

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

138th Legislative Day

5/31/2004

Speaker Turner: "The hour of 11:30 having come and went, the House will be in Session. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church here in Springfield. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and for the Pledge of Allegiance. Lee Crawford... Reverend Crawford from Victory Temple Church."

Pastor Crawford: "Let us pray. Most gracious and most kind Father and God, we come before You humbly. Father, I'm mindful of Your serving David. For it was when Sol and his son Jonathan had given their lives in battle, He then asked that there be a memorial for them and their services. So, Father, it is on this special day that we remember the dedication, the sacrifices of the men and women who gave their lives for this country. Father, we pray for their families, we pray that You would strengthen them. Father, I pray as well as for every Member here that You will strengthen them, that You would guide them in every decision that they've been called on to make this day. I pray that You will smile upon, bless and sustain this Body. In this we ask in Your Son's name, amen."

Speaker Turner: "We shall be led in the Pledge today by Representative Krause, the Lady from Cook."

Krause - 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."

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Speaker Turner: "Roll Call for Attendance. The Gentleman from Jackson, Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. Let the record reflect that all the Republicans are present today and that we're looking forward to achieving and accomplishing the day's business within the next 12 hours or so."

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

Currie: "Thank you, Speaker. Please let the record reflect that there are no excused House Democrats today. Thank you."

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

Joyce: "Thank you, Mr. Speaker. I rise in a point of personal privilege."

Speaker Turner: "Hold your point."

Joyce: "Down by the center, you better get it while it's good. A woman from my district made it, some homemade pastries for everyone here and with the hope that we get out of here tonight by midnight."

Speaker Turner: "A hundred and seventeen Members answering the quorum call, we do have a quorum and the House will proceed with business. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Colvin, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a

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Motion to Concur with Senate Amendment #1 and 2 to House Bill 843. Representative Currie, Chairperson from the Committee on Fee-For-Service Initiatives, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #3 to Senate Bill 2367. Representative Scully, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' House Joint Resolution 91, a Motion to Concur with Senate Amendments 1 and 2 to House Bill 1020. Representative McCarthy, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to Senate Bill 1960. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to Senate Bill 829. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #4 to Senate Bill

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943. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Amendments 1 and 2 to House Bill 5928. Representative Soto, Chairperson from the Committee on Labor, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Amendments... Senate Amendment #1 to House Bill 812. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 753. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Amendments 1 and 3 to House Bill 855 and a Motion to Concur with Senate Amendment #1 to House Bill 869. Representative Delgado, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to

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Concur with Senate Amendments 1 and 2 to House Bill 1659. Representative Reitz, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to Senate Bill 739. Referred to the House Committee on Rules is House Resolution 1033, offered by Representative Mautino; House Resolution 1038, offered by Representative Winters and House Resolution 1039, offered by Representative Moffitt."

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

Black: "Than you very much, Mr. Speaker. A point of personal privilege. Ladies and Gentlemen of the House, if I could have your attention for just a brief moment. We meet today on Memorial Day which I hope takes on added meaning to all of you today as many of our Illinois sons and daughters have given the ultimate sacrifice in the hostilities in Iraq. I would much rather be home today on Memorial Day participating in those services and ceremonies as I have for many years and quite frankly, would much rather be putting flowers on my mother's grave as I have every Memorial Day for the last 36 years, but I find myself in Springfield. And I got a couple of calls this morning from constituents who don't like the fact that we're here on Memorial Day and I respectfully disagreed with them. It's because of the sacrifices of those who served in the Armed Forces that we are able to meet here today in a free

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government, debating budget matters and other issues that have not that sacrifice been made we would have not been able to meet here in any form of free government as we have known and enjoyed it for these past several decades. But I would ask some of you, if not all of you, to join me, at the end of the day you will draw a per diem of approximately \$95 for meeting on this Memorial Day, I intend to send my check for \$95 to the Illinois Veterans.. Illinois Military Family Relief Fund. We established that by law last year. You can send that check to the Illinois Military Relief Fund at PO Box 8889 in Springfield, 62791 or you can drop off your check in the Treasurer's Office. This fund we created and the Governor signed into law, an initiative of the Lieutenant Governor Pat Quinn, helps those members of the Illinois National Guard and Reserves who are called and are serving on active duty whose salary is a mere fraction while they're on active duty of what their civilian job might be. And grants are being made to help those families with mortgage payments, groceries, insurance and the like. I can think of no better use for your per diem today to go to the... that Relief Fund. And I hope that we keep in mind today the sacrifices so many have made so that we can sit here and debate and argue, some would say perhaps not debate seriously enough, but that remains to be seen. And I want you to keep in mind that on this Memorial Day a special ceremony will be held at Arlington Memorial Cemetery... Arlington National Cemetery in Washington honoring the 20 women who have made the ultimate

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sacrifice in Iraq, that's more women, American women, who have given their lives in the service of their country at any time since World War II. I hope that you will join me and saying that the per diem today would be better put to use by the Illinois Military Relief Fund. Thank you, Mr. Speaker."

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

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise also on a point of personal privilege."

Speaker Turner: "State your point."

Morrow: "Mr. Speaker, can we get some order in the chamber, please? I rise on a point of personal privilege today. I know it's hard for you... for some of the Members to get newspapers over this holiday weekend. In yesterday's Tribune they have a... the pictures of all the soldiers that have perished in Iraq. In the Journal today they not only have pictures of the... of these soldiers, they have a bio of the soldiers. I would hope that we could have a moment of silence for the 800-plus brave men and women. Thirty-one, I understand, have come from the great State of Illinois. I would hope that we could give them a moment of silence and think of their families today and their loved ones."

Speaker Turner: "The Gentleman..."

Morrow: "Let us remember that they took it so we don't have to take it."

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

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Stephens: "Thank you, Mr. Speaker and my thanks to my colleague from Cook. About... Well, in 2001, I was fortunate enough to be at the graduation ceremony of the United States Military Academy at West Point. And on that day I said... I said my congratulations to a young man from New York by the name of Dave Bernstein and on that day I found out that not only did he graduate in the top of his class, near the top of his class, but he was going to join my old unit which had been reactivated for the purposes of going to the... to Italy at that time. He was very proud to have joined the 173rd Airborne and I was very proud to say that I knew such a fine, young man. In August of last year, David Bernstein was among those 800-plus Americans that have given their life for their country in Iraq. He was leading a patrol in the countryside in northern Iraq and as true to his character, stepped forward when others would have stepped back and David Bernstein was killed in action in August of 2003. Yesterday, I received an e-mail from my son who has just returned back to his unit in Baghdad from four weeks out in the countryside. And he reports in, well, in relation to Memorial Day. I'm just read one paragraph. The good fight continues. I've been thinking a lot about David today, David Bernstein. Some gave all, takes on a new meaning for me now. Because I was raised right, I have always understood that the sacrifice... I've always understood the sacrifice of the last full measure. Now, however, with David gone and having felt the twinge in my gut when someone is shooting at me, I appreciate the

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simple, yet incredible selfless bravery of the soldier. I am humbled by the men around me and I'm honored to serve in this company of heroes. I wanna thank my colleagues for pausing today in memory, not only of those who have given so much, but those who continue to give. God bless each and every one of them."

Speaker Turner: "The Gentleman from Macon, Representative Bill Mitchell, for what reason do you rise?"

Mitchell, B.: "Thank you, Mr. Speaker. A point of privilege, please. I would like to atart to top Representative Morrow, the Gentleman from Cook and Representative Stephens. I have a young man who is being buried, I believe, tomorrow who was killed in Iraq, his name is Jeremy Ridlen. He is a twin and he and his brother were over there and they're out of the 1544th Transportation Company in Paris, Illinois. The brother brought his brother back this week and he will be buried in Decatur, I believe, tomorrow. These gentlemen... he's 23 years old from rural Illinois. So, I would ask a moment of silence for Jeremy Ridlen."

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

Daniels: "Mr. Speaker, thanks to those that are serving us and have paid the ultimate sacrifice, but one of the benefits of this weekend was I was able to spend some time with my father who is a World War II vet. He's 86 years old today and I was born during World War II. And he recalled some of the battles that he was in in the Navy. He was in

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Corregidor and fought in the South Pacific and also escorted MacArthur into Japan during the surrender. And recalled some of the traumas that they had and some of the difficulties in loss of their fellow sailors and fellow countrymen. And to our greatest generation, I can only recall the words of Senator Bob Dole when he issued the other day in the dedication of the World War II Monument where he said the four most important words to those that have served us in World War II, 'our thanks for your service'. So, Ladies and Gentlemen, from all of us in Illinois to all of those that have served us in the protection of our freedom, thanks for your service."

Speaker Turner: "House is prepared to do work. On page 7 of the Calendar, Senate Bills-Third Reading, we have Senate Bill 3000. Representative Giles."

Clerk Mahoney: "Senate Bill 3000, a Bill for an Act concerning education which may be referred to as Education Reform and Accountability Act. Sec... Third Reading of this Senate Bill."

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

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Today, I stand before you proud to present Senate Bill 3000. This legislation is truly have been a bipartisan... has been constructed in a bipartisan spirit of which all invested parties have had the opportunity to have input in bringing forth this very good piece of legislation. Approximately four months ago, the Governor,

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Governor Rod Blagojevich demonstrated the leadership and vision by putting the issue of education reform on the table. And also, he began to address the problems of the State Board of Education and bringing forth proposed solutions. Right after that, then you had the Speaker of the House, Representative Michael Madigan, began to have hearings to refine and dissect the proposed measures that was put forth. And I wanna be first on record today to say that the Speaker of the House has truly demonstrated his leadership by bringing all parties together on this piece of legislation to make sure everyone have input in this process of bringing forth this legislation. The Speaker, and I'm just gonna name a few, brought together various professional, educational organizations, the business community and various organizations that had interest or ties to the education community. There were many individuals such as state superintendents who had input and many outside forces that had input in this legislation. So, I would like to commend the Speaker for doing so and that's the reason I believe why we have such a piece of legislation that we're gonna talk about today. Also, I would like to give thanks to the President of the Senate, Emil Jones, with takin' the leadership in the Senate who appointed the... the Senate chairman of the Elementary & Secondary Education, Miguel Del Valle, gave him the charge to... to sit down and negotiate and to hash out a good education reform Bill. Also, I would like to give thanks in the House to Minority Leader Tom Cross who led... who

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demonstrated leadership by putting forth three of his best and brightest to deal with a lot of the education issue and that is Representative Eddy, Representative Kosel and Representative Mitchell, who had... who addressed a lot of key points in this legislation and they're gonna talk about those key points a little bit later on. And... and also, in the Senate, you have Senator Lightford who is the vice chair of the Elementary & Secondary Education who had a lot of input in this process. And I would also not be remiss to... to add that the State Superintendent Dr. Robert Schiller had a great amount of input in this piece of legislation that is proposed before us today. So, as you see, there were a lot of individuals and many of you who care about education had input in this particular legislation. This is a piece of legislation that is agreed upon between all of the legislative caucus bodies and the Governor's Office. And so, what I would do at this time, begin to sort of map out briefly a lot of the provisions that in this... that in Senate Bill 3000. First, this particular legislation create an optional prescription drug benefit program which allows school districts to benefit through cost savings from the state purchasing power. Both the Illinois Retail Merchants Association and the Illinois Pharmacists Association support the provision of this... of this program. Secondly, this legislation requires a line item appropriations for the State Board of Education. This Body will have the opportunity to... to look at the actual appropriations that the State Board of Education make.

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Thirdly, this legislation ends the term of seven current Illinois State Board Edu... of Education members including the chair and allows Governor... the Governor to fulfill seven of those seats immediately and five of those seven terms will end in July and January 2007 and two of the seven terms will end in 2009. Also, this particular appointment of the seven members were to take effect immediately and the board will review all the rules in an effort to streamline the procedures and reduce paperwork. The next point, the state superintendent contract may not extend beyond the sitting Governor's last day of his or her current term in office. The state superintendent can have a two or three or a four-year contract, but no longer than the actual term of a Governor. The Governor may suggest candidates for the position for the state superintendent, but the board will have the complete discretion on the appointment of the superintendent. Rules and policies affecting the operations of the public schools must go through JCAR. This was a initiative that all bodies agreed on. This particular initiative gives this Body, the Legislature, some accountability and give us some control in the process, but this may not supersede Federal or State Law. The board is prohibited from adopting or forcing policies that have the affect of rules. Also, what this legislation does it required the board to develop a five-year strategic plan. We will have, I believe, Representative Eddy or Representative Kosel or Representative Mitchell will talk about those initiatives.

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Those are some of the initiatives that Leader Cross demonstrated and... and so those Member will talk about those initiatives in more detail. Also requires R... ROEs, the Regional Office of Education, to assist schools in completing and submitting grant applications, to approve or deny any calendar changes for local schools and to review all the initial teaching certificate applications. Also, Senate Bill 3000 does is it exempts state master contracts and certifies education purchasing power from local school procurement requirements, which require bidding processes to purchase over \$10 thousand. This particular legislation also established an optional education purchasing program which allows school districts to achieve cost savings through the purchasing power of the state. This particular legislation also set forth service oriented instructional divisions for the... for SBE which may be included in a plan to develop no later than... no later than April 2005. This particular measure also grants the State Board of Education the authority to provide shared services through school districts and regional office of education through regional administrative technology centers. There will be 15 technology centers and these centers have all... they are already located throughout the state and this Amendment simply increases the authority to assist school districts in a variety of administrative duties and capacities. So, what I have here just gave you a summary of a lot of the initiatives that's in Senate Bill 3000. And so, at this

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time, I will stand in... in ready to address questions from the Body. Thank you, Mr. Speaker."

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

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

Speaker Turner: "He indicates he will."

Miller: "Representative Giles, with this plan, you mentioned a strategic plan, could you just elaborate a little bit on that, on some of the goals?"

Giles: "Thank you, Representative Miller. This particular part of Senate Bill 3000 I'm gonna ask Representative Kosel to address and to elaborate on the five-year strategic plan. Representative Kosel."

Speaker Turner: "The Lady from Will, Representative Kosel."

Kosel: "Thank you very much. Could the... could the... could Dr. Miller please repeat his question?"

Miller: "Is the strategic plan that's outlined in this legislation, could you just elaborate on some of the goals and the purpose of it?"

Kosel: "Yes. First of all, the idea behind the strategic plan that was listed in there was something that came out of local districts and was the idea that in the past as we've changed superintendents sometimes more than once a year we have... we have changed direction for the state board. And the idea behind having a five-year strategic plan yearly updated or yearly confirmed was the idea to keep the state board on a track that every community knew, every local school district knew. Now, in the Bill we specify some of

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the things that we believe need to be addressed. First of all, let me tell you where these items came from. These items came from local school districts saying that this is what the education in the state should be all about. This is... this is what will make us center on student learning. So, let me read... let me read some of 'em: adequacy, equity, educational opportunity for all schools, a program development and improvement, efficiencies in delivering service, assistance to students at risk, educational research and development, recommendations for streamlining. Some of the things the Governor talked about the procedures: streamlining of teacher certificates, support services, enhanced technology, recognizing the success of exemplary schools, unique needs of rural schools, school organizational issues, attracting and retaining qualified teachers. And that does not mean that their report would be limited to these things, but it means that these things should be included and if we wanted to legislatively add other things to this, we could easily do that."

Miller: "When you say legislatively, that would have to go through this Body or go through JCAR as it is outlined in the... in the... in this Bill?"

Kosel: "If it... if... the way the will is worded, if it... if it... if it impacts local school districts, then it would have to go through JCAR. This is something that impacts the board. I believe that they would be able to add things to the strategic or elaborate on the strategic plan without going through JCAR."

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Miller: "And also, my understanding is that this report is due every year or the update of the report?"

Kosel: "An updated version. The idea behind this report was the same thing that is done with IDOT, a five-year plan that's updated yearly."

Miller: "That'll be disseminated among Members of the General Assembly."

Kosel: "Pardon?"

Miller: "That will be dis..."

Kosel: "Yes."

Miller: "...it'd be one year. In the committee, when it was brought up, there was an issue of timing. The way the legislation is... is... is created in a sense that the new superintendent or even the current superintendent for the next term of the... of this... the end of this Governor's term, beginning the next Governor's term then... then that committee he'll... he will appoint, he or she will appoint, the new board members being five..."

Kosel: "Yes. That's one... yes."

Miller: "...then... then, also, then that report, too, will be due, I believe, it was... was it July 1?"

Kosel: "I believe it's due in April."

Miller: "It's due during... So... so, that..."

Kosel: "No, it's... No, you're right. It is July."

Miller: "July 1. So, that group of board members, in conjunction with the new superintendent, will basically have a short period of time if they deem to take the state in a new direction?"

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Kosel: "Well... well, hopefully..."

Miller: "Sort of."

Kosel: "...with the five-year plan, we're going to have a continuum. That was the idea behind the five-year plan. It's not necessarily a new direction, but a continuum. And... and the idea behind it was one of the things that Calvin talked about was the first board of education, the Governor will appoint seven..."

Miller: "Right."

Kosel: "...and the two holdovers, but in every board after that, at the end of the Governor's term, he will appoint five and he'll leave four."

Miller: "Last question for you, is that you mentioned a list and I noticed that educational funding and educational funding reform wasn't on the list. In my... in my area, my district, that seems to be almost priority one regardless and probably coupled with property tax release... relief. Is there... was there any discussion of putting that on the list, that you know of?"

Kosel: "Specifically, in this Bill, in the reporting the... in the strategic plan, that specifically was not, but... but it could fall under any one of these other areas."

Miller: "But it can be included in at some point if the Body feels it's necessary?"

Kosel: "Under the strategic plan, yes, Sir."

Miller: "To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

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Miller "This may be the best news that we receive all day, which will... plans to be a very long day for both sides of the aisle. I believe that this should get 118 votes all together. The one concern though is that we've made reform with the education system as it relates to the Board of Education. Last year, throughout many of our districts, we had referendums that increased educational funding on a local level. Overwhelmingly, that was rejected by citizens that we represent. And so, the state has to continue on and do something about educational funding here in the State of Illinois even though I believe this is a step to get our house into... in the right direction. Last year we changed from census count to DHS numbers. That's a step in the right direction. We increased the foundation level that a Bill passed out of here this year, that's a step in the right direction. We've had EFAB reports, that's a step in the right direction. Earlier this year, we had property tax relief for individuals, that's a step in the right direction. However, it just comprehensively put a plan together to deal with educational funding in the State of Illinois. And so, although we're getting our House together with this plan, which I would commend the Sponsor and all the Legislative Leaders in... both sides of the aisle that worked on this very issue... this issue very dig... diligently, let us not forget that there are two problems in the State of Illinois in regards of education and we can monkey around about it and we can put as many Band-Aids that... as we want on it, but until we address educational

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funding here in the State of Illinois, we'll always have two types of education in the state of... in the state, those with money and those without. That's... that's the reality of it. So, it's property tax relief, great, let's go for it. If it's an increase in income tax, let... great, let's go for it. But let's not this Body forget, we have a responsibility to the children of Illinois to make sure that educational... that they have the same opportunity regardless if they grow up in Evanston or they grew up... grow up in Ford Heights that they have the chance to succeed and this is least is gonna take a step in the right direction. We our getting our House together. This should get 117 votes, but let us not forget the commitment we've made as a elected officials. Thank you."

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

Kosel: "I... Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Kosel: "Thank you. First of all, I wanna make a statement that this is probably some of the best work that I have ever seen done in the educational field here. I understand Representative Miller's concern about funding. We've been struggling with funding the entire eight years that I've been down here. But this particular piece of legislation was done on a bipartisan manner in a way to make a plan and a foundation for schools in Illinois that can not only withstand the test of time, withstand the changes that happen through the political system here and move forward

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so that we have a firm foundation to work on other problems that are extremely vexing in this state. This plan is extremely good. Representative Giles did an excellent, excellent job of talking about exactly what the plan is. Some of the things that aren't included in the plan that we had originally seen were mandatory purchasing pools and mandatory RXs. Those are not included in the Bill. Is that correct, Representative Giles?"

Giles: "Representative, that is correct."

Kosel: "So, this is something that are... none of our school districts wanted, but if they can take advantage it and save money, they have the ability to do it. We hope to reduce tons of paperwork. We hope to get more control and services closer through the... through the... through the ROEs that will remain at the same number. It is our an... it is our anticipation that schools will have more direct service. I commend the Sponsor. I commend everyone who spent hours and hours working on this and I look forward to seeing this signed into law. Thank you."

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

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

Speaker Turner: "He indicates he will."

Eddy: "Representative, as to the structure of the Board of Education, it's our understanding that the Governor will be allowed to name seven board members immediately and that two specific board members will remain and those two board

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members that remain will be Dean Clark and Joyce Karon. Is that correct?"

Giles: "That's correct."

Eddy: "And it's our understanding also that if a board member is to be removed from the Board of Education by the Governor, that that removal would take place reflecting the Constitution's intent and that does not give the Governor the power to remove board members at will."

Giles: "Representative, that's correct. I think, all parties agreed and you know, we have long discussion on this particular issue that we will reflect the... the wording, the language of the State Constitution."

Eddy: "And it's also our understanding that the seven new board members will be able to vote as appointed members at this time, but this will be a one-time only situation for board members to be voting members as appointed rather than conferred due to the timing of the situation, but they... they will be allowed to... to vote as appointed members?"

Giles: "That is correct, Representative. This is a one-time provision for these particular seven board members. That's correct."

Eddy: "Okay. Thank you very much. Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Eddy: "I want to personally thank everyone involved in this process. This... this particular piece of legislation embodies the work of dozens of people from across the state whose input was sought in order to create a situation where the Governor would have control over the number of board

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members while maintaining the constitutional integrity that so many people were concerned about. This gives the Governor immediately seven appointments. He can begin to initiate the type of educational reforms that he feels are necessary, but at the same time... but at the same time it takes care of the question as to whether or not we're following the prescribed language and intent of the Constitution. The Bill also includes specific language as to divisions that are set up within the Board of Education and reading from the Bill, very important, it states that the State Board of Education may not adopt any rule or policy that alters the intent of the authorizing law or that supersedes Federal or State Law. The board may not make policies affecting school districts that have the affect of rules without following the procedures of the Illinois Administrative Procurement Act. Those were the very issues that the Governor talked about during his State of the State Address. It includes a strategic plan and it includes the type of flexibility that will allow for meaningful change. And finally, I wanna address Representative Miller's concerns regarding funding. He is absolutely right. It is now time that the General Assembly take up the true reform in education. Now, that we've allowed the Governor the opportunity to control the State Board of Education through appointments, it's now incumbent upon this Body to change the way we fund schools and provide equity and equality for students across this state. It should not matter if you're born in Cairo or Hudsonville

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or Oblong or if you go to New Trier. We owe every child in this state a quality education. The challenge is now for us to take up the true reform. Thank you."

