after they have embarked on employment or to lessen them. So my question to you, if that was the intent of the Constitutional Amendment, how would this not lessen the benefits of somebody who is a member in one of the five state pension systems?"

Burke, K.: "Representative, thanks for your question. I know you and I have had a discussion back and forth and have traded articles and different discussions of whether or not this is an impairment and I believe that we need to look at this as part of a bigger solution. Even though it is a stand-alone Amendment, it will be part of a comprehensive solution and part of that comprehensive solution, I hope, is increasing guarantees of funding and increasing moneys that go to the system. And as part of that broader picture, I believe that it can be found constitutional. None of us are Supreme Court justices and we don't know how the courts will rule, but I think as part of the larger picture that focuses on stabilizing the system and ensuring that those moneys are put in there, I think this would stand constitutional muster."

Tryon: "The problem that I have is... is a contractual right. Once something's determined to be a contractual right, I would believe under the intent of our Constitution that this on its face would lose. So the question is, is the retirement age a contractual right that somebody has as a benefit in the pension system? And I submit to you that it

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is. And in fact, if we were to look at Arizona, which has a similar provision in its Constitution as Illinois, they just lost on a COLA reduction in August as well as Colorado. So, when we're looking at what's happening around the country and changes in pension benefits, almost every court case grants rights to the contracts.. contractual rights to the individuals who paid for them. In fact, we have a Supreme Court decision here in Illinois that says in 1963, and it was a case called Raines v. TRS, that because these pension benefits were not gratuitous, because we charged the member for these pension benefits, they became a contractual relationship, the benefits of which can neither be impaired or diminished. And that was our Supreme Court. And these aren't gratuitous benefits. We are charging the employees for it and I find it hard to say that it is not a diminishment or an impairment of somebody's benefits if we're changing the terms of which that contractual right obligates the state to. And I think this is not going to hold constitutional muster. And I think on its face, it will lose. I can't support it."

Burke, K.: "If I can respond to that. I think if you look at the opinion in the Arizona case, which I believe was a trial court opinion; I don't know that it went on appeal and what the court spoke to was that Arizona had other measures that they did not take. The court said they could've raised taxes, they could've cut the budget, they could've done a number of things and they had not done those and instead resorted to changing the COLA and I think in Illinois, we have done those things. And we are still in

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a precarious situation in terms of the pension funding and so I believe that these steps are justified."

Tryon: "Well, that was actually the Colorado case. And Colorado has..."

Burke, K.: "No."

Tryon: "...neither the constitutional protection provision..."

Burke, K.: "It is in Arizona."

Tryon: "...that Arizona does. Well, you'd have to show me that."

Burke, K.: "Well... and it's in the court opinion."

Tryon: "But I believe that... I mean, can I ask what we have done that... what else we have done to try to make this work? I mean, we have shorted the pension system \$50 billion since 1970, but we haven't provided a dedicated revenue stream into the pension system other than a ramp that came out in 1995. And there may be many other things that we could do."

Burke, K.: "I believe there was an income tax increase passed two years ago; the bulk of which has gone to make our pension payments the past two years. In addition, as you well know, there's been cuts to state spending in every area in those two years as well."

Tryon: "But our income tax wasn't for pensions. In fact, it was a temporary income tax. If it had gone to pensions, I would say that you may be correct. There may be, actually, a revenue stream that was going into the pension system. So, I am pointing out that I have grave concerns about this provision and its ability to withstand a constitutional challenge and the fact that I believe... I find it hard that you can argue this is not an impairment or a diminishment. And therefore, I can't support it."

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Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. I would just like to address the previous speaker's remarks and I think the Sponsor did a very good job of explaining why the... as a comprehensive package, why including this Amendment as part of it would be constitutional. I would just like to point out in the Arizona case I think it's very different. The level of crisis that the pension fund... pension systems in Arizona was facing relative... is nowhere close to what we're facing in Illinois. And as the Sponsor pointed out, we... they did not... they used this as their first tactic to try to address whatever situation they had. We, in Illinois, did raise taxes as a method of trying to make sure that we're addressing our fiscal crisis. We cut 2.7 billion... we've impacted Medicaid by \$2.7 billion. We've cut education funding; we've cut health care funding. We have done... undertaken a lot of efforts to try to bring our fiscal house in order and we are still facing some very significant budget pressures, so I think we're very different than Arizona in that regard. The previous speaker also mentioned about contractual rights. Well, contractual rights vis-à-vis public bodies and governments are very different in the law as to private contractual rights. And I think we can all know that from our district office leases where I think the standard provision simply says when the state of... you know, we can get out with the 30 days... I believe it's like with 30-days notice we can get out and for any reason or no reason or if the money isn't appropriated by the State of Illinois. So, even though it's

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a contract, it's a very different contractual right that you have, again, relative to a public body than you would in a private sector. And I think those are the kinds of things we look to in distinguishing... in making... in assuring that the con... that we are meeting the constitutional requirement that we're going to have to address as we go through this argument. Thank you."

Speaker Turner: "Representative Cassidy."

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

Speaker Turner: "The Sponsor yields."

Cassidy: "How will this affect police officers who are mandated to retire at 60?"

Burke, K.: "Representative, the police officers now may retire at age 50 and so adding those provisions I don't think will put them in jeopardy of that 60-year mark."

Cassidy: "They may retire at 50..."

Burke, K.: "It's if they have..."

Cassidy: "...but they... there's a penalty when they do that, right?"

Burke, K.: "No. If they have the number of years... the correct number of years..."

Cassidy: "Okay."

Burke, K.: "...or the adequate number of years of service."

Cassidy: "Okay. But let's look at one that, perhaps, does not. If someone is going to need... who's not going to reach his years until 60, are we mandating additional time without actual pension benefits for those officers?"

Burke, K.: "I believe, Representative, that in that particular case where someone would bump up against the retirement age

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but not have reached their creditable years of service, that they would retire and just not be credited with those additional years of service. Does that answer your question?"