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

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

Speaker Turner: "He indicates he will."

Mitchell, J.: "Representative Giles, it's my understanding that the intent of this legislation is to leave the 45 Regional Offices of Education in place during and after the transition phase. Is that correct?"

Giles: "Representative, that is correct."

Mitchell, J.: "It's also my understanding that within Senate Bill 3000 that there is a vision that is coupled with the strategic plan. Is that not so?"

Giles: "That's correct."

Mitchell, J.: "Thank you. Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Mitchell, J.: "Ladies and Gentlemen of the House, Senate Bill 3000 does not answer all of the questions that we have, but it does set us on a new road. There is a vision, there is a strategic plan and those will help to determine if the board is functioning properly. Within the Constitutional Convention and the discussion during that time, the areas that you can remove a board member for are the areas of neglect, malfeasance in office or incompetence, but there was no measure to determine whether or not board members

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individually or the board itself was acting in the best interest of children. I certainly don't wanna cast any aspersions on any of the board members that are there now but with a strategic plan, with a vision, with a road that the board sets for themselves that will now be a measure to determine how effective the state board will be. That strategic pan... plan will be done with the help of local superintendents and teacher organizations and individual teachers. What you see in Senate Bill 3000 you will notice said words, 'not limited to'. This is a blueprint. We can add to, we can subtract; they can add to and subtract as they suggest, but at all times, those changes that they make will go through JCAR. So, that we always have a voice; we always have a responsibility in what happens to the children of this state and that's as it should be. You are absolutely right, Representative Miller, about the funding issue. This does not address the funding issue, but if the citizens in Illinois want to know what needs to be done prior to that, then this is that answer. Not everyone is enamored with Senate Bill 3000 and I understand that. If you thought the direction was good, if you thought the board members and the board itself was doing a good job and you didn't wanna see anything at all, if you were comfortable with business as usual, then you can vote 'no' and feel good about it. If you think it's time for a new direction, if you think it's time that we do everything we possibly can to move things closer to the local districts to get more help than we had before, to make a

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board more service oriented and less compliance oriented and to have more say-so over what happens, then you should vote 'yes'. Do it in good faith and then continue to monitor what goes on with this state's children. This was the work of four chambers working together. Representative Giles, I commend you. I commend the Speaker. I commend the Leaders who afforded us the opportunity to help structure something that the Governor suggested. This is not everything he wanted, but it certainly looks like a good step for the children of Illinois. I urge an 'aye' vote. Thank you, Mr. Speaker."

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: "He indicates he will."

Bassi: "Thank you. I wanna... I also would like to commend the number of people who worked on this Bill which is absolutely a real work of... of many, many groups coming together and I do think that this will provide for the reform that we've been looking for with the State Board of Education. We've been looking for it for a number of years. But I do have one question and it has to do with the... the Cook County Intermediate Service Centers. I want... I... we talked specifically about the administrative technology centers, we talked about the ROEs, but what I wanna know is, will this Amendment change... will this Amendment change in any way the functions or services provided by the Cook County Intermediate Service Centers?"

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Giles: "Representative, no. The Cook County Administrative Centers will continue to function the way they are. There's been no change in that particular structure. I believe they will... I believe the structure is set up now in which they would... since those programs or services simply is administered from the State Board of Education."

Bassi: "Great. Thank you very much, Representative."

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

Davis, M.: "Thank you, Mr. Speaker. I just wanna address the Bill."

Speaker Turner: "To the Bill."

Davis, M.: "To the Bill, Mr. Speaker. When Governor Blagojevich boldly and bravely stated that he wanted to change the delivery of educational services to the children of the State of Illinois, I stood with him. In that process, Speaker Madigan bravely and boldly convened a number of educational organizations and institutions to meet and fashion a piece of legislation that will assist with the better delivery of services in a hope of increasing the scores of the children in the State of Illinois. A State Board of Education is responsible for more than contracting with tests providers and giving us the result of tests. A State Board of Education, and this legislation helps to do that, provides support to schools where children are on a watch list. A State Board of Education should help and assist with providing the lowest or lower cost for equipment and supplies. A State Board of

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Education should guide those entities in which are providing services to the board in which positive results are being sought. I think, Mr. Chairman and Members of this Body, that one of the major portions of this legislation allows for a structural division of the board. One division will be teaching and learning services for all children; a second one will be school support services for all schools; a third will be fiscal support services; a fourth will be special education services; a fifth: internal auditor and the sixth: human resources that does not limit the board's total responsibility. They also will be required to provide a five-year strategic educational plan. That plan will be submitted to the General Assembly. They can change it every year, they can add to it, they can subtract. I believe, Mr. Speaker and Members of this Body, this is an excellent effort on the part of most people, most of those concerned with the education of the children in the State of Illinois. The fact that teachers and retired teachers will be able to purchase prescription drugs at a much cheaper rate will also help with the resources of those who provide services to our children. I believe, Mr. Speaker, that even though in this legislation we have not dealt with the needed or increase in funding for our schools, the structure is now set up in which most people should not have a problem with adding resources to those schools because it will help us to monitor the spending and help us to monitor the results. Thank you for this opportunity and I urge a 'yes' vote. And finally, may

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I say, Speaker Madigan was most gracious and most humble in providing most of this legislation and putting this piece together and he certainly should be commended for his tremendous effort."

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

Molaro: "Thank you. Mr. Speaker, we hear all these things about our Leaders, courageous visionaries, all four or five Leaders. Let's hope they use that same courage and visionary when we talk about the budget later this afternoon. As a matter of fact, maybe Representative Giles and Representative Kosel we should let them leave the chamber and they should go solve this problem, they did such a wonderful job. So, let's just hope they keep up the good work and we can get that resolved also because if you remember, two or three weeks ago, this was never gonna get resolved, it was impossible, we'll never get together, it'll never be done and here we have a virtual lovefest. Let's hope that lovefest turns over to our budgetary negotiations and we can all leave here with the lovefest going. Thank you."

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

Lang: "Thank you, Mr. Speaker. I hate to break into the lovefest, but I will do it. Mr. Speaker, Ladies and Gentlemen, I also applaud those who put this Bill together. I think it was very difficult and certainly we're all going to vote for this Bill or certainly most of us are going to

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vote for this Bill. But I don't think we should go home and try to delude 12½ million people that live in the State of Illinois that this Bill does a whole lot to improve the lives of children in the State of Illinois or their education. I think the people of this state whether they're children or parents or administrators of schools or teachers or school board members or PTA members or Legislators should begin to demand what I think we should call a revolution in education, not tinkering around the edges which this Bill does in some very good ways, but I think a real revolution. A revolution about how we deal with schools, a revolution about how we deal with local control, a revolution about how we teach children and train teachers, a revolution about how we pay for schools. What are we gonna do about the property tax problems where these numbers are going out of control? What do we do about the problems of rural and downstate Illinois where the property taxes are pretty flat and they simply can't afford to take care of their local schools. This Bill isn't going to do it. And I share the dismay of some who have said all spring, well, we're spending a lot of time talking about education, but not a lot of time talking about the real problems of education. And for all the talk of money alone isn't going to cure the problems of public schools in Illinois I say that's true. Money alone is not going to solve the problems of Illinois public schools but Ladies and Gentlemen, we all know, deep down inside, that we need more dollars and a restructuring of how we fund schools,

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if we're going to say at some point in the future that Illinois has fulfilled its responsibility to the school children of Illinois and their families. And so, of course, this Bill will pass. It deserves to pass, there's some good things in it. But let's not go home deluding ourselves and our constituents that we've done anything really, really special to deal with the problems of education in Illinois. We should be demanding, insisting upon Special Sessions, special meetings and we should be demanding to do whatever it takes to into the future stop being an embarrassment around the country at the way we handle the problems of public schools. So, I will share the podium with anybody at any time, even you Representative Parke, who wishes to begin this revolution in education. I think we need to start it right away."

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

Davis, W.: "Thank you, Mr. Speaker. I, too, want to commend all of the individuals who worked very hard on this piece of legislation. But to that end, as other Members have already indicated that there is larger problem that looms with this Legislature as it relates to school funding. My seatmate here has a very beautiful young baby that I am very fond of and when I think about this young baby and her opportunities in this world, because of where she comes from, she's gonna be all right and she's gonna have a great education, she's gonna have opportunities. But in certain parts of my district, there are young kids that don't have

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great opportunities and will never have the opportunities that some of our children will have as it relates to their education and where they'll be allowed to go to school and what they'll have access to. We have a very disparaging system here in the State of Illinois as it relates to how we fund schools. Now, I've heard Members talk about that problem and how we need to stand up and probably all of us ran on an education platform, our... our willingness to try to provide input to fix education funding in the State of Illinois. Now, for those Members who stood up and made that statement and for those Members who are here who ran on an education platform, if you are truly interested in trying to do something to fix education funding in the State of Illinois, then I have an opportunity for you. In my hand is a letter addressed to our Governor as well as our four Leaders, two in the House and two in the Senate, encouraging or asking them to consider the possibility of a Special Session strictly to deal with education funding. Currently, I have 14 Members who have signed on to this letter and I'm asking and encouraging any of you who wish to sign on to this letter, please come see me. So, for those of you who truly want to do something about education funding reform, sign this letter, let's send it to our Leaders and give them the responsibility of trying to do something here in the State of Illinois so that our children, so that children throughout the entire State of Illinois will have fair opportunities and a great lifestyle because we have done what we're supposed to do in providing

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and fixing education funding in the State of Illinois. So, when I come to you today, please sign the letter or stop by my desk and sign the letter so that we can implore our Leaders to do something about education funding here in the State of Illinois. Thank you."

Speaker Turner: "Representative Flider, to the Bill, the Gentleman from Macon."

Flider: "Mr. Chairman, will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Flider: "Thank you. First, I would like to congratulate you and our Leaders for crafting a Bill here of this magnitude that reforms education. And... in looking... and obviously, as many have discussed funding certainly becomes our next step that we need to look at, not only as it pertains to large districts but also small districts and medium districts. And of particular concern or particular, I guess, I look at this analysis that we have of particular opportunity, I should say, is the Section there where it talks about a strategic plan. It talks about the State Board of Education developing a five-year strategic plan including and it's got a series of initiatives and issues that will be reviewed and looked at. And one of the issues that comes to mind immediately involves a small school district in my district Lovington, Illinois, where they're at a crossroads right now. It's a very rural district. Their enrollment is stable or declining. And their assessments are declining and their revenues, you know, they're having a hard time keeping up with revenues. At the same time,

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this school system is an integral part of their community. Integral from the standpoint that it is from the standpoint of economic development, employment, the quality of the community. It's very integral. And my question is, Representative, in terms of this strategic plans that we're referring to, what is the timeframe that these plans would be developed? In... For example, are we looking at the state board hiring or developing some sort of a citizen's group to advise it or can we get right... get done right away? 'Cause we need, right now, beginning as soon as this legislation is signed, to begin developing those strategic plans and those activities. I don't think we can sit down and I don't think we can wait to do this kind of planning. We need to do it and we need to do it now. And particular, I think, as it relates to many of the rural districts of our area that are strapped for funding and are at a crossroads, they have to make a decision and consolidation may not be an option because other school districts don't necessarily want to consolidate with 'em. So, is there any thought in terms of a timeframe on the strategic plan?"

Giles: "Representative Flider, we're... we're looking for the exact... I think there's some language that... that addressed the exact date that these strategic plan, this five-year strategic plan will be im... will be implemented. We're... we're sort of lookin', tryin' to make sure we give you the right date. So, Representative, I've been told that it's six months after the enactment of this particular date and

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then, I think, I believe it is... July 1 will be the final and then every year thereafter it will be in July."

Flider: "So, we would begin to develop a strategic plan shortly after this is passed and then maybe updated every July 1?"

Giles: "That's correct."

Flider: "Okay. I would just make the point, Representative, and certainly, again, congratulate you and others who worked on this Bill, but I think in some instances if we can't look at strategic plans that are necessary for school districts to survive in the very immediate future, less than six months from now at a time where they need answers from us in terms of funding, in terms of ideas, in terms of consolidation, in terms of mergers, in terms of other opportunities, I think that we should ask and hope that the state board can provide those kinds of answers in the very near future. Again, thank you very much for sponsoring this Bill and look forward to working with you and others down the road as we try and strengthen the... the situation facing our... all of our school districts. Thank you."

Giles: "Representative Flider, I've just been enlightened that your particular school district has a... do have a unique situation and I think it goes back to the same statement that's been made by a couple Members when it comes to the equitable funding of education. I think, there lies the greater problem in your particular situation and hopefully this is the first step so that we can address those issues."

Flider: "Thank you very much."

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Speaker Turner: "Mr. Clerk."

Clerk Mahoney: "The Rules Committee will meet in ten minutes in the Speaker's Conference Room. The Rules Committee will meet in ten minutes in the Speaker's Conference Room."

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: "He indicates he will."

Black: "Representative, let me... hopefully, I'm toward the end of those speaking on the Bill. Let me, again, make sure we all understand two things. The state procurement cooperative is purely voluntary under this Bill. Correct?"

Giles: "That's correct. It's purely optional."

Black: "And the proposed state prescription/health coverage plan is purely optional for each school district?"

Giles: "That is correct."

Black: "Thank you. I think that's very important. The last question that I have, many people have contacted me in the last 72 hours: school board members, superintendents, interested parents asking me to vote against Senate Bill 3000 and asking me to vote for Senate Bill 1955. And I responded to some of those that I would, however, now I think I may have to backtrack. Would it be fair to say that the current Senate Bill 3000 is a compromise that involves a great deal of the language of 1955 and what we have before us is probably the only Bill we're going to get

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to vote on and represents the best art of compromise possible at this time?"

Giles: "Representative Black, you are 100 percent correct on that."

Black: "And I think it's important that all of the Members of this Body listen very carefully to Representative Giles remarks. There has been a great deal of concern expressed over Senate Bill 3000 in its original form and many of our school activists wanted 1955. What, I think, we have to do now is to go back and convince those people that this is a melding of those two Bills and substantial compromise has been made and this is the best Bill that I think collectively we can come up with at this time. And I would say to those who say, 'no, no ,no, we want 1955 or nothing', then you're going to get nothing. This is the Bill, it represents the art of compromise that is so often in short supply around here. I commend all those who worked on it and while I have some explaining to do to school board members and superintendents and principals, I think I can explain to them, based on what Representative Giles has said, that this is... it represents change, not as much as some wanted, more than some wanted, but it meets in the middle and when all is said and done, I think it's a Bill worthy of our support."

Giles: "Thank you. And... and Representative Black, let me just simply add that Senate Bill 3000 is the original Bill that Senator Vince Demuzio started out with and so the Speaker

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was gracious enough to allow that particular Bill number to remain."

Speaker Turner: "The Gentleman from Stephens, Representative Fayette. I should say the Gentleman from Fayette, Representative Stephens. It's been a long day."

Stephens: "Longer for some of us. I was wondering, Mr. Speaker, if I could move the previous question?"

Speaker Turner: "The Gentleman has moved the previous question. All those in favor say 'aye'. In the opinion of the Chair, the 'ayes' have it. And the previous question is put. Representative Giles to close."

Giles: "Thank you, Mr. Speaker. Let me just end my remarks and I will be remiss if I did not make these statements. Ya know, we... we've heard a lot of statistics and ya know, some of the statistics were, ya know, 38 percent of Illinois' third graders do not meet state standards in reading and 41 percent of eighth graders do not meet state standards in writing. Ya know, I think, this is a good day for those parents who's listening to those statistics. Ya know, this legislation is, ya know, probably one of the most sweeping change for education in Illinois and that case certainly the one decade that I've been here and perhaps since the Constitutional Convention. It creates more accountability for education in the state. It gives the Governor to choose to help district invest more money into the classroom. It will allow the Governor to lift some of the burdens of our overburdened regulations. It also gives the Governor a chance to make real reform and changes

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immediately as we know the Governor will immediately appoint a supermajority board. This also bring about a change for a new day for a collaboration between the State Board of Education and the local school districts. Schools, they face many challenges in educating our children and they need a special partner in Springfield. And so, this change and the commitment that the Governor has to workin' with the local school district gives us that new partner. Let me just, in closin', say that this is a good day for the parents that have long suffered to listen to those statistics that I just mentioned that their child do not meet state standards, that their child cannot read, their child cannot write and their child do not measure up. But parents will now be able to have a tangible, warm body to hold accountable and not a far away entity and.. and moreover that the children of the State of Illinois will.. will tra... begin to have that true opportunity to be educated, to... to have the best possible education that the State of Illinois can bring forth. Yes, this particular legislation do not address the actual funding, the... that we need in this state, that... the way we fund education, but I truly believe that it is an initial step, that we can streamline government, that we can have some accountability, that we can truly begin to address the real problem, the substantive problems, and after it is said and done we can begin to really put the issue on the table is that... that we need to change the way we fund education. So, I believe, this is truly the first step. This is a

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step that I think that the Governor heard many cries from the parents of the State of Illinois and it was put on the table and this Body with the various Leaders brought forth a good piece of legislation and so we're here today to vote on this measure. And I urge all the Members to... to... to give an 'aye' vote and I think as Legislators we will no longer be able to simply listen to our constituency and give them that status quo response, we're for education, that, you know, we're on top of the measure. But we can truly take... begin to take the Band-Aid off the problem and address the problem and begin to have some accountability and make some real reform changes. So, with that, Mr. Speaker, I urge all of my colleagues to vote 'aye' on this measure."

Speaker Turner: "The question is, 'Shall Senate Bill 3000 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 1 voting 'no', and 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 14 of the Calendar, we have Senate Bills-Second Reading, Senate Bill 3356. Representative Hannig, the Gentleman from..."

Clerk Mahoney: "Senate Bill 33..."

Speaker Turner: "...Montgomery."

Clerk Mahoney: "Senate Bill 3356 has been read a second time, previously. No Committee Amendments. Floor Amendment #1,

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offered by Representative Hannig, has been approved for consideration."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig on Amendment #1."

Hannig: "Thank you, Mr. Speaker and Members of the House. This is the Amendment that was debated in the Human Services Committee last week and was recommended to be approved by that committee. The total GRF that we are asking to be adopted on this is \$2,153,994,760 which is about \$9,607,801 below the '04 budget in GRF. And we're looking at the Department of Agriculture, the Arts Council, the Attorney General, the Auditor General, CMS, Civil Service Commission, DCEO, Commerce Commission, the Comptroller, the Court of Claims both the awards and ops, the court system, the Drycleaner's Trust Fund, the Elections... the State Board of Elections, the Employment Security, the Environmental Protection Agency, the Financial and Professional Regulations Committee, the Governor's Office, Historic Preservation, Inspector General, Labor Relations Board, Legislative Support Agencies, Lieutenant Governor, Management of the Budget, Natural Resources, Property Tax Appeal Board, Revenue... the Department of Revenue, Secretary of State and SERS, JRS and GARS and the State Treasurer. So, again, this is the Amendment that was adopted or it was recommended in the General Services Committee and it's below the Governor's... it's below the '04 appropriation. So, I'd be happy to answer any questions."

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Speaker Turner: "The Gentleman... Seeing no questions, the question is, 'Shall the House... The Gentleman from McHenry, Representative Franks."

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

Speaker Turner: "He indicates he will."

Franks: "Representative, I missed the first part. How is this different than last year's budget, for this portion?"

Hannig: "In total it's \$9,607,801, GRF dollars, below the '04 appropriation."

Franks: "Okay. And in here you put back in the OSLAD... the moneys? For that open space land, is that put back in or is that still left out?"

Hannig: "No, these... this is... I'm just speaking of GRF at this point, but OSLAD is in a different budget. I'm sorry. OSLAD is in here, Representative. So, the money would be... the money would be in this budget... in this Amendment."

Franks: "Yeah. I'm looking here under the Natural Resources line and was there put back in the money that was supposed to... the Governor had asked for the one-year holiday? Is that money put back in?"

Hannig: "Yes. Because we would have to take some affirmative action in order to change that normal flow."

Franks: "Okay."

Hannig: "So..."

Franks: "So, it was never touched."

Hannig: "...it would appear that that's not going to be the case. We thought we'd recognize the reality and put it back."

Franks: "Thank you."

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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: "He indicates he will."

Black: "Representative, if you said this in your opening remarks, I apologize but as you know, it's often very hard to hear in here. I would characterize this as a... an operations budget for general services in case we become deadlocked and you and I have been here before when we have. I don't wanna approach the July payroll date without an operations budget so I'm assuming that what you're doing here is the worst case scenario that would enable employees to be paid and certain programs to function in case we do not reach final agreement on a budget by the time payroll for July would have to be certified. I mean, is that a fair assumption?"

Hannig: "That's exactly what we're trying to do, Representative. Thank you for clarifying that."

Black: "And while some things have been added back in that I'm extremely happy about, CFAR for example, that I think will pay a tremendous return on that investment. I don't think we need to go through line item by line item. When all is said and done... Mr. Speaker, to this appropriations Bill. We can pick this apart and I have often stood on this House Floor and ask that we do a line item budget work on the floor, but I don't think that's going to happen in my lifetime. But I think we've been more involved in the

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process this year than in year's past. What... And I realize that you'll have to look at this very carefully and... and satisfy your conscience and the needs of your district but one of the things, for those of us who have been here, when we've not reached the budget agreement, as we approach that July payroll, the pressure becomes extremely intense to do something even if you do it incorrectly. And I think what the Gentleman is proposing is that we pass a bare-bones budget that will meet bills that are due on July 1, that we can meet payroll on that second week of July, in case we get hung up. I hope we don't. But there are many items in this budget I would like to go into in greater detail, but when all is said and done, I view this Bill before us as an operation's budget that lets us continue key human services work and governmental operations work if we can't reach a budget between now and July 1. I intend to vote 'aye'."

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

Flider: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Flider: "Representative, question. This has come back a question that it comes to me from some constituents in my district. Are the Supreme Court justices or judges in line to get a pay raise as a result of this budget?"

Hannig: "Representative, there's no money in this budget for a pay raise for judges. Is that what your question was?"

Flider: "Yes. Yes."

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Hannig: "So, that's the answer."

Flider: "Okay. I've got a... I've got some constituents who are concerned that because of the judicial part of this budget that probation services would be declining. They were concerned that those dollars were being shifted and to... to cover the cost of judicial pay raises, but if that's not the case, it sounds to me as though there's still being dollars shifted away from the probation services. Is that something that, in terms of this budget, is this... are these the final numbers from the Supreme Court?"

Hannig: "Well, Representative, I don't think anything would ever be final until we get it to the Governor's desk but what we're trying to do here is exactly what Representative Black said was to provide that in a worse case scenario where we might still be here after the fiscal year begins in July 1 that at least we would have spending authority on the Governor's desk so that he could continue to make payroll and provide money to... for some grants that have to be done around the State of Illinois and basically it'd allow the state to continue operations. So, in the end, we're gonna... we made it clear to the courts that it's not our view that they should be cannibalizing money that really needs to go to probation and we're trying to work through that, but at this time, this Bill does not address that issue."

Flider: "Thank you. My understanding with regard to their portion of the budget is they submit... they have great latitude in terms of how their operations are included in

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their budget in that perhaps even if this were to pass they would still be able to shift dollars toward probation."

Hannig: "Well, Representative, every agency has the 2 percent transfer ability within their... their overall budget where they can move money between lines so there is... there is some flexibility in that respect plus we have the ability, if we come back in... if this were a final budget, we would still be back in... in November in the Veto Session that we could make adjustments as well. So..."

Flider: "Thank you, Representative."

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

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

Speaker Turner: "He indicates he will."

McCarthy: "Representative Hannig, I just have one quick question. Under the Treasurer's part of this Amendment, there's an approximate \$560 million increase in bonded interest or bond interest and principal payments. Could you tell me..."

Hannig: "That's correct, Representative."

McCarthy: "...where were these bonds issued and approximately out of that 560 million... it seems that that's the total increase for the Treasurer's line. So, out of that could you give me just an approximate of what is principal and what is interest?"

Hannig: "We could get that, Representative, but we... I don't... I don't have that right now, but we'll try to get that for you."

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McCarthy: "Both? You mean the information as far as... So, were these bonds recently from last year or are these bonds long-term bonds or do you know?"

Hannig: "I believe that this is just the normal payment of bonds, but if they're... but if that's not correct, I'll certainly..."

McCarthy: "Well it's..."

Hannig: "...find out and let you know."

McCarthy: "...looks like a \$560 million addition to their budget for the Treasurer and it mentions underneath that that's all going toward this so I was wondering if these are new bonds or additional bonds?"

Hannig: "I'm... I'm advised that this is just the normal payments we make like on... on typical bonds."

McCarthy: "Is it 560 additional in... in addition to normal payments? Do they have a 50 percent increase in their line item is what I'm saying?"

Hannig: "Representative, that's what the Treasurer certified to us as what our bond obligations for this year are and..."

McCarthy: "Are over what they were the year before?"

Hannig: "Yes."

McCarthy: "Okay. If you could give me that information as far as what's interest and what's principal, I'd appreciate it."

Hannig: "Yeah. We'll... we'll get that for you."

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

May: "A question of the Sponsor, please?"

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Speaker Turner: "He indicates he will."

May: "Just clarification. I see in EPA that there's a household hazardous waste and a 'green Illinois' that's cut by a million dollars each. Is there a reason for that?"

Hannig: "Could you repeat the question, Representative?"

May: "Yes. In the EPA budget there's a complete cut of the household hazardous waste of a million dollars and the 'green Illinois' of a million dollars."

Hannig: "This... this was part of the way the budget was introduced by the Governor and we're simply maintaining that line."

May: "Is it possi... there are federal funds that might address this?"

Hannig: "Pardon?"

May: "Is it possible there might be federal funds to address this, so that wasn't considered part of it?"

Hannig: "Well, Rep... Representative, if there's federal money, we'd be more than happy to collect it all."

May: "Okay. Then, just to the Bill. I am really delighted that OSLAD and NAP are back in this version of the Bill. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 3356?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Further Amendments?"

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Clerk Mahoney: "Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig on Amendment #2."

Hannig: "I'd... I'd ask to withdraw Amendment #2."

Speaker Turner: "The La... the Gentleman asked leave to withdraw Floor Amendment #2. All those in favor say 'aye'; all those opposed say 'no'. The opinion of the Chair is the 'ayes' have it. And Amendment #2 is withdrawn. Further Amendments?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Hannig, has been approved for consideration."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is primarily a technical Amendment. It does do a transfer of some funds between the Rail Safety Program and the Illinois Commerce Commission which... which we had overlooked in the original Bill. It changes some numbers in the Supreme Court budget, ya know, it corrects numbers. So, again, it's mostly technical in nature. I'd move for its adoption."

Speaker Turner: "The Gentleman moves for the adoption of Floor Amendment #3 to Senate Bill 3356. All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the Chair the 'ayes' have it. And Amendment #3 is adopted. Further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 3356, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

Hannig: "Well, thank you, Mr. Speaker and Members of the House. I think Representative Black said it best when he talked in terms of trying to anticipate where we could be in a worse case scenario. We hope we can do better than this budget, but in the worse case scenario, this will allow State Government to continue even into July. So, I'd ask for your 'yes' vote."

Speaker Turner: "The Gentleman moves for the adoption of Senate Bill 30... or passage of Senate Bill 3356. All those in favor should say... should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... Representative Hannig. The Clerk shall take the record. On this question, there are 99 voting 'aye', 18 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 13 of the Calendar, we have Senate Bills-Second Reading, Senate Bill 3338. Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3338 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is the same thing as we did with the previous

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Amendment only this is for the Public Safety Committee. And it includes the following agencies: the Appellate Defenders, the Appellate Prosecutors, the Capital Development Board operations, the Department of Corrections, the Criminal Justice Information Authority, the East St. Louis Financial Advisory Authority, the Emergency Management Agency, the Industrial Commission, the Judiciary... Judicial Inquiry Board, the Department of Labor, Law Enforcement Training Standard Board, Metropolitan Pier and Exposition Authority, Military Affairs, Prisoner Review Board, Southwestern Illinois Development Authority, Sports Facility, State Finance Authority, State Fire Marshal, State Police, State Police Merit Board, the Department of Transportation, the Upper River Valley Development Authority and the Violence Prevention Authority. The total amount of the appropriation that we are suggesting by this Amendment is \$1,518,051,533 in GRF. That's \$107,243,124 less than the '04 appropriation. And as we said in the previous Bill, this is an effort to provide the operation of State Government the money to continue even into the next fiscal year. So, I'd move for the adoption of the Amendment."

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

Stephens: "To... to the Amendment, Mr. Speaker. The... I would be remiss if I didn't express my gratitude, first of all, to the chairman of the committee, to Representative Hannig's leadership on the... on the Corrections' budget and most of

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all, to Speaker Madigan. You know, we... early on in this process of the... developing our budget... Oh, I... when I said chairman, I meant... I thought everyone knew, Chairman Morrow, Leader Hannig, Speaker Madigan. Early on in the process when the Governor talked about the Corrections' budget and decided that it was in the best interest of the State of Illinois to close the Vandalia Correctional Center, we were concerned about that and upon further review, we found that maybe that decision was in error and we have done our best to educate my colleagues and the people on the second floor in the Governor's Office as to the... the benefits of keeping the Vandalia Correctional Center open. Now, there's been a lot of rhetoric about that issue and I just wanna thank the Speaker because the first leadership that we had came from your office, Mr. Madigan and we appreciate that. The process here is... is far from perfect and not everything in this budget is something that I would have agreed to, but I appreciate the fact that you have listened to our concerns and that my colleagues understand that closing the Vandalia Correctional Center is an avoidable tragedy. And because of the leadership that we've gotten here in the House... By the way, the only Body to take any action on the Vandalia Correctional Center to date has been the Illinois House of Representatives, not in the Senate, not on the second floor, right here and I appreciate that. And so, I rise in strong support of this Amendment understanding that not all of my colleagues can join in su... in supporting this portion

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of this budget or maybe all portions of this budget because of objections on other issues. But we have been open and honest about the need to keep the Vandalia Correctional Center open. You have answered our pleas and helped us and worked with us to keep it in the budget, Mr. Speaker. I... I appreciate your support and stand in support of the Gentleman's Amendment."

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

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Hoffman: "Representative, just a small point I'd like to point out. In the Transportation budget, I notice that there is a \$10.1 million cut in operation costs to the central office. I was just wondering what that would mean with regard to the operation of the Illinois Department of Transportation?"

Hannig: "Representative, this is a Committee Amendment that we're debating and I think, Chairman Charles Morrow had some issues with the agency and this was his way of sending them a message and..."

Hoffman: "Well, I... they may have gotten it."

Hannig: "I... I... I... ya know and Representative, if they get the message, perhaps we can... we can work with them."

Hoffman: "Well, let me just... To the Bill. I mean, I think in order to move this process forward and this Bill forward it's okay to do that with the understanding that we just simply cannot live with a... nearly an \$11 million cut in

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operations in the central office. I understand Mr. Morrow's concerns and I think that... that the Illinois Department of Transportation hopefully will begin to address some of those. So, we know that this isn't the real budget. You wanna vote for it, fine; you don't, fine too. It's not the real budget."

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

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

Speaker Turner: "He indicates he will."

Schmitz: "Mr. Hannig, our analysis shows that we're having... eliminating 6.4 for Operation Spotlight. Is that the pro... agent program for this year?"

Hannig: "Yes... yes, Representative."

Schmitz: "And then we're increasing... looks like we're basically taking that money putting it over into this Cease Fire Program for 6.5."

Hannig: "Yes, Representative, that's correct..."

Schmitz: "Okay."

Hannig: "...for the most part."

Schmitz: "And the... this budget that... this document that we have in front of us right now, this Amendment, that includes St. Charles, the IYC-St. Charles facility as well as Vandalia?"

Hannig: "Yes. They are both included in this document, this budget, Representative."

Schmitz: "Great. To the... to the Amendment, Speaker."

Speaker Turner: "To the Amendment."

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Schmitz: "I would echo the comments of Representative Stephens that although not everything in this Amendment is something that we would probably like to vote on at this moment, but we're gonna have to. Be it the cuts in IDOT, I think, are significant as Representative Hoffman just stated, but it does bring back two facilities that I believe our committee thought was extremely vital in keeping open, the Vandalia Correctional Center and the IYC-St. Charles. Through the Speaker's initiative and through his leadership, we were able to hold hearings on those topics, question the Department of Corrections on these issues and unfortunately, I don't think that the committee was... really received the answers that we thought we were going to receive on how these closings were gonna benefit us. So, I rise, right now, in support of this Amendment. We're gonna send a message... hopefully, we're gonna pass this over in the Senate to keep these two vital facilities in the Department of Corrections open. And again, I would like to thank my counterparts on your side of the aisle for working closely with us in making sure this is in the Amendment. Thank you."

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

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

Speaker Turner: "He indicates he will."

Eddy: "Representative, I have noticed in this budget there appears to be an increase for the Cook County Boot Camp.

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Is that correct? About a million dollars is what our analysis shows."

Hannig: "I think it's at the same level as it was in FY04 budget. It's an in..."

Eddy: "It... it's an increase from the Governor's proposed budget for the Cook County Work Camp?"

Hannig: "Yeah. So, we restored it to level that it was last year just like we did with Vandalia and... and IYC."

Eddy: "Glad you mentioned that. I wanna make a quick comment. I'm particularly pleased to see that Vandalia is in the budget because it... it abuts my district and it's very, very important that that devastating affect does not take place, that that does not close. However, I have... I have an issue with this part of the budget that has to do with my district and that is that for the second year in a row this budget does not contain a line item for the Paris Work Camp. That camp was closed a year ago to open a new camp in Cook County that is receiving a million dollars more than the Governor proposed in this budget... in his original budget. Is that..."

Hannig: "No, Representative. I think that... that the boot camp in Cook County's been around for a number of years. It's not a new one. So... I'm advised that at least four or five years. At least, that the Cook County Book Camp has been getting their million dollar grant for at least four or five years, so I don't think that there was a tradeoff of any kind in this budget or even the previous budget. All..."

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Eddy: "Was there a discussion of funding the work camp in Paris... in Paris, Illinois, during the discussions related to this budget?"

Hannig: "Representative, I don't think that anyone raised that issue in the Approp Committee."

Eddy: "Okay. Let me ask a question regarding the Department of Transportation budget then. Our analysis shows that there's a \$14.8 million operating assis... assistance to St. Clair County for public transportation. Is that accurate?"

Hannig: "Yes... yes. Yes, Representative, there is, but I... it's because they will be collecting. There's a change going on in the Metro area and we're trying to maximize the amount of revenues that are available and they'll be able to collect some additional moneys through their... I believe their sales tax mechanism and then bring 'em to the state, get some additional match and then we'll send it back to the... to the local government."

Eddy: "Thank you very much. Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Eddy: "As I stated, I'm thrilled to see that the Vandalia Prison is... is in this budget. However, I'm still very dismayed at the fact that a work camp that employs 60 individuals in my district at Paris, Illinois, was not even considered for funding in this budget after being closed. This is a promise that the Governor made to the people who were employed there. This is something that we have appealed to him on several occasions to at least come to Paris, look at the work camp and see how that can be worked

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into the budget. It's been completely ignored. It's a very difficult situation when a budget does not contain a promise to the people of the district you represent. I'm not sure exactly how I'll be able to vote on this because the Vandalia issue is very important to me, as well. However, I would like to see, as this process moves on, a line item included in the budget for the Paris Work Camp. Thank you."

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

Poe: "Mr. Speaker, will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Poe: "Gary, a couple things that's been mentioned already that... as someone who represents the Springfield area we're talkin' decrease central offices by 11 million, then the next thing I see we're and I know you've answered these questions, but it almost looks like that we're maybe taking money there and we're adding \$14.8 million to operations systems to St. Clair, but you're... there's nothin'... nothin' connected there at all?"

Hannig: "Rep... No. Representative, the St. Clair is a.. is a change in the Metro area mass transit districts and they're gonna be able to now get some federal match. They have to work through this process with the state, they'll be equal with everyone else in the state. But this is just a mechanism that we need to use. There's actually... the only reason we're getting an increase is because we're gonna try to maximize our funds."

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Poe: "Right."

Hannig: "Yes."

Poe: "Okay."

Hannig: "So, we'll be..."

Poe: "To follow up a little bit on the administration operation, 33 percent cutback. How many employees are we talkin' about in that amount of money?"

Hannig: "Well, Representative, I hope that the answer in the end is none. This is a Committee Amendment and the committee felt very strongly that the Department of Transportation were... were not taking our advice on a number of issues and they wanted to send them a message and frankly, Representative, this is the best way that we can often send an agency a message. But clearly we'll be around for a while, it looks like even into June and we'll certainly be back in November in the Veto Session so if we can get some... some positive reaction from the Department of Transportation, I think we can restore these amounts."

Poe: "Okay. And another area. If we, in this Bill we're voting on now, does it do anything with funding pensions, funding at a hundred percent? Is it holding some back or does it have anything to do with pensions?"

Hannig: "Representative, on the whole question of pensions, you remember that the overarching issue now will be is there is continuing appropriation language. So, as we debate and try to work through what it is we wanna do with pensions, I think we can all be assured that if we do nothing that the continuing appropriation language will kick in and that the

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pension systems will get their... their full amount of money. So, this is a... as Representative Black so clearly pointed out, the previous Bill, this Bill and a few other Bills we're gonna debate are in effort to try to provide a... a real fundamental, bare-bones, operational budget so that if we do still into even July in this deadlock that we'll be able to continue to keep state workers paid which is something I think both of us would agree we need to do."

Poe: "Okay. According to Article 25 in your Bill, does that have anything to do with assuming the state employees are gonna start picking up their own 4 percent on their retirement?"

Hannig: "I can... I can tell you in general, Representative, what we're trying to do in the budget on this 4 percent is to provide some flexibility to the administration so that whatever they agree to with the union that we can... we can make sure that that happens. If the union agrees to give up the 4 percent, fine; if they agree not give up the 4 percent, we wanna have a mechanism probably through a 'bimp' Bill, a budget implementation Bill, to give the... to give the administration the flexibility to... to continue making that payment, if there's somewhere in between the same thing. So, it's on our radar screen, Representative, to try to address that issue. We are very much aware of it, but we don't wanna put anybody at a... at a disadvantage. Whatever the union and the administration agree to will be reflected in the end in this Bill or not in this Bill but in the budget."

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Poe: "I guess I'd just like to point out to the Body, we don't wanna be sending a mixed message to all state employees that we're sayin' it's gonna be all right if the Governor negotiates that each one of our employees have to pick up that 4 percent and I'm afraid putting that in there, we might be sending that message."

Hannig: "Right. I think what we're trying to say, Representative, is we wanna cover the opportunity or we wanna cover the, ya know, the chances that the Governor could... Ya know, the Governor could give up on that point, but the union could give up on that point. We don't know what will happen, you and I, it's unknown at this point even amongst the Governor and the union as to how strongly that... that point in negotiation is but we wanna be able to provide that in a situation where the Governor gives up the point, that we can still fund the 4 percent pickup."

Poe: "Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Poe: "Just quickly. I... I think I'll be voting 'no' because of some of the concerns and of course, by representing Springfield, I'm concerned about those administration cuts. I'm also concerned as I represent a lot of the state employees and... and I know it might not be the intent but I'm afraid we're sending a mixed message that we're gonna condone that 4 percent collected and I just don't think that's something that we wanna get in the middle of on negotiations and wouldn't support the state employees

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havin' to pick up that 4 percent. So, thank you, Ladies and Gentlemen."

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

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

Speaker Turner: "He indicates he will."

Mulligan: "Representative Hannig, I'd like to revisit the previous Spon... previous Representative's questions on pension pickups. Originally, the 4 percent pension that would normally be the contribution for AFSCME employees was taken out of the current state budget by the Governor. Is that correct?"

Hannig: "I'm... I'm sorry. Could you... I couldn't hear you, Representative."

Mulligan: "The Governor's budget as introduced removed the 4 percent pickup..."

Hannig: "That's correct."

Mulligan: "...for the AFSCME employees..."

Hannig: "That's correct."

Mulligan: "...prior to any negotiations that are now taking place. This Bill puts back in that 4 percent pickup that would be there no matter what happens in negotiations and it also, from our analysis, includes a 5.5 pension pickup for alternative formula pension participants. Would that be the administrative employees that were asked to pick up their own pension last year?"

Hannig: "Yeah. Representative, what we tried to do... ya know, we... we're trying not to get between the Governor and the

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union as they negotiate. In the end, they're gonna have to come to some agreement and some understanding on their own. So, we put language... a Section in the Bill that the Governor could transfer to... money to that Section to pay for the pickup and we also anticipate giving him on a one-term, one-year basis, some additional transferability so that he could drive enough money into that line to pay for the pickup, if indeed that's what the final solution is..."

Mulligan: "All right. Because I... I agree with... if we put it back in and they deadlock in negotiations after they're out there, I would hate to see there be a strike this year. I would prefer to see the negotiations turn out, we'll extend the contract the way it is with the pension pickup for another year 'til times get a little better and you can no... negotiate rather than find us come June or the end of June the beginning of July with a strike on our hands and budget problems. So, it seems to me by putting this back in we certainly are allowing flexibility to either extend the current contract so we don't go into that strike situation, but at least have a little more flexibility which I agree with you."

Hannig: "Yeah. So... so, we're... we're just trying to give the Governor the flexibility so that if he gives up this point to the unions, that he can drive enough money into that line through his transferability, in his increased transferability, that he can still make the pickup. We're not saying that he can't do it. We're gonna give him the

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mechanism to do it if that's what he ends up wanting to do."

Mulligan: "So, currently that takes negotiations off the crucial stage and puts 'em in a much more flexible state to avert either a strike or to allow them to maybe continue to contract for another year..."

Hannig: "Right."

Mulligan: "...and negotiate in better times?"

Hannig: "Exactly, Representative."

Mulligan: "All right. Then, I would also... I'm looking in our... what's in there for capital budget and it appears that the only thing that's in there for capital budget is for repairs..."

Hannig: "Yeah. The... Go ahead."

Mulligan: "My feeling is that I was here before or at the end of the time when one year during Governor Edgar's administration there was no capital budget for a year. Since most of the capital budget this year would be predicated on largely bonding Bills, is that the... that the theory about putting in just enough to cover what's already there that you could roll over, not that that would be covered by new bonding Bills that we would still have to address as we move forward with these negotiations?"

Hannig: "That's exactly right. We have the reapprop of the old money and we have the 'pay as you go' kind of things that... that are available this year and that's all that's in this Bill."

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Mulligan: "All right. So, actually, all this is really doing is moving forward the ability of no matter how these negotiations go, which unfortunately they're not going real well right now and we probably will be in overtime, of keeping government functioning, more flexibility in the union contract, the ability to take facilities and make minor repairs and to just generally move over the budget and move it forward the way it was last year with a few additions to address certain problems that we're... that we are currently facing."

Hannig: "Yes, Representative."

Mulligan: "Thank you."

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

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Before I get to the subject of the Bill, my name came up in debate as... as a chairman sending a message to some agencies and I'm gonna start with the State Police Merit Board first. It's supposed to be a random process for a cadet to be selected or a person to be selected for the cadet class. Well, I'm a guy from the hood. I learned to throw a couple of dice in my days and I know the difference between straight dice and loaded dice and I think the dice for the Merit Board is loaded. Every cadet class in the eight years I've been appropriation chairman of Public Safety has been fraught with nepotism. It used to be a lot greater under one of the previous directors who's now in Washington, D.C., and he needs to stay there."