Cassidy: "I'm not entirely clear. As I read this, it appears to put our State Police officers in a trick bag and I'm concerned about that. But to the larger picture, I am... I joined with you in a Bill that included this provision, but you've talked about comprehensive reform. I'm growing concerned that, you know, while there are Amendments that have been filed that include some of the other pieces of comprehensive reform, such as the funding guarantees, such as the pension stabilization fund. As we take this piecemeal, I'm not seeing those make it to this order and I am deeply concerned about the direction we're going and doing all of the taking and none of the giving. And so while I, in concept, believe this is a good approach, a graduated approach that takes... that keeps in mind the impact on the retirees, I fear that doing this piecemeal puts us at risk of not getting a truly comprehensive response. So, at this time, I'm going to have to vote 'no' on the Amendment."

Speaker Turner: "Representative Williams."

Williams: "Thank you, Mr. Speaker. To the Bill. The issue of pensions is the issue I have studied most, talked about most and thought most about since I decided to run for office. Procedurally, I understand this is very difficult to approach a Bill with these Amendments one by one and to look at benefits without corresponding assurance that the

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pensions will be funded and stabilized. The reality is, like every single area of state spending, however, we have no choice but to reduce expenditures in the long run. Not only is the growing pension payment untenable and crowding out other expenditures such as education and human services, it's unfair to those who have faithfully paid into the system for years and years to not provide some assurance they will receive their pension and funding will be guaranteed. Again, while it's challenging to review the provisions individually, there is a benefit to this approach. The consideration of these Amendments, as tough as it is one by one, enables us to find the needle as to what is fair and doable in terms of bringing stability to the pension systems. For me, this particular component will impact those that are not very close to retirement and while not an ideal step and not one that I wish to take, I think it is reasonable. However, I will echo the sentiments of Representative Cassidy in saying it is absolutely critical that any final package, including a local cost shift, so that my constituents, Chicago taxpayers, do not have to pay twice, there is a guarantee of funding and that there is a mechanism to establish a pension stabilization fund. Thank you."

Speaker Turner: "Representative Brady."

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

Speaker Turner: "The Sponsor yields. The Sponsor yields."

Brady: "Representative, does this Amendment include judges?"

Burke, K.: "No, it does not."

Brady: "Okay. Thank you very much."

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Speaker Turner: "Representative Burke to close."

Burke, K.: "I think I can echo the sentiments of Representative Williams and that I, too, wish to see this as part of a comprehensive solution that does ensure that we make the payments and ensure the stability long-term of our systems. On this particular Amendment, I think it is reasonable. I think it's well-crafted and I think it will stand constitutional muster as part of a comprehensive solution. And I urge a 'yes' vote."

Speaker Turner: "Representative Burke moves for the adoption of House Amendment #6 to House Bill 1166. All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Monique Davis, Representative Flowers. Representative Flowers. Clerk, please take the roll. On a count of 74 voting 'yes', 43 voting 'no', 0 voting 'present', this Amendment is adopted. Mr. Clerk."

Clerk Bolin: "Floor Amendment #7, offered by Representative Nekritz."

Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. This is... we've considered Amendments like this previously as we've gone through this discussion. This only impacts the employee contributions and this particular Amendment would require employees to increase their contributions by three percent all at once."

Speaker Turner: "Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Turner: "The Sponsor yields."



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Hoffman: "Just a quick question regarding the Amendment. I understand that that would increase the employee contribution by three percent. Is that phased in under this Amendment?"

Nekritz: "No, it would not be phased in. It would be in... all take effect in one year."

Hoffman: "To the Amendment, Mr. Speaker. As you may know, there have been proposals that... and I specifically have sponsored a Bill that would provide for an increase in employee contributions up to two percent. That two percent has been agreed to by organizations that represent working men and women in the state. The two percent, however, would be phased in over two years with one percent a year. So, the employees of this state, I think, understand that we have to stabilize the pension funds, but they would like to phase it in. They've agreed to a two percent increase in contribution. I believe that this... this all at once, is too much; therefore, I'll be voting 'no'. With regard to the general discussion, specifically the previous Bill and some of the other Amendments... or the previous Amendment and some of the other Amendments that we've heard previously, I just believe, if you look at the case law, if you look at the Constitution, there's no doubt that many of these Amendments, particularly the one previously, is unconstitutional. If we're going to fix the pension system, if we're going to really provide a solution, we ought to abide by the constitutional mandates and the Constitution of the State of Illinois. If we want to make it stable, if we want to make it constitutional, I think it's fairly

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clear that you cannot change or take away a benefit that has been earned. Therefore, on many of these Bills, particularly the previous Amendment, I believe you are taking away an earned benefit. That's why I voted 'no' and that's why I believe that some of this... the actions that we are currently taking are going to be found unconstitutional. However, with regard to this Amendment, I believe it could be held constitutional; however, we should look at a two percent phased in over two years as opposed to just a three percent flat amount. That has been agreed to by those organizations and I believe that'd be a better solution. Thank you."

Speaker Turner: "Representative Sandack."

Sandack: "Mr. Speaker, to the Bill, please. I've heard some speakers talk about constitutionality and with all due respect, that decision's made by courts. The Supreme Court may ultimately make that decision. There's 118 of us here and we may have 118 different opinions and I will remind some folks that a couple years back in, I think, the 94th or 95th General Assembly, there was a couple of pension holidays taken. There could be an argument made that that was a driver of all this and perhaps unconstitutional itself. Let's stay focused. Let's make sure we get pension reform done. And we'll leave the lawyering and the court decisions to those that are responsible. Thank you, Mr. Speaker."

Speaker Turner: "Representative Lang."

Lang: "Thank you. Just in response to the previous speaker, without regard to my comments on this Amendment. Let me

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just simply say it is our responsibility to do what's constitutional. We took an oath of office. First thing we said was we'll uphold the Constitution of the State of Illinois. So, each and every one of us has a duty and responsibility before we vote on a measure to determine whether we think it comports with the Constitution of the State of Illinois and then the courts will do their thing. As a practicing attorney, I took that same oath. And so, as we go through this pension issue Amendment by Amendment, that's what guides me and I hope it will guide you as well."

Speaker Turner: "Representative Nekritz to close."

Nekritz: "Thank you, Mr. Speaker. I just urge an 'aye' vote here."

Speaker Turner: "There's been a Motion that Amendment #7 to House Bill 1166 be adopted. All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Acevedo, Berrios. Representative Dan Burke. Clerk, please take the record. On a count of 37 voting 'yes', 79 voting 'no', 1 voting 'present', the Amendment fails. Representative Pritchard."