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I'm not gonna mention his name. But every cadet class you get seven to nine relatives of state troopers in that class whereas you get about seven to nine minorities in that same cadet class and they say that's random selection. I don't think it's random selection when you got that much nepotism in those cadet classes. IDOT, Illinois Department of Transportation. For eight years that I've been appropriation chairman, IDOT has almost 6 thousand employees, listen to me, 6 thousand employees less than 500 of them are African American and less than 200 are Latino. Minorities have been underrepresented on that agency for... historically for years and we were promised last January by the Secretary of Transportation that that would change. They hired 269 people since January '03, 28 of them were African American and 15 of them were Latino. They aren't hirin'. They... it's still business as usual in I... in the Illinois Department of Transportation. So, in my 8 years as being appropriation chairman there's only one way that you get a person's attention around here, you mess with their money. So, yes, the Members of my committee, some of them on your side of the aisle agreed with me to cut one-third of the operation line items out of the State Police Merit Board and the Illinois Department of Transportation. And I tell ya, it worked 'cause the next day I was gettin' phone calls from all over. I got a phone call from a former Representative from your side of the aisle, Wayne Goforth. What are you doing with the State Police Merit Board? And when I explained it to him, he understood my

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rationale. Secretary Martin, he's upset and he has a right to be upset. We're taking \$10 million out of his operation line item. But I think I should be upset when you have an agency with 6 thousand employees and less than 7 percent of them are minority. My community puts money into that Road Fund, we buy gas, we wanna be highway maintainers, we wanna be engineers, we wanna be architects. I went to a school that graduates more African-American engineers in the country, ...University of Michigan. Now, this may be the final version of the budget and it may not be the final of the ver... version of the budget. One reporter asked me because I'm a lame duck, 'quack, quack', am I bein' vindictive. I'm tired of putting up with the bull crap after eight years of being appropriation chairman and every year listening to the secretaries and the executive directors of this agencies saying that they gonna do better. It's time for them to do better right now. It's time for them to do better right now. Ya know, I was targeted for defeat because of what I did in Soldier Field. But you only got be reminded of one thing, when you're in a fight for an inclusion of your people, that means there's an inclusion of somebody else. I'm not asking for 5 thousand minorities to be employees at the Illinois Department of Transportation. I'm asking for my fair share of African Americans and Latinos. I'm not asking that the cadet classes be 100 percent minority. I'm asking that a fair share reflects and yes, if some relatives of some current troopers get in there, I don't have no problem with

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that. But don't tell me that you can't say it's a random selection, but you can't randomly select people that look like me. That's all this budget is sayin'. So, I want 'aye' votes on 3338. Thank you, Mr. Speaker."

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

Delgado: "Recognized, Mr. Speaker. I don't have my button pushed."

Speaker Turner: "Representative Hannig to close."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the Assembly. I was remiss on the previous Bill in not thanking Representative Davis, the chairman of the committee and Representative Biggins, the spokesman on the committee for working together in an effort to draft and craft a... a Committee Amendment. And the same is true on... on this Bill as well. We know that Representative Morrow, the chairman of the committee, worked very hard with the Members on his side of the aisle as did Representative Schmitz on... on the Republican side of the aisle and they brought us this Committee Amendment that I present to you today and I'd ask that it be adopted."

Speaker Turner: "The question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 3338?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment 2 is adopted. Further Amendments?"

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

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

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Clerk Mahoney: "Senate Bill 3338, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from..."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. The Amendment becomes the Bill. I think we debated it, but I'd be happy to answer any question. I'd ask that we pass it. Thank you."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass Senate Bill 3338?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there's 85 voting 'aye', 32 voting 'no' and 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Readings, page 13 of the Calendar, we have Senate Bill 3342. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3342 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig. No Amendments?"

Hannig: "Yes."

Speaker Turner: "Move the Bill to Third Reading, Mr. Clerk. And could you read the Bill again a third time."

Clerk Mahoney: "Senate Bill 3342, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

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Speaker Turner: "The Gentleman from Montgomery, Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is the Higher Ed budget and it was amended in committee and the Amendments restore the 2 percent cuts that the Governor proposed for the colleges... for the universities around the State of Illinois and it also proposed a \$16.7 million lump sum to the Chicago colleges in an effort to try to help them address the funding difficulties that they've... that they have under the current equalization grant formula. So... so, those are the two big items that... So, we also restored the state matching grant and the health services education grant in the... to the '04 level. So, those are the four items, the four biggest items, that we did with the... with this proposal. And I'd be happy to answer any questions and I'd ask that it be adopted."

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

Eddy: "Thank you very much. Would the Sponsor yield? Representative, I..."

Speaker Turner: "He indicates he will."

Eddy: "Representative, I just wanna make sure, during committee the concern regarding community college funding for City College of Chicago, the additional \$16 million, some were concerned that it could be at the expense of a change in the funding formula for downstate community colleges. I

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understand that's not the case and that that funding change will not take place?"

Hannig: "That's correct, Representative."

Eddy: "So, as the... as the \$16 million is added and they continue to discuss any possible changes in the community college funding formula, we can expect that that will not be diminished in order to later make up for the 16 million. They really have nothing to do with each other?"

Hannig: "Well, I think if we took away the \$16 million there would be perhaps some thought on changing the formula, but I think this helps, particularly us in downstate, have some... some relief from that discussion. So..."

Eddy: "Thank... thank you very much. I appreciate your clearing that."

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

Flider: "To the Bill."

Speaker Turner: "To the Bill."

Flider: "Mr. Speaker, Representative Hannig, one of the things that continues to seem to fly under the radar screen here is a study that was conducted last year based on a Resolution that was passed by this Body. A study was conducted last year of the state's universities energy efficiency and the energy used by universities. And the study found that, although, I guess, some knew it, that universities use more than 50 percent of the state's energy. And the study that was conducted through the Department of Commerce & Economic Opportunity found that

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our universities in the State of Illinois could save between 18 and 25 million dollars a year if they would apply for and adhere to certain kinds of energy conservation measures. And if you walk across the campus of some of our institutions of higher learning, you'll see a lot of single-pane glass, energy inefficient buildings and so on and this is an area that we need to focus on. And later on, we're gonna have an opportunity to vote on a Resolution that follows up to the issue of energy conservation, follows up to the study that was conducted last year that encourages universities to apply for these funds. But I would just say that while we do have a budget before us, energy efficiency is always something that's hard to get our arms around because we wanna put our dollars in the classroom, we wanna put our dollars into books, but we also in the future if we're gonna put more dollars into education, books and classrooms, we're gonna have to become more energy efficient. And I just wanted to make that point here for the record as we're about to pass this budget. Thank you very much."

Speaker Turner: "The Gentleman from DuPage, Representative Myers, for what reason do you rise? I'm sorry."

Myers: "McDonough."

Speaker Turner: "McDonough, I apologize."

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

Speaker Turner: "He indicates he will."

Hannig: "Yes."

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Myers: "Representative, as we're talking about the Higher Education budget, this does restore all of the state universities back to the fiscal '04 appropriation level. Is that correct?"

Hannig: "That's correct."

Myers: "And to be sure, we're adding back in approximately 9.5 million in matching grants. Now, that also goes to the state universities. Is that correct?"

Hannig: "Yes."

Myers: "Okay. The restoration of the health services education grants, isn't that a combination of programs that go to both the state universities as well as some community colleges that have health education programs?"

Hannig: "It... it goes to a combination including some private schools, but I think you're generally correct, Representative."

Myers: "Okay. Thank you. And it also restores... this Bill also restores 3½ million to the Golden Apple scholarships."

Hannig: "Yes."

Myers: "Could you explain where that 3½ million came from?"

Hannig: "Representative, the Governor proposed a new initiative and so we reduced his new initiative for new teachers by about half in order to continue funding what we think is a very good program in Golden Apple."

Myers: "What does this Bill do to the Illinois Math and Science Academy funding?"

Hannig: "They, as well, are at the Governor's level which is an increase, I'm advised, over last year."

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Myers: "And lastly, no, two more questions. Under this Bi... legislation, does the student assis com... student assistance commission retain the recommended level or the Governor's recommended level for the MAP grant funding or is it increased?"

Hannig: "There's no increase or decrease, so it's at the recommended level."

Myers: "Recommended level, okay. And lastly, are there any changes to the State University Retirement System as a result of this legislation?"

Hannig: "Yeah. Representative, not... not from the Governor's proposal, but in the end all of the budgets that have to do with pensions, we have continuing appropriation language, so if the systems certified something different than what we appropriate, they will simply be able to collect the additional money from the Comptroller."

Myers: "Okay. So, this budget, basically, is a reduction from the fiscal '04 level in total for higher education, but it is an increase from the Governor's recommended budget level. Is that correct?"

Hannig: "That's exactly correct, Representative."

Myers: "Thank you, Representative. To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Myers: "There's been some concern regarding where we're going with the Higher Education budget and especially as we look at our institutions of higher learning and the cuts that they have had to endure in the last two to three years. I think this is a positive step forward in trying to restore

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some of the funding, at least keeping the universities whole compared to last year and keep... and helping them to avoid any further cuts. Additionally, there have been questions with regard to the Illinois community colleges and the cuts that they've been experiencing. While we would like to restore some of the funding to their line items, we do have to acknowledge that they haven't received the same sort of severe cuts in their overall budgets in the last two to three years that the four-year institutions have. We will do everything we can in the near future to continue to restore funding for the community college system. I think, the 16.7 million that goes to the City Colleges of Chicago is a big step in avoiding any deeper cuts to the downstate and community colleges outside of the city colleges. So, I think, overall this is a very good budget for the higher education community, all parties concerned. And I would encourage support of this budget."

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

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

Speaker Turner: "He indicates he will."

Dunkin: "Just wanted to clarify one of the statements that was made with one of the Representatives regarding the coll... the City Colleges' budget and the ICCB and the formula. I'm... we were very fortunate to run across additional dollars finally coming to the City Colleges of Chicago after years and years of a disproportionate imbalance in funding with the formula that ICCB lays out and because of

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the way the board is configured, with most of the Members outside of City Colleges, they tend to vote for more funding for those non-City Colleges. So, this is a good step forward. I hope that we can find a good and healthy, happy medium for the next fiscal year and the formula change as it's gonna affect all the community colleges across the state in a more equitable fashion. I would encourage an 'aye' vote. Thank you."

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

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

Speaker Turner: "He indicates he will."

McCarthy: "...just two questions. Under the student assistance commission, maybe Representative Slone would know the answer to this, it looks like we anticipate like \$52 million less from the Federal Government than we received the year before. That is a very substantial reduction and could you explain why that is anticipated in '05?"

Hannig: "I'm advised that that's the numbers that they gave us, Representative and so that's the numbers that the student assistance commission gave us. I don't know the..."

McCarthy: "Do we know of... do we know of federal programs that are no longer gonna be active in '0... I mean, it... it's close to a 20 percent reduction in our federal money and I know it doesn't affect GRF, but I mean, it's a very important pass-through to the students of our state and..."

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Hannig: "I don't have an answer, Representative, perhaps we can ask the student assistance commission to provide us with that information, but again, you're... you're right, it's federal money. We can't control that directly. We appropriate the number that they give us, but we can't inquire as to what they believe is the reason for the change."

McCarthy: "Okay. Well, I... maybe I'll talk to Representative Slone later. The other one is the GRF for the Board of Higher Ed. We're talkin' this is a flat budget, but there seems to be like a \$25 million cut in GRF for the Board of Higher Ed. What does that include?"

Hannig: "Yeah. These were a number of programs that were simply moved. So, in other words, the funding followed them to another agency and so we... we saw reductions."

McCarthy: "So, it's not grants that have been eliminated, it's actually..."

Hannig: "There... there are those..."

McCarthy: "Those... those programs are someplace else or is part of that 25 million grants that are no longer available to our universities?"

Hannig: "Okay. There were some small grants that were eliminated, Representative. The \$1.8 million for the engineering equipment, 2.1 for the advanced proton source, \$100 thousand for graduation incentives, 1.4 for career academy, 1.1 for state geological survey, 2.5 for the Illinois Consortium for Accelerator Research and 2 million

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for veterinary medicine. So, that was the reductions, the rest were transfers."

McCarthy: "So, it's sounded like you added up to about ten, I was going to go quickly there. So, there's probably 15 million in grants that formerly went to our universities through the Board of Higher Ed, so there is a reduction there for our universities overall."

Hannig: "In that respect, I think that's true, but it's a very small amount and I think the universities, as Representative Myers said, are very happy to even be at last year's level with their overall funding."

McCarthy: "Okay. Thank you very much."

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: "He indicates he will."

Black: "Representative, on the issue of retirement contributions. As you know, you and I were here when we passed the law that says whatever the actuarial total may be that comes off the top. Now, there's been a lot of discussion that we are somehow going to not follow that law, but if that's the case, we would have to have a substantive law passed that said we would do that. So, I... I'm not too concerned about the retirement contributions because I have not been able to find any substantive law that would change the 50-year cycle that I think we put ourselves on in... I don't remember, '94, '95. Are you aware

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of any such attempt to legally reduce the amount of contributions to our pension systems that would... it could only be accomplished if we change substantive law."

Hannig: "You're absolutely correct, Representative. The continuing appropriation language that we have allows the respective systems to collect either because we appropriated or if we underappropriate, they can go to the Comptroller with their certification and they will collect the full amount that's due them. The only way that we could change that is through some piece of legislation that we would have to pass here in the House, in the Senate and be signed by the Governor. So..."

Black: "And... and if there would be an attempt to not follow the law, wouldn't the directors of the five public pension systems simply file a writ of mandamus which would ask the courts to compel the General Assembly to appropriate whatever the legal amount was to the five public pension systems?"

Hannig: "Representative, I think they just simply have to present their certified amount to the Comptroller and he has indicated that he will honor that request."

Black: "All right. Fine. Thank you very much."

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

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

Speaker Turner: "He indicates he will."

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Howard: "Representative Hannig, I notice that this particular budget is taking away 19... let's see, I think it's \$1.9 million from Chicago State University. Is there... is there a reason?"

Hannig: "I was advised that those were one-time appropriations or at least, that's... they... that they were... that they were one-time... they were put in the budget as a one-time appropriation and were not in this year's budget."

Howard: "What were those appropriations for? What was the purpose for them asking for that for one time?"

Hannig: "I'm sorry. I didn't hear your question, Representative."

Howard: "What is... what is the \$1.9 million appropriation for? What was the reason that the university asked for that for one time?"

Hannig: "So, I think 800 thousand was just simply to allow them to move into the library. So, in other words, a one-time expense of... of... of hiring some people to... to actually make the movement and then there was some additional money to help to expand a... some programs. So, what we have... what we have in this Bill reflects what the board has requested, Representative. So, we're not... so we're at... we're at the level that they requested in this Bill."

Howard: "So, the State Board is requesting this, the Higher Education Board?"

Hannig: "The Board of Higher Ed, yes."

Howard: "Very good. Thank you."

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

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

Speaker Turner: "He indicates he will."

Bost: "And... and I know, Representative, that this has been asked a couple times or been... been stated a couple times, but in committee, I voted 'present' to get... with the idea that... that I had all intentions of voting with this on the floor, but I did want it brought up in committee and I want it to be real clear now. The money for the City Colleges is a separate line and cannot in any way be construed so that the existing money for the... for the downstate community colleges are forced to shift revenues that would be in their budget."

Hannig: "That's correct, Representative."

Bost: "Okay. That's... that's a confirmation I needed and I will be supporting the Bill."

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

Joyce: "Thank you, Mr. Speaker. To the Bill."

Speaker Turner: "To the Bill."

Joyce: "Ladies and Gentlemen, in higher education in the State of Illinois over the last three years has experienced deep cuts. This budget Bill, for the first time in three years, keeps higher education whole. At the same time, to many of the previous speakers that mentioned the City of Chicago colleges, that money is clear, it does not affect the downstate community college funds at all. Everyone that

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serves on this committee could tell you there's a serious, serious problem with the grant funding formula for community colleges. Is it inherently unfair to the City of Chicago? Given that, negotiations have begun and they continue today and will continue until there's solution that keeps everyone whole. With that in mind, \$16.7 million has been added to this state budget that keeps everyone whole and at the same time our universities are not affected. Along with the grant programs for both private and public alike, restored, this is about the best higher ed Bill you can get out this place considering the financial times that our state is experiencing. I urge an 'aye' vote. Thank you, Mr. Speaker."

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

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

Speaker Turner: "He indicates he will."

Mulligan: "Representative Hannig, there is one deletion here that is not the same as the '04 budget. It's workforce development grants that was cut by \$4 million. Is that money being moved into another program somewhere else or where did that money... where is that money going to?"

Hannig: "I'm... I'm advised that that was just a reduction in the program that... that the board recommended to us, so that's why it's here in the budget in that..."

Mulligan: "What..."

Hannig: "...in that manner."

Mulligan: "What board recommended it?"

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Hannig: "It... I'm advised that in the Board of Higher Education's recommended budget that... that this was the level of funding for that program that they requested."

Mulligan: "Because the Workforce Investment Board made recommendations that adult education and refunding training for particularly relocated workers be moved to community colleges. Several years ago, I think it was two years ago, the money was increased to go to community colleges to fund workforce investment. There are being major changes at the Workforce Investment Board and the Governor cut money for community colleges last year, I'm not certain as to why that cut would be made and if we changed the mission or if it's being moved to other line items?"

Hannig: "I'm advised that there's still \$3 million in the line, Representative, that is available to..."

Mulligan: "Well, you're..."

Hannig: "...community colleges."

Mulligan: "...you're cutting more than half."

Hannig: "I... I'm... This is in the Governor's budget. I think I said earlier that it was in the... the board's budget, but..."

Mulligan: "Well, I... I didn't feel that last year the Governor treated community colleges with an understanding of the mis... mission that we had given to community colleges. I thought that they were diminishing that mission as being the training of adult workforce and relocation. And now, they're cull cutting it even more, so I'm just... I was just wondering if there is an intention to move that money somewhere else?"

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Hannig: "Yeah, Representative, this is... Ya know, we didn't... we still have more work to do on this budget. I'm not trying to suggest..."

Mulligan: "I understand that."

Hannig: "...that when we pass these Bills that we can go home."

Mulligan: "It just jumped out at me real, ya know, like boom. Why is this happening? Because I'm not real happy with what's going on with workforce investments and the fact that community colleges' rolls have been diminished in that area. Thank you."

Speaker Turner: "Seeing no further... seeing no questions, Representative Hannig to close."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. Again, just to thank Representative Ricca Slone and Representative Myers for the good work that they did in putting together this Bill. It is really a product of the Higher Education-Appropriation Committee more than anything else. And so I would publicly thank both those individuals as well as the Members of the committee who worked with their respective Leaders in order to put this together. This is a very good product. It isn't perfect, but certainly in these tough economic times I think it's as... is... is something that we can all be proud of. So, I'd ask for your 'yes' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 3342 pass?' All those in favor say 'aye'; all those... I should say vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 voting 'aye', 5 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Readings we have Senate Bill 3341. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3341 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig on Amendment #1."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This proposal would appropriate the operational lines for the State Board of Education at a level of \$44,259,500 in GRF. Then when we add in the retirement portion that would bring it to a total of \$918,619,200. So, this addresses those two issues only, the operational side of the budget and the retirement side of the budget. I'd be happy to ans... of the State Board of Education's budget. I'd be happy to answer any questions and ask for your 'yes' vote."

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

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Hoffman: "Representative, is there any money in this proposed budget for the state aid fund... funding formula?"

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Hannig: "No, Representative. This splits the... the operations of the State Board of Education and the grants that go to our local schools into two and this is one portion of it, Representative. And I... and I misspoke earlier, just to be complete. The Education Labor Relations Board is a part of this as well."

Hoffman: "Is there any funding for poverty grants in this education Bill?"

Hannig: "Representative, this has to do with the operations at the State Board of Education and the Education Labor Relations Board, their operations, including pensions and that is all. The general state aid, the other grants that we make, will be handled in another Bill."

Hoffman: "So, then, I would assume there's also no money for mandated categoricals that are so important to some of the suburban schools and some of the other schools in the state?"

Hannig: "Representative, we've just passed three parts of the budget and sent them to the Senate. This is an additional part and at some point, before we go home for the summer, we will pass a Bill that deals with the grants for our school districts. You can be sure of that, but it is not in this Bill."

Hoffman: "So, is there any money in this Bill that will make its way into our local school districts?"

Hannig: "Not in this Bill, not in the previous Bill or the previous Bill before that."

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Hoffman: "Well, to the Bill, Mr. Clerk. Ladies and Gentlemen of the House, let me... let me just talk about this Bill and I guess some of my concerns of the path that we're going down and the message that we're about to send to local school districts. We, in this chamber, sent to the Senate and the Senate sent to the Governor's desk an increase in funding for 250 million or \$250 per pupil for school districts throughout this state. It's not in this Bill. We talked about mandatory categoricals to help out other school districts and poverty grants. Not in this Bill. Funding for bureaucrats in Springfield is in this Bill. We pass zero money with this budget going to education to our local school districts, but we pass funding for bureaucrats in Springfield at the State Board of Education. Now, what's wrong with this picture? Now, I understand we're in the budget negotiations and to give you an update, it's my understanding that all the Leaders, as well as the Governor, are meeting in the Governor's Office right now. The Senate is thinking about passing over an education budget today that's gonna give us 400 million new dollars for education in the state. You know what we're givin' total, under this Bill, to our local school districts, a big, fat goose egg, zero. Now, how do we vote for that? So, we're gonna fund, the people at the State Board of Education who are gonna write the checks to our local school districts, but there'll be nothing in the balance or in our checkbook to send... to give money to those people to send to the local school districts. It's ridiculous. What

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are we doing? Why are we doing this? So, we can make sure the bureaucrats can stay working and feel comfortable while the school districts have to turn out the lights come July 1? Come on. Get real. Do the right thing, vote 'no' on this and I ask for a Roll Call on this Floor Amendment #1."

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

Giles: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Turner: "Indicates he will."

Giles: "Representative Hannig, ya know, the Governor proposal of \$400 million increase towards education, new revenues towards education. Does this budget reflects that?"

Hannig: "Representative, this is... this is a question of process, a process. This is not a question of how much we should fund education. We're trying to walk through the process of sending budget Bills to the Senate. This particular budget Bill addresses the operations at the State Board of Education. Now, I don't think anybody believes that we're gonna go home for the summer and not fund education. Nobody believes that and nobody's suggesting that. But what we are suggesting is that we go through an orderly process of trying to pass budget Bills. We've already sent a couple over to the Senate. They didn't either deal with funding education at the K-12 level and this one doesn't either. So, does that mean we won't fund education? No, we will fund education. But we're simply suggesting that in this Bill that we fund the

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operations of the State Board of Education and the Education Labor Relations Board and the pensions associated with them. That's all this Bill does."

Giles: "Thank you and I appreciate that, but... so, I guess you continue to answer my next question that was that this particular legislation does not address the 30 million to early childhood education. Is that correct?"

Hannig: "Representative, it... it's a question of... if you're asking me where those will be, they will be in some Bill at some time, but they are not in this Bill at this time. But they... but that doesn't, ya know, I'm not suggesting that they will not, in fact, we know that we will deal with the issue of education. I think there seems to be some confusion that if we pass this Bill that we're sending a message that we're not going to do any school funding. I mean, no one's suggesting that school funding for next year be zero. We're suggesting that we deal with it, but we deal with it in a different appropriation Bill, not this one."

Giles: "Thank you. Have we... No, a final question and I appreciate your answering. But have we ever done this before? Is this a unprecedented measure or either a preceded measure in which we have allowed funding for the operation, but not the actual appropriations for the various programs, the categoricals and all of the other initiatives that we... that many of us Legislators care about?"

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Hannig: "Well, Representative, as you well know, the... all appropriation Bills are germane to each other. In times in the past, we've sent separate individual Bills to the Governor. We've sent one Bill to the Governor for all our funding. We've sent five or six Bills to the Governor with funding. So, there's any number of ways that we can configure these Bills. The only question we really have to be certain of is that at the end of the Session, when we prepare to go home for the summer, that the Governor has all the spending Bills that he needs to fund education and all the other parts of State Government. It is not our intention to leave this community... to leave this City of Springfield and go home for the summer without addressing that issue. All I'm telling you is that it's not in this Bill at this time, but I'm not suggesting that we've forgotten about it or that we're going to fund it at zero."

Giles: "Thank you. Ya know, and I appreciate that, Representative, that is not in this particular Bill at this time. And I know and I hope that some... somewhere down the line that it is somewhere because I happen to truly care about \$30 million going to early childhood education. And we continue to push education forward as it pertain to more appropriations in... in needed areas such as the mandated categoricals and the other programs and of course, raising the foundation level to a certain extent. These are the type of things that we... we do care about and we wanna see and all the legislation that come before this Body. And so, at this time, because it's not in this particular Body,

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I simply... in this particular Bill, I simply cannot support this piece of legislation at this time. Thank you."

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

Kosel: "Will the Sponsor yield, please?"

Speaker Turner: "Indicates he will."

Kosel: "Can you tell me if there is a Bill drafted to put the funding that goes towards general state aid and categoricals, has that been drafted?"

Hannig: "Representative, there are... there are several drafts that are floating around this building that would fund education at all kinds of levels and..."

Kosel: "But there's nothing certain at this point? So, this is the only certain Bill we have in front of us?"

Hannig: "There's... there's no agreement between the respective caucuses at this time as to the level or the distribution of funding for education. So, this Bill suggests that we should go forward on that part of the State Board of Education's budget that we do have an agreement on which is what we... at least a basic agreement on which is the funding issue for the state board."

Kosel: "You have made some very eloquent points in previous arguments over previous... previous budgets to say that this is a budget that will keep government going after July 1 and keep, ya know, keep it open and it may not be the final one. Is that correct?"

Hannig: "Yes, that's correct."

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Kosel: "All right. This budget, however, will not keep a local government going after July 1. If negotiations are not successful by July 1, then local school districts will not be getting checks for general state aid. Teachers who are now, for the most part, paid on 12-month contracts will not be paid, electric bills in local schools will not be paid, gas bills will not be paid, people will lose jobs. Is that correct?"

Hannig: "Representative, the... the Governor sent us a... a budget, that in most cases, spelled out line items that we could work with. In the education budget, he gave us a lump sum of \$400 million. There is... there is not even any guidance from the Governor's Office as to how that should be distributed. So, the question that still remains is, how do we distribute that money? So, my... my only point is that, ya know, we're trying to pass a budget where we can generally work to insure that we can address issues that are important to the State of Illinois as we go forward. I mean, I wish I could tell you there was an agreement on this, but there is not. If you, ya know..."

Kosel: "Now, thank you. I wish I could say there was agreement on this also and obviously, there is not, but we don't have the tools in here to keep our schools functioning. We will have summer schools closing if we don't have an agreement by July 1 and there's no other budget that we're proposing today that has that same kind of pressure. I... I agree with you on many Amend... voted 'yes' on many of these; however, this one literally will not allow us to move forward after

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July 1. And I would strongly urge a 'no' vote until we can come to some kind of agreement that puts this in the same ballpark as the other budgets we've passed. Thank you."

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

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

Speaker Turner: "To the Bill."

Lang: "Or to the Amendment. Frankly, I don't understand all the commentary and hysteria. Representative Hannig, has described very clearly the situation. The portion of education funding that is not operational is still in flux, it's still being talked about with the caucuses and the Governor, it's still being debated, he doesn't have anything to present on that yet. So, the fact that this is the State Board of Education budget doesn't mean this is the only bite at this apple we're going to get. To say we should vote 'no' on this budget because it doesn't include something that Representative Hannig says is coming later, doesn't make a whole lot of sense to me. This part of the State Board of Ed budget is basically agreed among the caucuses. Additionally, we've got an occupant on the second floor in this building that has talked about shutting down the government of the State of Illinois. This Body has no interest in shutting down the government of the State of Illinois and therefore, we've been passing some budgetary items today. Budgetary items that we've all said may not be the final numbers, but is important that the General Assembly assert ourselves as a coequal branch

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of government under the Constitution of the State of Illinois. We have a responsibility to keep the government of the State of Illinois working and operating and open. That's what this budget is about. That's what the last couple were about. That's what all of this is about today. Most of us hope these will not be the last budgets we get to vote on before we adjourn and go home and play golf for the summer, but the fact is we have to get something out of this Body and over to the Senate to fulfill our constitutional mandate to the people of the State of Illinois. So, all of this stuff about, there's nothing in here about... about this portion of education or that portion of education. Representative Hannig has explained to you why it's not in there. Why we continue to discuss this, when there's a threat that the State of Illinois will be shut down, is beyond me. This cries out for a 'yes' vote as all of these do and yes, we all hope there'll be better and different budgets to vote on before we go home, but to hold this hostage because there's not something in here you want, when the whole budget we're talking about right now is only educational operations, seems to me to be pretty irresponsible. I think you should be voting 'yes' on this budget."

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

Franks: "To the Amendment."

Speaker Turner: "To the Amendment."

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Franks: "I live in McHenry County and we have the town of Harvard in McHenry County that a few years ago got the Motorola Plant. At that time, the State of Illinois gave millions of dollars in tax incentives to bring this company to our area. At one time, they employed 5 thousand people and now, the plant is closed and not one person's working there. To add insult to injury, Motorola has petitioned our local governments to lower their property taxes to which our schools are based. Most of the funding, as you know, is in property taxes. So, now, we have the largest employer in my town... in a town I represent, gone, the property tax base eroding, the schools having real difficulty there. Now, what we're talking about here, folks, is passing a Bill when we know that over 80 percent of our schools are deficit spending. We have not... and we have not discussed for one moment here the fundamental flaw of our education system funding. And passing a Bill like this, I think, would be irresponsible because we will not have looked at the underlying issues of changing fundamentally the way we fund our schools. I think we need to stand up to this. I brought thousands of petitions to the Governor asking for a Special Session of the Legislature dealing only with school funding. Today, Representative Will Davis passed around a letter which was drafted by Representative Fritchey. I worked with Representative Sacia on this who's also put together petitions. Representative Verschoore has as well. We need to get serious about this issue. I don't believe that if

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we pass this Bill without changing the way we fund our schools that we are doing our duties here as Legislators. We should sink this Bill and require the Governor to call a Special Session of the Legislature dealing only with school funding and this is the opportunity, folks."

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

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

Speaker Turner: "Indicates he will."

Mulligan: "Representative Hannig, just to clear up a few things. The Governor put in \$400 million of new money in education."

Hannig: "That's correct."

Mulligan: "But then he proposed \$610 million worth of initiatives which put us all fighting for which initiatives would be better and it put him kind of in the position of saying we didn't pass this good stuff because no matter what we did 610 million doesn't fit into 400 million."

Hannig: "And Representative, we're probably as guilty as anyone else. All of us wanna do more for our schools. We all wanna provide more money in the foundation, more money in the categoricals, more money in everything. Early intervention, whatever it is there's an advocate in this Body for it and ya know, that... that's the nature of trying to deal with school funding. And the committee..."

Mulligan: "I... I agree. There is no way that every Legislator here wouldn't be to put more money in if we had it. The other problem is we haven't passed the revenues and we

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don't know how much money there would be. But just for the general knowledge of the Body who are not what we would call 'budget junkies', when you have... when you pass a budget and give it to the Governor, when he redlines, he can only redline and reduce. He cannot add. Is that not correct?"

Hannig: "That's correct."

Mulligan: "So, whatever we give him, he then may work with and reduce. All right. Just for the general knowledge of... of those of us who were here and it was my first year in the Legislature in 1993, we didn't get out of here until the end of June at that time and we were here, I think, until July 14 or a little while after that. At that time, I think you still got per diems, which we have now voted you don't get and then we were called back for two Special Sessions, one in August and one in September. It was a fun-filled year for those of us that were there and even though, with Governor Edgar, one of those Sessions was for education, you will see, here we are ten years later still arguing about education. I'm truly not sure what to do. I know that this is a symbol that we're sending over there, but I think the whole thing speaks poorly of the fact that here we have a budget, the Governor says he put in new money, he passed us more initiatives than there are money and here we are all trying to figure out what to do. It's the last day and obviously, we are gonna go into overtime. So, I think everybody should just make considerations. If you want an overtime Session, if you want a Special

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Session, fine, ask for it, see what happens and we'll still be fighting next year for the same amount of money we're fighting for now."

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

Eddy: "Thank you very much. Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Eddy: "Representative, wanna ask you a question about some programs that, as Representative Kosel mentioned, could be shorted and not continued because of possibly funding not being appropriated after July 1. One of the programs in particular I'm concerned about is the Summer Bridges Program. Is there... is there a threat, a possibility, that because there isn't continued appropriation for that program that runs through the summer that school districts won't receive that funding and therefore children won't be served by that particular program?"

Hannig: "Well, Representative, it would be nice if we and I still hope that we can get a budget to the Governor on education before July 1. Clearly, I think that's the goal of everyone in this chamber. So, the school districts will get paid everything that's due them in FY04. They will get paid for June, all the way up through June 30, and those programs that are in place I'm sure will remain in place and they will eventually... we will... we will work through a process sooner or later and I think if the answer we hope is sooner to fund schools at... at some level so that we can address this concern. Representative, it's a very tough

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question because, ya know, I spoke very highly about how these... the spokesman and the chairman in the previous three committees were able to get together and work out the issue. And I know Representative Mitchell and Representative Smith worked very hard on this issue, but they could not reach an agreement and I think that reflects the differences that exist not so much between the Parties but between the regions of the State of Illinois. So, we're trying to and still continue to work towards that end. They will get their money through June and I think that in the end they'll get their money in July as well."

Eddy: "So, if you could characterize the reason that there wasn't a level funding appropriation added to this that that would be the same amounts as last year until such an agreement could be worked out. How would you characterize that not being a part of this for now so the districts wouldn't have that fear for some of those programs or at least there would be something there for children and not just for the agencies?"

Hannig: "Why, I think, Representative, that if we voted for something that was exactly at last year's level, there could be a mis... first of all, a misunderstanding that this is all we were gonna do. That we were gonna pass this funding and we were gonna go home and that there'd be no new increase in school funding. So, I think we wanted to isolate that issue and say, no, that's not what we wanna do. We wanna try to find ways to increase school funding, ways that we can agree to and so, let's set that issue

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aside and deal with it as such. But if we appropriated what we did last year there could be a temptation to say, well, that's all a misunderstanding to think that that's all you're gonna get or perhaps even a mis... an interpretation to say, well, the Legislature has spoken so now we can go home. And I don't think we wanna send that message to anyone."

Eddy: "Okay. So... so basically, the reason is that since we have not reached an agreement on how much additional money that there might be for education funding we've decided to wait until what... that... that figure is decided upon and where it goes before we just say we're at least going to fund what was funded last year so no school loses money."

Hannig: "And Representative, should we find ourselves here in the middle of June and indeed, if that is a problem, we still could do what you suggested if there was... if there was an agreement to at least fund last year's level. But I think at this point that would probably send the wrong message to the school districts and it may be interpreted by some people in our school districts and perhaps in the public that that's all we're gonna give school districts. And so, we wish to give them more and we'll continue to negotiate to try to find what that amount is."

Eddy: "Thank you. Mr. Speaker, to the Bill... to the Amendment. I... This... this particular Amendment puts everyone in a difficult position because if you vote in favor of this Amendment, you will be characterized as one who is only willing to provide funding for the bureaucracy of

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education, for the educational labor relations board, for the Department of Education. If you vote against this budget, then you're going to be characterized as holding up the process for budgeting and expecting something different for education whether it be additional funding for categoricals, additional funding for the formula for foundation level. This is as difficult of vote as we've had on these appropriation Bills. I would urge every Member to think about how you're going to approach either side of this vote. Thank you."

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

Black: "Thank you very much, Mr. Speaker. To the Amendment."

Speaker Turner: "To the Amendment."

Black: "Ladies and Gentlemen of the House, the longer I stay here the more amazed I am at the debate that I hear. An hour and a half ago, we overwhelmingly, more than a hundred votes, voted to restructure the educational system, bureaucracy, if you will, in the State of Illinois on Senate Bill 3000. Then an hour and a half later, when it comes time to fund the restructured Board of Education, suddenly that's a bad idea. I mean, it seems like, ya know, somebody got up and I respect him a great deal and I've served with him a long time and he said there isn't any operations money in here, there's no state aid money in here, there's no categorical funding in here, no kidding? Did anybody tell you there was? Did anybody try to portray it as the elementary and secondary funding appropriation?"

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Nobody ever said that. The only thing that's in this Amendment that funds the reconstituted Board of Education that more than a hundred of you voted for less than two hours ago. If we don't reach an agreement on the budget by July 1, then assuming the Governor signs the newly... and I believe he said he would, then the newly constituted State Board of Education wouldn't be able to work. They wouldn't be able not even to meet. Ya know, and I've heard a lot of people stand up here and pontificate about changing how we fund education. Well, I've been here when we voted on it twice. In 1992, there was a Constitutional Amendment that went to the voters that said, here's what you do if you're going to change how education is financed in Illinois. Now, it passed in a wide... by a vast majority of the number of counties who voted. I think, it passed in 96 of the 102 counties, but it did not get the 60 percent affirmative vote that our Constitution says it has to in order to be adopted. A bare majority of us voted for that Constitutional Amendment. In 1997, when Governor Edgar borrowed Dawn Clark Netsch's plan to change how we fund education, it just barely passed this chamber. Some of you who rant and rave about changing how we fund education voted 'no' in 1997. It got out of here with a bare majority of votes and was never called for a vote in the Illinois Senate. So, rather than take up our time telling us what we should do, some of us have already tried to do that. The public rejected it in 1992 and the Senate wouldn't call it for a vote in 1997. So, I don't know how

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you can tie this Amendment and I don't know how this vote's gonna go. I have a hunch it's gonna go south in a big hurry, but I don't think Representative Hannig ever portrayed this as the funding Bill for K12 education. We all know that that's not the case. The problem is of the four caucuses you can't get a majority vote on any of the funding plans that have been floated on K12 education and until we reach some kind of agreement, we're not... we don't have any Bill to propose. So, if you wanna fund the newly constituted state board, vote 'yes'; if you're not sure how this is all gonna turn out and if you honestly think that we aren't gonna fund K12 education before we leave here, whatever time that may be, I guess you vote 'no' and we go back to square one."

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

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

Speaker Turner: "Indicates he will."

Davis, M.: "Representative, is there a tax increase?"

Hannig: "In this Bill? No, Representative."

Davis, M.: "In any Bill? In any Bill?"

Hannig: "Is... is..."

Davis, M.: "Did the gambling Bill pass?"

Hannig: "I don't know, Representative. Not in the House."

Davis, M.: "Did the Governor's tax initiatives on businesses pass?"

Hannig: "Representative, I voted for 'em, but they failed."

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

Speaker Turner: "To the Bill."

Davis, M.: "If we support an increase in the state aid formula to provide \$250 more for each pupil, we need a revenue stream. You can't just wish it. You can't pretend it's gonna happen. It's \$400 million and you need some new revenue. Now, if we continue to vote 'no' on new revenue streams, then we can't stand up and shout about not having additional money for the students in our state. I'm going to support this legislation to keep the process working. I know that people are still talking, they're still negotiating. And I, too, would like to see an increase in the state aid for students, but I know that it takes revenue to do that and I'm willing to support revenue to do it. I don't expect someone else to support the revenue and then I support getting the money. I urge a 'yes' vote."

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

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

Speaker Turner: "He indicates he will."

Mitchell, J.: "Representative Hannig, this is one of the last discussion on the elementary-secondary ed funding issue. Am I correct?"

Hannig: "Yes. That's correct, Representative. We'll... we'll continue to try to work 'til we can find an agreement that we can pass."

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Mitchell, J.: "I certainly understand that. You're absolutely right when you made the statement that all other attempts have failed simply because Representative Smith and I could... could not reach agreement from our various caucuses. There are a lot of different issues that people wanna see in there or outta there. Mike and I worked really hard to try to get something crafted that would fly. I also agree a hundred percent with my colleague from Vermilion, my former student when I was principal there as he tells everyone, this process must move forward. No one is characterizing this as the final solution for education. If you think you're not gonna get another vote, if you think you're gonna get hit with flyers that say you didn't vote for education, come on, you... even freshmen know better than that. The money will be there for education. The question is, once we get all of the spending proposals there, once everything is on the table, how much money will we have to deal with, and then can we get together and reach an agreement that will keep as many districts as possible solvent. We may not have enough money without another revenue stream to give all the money to education we would like to. We may all leave here unhappy, but I think we'll do the best we can for the suburbs, for downstate, and for Chicago. That's what we always try to do. We've always been honest with each other and I respect Representative Hannig. He's always been as honest with me as he possibly can, so has Representative Smith. So, if you're concerned about this being a political vote, don't

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worry about it. You will get another vote. Many of you are concerned about education funding, that is another issue at another time. We're gonna have to deal with the money that we have. We don't know what that is. We don't know what the final solution is, but if we don't move the process forward, then we're gonna be here even longer than we think and most of us think we're gonna be here a while now. So, think real hard as Crawford Representative Eddy said, think real hard about your vote, vote either to move the process forward or vote not to. That's your decision, but I just wanted to clear the air on the fact that Representative Hannig has been as honest as he possibly can. Thank you, Sir."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig to close."

Hannig: "Thank you, Mr. Speaker and Members of the House. I think Representative Mitchell, Representative Black and Representative Monique Davis did an excellent job of explaining and Representative Lang on... on what is really happening here. This is not a vote for or against funding for our schools at any level. This is simply a vote on that part of the education budget that we can generally agree upon and that's the operations of the new State Board of Education. It's nothing more and nothing less. I can guarantee you that at some point before we go home for the summer, we will adopt an education budget that drives money to our local schools. I guarantee it. So, let's move forward with this part of the process and continue to work

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on the other part... part of the process. I ask for a 'yes' vote."

Speaker Turner: "There has been a Roll Call suggested or a request on this particular Amendment. So, with that, seeing no further questions, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 3341?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? The Clerk shall take the record. On this question, there are 59 'yesses', 57 'noes'. And the Amendment is adopted. Further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 3341, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

Speaker Turner: "Representative Hannig."

Hannig: "Okay. Thank you, Mr. Speaker and Members of the House. We've had a long debate on this Bill. I think we all understand what we're trying to do. We're trying to move along the process. We're trying to... we're trying to pass a Bill that we can all agree upon. We know that there are some other things that we have to do before we adjourn for the summer. And so, I would ask you to join me in sending this Bill to the Senate and continuing the process. I'd ask for a 'yes' vote."

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

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Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Just to answer some of the moans and groans and what have you. What... what you need to remember in this chamber, whether you're here in the 31st of May or the 30th of June, when you ask for a Roll Call on an Amendment it only takes a simple Majority of those voting. It doesn't require 60 votes. If 50 of you vote 'present' and 10 vote 'yes' and 5 vote 'no', the Amendment passes. Where the 60 votes comes into play is now. We had the fun on the Amendment. Now, you get to vote on the Bill. Now, it has to have 60. But yeah, ya know, some of you need to look at your laptops every once in a while. Get... get your Solitaire games off of it and get the Internet stuff off it and read the Amendment and read the Bill. You might be amazed at what you can find out every once in a while. You get all exorcized over a Roll Call on an Amendment and 5 people voting can pass an Amendment. Now, you're voting on the Bill. Now, the vote counts. You want it to pass, you wanna start all over, okay. Just pay attention to the process. It's amazing what you can learn if you come out here and pay attention to the process. As imperfect as it is, on this Memorial Day, what our ancestors gave us is so much better than anybody else in this world has had an opportunity to work with."

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

Joyce: "Thank you, Mr. Speaker. I rise and move the previous question."

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Speaker Turner: "You were the previous question. Representative Hannig to close."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. The process of putting together a budget, as you can see, is a difficult process in any year. It's particularly difficult this year. We're trying to move to the Senate those part of the process that... that we generally can agree upon where we... where we have people who have worked together and that we have something that we can send. Now, we're not ready to send the general state aid formula to the Senate. We're not ready to send the categoricals over to the Senate. There is no agreement amongst the two caucuses. There's no among... agreement amongst the regions on that issue. So, let's continue to work on that issue. We'll have time and we have Bills and it will get done. But I'm asking you today and now to help me pass a Bill to fund the new Education Department that we just passed and sent on to the Governor just a few minutes ago or an hour ago. So, this is an opportunity to continue with the process. It's not an... it should not be a controversial Bill. And I'd simply ask for your 'yes' vote."