Pritchard: "Yes, I would like the Clerk to record me as a 'no' vote on 1154."

Speaker Turner: "The record will reflect your request. Mr. Clerk."

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

Speaker Turner: "Third Reading. Read the Bill, please."

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Clerk Bolin: "House Bill 1166, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. We had a very thorough debate on this on Second Reading. This is the Amendment that would increase the... it would phase in an increase in age of retirement. And I would ask for your support."

Speaker Turner: "Representative Cross."

Cross: "Thank you, Mr. Speaker. I... I supported the previous Bill that was on Third Reading and I supported the two Amendments and I'm going to support this. I'm... but what's troublesome and I find it ironic that those of you... some of you on the other side have, in essence, complained about the process and that it's not working on this issue and that it ought to be a comprehensive package. I guess I would say 'duh'. Of course it should be a comprehensive approach and it needs to be substantive and it needs to get the job done. And this is in all... for all practical purposes, legislating by multiple choice. We... what I find troublesome about this process is that this is perhaps the biggest issue that has ever faced the Illinois General Assembly from a financial perspective and there's no road map that has been laid out of where we're going. Absolutely no road map laid out as to where this Body's going on the most critical issue ever facing the Illinois General Assembly. We have gone through this exercise on guns. We are now going through this exercise on pensions. And it... Representative Reboletti said something to me about

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utilizing our staffs yesterday in a productive way. And it occurred to me, what would actually happen if instead of the last three weeks, going through filing of Bills, figuring out how you're going to present them, figuring out how we're going to respond, then you actually use that time and those resources and those staff folks and those Members of the General Assembly to come up with a comprehensive solution on the gang problem in Chicago and the pension problem here in Illinois? But we don't do that. I think what's most troubling for me is that we just heard from a federal regulatory agency, the Securities and Exchange Commission, we are one of two states that have been chastised by the SEC for playing games or utilizing gimmicks with respect to budgets and pensions. And they... while there were no penalties or fines, they said to us you need to be more open and more transparent about what you're doing with respect to your budget and pensions. And for those of you that have not gone through the SEC statement, the real gist of the problem was when a number of years ago, specifically on May 29 of 2005, when those of you on the other side of the aisle voted to not make a pension payment, the Governor's Office, when they went before the bond houses and the credit agencies, did not indicate or show that our pension payments would be higher under the ramp. They held that back. Now, I'm not accusing anybody on the other side of the aisle of doing anything improper other than you did enable... you did enable that by not making a pension problem... or not making a pension payment, of course, there are all kinds of ramifications of that.

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But when the SEC... the SEC says to the State of Illinois you've played games and used gimmicks in the pension area, why wouldn't we come in and come before this Body with a holistic, comprehensive approach to solving the pension problem. Piecemealing it, multiple choice, maybe this works or maybe this doesn't work. To the credit of the Senate, the President over there, who I don't always agree with, actually has been willing to consider comprehensive packages, so we can actually come together and work on a Bill that reduces that \$96 billion unfunded liability, 96 billion probably being on the low side. I don't know where this is going. I don't think anybody over there knows where this is going except the Speaker. I see he's out on the floor. Maybe we'll hear from him today and he'll tell us what the road map is. What the final product will be on what... on how we vote or what we vote on instead of doing these little incremental pieces; some working, some not; some having some impact, some not. Because I hope... I hope that we're not setting the stage where we're sending a series of different Bills to the Supreme Court and not in one big package which I think could cause a lot of mischief for this issue and this problem. So, I'm going to support the underlying Bill and I want to, again, as I've said numerous times, Representative Nekritz, thanks for all your hard work. I know you are sincere in wanting to get a comprehensive package done. I applaud you. I know we're going to do our Bill in committee today and I hope that we can get it out. But this is not the process that works on

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the biggest issue facing this state. And I appreciate the time, Mr. Speaker."

Speaker Turner: "Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. For the knowledge of the Body, will the Clerk verify what Amendments we will be voting on, on House Bill 1166 coming up?"

Speaker Turner: "Mr. Clerk."

Clerk Bolin: "For House Bill 1166, two Amendments have been adopted to the Bill. Floor Amendment #5 and Floor Amendment #6 have been adopted."

Speaker Turner: "Representative Nekritz to close."

Nekritz: "Thank you, Mr. Speaker. I appreciate that this is a challenging process, but this has been a very challenging problem that we face as well and while I thank Leader Cross for his kind remarks and I think you know, Leader Cross, that I feel the same way, that I appreciate very much your willingness to really work with me and Senator Biss to come up with a comprehensive solution that I think is constitutional and also fixes the problem in a way that we will not have to be revisiting this in a few short years. And I... and I... I know it's been difficult to step out and do that and I think... and I applaud you for that as well. But we have not been able to come up with... you know, working this way... working this Bill in a traditional way, we really have not been able to come up with a solution. I've served on pension task forces and I was a member of the pension... the Governor's pension working group last year. I sat through meetings with the Leaders and stakeholders on this. And all those very traditional kind of processes and the

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kinds of things that we actually kind of complain about here where the Leaders come together and put a solution and then put it on the Members' desks, those traditional processes... processes have not worked. And so, I think it really is important that we try to do something different and find out what Members will support. In a lot of ways, this is back to the future. You know, I hear... before I was here, there were, you know, days where we spent hours and hours and hours considering Amendments on Second Reading and Members had the ability to file Amendments and consider different things and have debate about a whole range of things. I think that's... on this particular issue, I think that that's proving to be a very healthy kind of process. So, while I don't know that any of us know where the end game is on this, as we go through a negotiation and we go through a process, I think that... I would certainly say that it appears to me that the Bill that Leader Cross has filed is apparent... it looks to be a very strong road map for how we are going to come to solution on that. And while the Senate has done something... got... you know, has gotten those Bills out of committee, I don't... I don't know where that's going to end up on the floor. We've done that numerous times in the House here to the point where I think the Pensions Committee is a little tired of taking testimony on the same thing and we're going to be doing that again today. We've gotten numerous Bills out of the Pensions Committee, but they have not... but they've not moved ahead. So, you know, this process, I think, has really... is highlighting where we can support... and narrowing the kinds



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of things that we're going to be able to consider as part of the comprehensive package. And so, with that, I would urge all of those who've supported this before and maybe a few others to come onboard and support the increase in age of retirement. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 1166 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Christian Mitchell, Representative Jackson. Clerk, please take the roll. On a vote of 76 voting 'yes', 41 voting 'no', 0 voting 'present', House Bill 1166, having received the Constitutional Majority, is hereby declared passed. Representative Hoffman."