Speaker Turner: "The question is, 'Shall the House pass Senate Bill 3341?' All those in question sh... all those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 65 voting 'aye', 50 voting 'no' and 0 'presents'. And this Bill, having

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received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Rules Committee Report."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and or joint action Motions was/were referred, action taken on Monday, May 31, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' House Resolution 955, House Resolution 960, House Resolution 1013, House Resolution 1031; on the Order of Concurrence a Motion to Concur with Senate Amendment #1 to House Bill 720, a Motion to Concur with Senate Amendment #2 to House Bill 1336, Amendment #... 'for floor consideration' Amendment #2 to Senate Bill 1400, Amendment #2 to Senate Bill 3350."

Speaker Turner: "The Lady from Cook, Representative Bailey, for what reason do you..."

Bailey: "Mr. Speaker, I pushed to vote 'yes' and I would like to be recorded as 'yes', but I believe there's a problem with my switch here."

Speaker Turner: "That was on Senate Bill 3341 and the record will so reflect your intentions to vote 'yes' on that Bill. On the Order of Second Readings, page 13 on the Calendar, we have Senate Bill 3343. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3343 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

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Speaker Turner: "The Gentleman from Montgomery, Representative Hannig."

Hannig: "I'd ask to withdraw this Amendment."

Speaker Turner: "The Gentleman asks leave to withdraw Amendment #1 to Senate Bill 3343. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's withdrawn. Further Amendments?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig on #2."

Hannig: "Yes, this is the appropriation for the Department of Commerce & Economic Opportunity. It deals with the grants. It deals with the operations and it deals with the reappropriations and nothing more. So, I'd ask that we adopt this Amendment #2."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 3343?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 is adopted. Further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 3343, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig."

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Hannig: "Yes, again, thank you, Mr. Speaker and Members of the House. Again, this is the operations, the federal grants and the reappropriation for the Department of Commerce & Economic Development. And nothing more in this specific Bill. I'd ask that it be adopted and sent to the Senate."

Speaker Turner: "The Gentleman from Vermilion... the Gentleman from Knox, Representative Moffitt, for what reason do you rise?"

Moffitt: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Moffitt: "Representative, on the DCEO budget here can you... can you tell me, you know, the... the Governor came up with an excellent plan I thought of Opportunity Returns and divided the state into ten regions for Opportunity Returns and held meetings around the state and press conferences. I attended three of those and I... I think everyone in here attended those regions. A lot of projects were announced and I commend the Governor for his effort and it was strictly to tailor-make economic opportunity to fit the region of the state that... that was... the different parts of the regions recognizing that all the state does not have the same... all parts of the state does not have the same needs. Clearly, the concern about the economy and the need for jobs on every poll that I've seen is number one in the minds of the... of our citizens. Jobs and economy and the Governor offered a program to address that. What does this do in terms of funding the Opportunity Returns, the program that the Governor offered and... and truly, I'll have to say

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that he was offering help and offering hope. What... what does this do for that?"

Hannig: "Representative, again, just like with general state aid and just like with some of the other issues that we talked about earlier I... I think that there's a... there's no agreement totally yet amongst the caucuses as where we should be on this... this amount of Opportunity Returns. And so, this budget does not reflect any amount at this time. It would be my hope that as we go forward we could reach an agreement amongst the caucuses and with the Governor and we could include this in an... in an additional spending Bill at a later time."

Moffitt: "Well, thank you, Representative. To the Bill. And.. and I understand what... what the Representative's saying, but... but clearly there were some things announced on Opportunity Returned(sic>Returns) and... and I'm sure if we made a list probably every Legislator, almost every Legislator here, was at those different announcements. And they were good announcements. And it was different in diff... different parts of the state. If we pass this particular Bill we're, it's my understanding, we're not funding the development of coal in southern Illinois, that we're not developing... we're not funding projects around the state. It might have been highways. It might have been manufacturing. It might have been distribution centers. It might have been a ethanol plant. It might have been an bio-diesel plant. With this Bill we're not funding those and yet that... that hope... that help had been offered. So, I

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think to... to pass this without including things that have already been announced, have already been promised, already given hope in a state and to a people that... that really needs that hope and that help that's been offered, it'd be a real mistake to do that. I just think we should be including those things and the appropriate vote at this time would be... would be a 'no' vote, with those things being left out. And thank you."

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

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

Speaker Turner: "He indicates he will."

Reitz: "Representative Hanning... Hannig, does this cut out completely the Bureau of Tourism? According to our analysis, it looks like the entire budget is gone."

Hannig: "Yeah, again, Representative Reitz and Representative Moffitt I think was concerned. This provides for the operations in the central office for the Department of Commerce and Community Affairs. This is not meant to be and I'm not suggesting that this will be a final budget for this state agency. But this is the bare-bones budget that they would need in order to keep their doors open on July 1. If this budget is defeated, well, I guess they can lock the doors and go home on July 1, and... and nothing will happen. But my thought is that this Bill should be adopted and as we work through the rest of this budget that eventually the other items in this budget will... will be adopted, as well. So, it's a little bit like what we just

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talked about with general state aid. That part of the budget that we can generally agree to and... and have some understanding and... and... an understanding that there is a need we're gonna go forward with, with those parts of the budget that are yet undetermined and... and perhaps in a state of continuing negotiation we thought it would be inappropriate at this time to include them in the budget. But they will... there will be additional budget Bills as we go forward."

Reitz: "Thank you. To the Bill. I... I believe unfortunately this, I think I'll... I will have to oppose this. I would like to say I understand the... the plan we're on trying to make sure that government doesn't shut down in case we don't reach an agreement. Unfortunately, this should... this will, I believe, will shut down tourism, will shut down the coal development marketing part... office completely, will... will probably shut down or... or seriously impede the ethanol research that we have going. According to the department, there's a hundred and forty positions they... they think when they will lose under this proposal. So, if we could revisit this, I'd appreciate it. But I'd ask everyone to vote 'no'. Thank you."

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

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

Speaker Turner: "He indicates he will."

Mulligan: "Representative, I... I apologize. I didn't mean to ask this many questions. But going through our analysis, I

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noticed that workforce investment or WIA funds from the Federal Government... He's not listening to me."

Hannig: "I'm... I'm sorry. What was the question?"

Mulligan: "Okay, I said I apologize for asking this many questions 'cause I wasn't planning on it. But I notice in the line item in our analysis that workforce investment funds which were \$240 million which is WIA comes out of the Federal Government. And I notice on our analysis that a large part of the DCEO budget is now other. And it appears that somewhere along the line we're either moving \$240 million that's coming out of the Federal Government or perhaps losing it. Could someone on your staff give us the reason for that?"

Hannig: "Yeah, there's 350 million in WIA dollars that are here, and we tried to appropriate the federal money that we knew would be... that was available. We... we appropriated... we reapproped those items from last year and we approped the operational costs of the agency and that's all, Representative. So, again, we are splitting the operations of this agency from the grants that this agency typically makes and saying that the grants will follow in a different Bill. We're not saying that..."

Mulligan: "All right. So..."

Hannig: "...we're not saying the grants will never come. We're saying that they'll be in a different Bill. Now, the federal money, we're much more sure of, it's here for specific purposes and it's in this Bill."

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Mulligan: "All right. So, you're zeroing it out, which I understand other budgets, 'cause it's not GRF. But then when we go to... when I go to my screen analysis it has the summary as 24 million plus GRF and 656 million other. So, does the other not include any federal funds?"

Hannig: "I... I'm advised that is federal money, for the most part, Representative, the other."

Mulligan: "All right. Then if it is federal money, what happened to the 240 million from WIA?"

Hannig: "It was... it was increased to 350 and... and I'm told that it's in that lump... that lump sum."

Mulligan: "Well, I... my feeling is it's transferred to another program 'cause a lot of the WIA money's been moved around and some of us on Workforce Investment Board would like to know where it went. Thank you."

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

Molaro: "Well, will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Molaro: "Okay. You know, I voted 'yes' on everything that you just put up here and chances are that Roll Call's gonna be looked on the second floor and my stature may not be as high as it was earlier this morning. That being said, could you explain to me and I understand what you're talking about that we get the clock start ticking, so this way we know that as June 30 would be the deadline. But this kind of, I know we've been doing, kind of stops the clock from ticking, in a way."

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Hannig: "Yes, in a way, Representative. You... you were here, I believe, when we had a meltdown a few years back in the '90s and we were here 'til the middle of July..."

Molaro: "Right."

Hannig: "...state employees were not getting paid, vendors were not getting paid and it was just... it was just a terrible thing to happen to people who should not have, you know, should not have had to suffer because of the inability of the Legislature and the Governor to reach a conclusion. So, this is an opportunity for us to pass those operations of this agency and the others and other parts that we can agree on and send that on and say, for those items that we can agree on, let's take those off the table. Let's limit our debates to those that we disagree on."

Molaro: "Well, and... and that sounds right. And my votes have deferred to, you know, my Leadership wisdom here. And... and I will do that, 'cause I'm not a budgeteer. But the only thing that strikes me is that, obviously, the only ones after June 1 that won't be getting paid will be us, which is fine. But sometimes the idea that government might shut down actually makes us come to some agreement earlier and quicker than knowing that the government will still go on. I don't know if that makes any sense to you and... and I'm not doing this to be facetious. I'm gonna vote 'yes' and I have voted 'yes'. But you're taking away that one thing that's almost where we have to, I mean, even the Federal Government had to back down and when we did it the fact that nobody got paid July 1 was probably the reason we came

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to an agreement that second week of July, otherwise we might have been here 'til... 'til Christmas. So, I... I, you know, we're gonna do it. I'm just hoping that, you know, it may not be what you're trying to accomplish, it may be doing just the opposite. But we'll see."

Hannig: "Well, Rep... Representative, my view would be that... that just because we in the Legislature cannot agree we... we shouldn't cause state employees who show up and do their job to not be paid. I mean, it doesn't seem to be fair to... to the state employee who shows up every day, does his or her job and expects to be paid twice a month. We... we have an obligation to those people and this is part of making sure that we honor that obligation."

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

Hoffman: "Yes. To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Hoffman: "Real briefly. Once again, unfortunately, I think this one is as bad, if not worse, than the last one. This Bill actually removes help for local districts, removes help for local municipalities, removes public safety, removes job training dollars, removes things that are going in to your individual districts. When we talk about creating jobs and job development, what we tried to do is like a laser beam focus on the needs of each individual district. And on a regional basis make sure that we focus on these needs. Opportunity Return would do just that. This, unfortunately, is cutting all the funding out, all

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the things that will go to your local districts. So, if you wanna vote for all the stuff that go to your... against all the stuff going to your local districts, then vote 'yes'. But I'm... for me, I'm voting 'no'."

Speaker Turner: "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. To the Bill."

Speaker Turner: "To the Bill."

Black: "The one thing that I have based almost 19 years of service in this Body on is that I think government should do everything in its power to give people opportunity. I don't think we can give people anything and every time we've tried we generally have failed. Somebody much smarter than I said once, if you subsidize something you'll get more of it. If you tax something you'll generally get less of it. But, the heart of my belief in philosophy of government is you must give people the tools to take advantage of opportunity. And those that grasp it succeed and those who refuse generally fail. But in this Bill you are removing opportunity from my district, an unemployment rate that's been double digits for far to many years. I cannot turn my back on the people who ask me to simply give them the tools so that they can have the opportunity to advance and do what this country has enabled people to do for more than 225 years. I don't care whether it's the Governor's program or my program or Representative Hoffman's program, opportunity is the key and when you take

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that away I can't go home and look people in the eye. Opportunity Returns is a excellent idea. All I want is for opportunity to visit my district. It hasn't even come there yet. We've invited the Governor several times and he hasn't been able to get there and explain his Opportunity Returns Program to east central Illinois. And my message today is very simple, Governor, I want you to come to my district and I want you to explain Opportunity Returns and I want you to make that opportunity available to the people who send me here. I can't in good conscience vote for this Bill."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I... I'm baffled about what I'm hearing. We just went through a whole discussion about the education Bill and people were pontificating about how there was money for no actual schools in there and then some of us tried to explain that we funded the operations, the school money's comin' later. Well, this is no different. Representative Hannig has said this is... this is part of what we're going to do, but the rest of it is still in negotiation. Now, we can make some speeches against this, but remember the backdrop. The backdrop is that the Governor of the State of Illinois is talking about shutting down the government of the State of Illinois. We don't really want that to happen. I'm sure he doesn't really want that to happen. But we have to pass a budget to fund the operations of these departments. We

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can fail to do that because we want to make speeches or we can assert ourselves, I'm gonna to say it again, as a coequal branch of government. We have a responsibility to make sure the government of the State of Illinois does not shut down. Representative Hannig, just on the education Bill, has said, of course, this is not the be all and end all and of course, there's gonna be grants and of course, we're gonna take care of these things. But are we gonna vote 'no' on this because we don't know what's coming next? It's ridiculous. Some of you are ridiculous. We have a responsibility to pass something over to the Senate so that we make sure our government does not shut down. What would be unfortunate is if we failed to act, to do what we need to do in a responsible way and July 1 comes around and the government of the State of Illinois does shut down. Some of you will be responsible for that if you vote 'no' on these Bills and later that happens. So, please, consider your votes. Please, make sure we're not wearing the jacket for shutting down the State Government. You need to vote 'yes'."

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

Howard: "Thank you, Mr. Speaker. I cannot believe that we are talking about a budget that's going to eliminate all of these technology programs. It is essential that this state remain technologically competitive and that is not going to happen if all of these programs are eliminated. I just think it is... it is inexcusable, it is unconscionable and I

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certainly hope that all of my colleagues understand that every single thing that has to do with helping to eliminate the digital divide, helping to make sure that people in our state are not left behind in this technological society, all of this is going by the wayside if we support this budget. I cannot support it and I certainly hope there are others of you who agree with me. Thank you."

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

Hannig: "Yes, just in response to the way some of the people have spoke on this Bill. This is not an effort to say we're not going to provide grants to local governments and to... to things that have been said. We're simply saying that they're not in this Bill. We're trying to take those parts of the DCEO budget that we have general agreement on and move it over to the Senate. That's all we're doing. Can we address those other issues in another Bill? Yes, we can and we will, but not in this Bill. So, I'd ask for you to help me move this Bill which... which contains the agreed parts of the DCEO budget over to the Senate. I'd ask for a 'yes' vote."

Speaker Turner: "And the question is, 'Shall the House pass Senate Bill 3343?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 66 voting 'aye', 49 voting 'no'. And this Bill, having received the Constitutional Majority, is

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hereby declared passed. On page 13 of the Calendar we have Senate Bill 3350. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3350 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig on Amendment #1."

Hannig: "Yes. I'd like to withdraw Amendment #1."

Speaker Turner: "The Gentleman asks leave to withdraw Amendment #1. All those in favor say 'aye'; all those opposed say 'no'. The opinion of the Chair is the 'ayes' have it. And Amendment #1 is withdrawn. Further Amendments?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Speaker Turner: "The Gentleman from Montgomery, Representative Hannig on Amendment #2."

Hannig: "This contains appropriations for the following agencies: the Department of Aging, the Department of Children and Family Services, the Council on Developmental Disabilities, the Deaf and Hard of Hearing Commission, Guardianship and Advocacy Commission, Human Rights Commission, the Human Rights Department, the Medical District Commission, the Department of Public Aid, the Department of Public Health and Veterans' Affairs. It does not include the Department of Human Services. We appropriated, in all cases, the operation lines at the Governor's recommended levels and the grant lines at the

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fiscal year '04 levels. So, we... again, we know that there is more work to be done on these Bills, but we feel that this is something that we can live with at this time and under the circumstances that we are currently in today on the last day of May. So, I'd ask for the adoption of Amendment #2."

Speaker Turner: "Seeing no question, the question is, 'Shall the House adopt Floor Amendment #2... The Lady from Cook, Representative Mulligan. No. The Lady from Cook, Representative Feigenholtz..."

Feigenholtz: "Thank you..."

Speaker Turner: "...for what reason do you rise?"

Feigenholtz: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Feigenholtz: "Representative Hannig, the Human Service Appropriations Committee worked on this budget for a very long time just like many other of these appropriations chairman did. And I see that there is a \$571 million reduction in the Medicaid line from the '05 budget. Is that correct?"

Hannig: "Yeah. Representative, again, this is at the '04 level and so, any reduction is simply something that we rolled back in order to get... to get things consistent."

Feigenholtz: "Well... But you need to answer my question. Is this a \$571 million reduction from the '05 introduced budget for Medicaid?"

Hannig: "Yeah. It's... This is at the '04 level and the Governor introduced a different level."

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Feigenholtz: "So... But it is..."

Hannig: "So, again, Representative, we're not suggesting that this be the final level. We're just simply saying that as we negotiate all of these... this whole question of Medicaid is something that has to be resolved and when it is we'll pass it..."

Feigenholtz: "And I appreciate all that, but I really think that the Members of the chamber should know what they're voting on because, you know, there were a few of us who have questions, request a caucus, didn't happen."

Hannig: "Well..."

Feigenholtz: "So, I really want some clarity on this."

Hannig: "I... I think we're trying to vote on a budget that, once again, will allow the doors to stay open in these human service agencies, that will allow people to be served, in a worst case scenario where we could very well be here in the middle of July. So, we're not suggesting that..."

Feigenholtz: "Okay."

Hannig: "...we couldn't solve our differences today, tomorrow, or some other time and put together a budget that reflects the real and final needs of and what is affordable, but at this time we believe that this will give us a make a... will allow us to maintain these human services agencies and they can continue their operations."

Feigenholtz: "Representative Hannig, I know that it seems that... like \$571 million in an '05 budget is a lot of money, but much of that is money that we spend on medical inflation. It is money that goes for things like the drug line for

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SeniorCare, for medical costs for the poor and the indigent. Is that correct?"

Hannig: "Yes, Representative. And we certainly want to ensure that all those lines are appropriated. I mean, if... and that's the purpose of what we're trying to address in the Amendment and in the Bill. We're not saying... What we're saying that we need to have at least a minimal..."

Feigenholtz: "Right."

Hannig: "...appropriations on the books..."

Feigenholtz: "So..."

Hannig: "...to continue these operations."

Feigenholtz: "...what the department might have to do then is extend the payment cycle which is now at 60 days perhaps to another... an additional 25 days. So, again, we would be in a situation, if this budget were to become the final budget, that we would be paying our providers 85 days or more out in the payment cycle. Could that potentially happen with this budget?"

Hannig: "Representative, if we don't pass any budget on July 1 there's no authority to spend in the Medicaid line or any line for these human services. So, we're trying to avoid that kind of disaster. We're not saying that this is a perfect budget or that this is a final budget. We're simply saying this is a stopgap measure that will allow us to go on until we can finalize our business here in Springfield."

Feigenholtz: "Well, I think that I understand that we need an austerity budget, but I think that \$571 million really cuts

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not just through the fat and into the bone, but into the heart of the Medicaid budget and I think it... it goes way, way beyond what some of us can bear to even think about. I... I do have some questions also about the Department of Aging budget. The Human Service Appropriations Committee has worked very hard to get the community care program asset limit up from \$10 thousand to 12,500 and I see... Does this budget reduce it back down to \$10 thousand?"

Hannig: "Representative, again, we're... we're trying to hold these at the '04 level and this is a... a maintenance budget that we're proposing not a final budget. There's still billions of dollars of spending in here in... in every line which, we believe, is better than not passing a budget and simply having a meltdown on July 1."

Feigenholtz: "Representative Hannig, right now, the AIDS Drug Assistance Program is really kind of functioning on the brink. I know that the Governor had introduced \$3.1 million in the AIDS Drug Assistance Program so that people can... people living with AIDS can stay in the workplace. We can keep them off of Medicaid. It's been a very successful program. That money's been cut out of this budget. Is that correct?"

Hannig: "Representative, if we appropriate... if we pass this Bill, at the very least, there'll be over \$12 million that the agencies will have to work with on July 1. If this fails..."

Feigenholtz: "Right. And that will... Right."

Hannig: "...if this fails, we'll have zero."

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Feigenholtz: "Right. I've been working very closely with that budget. I'm very proprietary over the ADAP budget and I will tell you that the utilization on that program in '04 and they were functioning right on the edge. The million dollars in minority prevention money for minority communities that the Black Caucus negotiated last year to get back in the budget that has been removed from this budget. Is that correct?"

Hannig: "There's \$2 million that will be in this budget if we pass it so that we can continue to provide these services on July 1. If this Bill fails, there will be zero."

Feigenholtz: "So, you've also, in this budget, in the Aging budget, removed the increase for elder abuse, the case management for community care and also the increase that we had worked so hard on for adult day care centers. So, I just want people here to know that when they were getting letters last year from adult day care centers that... that were closing in their districts, serving their elderly population, this money will not be in this budget. And finally, Representative Hannig, I have a question about the hospital assessment and IGT. In order to make up for an inadequate Medicaid match, we've worked constantly to get as much Medicaid as possible and other states... You know, we've always put additional funding in health care and... and been able to defend our policies. Does this budget at all jeopardize the hospital assessment that we just... that we're working hard on. Does it jeopardize the money with... for

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the assessment and undermine our arguments in support of all of this?"

Hannig: "Representative, I think if... if on July 1 if there is no budget in place that that undermines the hospital assessment situation very badly. So, again, we hope that before July 1 we can pass a budget that addresses your problem. I'm not... no one in this room is against that, but we're saying we need to move forward and at least have some budget in place so that on July 1, if there is money for the Comptroller to spend, as opposed to no money."

Feigenholtz: "It's 3:21 in the afternoon, Representative Hannig, on May 31 and..."

Hannig: "I agree, Representative."

Feigenholtz: "...there are few of us in this chamber, many of them are women, who think that had they had an opportunity to craft this budget, we would have been out of here by now. I really would like to be able to... you know, I'm very torn about this budget. There's a lot of things in this budget that I... I understand that our caucus needs to move forward. I... I really do understand austerity and that we're in a very dire situation, but I think that it's... I think that it's important for people to know what they're voting for or what they're... what they've been working on with their caucuses in their committees for a long, long time that are not in this budget. And I thank you for your clarification and answers to my questions, Representative Hannig."