Hoffman: "Yes. I'd like the record to reflect that I meant to vote 'no' on that Bill."

Speaker Turner: "The record will reflect your request. House Bill 1. Mr. Clerk."

Clerk Bolin: "House Bill 1, a Bill for an Act concerning alternative treatment for serious diseases causing chronic pain and debilitating conditions. Third..."

Speaker Turner: "Out of the record. Representative Chapa LaVia, House Bill 3. Mr. Clerk, please read the Bill. Clerk, please move that Bill to the Order of Second Reading. Mr. Clerk."

Clerk Bolin: "House Bill 3, a Bill for an Act concerning education. The Bill was read for a second time on a previous day. No Committee Amendments. Floor Amendment #1, offered by Representative Chapa LaVia, has been approved for consideration."

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Speaker Turner: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. I move for the adoption of 1, so that we could put it... is it on Second? So, we can move it to Third. Has it been adopted already?"

Speaker Turner: "Mr. Clerk."

Clerk Bolin: "Floor Amendment #1 has been approved for consideration."

Chapa LaVia: "Can we move that to... have it adopted and move it to Third now? And read it on Third as... amended?"

Speaker Turner: "Representative, would you like to adopt the Amendment?"

Chapa LaVia: "That's what I said earlier. Yeah."

Speaker Turner: "On the Amendment."

Chapa LaVia: "Well, on the Amendment. It's actually Representative Kay's Amendment that we're adding to the underlying Bill that extends the time period when a school district, other than Chicago school districts, may transfer surplus money from the school district's life safety fund to the operational maintenance fund for building repair work. And I ask for its adoption."

Speaker Turner: "The Representative moves that the Amendment be adopted. All those in favor vote 'aye'... all those in favor say 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

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

Speaker Turner: "Third Reading. Representative Costello, House Bill 100. Out of the record. Representative Will Davis, House Bill 101. Mr. Clerk."

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Clerk Bolin: "House Bill 101, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Turner: "Representative Will Davis."

Davis, W.: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, this is an agreed Bill. I'll be more than happy to answer any questions."

Speaker Turner: "Seeing no debate, the Representative moves for the... Representative Sullivan."

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

Speaker Turner: "He indicates that he does."

Sullivan: "Representative, maybe we could have just a little better explanation of what that Bill does."

Davis, W.: "Well, thank you..."

Sullivan: "It was a wonderful attempt, but a little bit more."

Davis, W.: "Well, I mean, I thought you guys were in a hurry, so I was just trying to expedite things, that's all."

Sullivan: "We're never in a hurry. Never."

Davis, W.: "No. Okay. Well, this is a Bill supported by the Illinois Pawnbrokers Association and the Illinois Department of Professional and Financial Regulation. The Bill does, essentially, three things. It increases the maximum civil penalties for violations of the Act; it protects customer privacy by exempting pawnbrokers' daily reports from the Freedom of Information Act and modifies pawn ticket reporting requirements to be consistent with current and historical implementation of the Act. Again, this is indeed an agreed Bill. I'll be more than happy to answer any additional questions that you have."

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Sullivan: "Did you have anything else? Thank you very much. I appreciate that."

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

Speaker Turner: "Representative Davis to close."

Davis, W.: "I ask for an 'aye' vote."

Speaker Turner: "The question is, 'Shall House Bill 101 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Bellock, Representative Drury, Jakobsson. Representative Drury. Clerk, please take the roll. On a count of 69 voting 'yes', 47 voting 'no', 0 voting 'present', House Bill 101, having received a Constitutional Majority, is hereby declared passed. Representative Gabel, House Bill 188. Out of the record. House Bill 962, Representative Thapedi. Out of the record. Representative Mautino, House Bill 982. Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 982, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Turner: "Leader Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 982 as amended makes the Illinois law more consistent with the National Association of Insurance Commissioners' model regulation on variable annuities and contracts. Modernization of the law will allow Illinois domestic insurance companies to be on a level playing field with companies that are domiciled in other states. Appreciate an 'aye' vote."

Speaker Turner: "Representative Franks."

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

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Speaker Turner: "He indicates that he will."

Mautino: "Yes."

Franks: "Frank, I'm not sure why we need this. What's the benefit?"

Mautino: "Well, about three years ago we created and voted on... it's actually something that Representative Osmond's husband and I worked to create which is the National Interstate Insurance Compact. And what that does, it sets model regulations so that a company can sell its products across all 50 states. Currently, 45 states are in it. We're now in it. We have not... agreed yet to the final changes in the law that would be necessary from our Department of Insurance. And this brings us into that compliance."

Franks: "Okay. But we're not like double-barreling guarantees, are we? Are we still going to make sure that there's enough guarantees..."

Mautino: "Yes."

Franks: "...to cover any potential losses?"

Mautino: "Yes."

Franks: "All right. I want to make sure the procedural safeguards are maintained."

Mautino: "Yeah. They would... they would be and I think we took care of that in the first Amendment. And so, a type of a separate account we would be dealing with, it is a fixed annuity contract. Maybe something's market value adjusted. And they hold their assets in a separate account, but this allows that customer to invest them in a way that's more appropriate specific to that account."

Franks: "Okay. Thank you."

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Mautino: "Thanks."

Speaker Turner: "Representative Mautino to close."

Mautino: "Appreciate an 'aye' vote."

Speaker Turner: "The question is, 'Shall House Bill 982 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Feigenholtz, Mell, Nekritz. Representative Smith. Clerk, please take the record. On a count of 117 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 982, having received a Constitutional Majority, is hereby declared passed. House Bill 1299, Representative Roth. Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 1299, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Turner: "Representative Roth."

Roth: "Thank you, Mr. Speaker and Ladies and Gentlemen. This Bill simply amends the University of Illinois scholarships for veterans to include the siege of Beirut and the Grenada Conflict. These two were not on the original list of conflicts and wars for veteran scholarships. And I would appreciate an 'aye' vote."

Speaker Turner: "Seeing no debate, the question is, 'Shall House Bill... Representative Will Davis.'"

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

Speaker Turner: "The Sponsor yields."

Davis, W.: "I just have a question and it probably may not be correct in the way I'm going to ask it, but if someone enlists in the military before this incident happened and then they participated in that incident and were, I guess,

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subsequently discharged from the military maybe for a variety of reasons, would they still be considered a veteran even if only this short period of time?"

Roth: "Only with an honorable discharge."

Davis, W.: "Only with an honorable di..."

Roth: "Was that your question? If they were in..."

Davis, W.: "As long as they participated in this..."

Roth: "As long as they participated in these..."

Davis, W: "Okay."

Roth: "...one of these events."

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

Speaker Turner: "The Lady from Cook, Representative Monique Davis."

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

Speaker Turner: "She indicates that she will."

Davis, M.: "Representative, does this legislation say that if you were a veteran, then your child can get a scholarship to the U of I?"

Roth: "They go into a pool. This does not dilute... this does not add to the number of scholarships that are already offered to veterans. This just adds these two conflicts to that list."

Davis, M.: "So... so, you're saying these children will go instead of the parent?"

Roth: "Correct."

Davis, M.: "Can you tell me why?"

Roth: "We've been doing this for years. This is just adding two conflicts that were not listed in the approved list."

Davis, M.: "So, the two conflicts listed are Afghanistan and..."

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Roth: "No, there's actually... this will interest you actually. There's Vietnam, World War I, World War II, all the major wars are already on there, but we... these two were inadvertently not on the list and so we're just adding them to the list."

Davis, M.: "So, I see you've also added the Beirut War and Grenada War."

Roth: "This... correct."

Davis, M.: "To the Bill, Mr. Speaker. You know, I... I will probably support this, but in a very grievous way for the simple reason that scholarships have been taken away from minority children. The opportunity for the Legislators to give minority children scholarships has been taken away. And it just grieves me that when many others are given the opportunity if their parents work there, they get scholarships. And it just saddens me that one group continues to move ahead while another group is held back. However, I will support the Bill."

Speaker Turner: "Representative Nekritz."

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

Speaker Turner: "The Sponsor yields."

Nekritz: "Representative, are these are the veteran's grants that you're adding on to?"

Roth: "Yes."

Nekritz: "Does the state provide any funding to the universities for these grants?"

Roth: "I'm sorry. Can you repeat that question?"



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Nekritz: "Does the state provide any funding to the universities for these... for these veteran's grants? Do we reimburse the schools at all?"

Roth: "I do not believe they do."

Nekritz: "I'm pretty sure we don't. And do you know what the cost to the universities is to provide these scholarships?"

Roth: "I do not know that cost."

Nekritz: "And do you know how much we've been cutting higher education over the last several years?"

Roth: "I'm keenly aware of that."

Nekritz: "Well..."

Roth: "We are expanding it to include two conflicts that were not included initially in the list of wars. And I think it would be wrong of us to not include all veterans that have fought for our country and not exclude the two."

Nekritz: "And I appreciate that, Representative. I just... it seems that when... as we're unable to dig our way out of our own fiscal crisis that we continue to add to the burden of the institutions and the school districts and so forth that... that we're unable to fund and so I think this... well, this is a very difficult Bill to vote against. I would agree. But I just think we need to be thinking about and concerned about the burden that we're continuing to place on our higher... institutions of higher education while... when we cut funding and then we're just... and then we're going to add to that."

Roth: "Actually, we're not adding any additional scholarships at all. This is... right now there's a pool of, I think it's 102 already existing, already in statute. This is not

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adding to this pool at all. We're adding potential applicants to the pool, not more scholarships to the pool. So the dollar doesn't change."

Nekritz: "And how would... okay. And how are those... how are those scholarships awarded?"

Roth: "I honestly do not know how they're awarded. That goes through some process through the universities evidently."

Nekritz: "Because the universities make those decisions?"

Roth: "Yes."

Nekritz: "Well, I still think that..."

Roth: "So, again it's not adding more..."

Nekritz: "I... I hear you, Representative..."

Roth: "It's not adding more scholarships at all."

Nekritz: "...I just... it's still... you know, the veteran's grants are a wonderful thing that we do and I would love to keep doing them. I just have... I just think we need to be very conscious about how we... when we give things away that we can't really afford at this point. And again, I appreciate that you're not adding to the number of them and I appreciate that clarification. Thank you."

Speaker Turner: "Representative Franks."

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

Speaker Turner: "The Sponsor yields."

Franks: "Representative, I've been listening to the debate and I understand that we're not adding additional scholarships. We're just adding people who can apply for those, correct?"

Roth: "Correct."

Franks: "And I'm not sure if you had the answer to whether if one is eligible for this whether that person would get into

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the university regardless of whether they would based on other merits. These other... There was a problem we had when we were giving... when we used to have legislative scholarships. When someone would give a legislative scholarship, the school felt they had to accept that individual regardless of whether that person would have met the criteria. Is there any... is there any thought to this?"

Roth: "I guess... the Legislature's not involved in deciding who gets any of these scholarships."

Franks: "Oh, no. That's not what I'm saying."

Roth: "Okay."

Franks: "I'm saying we had a problem when we used to have the legislative scholarships..."

Roth: "Right."

Franks: "...that when they were given, the schools felt compelled to take the individuals who received the legislative waiver because they were given. But there was... so I want to make sure that the children who would get these would be qualified otherwise to get into the university."

Roth: "And again, they have an application process and they have to have qualifications. So, I'm merely just adding two other conflicts in order to encompass the whole body of veterans for the..."

Franks: "Okay. Well, I hear what you're saying and I..."

Roth: "Right."

Franks: "And as I'm reading the Bill and I know you didn't draft the original Bill..."

Roth: "I did not draft the original Bill."