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

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

Speaker Turner: "Indicates he will."

Mitchell, B.: "Representative Hannig, with this budget... what does this have? How does it affect Lincoln Developmental Center?"

Hannig: "Representative, that's in... in DHS, the Department of Human Services and that is not part of this appropriation Bill."

Mitchell, B.: "Sorry."

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

Joyce: "I... I was just wonderin' what Representative Feigenholtz meant about her women comments and the ability to craft budgets. Are men not qualified for that?"

Speaker Turner: "Is that a question, a statement? The Lady from Cook, Representative Hamos, for what reason do you rise?"

Hamos: "Thank you. Ladies and Gentlemen, no, apparently the men are not capable of drafting budgets. You know what, I think that I would urge everybody here to vote 'no' on this Amendment... on this budget, this Amendment, for two reasons. First of all, I think we should all feel equally insulted that our Leaders are telling us that we're going to have a meltdown in mid-July and we're talking about this on May 31. What is their problem? To tell us that we cannot get

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it together in the next month and we're going to let providers, for whom we are not crafting budgets today, sit outside of this whole process and wonder what their budget's going to be on July 1, on May 31 we are saying this. That is an insult and I think we should send a message to all five Leaders that we expect them to go back to the negotiating table and craft a budget we can live with. Now, second of all, second of all, this Bill contains the Illinois Department of Public Aid budget and as Representative Feigenholtz has already stated, this will impact all of our health providers. So, once again, we are talking about \$550 million that we are taking away from hospitals, from nursing homes, from pediatricians, from physicians. That's the money we are shortcutting... shortchanging in this budget and at the very moment when the Federal Government is looking at our hospital assessment program, we are going to show inadequate rates in here that would support that program. With this Amendment, we jeopardize the Federal Government's approval of the hospital assessment program at a very, very critical time. So, we... I don't understand. If we're going to have a meltdown, which we should not have, why we cannot delay this and vote for the full budget when it's properly before us. I urge a 'no' vote."

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

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

Speaker Turner: "Indicates he will."

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Mulligan: "Representative, because of all the contention over this particular budget we dropped DHS out of there. When do you intend or how do you intend to put out a budget for DHS? Are we gonna see that today or any time in the next 20 years when we're still here?"

Hannig: "Representative, we're... we're trying to find a solution to the DHS budget. There's seems to be some difference between some of the Members of the Legislature on how to approach that agency and it isn't just the men who are disagreeing on that one."

Mulligan: "I mean, there's... there's multiple arguments some of which are neither reasonable or rational, but at this point there is a problem with this not being there. Also, do you see a problem with sticking this budget on a Bill that says it has an appropriation Bill for the State Board of Elections?"

Hannig: "Representative, appropriation Bills are germane to each other, so that has never been a constitutional problem and I don't see it being a problem here."

Mulligan: "Well, I... ya know, I tend to agree with the Speaker on a lot of things this year, where we're going, because I feel that the lack of willingness to move off of one position only and although I agree with some of what the last speakers have said, I do think there's a difference in negotiation. Negotiation, particularly for women Legislators, tends to be to the end and reasonable solu... solutions and that's because of the way women are raised differently from men. Men tend to negotiate more to win

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and if you don't get your position the way it's originally put out there, you feel diminished. And so, right now we're dealing with a couple of Leaders and I would not say it's the ones on our side of the aisle or your side of the aisle I would think it's on the other side and with the Governor's Office. What they propose they can't seem to move off because then they feel they are... they have lost rather than negotiate it to a win/win solution for everybody. So, we find ourselves with a Bill that, even though our committee Human Services tried to craft, you guys went around us and put out a budget on another Bill because we could not get consensus in our committee. Unfortunately, we are now dropping DHS out so we have to still discuss that and there is some contention over DPA. Is it not true that 26 to 27 percent of GRF spent in the state bill goes to the Department of Public Aid?"

Hannig: "I'm sorry. Could you repeat that part of the question?"

Mulligan: "Is it not true that 26 to 27 percent of GRF spent at the state level goes to the Department... to the Department of Public Aid?"

Hannig: "Yes, that's... I think that's about correct, Representative."

Mulligan: "And probably wouldn't the consensus be of the General Members that are on the budget, unless you have an advocate or an agency in your area complaining to you, that most Members do not actually know where the money from Human Service actually goes? And so, it's a problem when

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we go to pass these Bills that there's a lack general knowledge or willingness to serve in this area."

Hannig: "Representative, I think that varies from district to district."

Mulligan: "Okay. So, a whole lot of people have spent a whole of time both in Fee for Service Committee talking to Public Aid, ya know, Members on JCAR, Members in our committee, we spent an extra day down here listening to advocates. So, we've spent a whole lot of time batting our heads together, I mean, if someone had to say to me, what did you do on Memorial Day 2004, I'd say I spent the day batting my head against a brick wall. I mean, basically, what we're doing here is we're arguing over a budget that the Members who spent a lot of thankless hours on have not agreed upon and so, we've gone around to send a message to a budget, which I very much would like to send a message, but I think the budget's inadequate. And I also think, quite frankly, that it lacks input from the people that spend their time doing this that a whole lot of other Representatives don't wanna spend their time doing. So, quite frankly, your... and you... if you felt that you could... we've had the input, but nobody's listening to us and we've spent a lot of hours on this. So, now what we're doing is we're sending out a budget that does not show what the Members actually worked for because Leaders and the Governor do not wanna match up on anything. So, ya know, as much as I'd like to send this message and my only concern with voting 'no' on this budget is that if we do go for a long time that there's a whole

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lot of people that will not have services because we will have no operation level. But on the other hand, I've been doing this for 12 years and we have spent one hell of a lot of time workin' on these budgets and sitting in committees and going over this trying to craft a budget and here we are on this day with a convoluted budget that has to even be amended at the last minute 'cause we can't agree on DHS. So, I think what I'm gonna end up doing now and I thought about this a lot is voting 'no' because this tends to be a really bad scheme of things. The whole thing is just a mess because we have people that don't know how to negotiate to help the people of this state move forward in areas that they can least afford. And I think that we... we have shown a lack of having a certain amount of compassion of trying to negotiate before we've reached this point. So, I agree with you, this is ceremonial, we're not going anywhere, we're gonna be here, we're still gonna craft it and I still don't know what we're gonna do with the DHS budget because I see no logical conclusion to that for a long time. So, I don't think I can support this, although I was debating what to do and I think it's probably a 'no' vote because Public Aid is a very important agency. We've spent a lot of time and has one of the better directors and it's one of the big parts of the state budget and ya know, it speaks to a really bad situation when you have... end up on May 31, ya can't get the committee to let a Bill out and ya gotta put it on the State Board of Elections."

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

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

Speaker Turner: "The Gentleman asks leave to move the previous question. All those in favor say 'aye'; all those opposed say 'no'. The opinion of the Chair the 'ayes' have it. And the previous question is put. Representative Hannig to close."

Hannig: "Yes. This is... this is, again, an opportunity to allow important human services to remain open in a worst case scenario. This proposes over \$14 billion worth of spending on these important human service programs. The alternative, the alternative, is to suggest that if we don't reach an agreement by July 1 then we'll just shut down State Government, that poor people across the State of Illinois will be told that... come back at a later time but we're closed today, that State Government is closed, that state services are closed and call us at another time. I don't think that's an appropriate way to run government. Would I like to have a budget today that I could tell you is a final budget, that we had an agreement on, that the Governor could sign and it could do a lot of good things? Yes, but we're not there yet. So, help me continue to get there by sending this Bill to the Senate and at least guarantee that these minimal services will continue into the next fiscal year. That's all this budget will do and I'm asking you to help me do that. And I'd ask for a 'yes' vote."

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Speaker Turner: "The question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 3350?' All those in favor should vote 'aye'; all those opposed... I should say, should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 3350, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. The Amendment now becomes the Bill. I think we know what it does. It allows poor people to receive services after July 1. We hope we will... We need your help to send this to the Senate. I'd ask for a 'yes' vote."

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

Osterman: "Speaker, will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Osterman: "Representative Hanyen... Hannig, I have great respect for the work you've done and the work you're continuing to do, but this could be the final budget for these agencies, correct?"

Hannig: "Representative, I don't anticipate that these would be the final budgets for these agencies and clearly included there's a lot more work to be done in this area, but if we don't pass a budget in this area, on July 1 the Comptroller will simply have no spending authority to... to issue any

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checks and that becomes the problem that we're trying to address now. So, what I'm suggesting is that we will continue to work to reach an agreement on general state aid and on human services and on a few other things on DCEO, but we need to move forward in an effort to insure that at least these minimal human services are provided."

Osterman: "I respect that conceptually and there's, I know, less than nine hours left today, great things can happen, but this could be the final budget. I wanna echo the remarks of the Minority Leader of the Human Services Appropriations Committee. We spent a lot of work on this budget, took a lot of testimony from a lot of individuals. I would hope that when we look at the Human Service budget that that budget, before it comes to the floor, goes back to the Human Services Committee so that we can vote on that as we have put the work in to craft that budget and we should have a say in how that comes before the full Body. So, I thank you."

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

Black: "At this point of the day, Mr. Speaker, I'm not sure. But I would, with your permission, speak to the Bill."

Speaker Turner: "To the Bill."

Black: "It is 3:36 p.m. and have we already gotten to the point where now we're going to argue whether women or men prepare a budget more effectively than what, my grandchildren? I don't care who prepares the budget. If a woman prepares it, fine; if a man prepares it, fine. If it's a reasonable

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budget, I suppose the majority of us will vote.
Representative Hannig, would you answer a question?"

Hannig: "Yes. Yes, Representative."

Black: "At 11:59 p.m. tonight, how many votes... up until 11:59
p.m. tonight, how many votes does it take to pass a budget
Bill?"

Hannig: "Representative, it takes 60 votes."

Black: "At 12:01 a.m. tomorrow morning, how many votes does it
take to pass a budget Bill?"

Hannig: "In the House, it takes 71."

Black: "Seventy-one votes. Have you been here in a meltdown
period, Representative?"

Hannig: "Yes, I have, unfortunately."

Black: "I... I have, as well. Ladies and Gentlemen, the majority
of you have not been here as we approach the beginning of
the fiscal year. I can tell you what you're in for. You
think it's tough to get 60 votes. If a committee, who
spent hundreds of hours on this budget process couldn't
come to an agreement to advance a Bill and that committee
knows this far better than I, you're expecting 71 of us to
agree in the next 48 hours? I don't think that's gonna
happen. It isn't gonna happen in the next nine hours, I
can assure you of that. And you... wait until you try to get
71 votes on a contentious budget and as you get closer and
closer to July 1, then you are faced with what the chairman
of the appropriations spokesperson for your side of the
aisle has been saying all day. I've been here. You will
begin to get hundreds of phone calls and e-mails from state

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employees wanting to know if they're going to get paid. You're going to get thousands of e-mails and calls and letters and visits from constituents wanting to know if the service, they have a right to expect from the state, will be there on July 1. Then you will get under... you will be under intense pressure to say, how can you accept your pay, Mr. and Ms. Legislator, when nobody else in the State Government employ will receive their pay? Remember, we're protected by the Constitution. We have to be paid. Our salary cannot be diminished during our term of office. That doesn't include anybody else who isn't an elected official. So, I can... I can tell you, having gone through it twice, you will be under intense pressure to turn your salary back into the State of Illinois and I did that once. Then next April I found out that I got to pay taxes on money that I didn't even receive and I never got a 'thank you' from anybody for turning my pay back that July of 1994. So, when all is said and done, while this is not a perfect budget and not a perfect proposal, if you honestly believe this is the final human services or... or budget, remember, human services is out of it now. So, if you go through this and believe that this is the final budget, vote 'no'. If you believe, as the chairman has indicated, that this budget will allow important services to continue operating in early July, then vote 'yes'. This is not the final budget. If anybody thinks it is, you just simply haven't been here through this process. I don't know if we're approaching meltdown, but I can tell you the dynamics

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change exponentially in about nine hours. For some of you it will be your first opportunity to see what happens when the Minority suddenly becomes empowered at the table. For some of you that should strike fear in your hearts. To me, I think it's reasonable. But I intend to vote 'aye' for this Bill, but I can assure you we're not gonna have a final budget by midnight. Then I can assure you that those of us on the Minority side of the aisle will be at the table and we will expect our voices to be heard far more than it is in the normal process when you're asking us to help you reach a 71-vote majority. So, I think you better put a skeleton budget together as best you can because I can tell you in the next two weeks, three weeks, four weeks, it gets very, very difficult to reach consensus. So, vote your conscience."

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

Molaro: "Thank you, Mr. Speaker. First of all, Representative Black, whether or not we should be frightened, I want you to know that 12:01 a.m.... I am scared out of my wits as to what this is gonna mean and how long we might be here, but I wanted to make a point. Before, earlier, I asked Representative Hannig and if he'll be nice enough to yield. I did the question of whether or not it's important that people know that they will be getting paid and whether or not we need that as a sort of get to our work. But this is for, actually Representative Hamos who's talking to Senator Barack Obama there. What our two respective Leaders just

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said makes a world of sense to me. The reason we have to do this today and I hope that a lot of the people who wanna vote with the Governor and the Governor himself was listening to this, this is nothing to do with being against the Governor, it's nothing to do with being against anything, it's not even a vote for anything. This is not gonna be the budget, we all know that. All we're doing, all we're doing today, as Representative Black said and Representative Hannig is trying to point out is that we want people paid July 1. Should we be doing this June 29, as Representative Hamos says, should we be able to get this done. Well, I thought we should be able to get this done by today and we're not doing it. We can't get 71 votes after three or four weeks of cantankerous debate that's about to come before us 'cause we certainly aren't gonna get done by 12... 11:59. This is where we can get 60 right now. Let's do this so people can get paid because come mid-June, we're either gonna have agreement or we're not and we'll never get a chance to do this bare-bones so people can get paid. This... When... when Representative Osterman asked Representative Hannig, is this the final budget? All he could say is, well, I don't think so. But I'm gonna tell ya right now, it's not. It better not be and the Governor better... better not sign this. This can't be. This is just to let the people of the State of Illinois know that you're gonna get paid on July 1 and we will get this done and it will be a learning experience for anybody who wasn't here past May 31. Thank you."

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

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

Speaker Turner: "Indicates he will."

Howard: "Thank you. Representative Hannig, I heard a couple of people refer to something that was a concern to me. And that is that this is possibly the budget that will take us through until the next time we... until the next year. Is that correct?"

Hannig: "No, Representative. I would characterize this as a... as an insurance policy to give us \$14 billion worth of appropriations should we come to the fiscal year on July 1 and not have an agreement on the budget. Representative Black, I think, laid out the difficulty that we face today in getting 60 votes only becomes more difficult tomorrow when we face a 71-vote threshold in this chamber. We hope that we can get an agreement on this budget even today, but as we go forward and the clock ticks, we think that we need to have at least something in place, some kind of safety net, to insure that in a worst case scenario that we'll have something there to take care of people on July 1. That's what this is about. Nothing more and nothing less, Representative."

Howard: "Okay. So, hope... help me to understand. So, after today, if, in fact, this happens... after today, what is the procedure for... for making sure that perhaps this is not going to be the final?"

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Hannig: "Well, Representative, after today we will still have opportunities to pass budgets for all of these agencies and send them on to the Governor, but the threshold will increase to 71 votes. Now, when we reach an agreement and some day we will, we'll reach an agreement on this budget amongst the four caucuses. I know that we can get 71 votes under that circumstance, but until we reach that agreement, we just simply will be deadlocked. And so this, again, this is a... an insurance policy to insure that on July 1, if we're still deadlocked, that at least we'll have some money for these agencies to keep their doors open and provide services to poor people."

Howard: "But..."

Hannig: "And that's all this is."

Howard: "But what I am understanding from you is that after today we will have a... probably have a difficult time getting 71 votes. So, it is conceivable that this will... that there is... that the max... the possibility that this will be the final budget is maximized."

Hannig: "No..."

Howard: "Is that correct?"

Hannig: "I don't think that this... no, this will not be the final budget. There will be an agreement on the budget at some point before we go home and it will include additional spending in a number of areas, once there's an agreement on that. But what this is, is an effort, a bipartisan effort, and our Republican colleagues, I... I wanna commend them and thank them for working with us on this 'cause they've been

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here... many of them have been here before and seen the problems. This is an effort to insure at least minimal funding in place on July 1, that's all. Hopefully, we can reach an agreement even today or tomorrow and then we can forget about this Bill, but if we don't reach an agreement today or tomorrow or through June and we get into the middle of July, then we will need this Bill in order to make sure that state employees are paid and that people who provide... who need services from the State of Illinois can be served."

Howard: "Unfortunately, you've not eased my... my mind at all because I have some concerns about the fact that some items that may not ever get into the budget are those that are dear to some of the constituencies that I advocate for on a pretty regular basis including the fact that the \$1 million for AIDS in the minority communities is not there."

Hannig: "Representative..."

Howard: "Including the fact that ADAP funds for medicines for AIDS victims is not there."

Hannig: "It's... it's..."

Howard: "No..."

Hannig: "Representative, it will be there at the '04 level. So..."

Howard: "Can you guarantee that..."

Hannig: "This budget provides that it will be there at the '04 level. That will become the base. Then the question is, how much higher do we go from there? That will be part of

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a final agreement. But if we do nothing, on July 1, the appropriation is zero."

Howard: "One million dollars that was asked for in addition this year for minority AIDS programs is not going to be there."

Hannig: "Two... but \$2 million..."

Howard: "But that was..."

Hannig: "...will be there and if we..."

Howard: "Representative Hannig, the fact of the matter is that AIDS in the African-American community is a crisis. It is at a crisis level. And I'm very disappointed that there's not more attention being given to that. I had a couple of pieces of legislation this time that I'd hoped would be able to... to address those issues and those... both of those pieces did not get the support from the various departments because they just don't understand and did not commit to it. I thought that at least we would have this additional million dollars and that it would be a certainty. I thought that at least the ADAP funds, \$3. million would be there. That apparently is not the case and it's not something that you can assure me of. I am certainly very, very disappointed. Thank you."

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

Stephens: "To move the previous question."

Speaker Turner: "The Gentleman asks leave to move the previous question. All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the Chair is the 'ayes'

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have it. And the previous question is put. The Gentleman... Representative Hannig to close."

Hannig: "Yes. Thank you... thank you, Mr. Speaker and Members of the House. As someone who has been here for a number of years, unfortunately, I've been here in the middle of July when the House and the Senate and the Governor have been deadlocked when the fiscal year has begun and the Comptroller has no authority to pay any bills for anyone. When state employees are marching around this capitol building saying, we want our paychecks. When social service providers are saying, when are we gonna get our money. Those are the kind of problems that we've faced in the past. I've been there; I've seen that. I don't wanna go back. This proposal suggests that we have an insurance policy in place that simply says that in the worst case scenario, that I just laid out, that at least we'll have some appropriations for the Comptroller to begin to pay out of in the beginning of the fiscal year, that he can make the payroll payments, that he can pay the providers and that poor people can... can receive the social services that they need and are entitled to. Now, we'll continue to negotiate on the increases, but I think it's important that we don't forget that we need to have the fundamental base year spending in place. If we... If this Bill fails, we're basically saying that on July 1 we don't care. All we... all we're saying is... what we're saying on July 1, if this Bill fails, is that the appropriate level on these programs should be zero. That when someone comes in your office and

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says, what happen to my program, we'll just say, well, it failed. The House voted on it and it failed and now there's no money to spend in that program at all. And that someday, perhaps, we'll reach an agreement and we'll fund it. So, I don't wanna go into that extreme situation. So, this is a... again, this is an insurance policy to provide us with some minimal protection in a worst case scenario as we continue to negotiate. I'd ask for your 'yes' vote. It's an important Bill. It's for people that need our help in the State of Illinois. These are poor people. They turn to the State of Illinois for assistance. Let's not let our squabbling cause problems for them. So, let's vote 'yes' and send this Bill on. I'd ask for your 'yes' vote."

Speaker Turner: "The question is, 'Shall the House pass Senate Bill 3350?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 64 voting 'aye', 51 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Resolution 872. It's a Death Resolution. Death Resolution."

Clerk Mahoney: "House Resolution 872.

WHEREAS, The members of the House of Representatives of the State of Illinois learned with great sadness of the death in Iraq of U.S. Marine Lance Corporal Torrey Stoffel-Gray of Patoka on Sunday, April 11, 2004; and

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WHEREAS, Lance Corporal Stoffel-Gray was born on December 17, 1984, in Indianapolis, Indiana, to Jerry and Mary Henson Stoffel; he lived his life in Patoka and Salem; he attended Patoka High School and after graduation, he attended the Lincoln Challenge Military Academy in Rantoul; and

WHEREAS, Lance Corporal Stoffel-Gray enlisted in the United States Marine Corps in 2002 and had his initial training at the Marine Corps Recruit Depot in San Diego, California; he was serving in Fallujah, Iraq, as a rifleman with the Second Platoon, Third Company, Fourth Marine Regiment, Lima Company; he was awarded a Combat Action Ribbon, Presidential Unit Citation, National Defense Service Medal, Sea Service Deployment Ribbon, and a Purple Heart; he was a member of the Veterans of Foreign Wars Post 2055 of Centralia, American Legion Post 463 of Centralia, and American Legion Post 543 in Patoka; and

WHEREAS, The passing of Lance Corporal Torrey Stoffel-Gray has been deeply felt by many, especially his parents, Jerry and Mary Stoffel; his brothers, Brandon Stoffel-Gray, Russell Stoffel, and Blake Stoffel; his fiancée, Kari Atchison; his grandparents, Martha Stoffel and Robert and Linda Gray; his great-grandmother, Marion Patterson; and his uncles and aunts, Jeff and Elizabeth Stoffel, Rebecca and Duane Veal, Shiela and Rick Plemons, Betty Haley, Sarah and Bruce Duncan, and Judy and Dwayne Greene; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of U.S. Marine Lance Corporal Torrey

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Stoffel-Gray, and we extend our deepest sympathy to his family, friends, and all who knew and loved him; and be it further

RESOLVED, That we honor the memory of Lance Corporal Torrey Stoffel-Gray and his willingness to serve our country, which led to him making the ultimate sacrifice; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Lance Corporal Torrey Stoffel-Gray as an expression of our sincerest condolences during their time of bereavement."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank... thank you, Mr. Speaker, Ladies and Gentlemen of the House. Unfortunately, the war in Iraq has touched my region as well as a number of yours. And sometimes I think we become insulated from the impact of a war such as this. I saw, firsthand, when I attended Torrey's wake and I saw the family and his 18-year-old fiancée and it really impacts you on things we assume today. Let me just read, in part, a letter from his commanding officer to his mother. 'Your son served proudly with a company of all of our battalion. On the evening of April 11, his platoon was conducting a combat control just north of the town of Fallujah, Iraq. Torrey and another Marine were providing protection for their fellow Marines from a tower above the platoon's position. An enemy machine gun fired on that tower wounding the Marine Torrey was with. Torrey

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immediately provided first aid and called on the radio for assistance. While the platoon destroyed the enemy position and Torrey was providing cover for his wounded comrade, he was mortally wounded himself. Torrey's bravery and unselfishness were truly heroic. It was my honor to serve with him and lead Marines of his caliber'. Ladies and Gentlemen, today, on Memorial Day, I think we... we honor Torrey for his heroic acts and we honor all those who gave their lives for freedom. There is really nothing much to be said except to quote Lincoln, 'We honor them and it is only fitting and proper that we do so.' So, please, join me in honoring Torrey with his mother Mary, father Jerry and his brother Blake in the gallery. And Mr. Speaker, with leave of the House, could we add all Members as a Sponsors of the Resolution?"