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Franks: "...but as I'm reading the original Bill, the only criteria is that the student be 15 years or older and a qualified student. So, I'm wondering since my dad served in Korea, for instance, would I be able to apply for the waiver as a son of a veteran and I can go to the University of Illinois and go get my masters for free?"

Roth: "I do not believe there's an age limit on it."

Franks: "So, perhaps we should move this Bill back to Second and perhaps... I'm not kidding. I know you don't like to hear it, but the fact is I think we can make a better Bill here and actually, if we're trying to help... because I think one of the preferences are... are for people whose parents are deceased, correct? That's one of the preferences in the Bill..."

Roth: "Correct."

Franks: "...the way it's drafted. I'm not sure it was the framers' intent to allow people in my position to be able to obtain a free waiver to the University of Illinois because I want to study theology or whatever I'd like to study at my, you know, more advanced age. Would it make more sense to perhaps put a time frame and have it to someone up to the age of 26, when right now under our... some of the other Bills we've passed, you can stay on your parents' health insurance until 26. Would it make more sense to perhaps mirror that instead of leaving this so open-ended?"

Roth: "So, honestly, Representative, that was not on my radar screen and..."

Franks: "Nor mine, nor mine."

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Roth: "...my intent for the Bill was not to do clean-up language on this Act, but intends to include a whole veteran pool instead of just certain wars and conflicts."

Franks: "Well, we..."

Roth: "So, I'm not inclined to take it off of... to move it back to Second to expand, I guess that... if it's something that we want to do something next year or..."

Franks: "On this Bill, we've got time. I mean, it's not like we're rushed. It's on Second. You're not going to be prejudiced. I mean, if you're serious about making it a better Bill, I think we can. I think we're all in agreement that we'd like to allow other deserving students to go, but I just think that's a major loophole that if someone tests, I think it could have a detrimental effect for the people who we're really trying to help because people like me could fill it up."

Roth: "Again, I appreciate it. And if you want to introduce the clean-up on that..."

Franks: "I'd like to do an Amendment right now, if you'd move it to Second. I'd be happy to."

Roth: "I'm fine. I'd like to just take the vote on Third, thanks."

Franks: "I don't understand why you wouldn't."

Speaker Turner: "Representative Dunkin. Representative Dunkin."

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

Speaker Turner: "The Sponsor yields."

Dunkin: "I thought you said Durkin, since he and I look alike. Representative..."

Roth: "Yes, Sir."

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Dunkin: "...were you here when we voted on the legislative scholarship?"

Roth: "Absolutely."

Dunkin: "How was your vote?"

Roth: "I was a 'no' for the legislative scholarships."

Dunkin: "You were a 'no' vote?"

Roth: "Absolutely."

Dunkin: "Can you explain why you were a 'no' vote?"

Roth: "What does this have to do with this?"

Dunkin: "It's a waiver. This is a waiver, correct?"

Roth: "It's a wa... it's expanding..."

Dunkin: "Like a waiver. Hello, waiver."

Roth: "It's expanding... I'm not increasing the number of scholarships. I am merely..."

Dunkin: "Representative, that was not my question."

Roth: "...opening the pool to others, right."

Dunkin: "This is a waiver, correct?"

Roth: "It's a waiver. Would you like to take all the waivers away from our veteran children?"

Dunkin: "Representative, my que..."

Roth: "Is that what you're suggesting?"

Dunkin: "Representative. I'm asking..."

Roth: "I'm just asking."

Dunkin: "...very specific questions. You're saying this is a waiver, correct?"

Roth: "This is expanding the pool of potential applicants for a waiver of tuition for veterans of the..."

Dunkin: "Okay."

Roth: "...who fought for our freedoms."

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Dunkin: "Representative..."

Roth: "Uh huh."

Dunkin: "...it's a yes or no question. Is this a legislative waiver?"

Roth: "Not a legislative..."

Dunkin: "Excuse me. A scholarship waiver for a university?"

Roth: "It's a scholarship waiver for veterans' students."

Dunkin: "That's... that's a yes. Okay."

Roth: "Sure."

Dunkin: "I think we understand. Look, you voted 'no' on legislative scholarships because there are articles, I guess, in the paper with maybe one or three people out of the entire General Assembly. Somehow, that was bad because one or two, maybe three people ran across some issues and so that was a bad situation. Even though there was no cost to legislative scholarships which was also a waiver. This is a waiver."

Roth: "Correct."

Dunkin: "And you're trying to expand this, correct?"

Roth: "No. No, no, no. The number of scholarships stays..."

Dunkin: "Excuse me. Pardon me."

Roth: "...exactly the same."

Dunkin: "Expand the pool."

Roth: "I'm expanding the potential applicant pool."

Dunkin: "And the... and the value of this waiver is about how much?"

Roth: "Honestly, I have no idea."

Dunkin: "You have no idea and you're introducing a..."

Roth: "I'm not dealing with dollars."

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Dunkin: "...expanding the pool of a waiver."

Roth: "I'm putting people... I'm putting an additional... it's the same dollar amount. That's not changing at all."

Dunkin: "Representative, if you're given a waiver... hello? There's a value to it, right? Again, you voted 'no' on waivers last year."

Roth: "Mmm mmm."

Dunkin: "We ended that. And this is another waiver. It just has a specific name to it within this pool. And they... they put a value on that. What is the value of expanding the pool in this waiver?"

Roth: "There are 102 scholarships. That stays the same as it has been in statute. And it doesn't add any additional cost to the university."

Dunkin: "So, how... so, let me go back to last year's vote where you voted 'no' on the waiver and I voted 'yes' on last year's waiver. Is this special treatment?"

Roth: "Is this special treatment for the veterans'..."

Dunkin: "Yeah, veterans."

Roth: "...children? I guess it would be."

Dunkin: "Yes, it is."

Roth: "And I'm happy to say it is."

Dunkin: "Wow. So, does this apply to any other state university?"

Roth: "I'm sorry. Can you say it one more time?"

Dunkin: "Does this apply to any other state university?"

Roth: "It's for the University Scholarship System, all the universities."



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Dunkin: "All the universities are eligible and yet you still don't have an idea of what the cost would be of this waiver?"

Roth: "So, it's 102 counties. They each get one waiver, 20 thousand."

Dunkin: "So..."

Roth: "I'm sorry, I'm sorry. This is the University of Illinois only. Sorry."

Dunkin: "Oh, my goodness..."

Roth: "Sorry, sorry, sorry, sorry."

Dunkin: "...Representative, are you sure you're on the right Bill?"

Roth: "I am."

Dunkin: "You're sure now."

Roth: "Positive."

Dunkin: "You men... you listed 102 counties. Everyone gets one or two and you think... you're confusing me. I'm trying to understand you in this legislation because you voted 'no' on waivers last year and you have a... you have a waiver again. And I'm torn. Any... and last question. Do you have a valued amount on how much this waiver would cost the state? Any idea?"

Roth: "It cost the same as it cost last year. I'm not adding additional scholarships to..."

Dunkin: "What is that, Representative?"

Roth: "...this pool. It's the value of the cost of tuition to go to school at the University of Illinois for one year."

Dunkin: "Representative, with all due respect, how much is that cost?"

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Roth: "I honestly don't know the answer to your question because I'm not expanding a dollar amount to this."

Dunkin: "Representative, this is a waiver... to the Bill. Ladies and Gentlemen, this is interesting. We're here where the Sponsor, along with other Members, voted 'no' on the waivers last year and yet we're... she's introducing a Bill that says we should have another waiver at a particular university where there's a cost... direct cost associated with something along this and it's... it's in the millions of dollars. It's roughly \$4 million, to be exact. I think, you know, having this Bill, you know, it's sentimental; it's good. No one here is against veterans. But it's hypocritical, quite frankly, to come up with another waiver, scholarship, however you want to categorize it and then we put this here as if... waivers... I guess they're coming back. Maybe we should come back up with the legislative scholarship because 99.9 percent of us were very responsible in the legislative scholarships or waiver, but yet we're coming back to expand the pool here on this. I would encourage all of my Members to vote 'no' on this here. Thank you."

Speaker Turner: "Representative Flowers."

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

Speaker Turner: "She indicates that she will."

Flowers: "You know, Representative, I really applaud what it is that you've done in regards to this legislation and let me tell you the reason why. The men who fought... the men and the women who fought..."

Roth: "I'm sorry. I can't hear. Okay."

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Flowers: "...so we could be free to have this debate and to have this discussion. Their children made the ultimate sacrifice because their fathers and mothers, they're gone and these children are alone for the most part. So, this scholarship is for veterans' children. Am I correct?"

Roth: "Correct."

Flowers: "Because of the conflicts that they were in, but Representative, there's other types of wars that's going on in our state. There's other children and other family members that are dying in various types of conflicts. Would you be amenable to adding those children the opportunity to go to school as well, to expand the scholarships? After all, the most important thing about these scholarship waivers is that, you're right, it's not really costing the state anything. You're merely expanding the number of people who are able to apply. But our tax dollars went to build the jails and we have no limits on the amount of people that we put in every day. Those same tax dollars went to build these schools of higher institutions... higher learning, but yet we want to place a limit on how many can apply. I really feel that all the children of the taxpayers of the State of Illinois who qualifies and who have a desire to do so should be able to have a waiver because their parents, in one conflict or another, by way of sacrifice, by way of having to pay their taxes when they really couldn't afford it, they, too, should be afforded the opportunity to go to college. So, I just want to say to you, respectfully, that I understand what it is that you're doing and I am going to support the veterans. I am going to

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support those children. I am going to support this Bill, but I want you to remember that all children deserve the same equal opportunity because of the various conflicts that their families are involved in. Thank you very much."

Speaker Turner: "Representative Costello."

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

Speaker Turner: "She yields."

Costello: "Representative Roth..."

Roth: "Yes."

Costello: "...and so everyone here can please listen. We're not talking about adding any other cost, correct?"

Roth: "That is correct."

Costello: "Okay. We're talking about Beirut and Grenada, correct?"

Roth: "That is correct."

Costello: "The amount of troops that were sent into those countries by our government, a very small number, correct?"

Roth: "That is correct."

Costello: "And all we're doing is letting the children of those veterans... some living, some dead because we sent them there... the children of those veterans have the ability to apply for scholarships. Again, the number remains the same. The pool of the people that could apply for those scholarships is what grows at a very menial amount because there weren't that many people involved in the invasion, correct?"

Roth: "Correct."

Costello: "Ladies and Gentlemen, this discussion has gotten way out of hand. It's gotten very convoluted. All we're talking

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about is allowing the veterans' children from Beirut and Grenada to have the ability to apply for these scholarships. I strongly urge an 'aye' vote as a veteran myself. Thank you."

Speaker Turner: "Representative Mautino."

Mautino: "Thank you. I, actually, just wanted to commend Representative Costello. Things occasionally get a little silly here. But he kind of nailed that perfectly. We're adding in the... from two conflicts. And if you'll take a look at, actually, who is involved now. Pam, I commend you for bringing up the Bill. There are no additional scholarships involved that I can see here, but right now, the eligible folks are Civil War... Civil War participants or their children. Have there been any in the last few years that have applied? How about World War I? Do you know of any World War I veterans or their children who have applied? You want to turn Pam's mic on?"

Roth: "Not to my knowledge."

Mautino: "Okay. How about World War II, anybody?"

Roth: "Probably not."

Mautino: "Probably not. Korean conflict or Vietnam conflict. I think, as you can see from this, that the pool of students who would qualify is diminishing. And we have a class of veterans and true soldiers and heroes whose family members... and remember to get this scholarship or special preference, one of the members is deceased... to get the preference. You have two of these that are awarded. There are 102 at the beginning of the Bill. There are 102 awarded at the end of the Bill. I commend the Lady. She is adding in two classes

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of students who will be eligible to receive a benefit on par with the other great veterans of our state who have been awarded. And I wanted to join Representative Costello in just clarifying that. Thank you. Vote 'aye'."

Speaker Turner: "Representative Bradley."

Bradley: "Point of personal privilege."

Speaker Turner: "Please state your point."

Bradley: "Well, she was just here. But today is Representative Emily McAsey's birthday. So, let's have a round of applause for my seatmate, Emily McAsey's birthday."

Speaker Turner: "Happy birthday, again..."

Bradley: "Keep... keep applauding, maybe she'll come back here."

Speaker Turner: "...Representative McAsey. The Gentleman from DuPage, Representative Reboletti."

Reboletti: "To the Bill, Mr. Speaker. I'm amazed that we're going to compare handing out legislative scholarships to giving a scholarship to a child of a veteran or somebody that was killed in one of these conflicts. If you recall, back in 1983, 220 Marines died. And there was a total of 241 service men and women. So, if you want to vote against that, that is okay. If you think the legislative scholarships should be brought back, file the Bill to do that. That's fine. The Lady has a Bill that includes two additional conflicts. Men and women served there. Men and women shed blood there. Some died there. And so, all we're trying to do is allow those children to be able to apply for a scholarship, make the application to the University of Illinois. They make the application for the scholarship. The scholarship is vetted by the university. And then

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they're told if they... based on a number of factors, if they qualify for the Bill. It's interesting that some folks wanted the Lady from Grundy to take the Bill out of the record. Yesterday, I asked numerous times for people to take Amendments out of the record, but time was of the essence. We had to move forward on gun Amendments and away we went to the Third Reading. Today, I guess, we have a lot of time. What's the difference? What's the difference? So, if we want to talk about silly season; maybe we're fully entrenched in it right now. I think she has a good Bill. Let's just vote it up or down."

Speaker Turner: "Representative Roth."

Roth: "I'd like an 'aye' vote. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 1299 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Will Davis, Representative Dunkin. Representative Evans, Lilly, Fine. Mr. Clerk, please take the roll. On a vote of 113 voting 'yes', 0 voting 'nay', 0 voting 'present', House Bill 1299, having received the Constitutional Majority, is hereby declared passed. Representative Jackson, for what reason do you rise?"

Jackson: "Mr. Speaker, would you let my vote reflect 'no' on House Bill 1166, please?"

Speaker Turner: "The record will reflect your request, Representative."

Jackson: "Thank you."

Speaker Turner: "Representative Sims."

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Sims: "Thank you, Mr. Speaker. On House... Mr. Speaker, on House Bill 1166, would you record me as 'no'?"

Speaker Turner: "The record will reflect your request, Representative. Representative Lilly."

Lilly: "I rise to change my vote to 'no' on 1166."

Speaker Turner: "The record will reflect your request, Representative. Representative Dunkin."

Dunkin: "I rise to keep my vote a 'yes' on 1166."

Speaker Turner: "Duly noted, Representative. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 152, offered by Representative Bradley and House Joint Resolution 28, offered by Representative Riley."

Speaker Turner: "Leader Currie moves for the adoption of the Agreed Resolutions. All those in favor will say 'yes'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Moffitt."

Moffitt: "I rise to a point of personal privilege."

Speaker Turner: "Please state your point."

Moffitt: "Just a reminder, there'll be... you'll be getting a letter, but I mentioned this yesterday. Next Wednesday, 7:30 a.m., a Legislative Fire Caucus breakfast in the cafeteria of the Stratton. Next Wednesday, the 20, 7:30 a.m. Thank you."

Speaker Turner: "The Gentleman from Lake County, Representative Sullivan. What do you... for what reason do you rise?"

Sullivan: "Point of personal privilege."

Speaker Turner: "Please state your point."



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Sullivan: "Ladies and Gentlemen, I know that we've had a wonderful week of everything that is Irish. I want to thank you all for coming to the Sullivan Caucus party. I just wanted to do a follow-up for our charity which is the Mini O'Beirne Crisis Nursery. We were able to raise almost a thousand dollars, so I really appreciate all of the support that you gave us and especially with the money that's going to go to a great local charity. Thank you."

Speaker Turner: "Thank you, Representative. Representative Bost."

Bost: "Yes, Mr. Speaker. An inquiry of the Chair."

Speaker Turner: "Please state your inquiry."

Bost: "You know, I kind of feel like we're just kind of hovering here with anticipation of when we're actually going to adjourn the House. And I'm reminded of when Joe Lyons used to stand up there and I would go, Joe, what are we doing? And he said, I don't know. What makes you think that the person at the helm is actually running the ship? So, can you tell us, maybe, who is running the ship and is it time to adjourn, maybe?"

Speaker Turner: "Representative, nothing has changed. We'll get back to you. Mr. Clerk, committee announcements."

Clerk Bolin: "The following committees will meet immediately upon adjournment: Adoption Reform in Room 115, Personnel & Pensions in Room C-1, Housing in Room 413, Public Safety: Police & Fire in Room 114 and Restorative Justice in D-1. The following committees will meet at 4 p.m.: Consumer Protection in Room 114, Environment in Room 413, Financial Institutions in Room 115, Health Care Availability and

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Accessibility in Room C-1 and Cities & Villages in Room D-1."

Speaker Turner: "Representative Reis."

Reis: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Turner: "Please state your inquiry."

Reis: "Back in the old days, we used to get a sheet of paper each day that gave us committee assignments for the day. Have we stopped that practice for this year?"

Speaker Turner: "I don't believe so, but we'll get back to you on that."

Reis: "Well, we haven't gotten any all year, so."

Speaker Turner: "Representative Ford."

Ford: "Thank you, Mr. Speaker. I just want to make sure everyone heard that Restorative Justice will be in D-1. Thank you."

Speaker Turner: "Representative Lilly."

Lilly: "Yes, thank you, Mr. Speaker. I would like to remind the women, this evening at 5:00 in Room M-1 we're having the creative meeting for Capitol Capers. Please consider joining us. Thank you."

Speaker Turner: "And now, Leader Currie moves that we adjourn to Friday, March 15 at the hour of 10 a.m., allowing perfunctory time for the Clerk."

Clerk Hollman: "House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 9, offered by Representative Lang, a Bill for an Act concerning regulation. Senate Bill 32, offered by Representative Mussman, a Bill for an Act concerning State government. Senate Bill 1293, offered by Representative Tracy, a Bill

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for an Act concerning warehouses. Senate Bill 1381, offered by Representative Gordon-Booth, a Bill for an Act concerning transportation. Senate Bill 1470, offered by Speaker Madigan, a Bill for an Act concerning regulation. Senate Bill 1515, offered by Speaker Madigan, a Bill for an Act concerning State government. These are referred to the Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."