Speaker Turner: "The Gentleman from Fayette, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. It's been a few Sundays ago now that... that this young Marine's wake was held in his hometown and my wife and I left church in Greenville and then went to Patoka and... and when we went to the funeral home, we arrived too early. And I just want to tell the family, we left and... and I didn't go back and... I... I'm sorry. We honor your son's memory and I hope you'll accept my apology."

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

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Mitchell, J.: "Thank you, Mr. Speaker. Representative Bost and I both know the kind of training this young man got. The struggle to just simply get through the camp where you can be called a Marine. Ladies and Gentlemen, we spent a very contentious day today trying to come to some agreement on a budget in a difficult economic time, an economy that's just starting to recover and we really haven't felt it in Illinois. But even the struggle that we've gone through is given to us by young men like Lance Corporal Stoffel-Gray. These young men and women continue without question defend.. to defend this great state and this great nation. My heart goes out to the family and my thanks go to Lance Corporal Stoffel-Gray. Godspeed and Semper Fi."

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

Bost: "Thank you, Mr. Speaker. I normally, during our Death Resolutions like this, I've stayed quiet. As Representative Mitchell has said, as a Marine and as Marines there's a tight bond as service people and people who have served, as Ron Stephens brought up, but also to the family that's in the gallery. We can't imagine the sacrifice that you gave, but because today we're setting here and.. and at a day when it's supposed to be a day of memorial to our people who serve and we're here arguing and fighting over budgets, but we couldn't do that unless it was for that service. And we also couldn't do that if it wasn't for parents who raise their children up to love this

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country and love our freedom enough to serve it and we thank you. And with that I simply say, Semper Fi."

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

Black: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Simply to extend my deepest sympathy and condolences to the family. As a parent and a grandparent, the flag that adorned their son's casket and the thanks of a grateful nation somehow seems... it just doesn't seem enough for a family that has endured what they have, the loss they've endured. And on this Memorial Day, to my high school classmate and best friend, Lieutenant Junior Grade Thomas Edward Brown shot down and lost over North Vietnam on April 29, 1966, I finally stopped more and more asking myself, where do we get such people. How do we find them? Time and time again when we need them, they're there. To my father, a member of the greatest generation, who left when I was barely a year old and came back in 1945 a changed man. A quiet man who's never, hardly ever, talked about his service. Thank God for these people, thank God for the families that raised them, thank God for what they have given us. It's a different war, a different enemy than my father's generation. An enemy that would think a legitimate attack would be to fly an airplane into this capitol and take out all those who serve here. And while there are some people in Illinois that would probably say, amen to that. As Representative Bost said, we're here and free to argue about budgets, to pass laws, to do things

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that we hope make a difference and that we hope is right only because of the sacrifice of so many of our sons and daughters and parents and nieces and nephews who time and time again, when this country needs them, they answer the call. If we could bottle what motivates them, if we could bottle what makes them go in harms way, if we could bottle what makes them face something that so many of us would recoil in absolute horror and fear and could distribute it not only to all of our residents of this country, but around the world we would certainly be a better human race. They are very special people and they deserve our thanks and our memory not just one day a year, but every day of the year in which we are able to live as free people because of their service and because of their sacrifice. And in the days ahead, when emotions are high and the stress that we face will be great, although it's nothing like the straight... the stress that this young man probably faced in Iraq. May we look into our souls and ask ourselves, are we worthy, will we strive to be worthy, of their sacrifice. May God be with the family and may you cherish the memories that you have and all I can offer is a simple 'thank you' for his service."

Speaker Turner: "Representative Granberg moves for the adoption of House Resolution 872 and ask leave that all Members be added to the Resolution. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted.

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The Gentleman from Cook, Representative Morrow, for what reason do you rise?"

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. On Senate Bill 3350 I was inadvertently recorded as voting 'aye'. I would like to be recorded as voting 'no'."

Speaker Turner: "The record will so reflect your intent to vote 'no'. Mr. Clerk, on page 11 of the Calendar, Senate-Second Readings, we have Senate Bill 2241. Representative Bradley."

Clerk Mahoney: "Senate Bill 2241 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 lost. Floor Amendment #2, offered by Representative Hoffman, has been approved for consideration."

Speaker Turner: "Gentleman from Williamson, Representative Bradley on Amendment #2."

Bradley, J.: "I move to table Amendment #2."

Speaker Turner: "The Gentleman asks leave to table Amendment #2 to... The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, Mr. Speaker. The previous individual I don't... it's not his Amendment. So, I move to table Amendment #2... or withdraw Amendment #2."

Speaker Turner: "Gentleman asks leave to withdraw... or table Amendment #2 to... to withdraw Amendment #2 to Senate Bill 2241. All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the Chair is the 'ayes' have it. And the Amendment is withdrawn. Further Amendments?"

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Clerk Mahoney: "Floor Amendment #3, offered by Representative Steve Davis, has been approved for consideration."

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

Davis, S.: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Amendment #3 attempts to address the problems that we have with medical malpractice insurance rates in the State of Illinois. There's a provision in Amendment 3 that would limit non economic damages to \$500 thousand. There are also insurance reforms in House Amendment 3 that would eliminate impediments to the power of the director of insurance to review and reject proposed rate increases, require a rate review public hearing if a company's rate increase exceeds 10 percent, it makes insurance industry claims and actuarial data available to encourage new market entrants, it permits the director of insurance to compress rates on a relative basis among all classes of doctors. It also requires medical malpractice carriers to offer deductibles, thereby reducing their premiums. Now, I wanna thank Speaker Madigan for allowing this Amendment to the House Floor so we can have a debate on this issue, 'cause I am acutely aware of the fact that this is a very contentious issue that we are dealing with. I don't know how we reached the point to where we need to propose something so dramatic and controversial, but I do know that the time for rhetoric, finger pointing, misinformation and political posturing is over and we need to act now. I am asking you to vote for this proposal

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because I truly believe our communities are at risk of losing their health care providers. I understand those who say the injured will be the ones who suffer because of negligent doctors, but the fact is that out of the millions of patients being treated by doctors, nurses and hospitals, only a very few lawsuits are filed against a very few bad doctors. And the other fact is that very few trial lawyers are willing to even file a malpractice lawsuit. The question is, is it fair or is it right for tens of thousands of patients to lose their health care providers because of a handful of lawsuits, the majority of which are awarded amounts of less than \$500 thousand for non economic damages anyway. There are those who will say that this proposal is unconstitutional. I am not a lawyer nor am I a constitutional expert. I can only say that it is not unheard of for a Supreme Court to reverse a decision made by a previous court. In 2004, we have a new court. The provisions in this proposal are limited to medical malpractice only and we have a new circumstances and a new paradigm in the State of Illinois when it comes to health care. It is not our job to determine the constitutionality of this issue, that is the responsibility of the Supreme Court. Will this Amendment cure the crisis of doctors leaving our state or leaving my district or leaving Representative Holbrook's district or Representative Reitz's district or Representative Hoffman's district or Representative Jefferson's district or Representative Bost's district or Representative Phelps' district or

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Representative Bradley's district? I cannot say; however, if you would ask the doctors, the hospitals, the hospital administrators, the nurses, the insurance industry or your own constituents, they will tell you that this is one way to keep quality health care alive in this state and in your district. For those who say that this is a stunt, a sham or a scam, I can assure that it is not. I am very serious about passing this piece of legislation. I am not doing this necessarily for the doctors, the hospitals or the insurance industry, I'm doing this for the thousands of patients who have and will lose their health care providers. Mr. Speaker, I would move for the adoption of Floor Amendment 3 to Senate Bill 2241. And would be happy to answer any questions."

Speaker Turner: "Representative Hannig in the Chair."

Speaker Hannig: "Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and the Gentlemen. I rise in opposition to Floor Amendment #3. And in so doing, let me say that I, of course, have great respect for the Sponsor who's trying to address a very serious problem in his district. We have a very serious problem with doctors leaving Illinois. We have a very serious problem with the cost of malpractice insurance, no one denies that and we've been attempting to look for a solution. The solution that was proposed last week was not a great one, but I'm not so sure this one is either. For the entirety of my 17 years in the General Assembly, there have been people who have been trying to tell the General Assembly that we need caps

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on awards in all kinds of different cases, but particularly medical malpractice cases. And I doubt whether there's a single person on this floor that doesn't already know how they're going to vote, but I have a couple of things I wanna say for the record. First, I have asked the question not just this year and not just more than once this year but over a period of 17 years, what has happened to malpractice insurance premiums in states that had no caps that then added caps? And at no time have I gotten an answer to that question. I've asked the question and I asked it last week in committee. I said to the lobbyist for the doctors, you've been working on this issue as long as I have been here. It's a simple question, if caps are going to work where's your proof? Where's your model? Where's the evidence that you wanna give to the General Assembly and the people of the State of Illinois that says if you do this malpractice premiums will fall sufficiently so that doctors who have headed for the hills and went to other states will return to the State of Illinois and that doctors who are here with concerns about medical malpractice premiums will say, okay, I can stay now. Well, there is no evidence of that. And despite the fact that we've received all kinds of e-mails from all kinds of medical providers, it seems to me that without the proof we're just guessing as to the value of caps as it relates to trying to keep doctors here in the State of Illinois. And I've said, well, have you talked to the doctors? Some of the doctors have reported to us, some of the doctors

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have reported to the Medical Society. The doctors are saying, well, if you don't do this we're gonna leave. Well, have you talked to the doctors and which doctors have you talked to about whether they will change their mind? And then I asked, well, if we have a crisis on our hands as you say we do and as if we all agree we do, then if there's an impact on premiums from caps when will we see the effect of that benefit? And the answer is, well, it won't be for a long time, Representative. It'll take a long time for the current cases to sift through, it'll take a long time to have a new experience factor to convince new malpractice carriers to come into the state and to convince the existing malpractice carriers to lower their premiums, if they're going to do that at all. And so, if the goal here is to deal with a crisis in medical malpractice, then I say to you this can't possibly be the solution because the proponents and the Sponsor will tell you right out loud, you may ask them, this won't deal with the current crisis. This won't bring doctors back to Illinois in the next few months, this won't bring medical providers to insurance companies that wanna write malpractice insurance into the State of Illinois. And so, on the basis of (a) no evidence that caps will lower premiums and (b) that this doesn't respond to the current crisis we have on our hands, this really doesn't address the problem. Now, I'm a reasonable person as most people on the floor are, if there were evidence that this would lower premiums at some point in the future and if there were evidence that there were two

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or three or four or a dozen malpractice carriers who say, we'll come to Illinois and write malpractice insurance just pass those darn caps. If there was any evidence it would be one thing, but there's no evidence whatsoever that the proposal by the Sponsor will work as he intends. Now, I support Representative Davis in his effort to accomplish something for medical malpractice issues to bring the doctors back to the Metro East because it's a huge problem. He and I have discussed this, we're friends and I support an effort to accomplish the goals, but just because doctors and hospitals and others for the last 20 years or more in this state have been hollering about caps doesn't mean caps will resolve the problem. So, before we vote... before we vote, if there's anybody left on this floor who really hasn't made up his or her mind, think about this, think about the fact that we're really doing something here without any evidence whatsoever and without any regard to the fact that this will not deal with today's crisis. I... Mr. Speaker, I would ask for a verification of the roll and a Roll Call vote on this, as well."

Speaker Hannig: "Okay."

Lang: "Thank you very much."

Speaker Hannig: "And you will be... you will be granted, Representative. Representative Miller."

Miller: "Thank you, Mr. Speaker. Will the... Yeah, first I'd like to announce a potential conflict of interest. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

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Miller: "Representative Davis, there was a Bill last week that got defeated and during your remarks I couldn't... I wasn't able to hear. What is the difference between this Bill and the Bill that... that was defeated last week? Is it just the caps or there's something else?"

Davis, S.: "Can you give me one second, Representative?"

Miller: "Sure."

Davis, S.: "Representative, the... House Amendment 1 to this Bill last week had provisions in there for the regulation of doctors and that provision is not in this Amendment and there were law-related reforms in House Amendment 1 that are also not in this... not in this Amendment. All of the insurance reforms except for the authorization for counties to create their own medical malpractice insurance companies are in this... this Amendment. And... and limits on non economic damages, naturally, is also in this."

Miller: "Okay. So, there are some changes... there are some changes in regards to each of the entities. Anything... anything in regards to the... with the trial law... trial... with the lawyers as far as any additional concessions or anything like that that you know of in this?"

Davis, S.: "As far as changing... as far as changing or strengthening requirements for certificates of merit or those types of provisions, no. This is strictly... Listen, Representative, here's what's happened. I have heard for the last six months from the hospitals and from the doctors and from patients who have lost their doctors and from patients who are afraid of losing their doctors that the

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answer to the malpractice insurance crisis in the State of Illinois is to put limits on non economic damages. I have heard it over and over again. The trial bar have been adamantly opposed to any form of limits on non economic damages. I am told that by putting a limit of \$500 thousand on non economic damages that that will go a long way to solve the medical malinsurance crisis in the State of Illinois."

Miller: "So, as far as... I just have just questions on this. As far as you're concerned that will attract doctors back into your community? There was a question that you asked in caucus I thought was very profound a couple weeks ago, whatever, last time we had caucus was, at that time we were dealing with that... the Bill that failed and you said, what's gonna bring... ya know, nothing in here is gonna bring back doctors to my community, paraphrasing. Do you feel this is gonna solve that problem? Or it's gonna..."

Davis, S.: "Yes, Representative, I feel that this is going to stop the bleeding in my community, in my county and in St. Clair County. I think it's a positive step forward to stop the bleeding, to stop the doctors from leaving. They are all apprehensive about their practices. Our hospital administrators are apprehensive about having to shut down their hospitals. The patients are apprehensive about losing their health care providers. They are all telling me that they want limits on non economic damages. They feel that this is a solution to their problem."

Miller: "And that's just..."

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Davis, S.: "Now, there's another way to solve the problem. We could throw money at the problem, but I don't think anybody is inclined to do that. We could spend \$50 million of taxpayers' money to subsidize premiums for doctors' insurance, but I personally think that is bad policy. I don't think that we should be paying taxpayers' money or health insurance providers' money to subsidize doctors' and hospitals' insurance, but that is another choice. But I believe we rejected that choice last week."

Miller: "And I agree with you, Steve. One last question for you. There was discussion by the previous speaker in regards of caps being unconstitutional. Now, you had some remarks in your initial comments. I just wanted.. if you could just clarify that point a little bit, how that relates in this whole process."

Davis, S.: "Well, then... Representative, let me say this, no matter what we pass out of this General Assembly it can be challenged in the Illinois Supreme Court as being constitutional or not. Here's what I am saying, this is a different piece of legislation that we are passing because we are limiting the non economic damage limits to only malpractice, whereas the Bill... or the law that we passed in '95 that was stricken down by the Illinois Supreme Court included caps on all liabilities in the State of Illinois. Number one, we are only limiting it to medical malpractice. Number two, it's a new day in the State of Illinois. Number three, it's a new court in the State of Illinois and we have a new paradigm because of the necessity to do

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something about the health care crisis in this state. The only way we're gonna know that the constitutionality of this Bill, if we pass this Bill, is for the Supreme Court and the State of Illinois to rule on that."

Miller: "Thank you, Mr. Speaker, to the Amendment. I do support this legislation. Health care should be a right, not a privilege. I think it is a step in the right direction. And would urge 'aye' votes."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. We have filed a Motion pursuant to House Rule 18(g) and House Rule 58, I move that Floor Amendment #4 to Senate Bill 2241 be discharged from the House Rules Committee and be placed on the Order of Second Reading."

Speaker Hannig: "Representative Black, I think we need to finish Amendment #3 and then we can go to your Motion."

Black: "No, Sir. No, Sir."

Speaker Hannig: "No."

Black: "I know what you're gonna do with this. You're gonna... you've... the only reason you've asked for a record vote on Amendment #3 is you're gonna get your Roll Call to protect some of your hind ends and then you're gonna take the Bill out of the record. We demand an opportunity to have our Amendment heard."

Speaker Hannig: "Representative, after we finish Amendment #3..."

Black: "No. You will not... you will not box me in on that."

Speaker Hannig: "I will..."

Black: "Now, I've cooperated with you the last two hours."

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Speaker Hannig: "Repre..."

Black: "I expect at least a similar respect, Sir."

Speaker Hannig: "Representative Black, the Chair will recognize you, I give you my word..."

Black: "Yes, after you've had your Roll Call to protect some people's rear ends who are hanging out a little too far and then you'll take this Bill out of the record. I've been here long enough to know what you're gonna do. You don't want caps. You're not gonna fool me with this sham and charade. We'd like a record right now on how you feel about real tort reform."

Speaker Hannig: "Represen... Representative, I'm not trying to be unreasonable, but after we finish Amendment #3 you will be recognized for your Motion on Amendment #4."

Black: "Well, why don't... you already recognized me. Rule on the Motion."

Speaker Hannig: "Representative, it's out of order at this time. We're on Amendment #3 and after this is finished we will go to you."

Black: "Tell me, pursuant to Rule 18(g) and the appropriate House Rule, how am I out of order?"

Speaker Hannig: "Representative Black, the ruling of the Chair is that we're debating Floor Amendment #3. I have a long number of people who wish speak."

Black: "Oh, I can imagine you do."

Speaker Hannig: "And when we're finished with Amendment #3, we will go to Amendment #4, I will recognize you for your Motion at that time."

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Black: "You will have that opportunity. But in the meantime since you have denied our request for equal debate on an issue of importance to every part of this state, pursuant to Rule House 57, I move that the ruling of the Chair be overturned."

Speaker Hannig: "Okay. So, the Gentleman from Vermilion, Representative Black, has made a Motion to Overrule the Chair. And so the question is... Mr. Clerk. The question is, 'Shall the...'"

Clerk Mahoney: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hannig: "Mr. Clerk, would you read the Rules Committee Report."

Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or joint action Motions was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' Amendment #2 to Senate Bill 14... Amendment #4 to Senate Bill 2241."

Speaker Hannig: "Okay. Could we return to the debate on the Floor Amendment #3. Representative Black is recognized."

Black: "Thank you very much... thank you very much, Mr. Speaker. It must be a very cold day down below, but I do thank you. Do not count this against me on speaking to the Amendment, but I do have an inquiry of the Chair."

Speaker Hannig: "Yes. State your inquiry."

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Black: "We would like to be... have some reasonable assurance that, in fact, you will call Floor Amendment #4 for discussion and debate. I don't think that's too much to ask."

Speaker Hannig: "Representative, the... the custom in the House... the Rule of the House has always been that the... that the Sponsor of the Bill has complete control to move the Bill, so I think you need to direct your question to Representative... to the Representative from Madison..."

Black: "I... I see on the board that Speaker Madigan is the Sponsor of the Bill. Perhaps you could reach Speaker Madigan and see if we could get immediate consideration of Floor Amendment #4 following the spirited debate on this Amendment that, I think, will solve the crisis. But just in case it doesn't, we'd like immediate consideration of Floor Amendment #4, if the Sponsor of the Bill, Mr. Madigan... Representative Madigan would be so kind as to give us that assurance."

Speaker Hannig: "Representative Black, Representative Winters is the Sponsor of the Amendment. So, after we finish the long debate on this Amendment, we will then proceed to his."

Black: "Well, I understand that, but... but your earlier comment was, I think, on target. The Sponsor of the Bill usually determines what will be called as to Amendments on the Sponsor's Bill."

Speaker Hannig: "I'm advised we'll call your Amendment, Representative Black. In the shortest..."

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Black: "Mr. Speaker, we can ask for no more than that. Once again, I never thought I'd live long enough to see this, but my compliments and kudos to all of you. Maybe we should be in Session every Memorial Day. Let's get on with the business of this wonderful House and I think, if... if I hear... you know, and I may reserve comment later, but I wait with bated breath and vivid ear to hear how Amendment #3 probably, probably is going to solve the crisis so Amendment 4 may be just window-dressing, but we'll... we'll talk about that when we get there."

Speaker Hannig: "Representative Franks."

Franks: "Thank you, Mr. Speaker. I'd like to talk about the Amendment."

Speaker Hannig: "Proceed."

Franks: "We had this Bill up, previously and I voted for it. I didn't think it did everything, but I thought it was a good start. We've sponsored other Bills that I think would help with this... this situation, but this Amendment #3, on its face, is fatally flawed. The Illinois State Medical Society put a letter out to each of us explaining why... why this would not pass constitutional muster, Rep... on Amendment #3. Representative Lang argued eloquently about the malpractice premiums won't go down with the caps. He... and he... stated that the Illinois State Medical Society argued that it wouldn't go down, as well. But this one here, on this Amendment #3, there was absolutely no wiggle room, folks. In 1997, our Supreme Court in the Best v. Taylor case said that medical malpractice caps are

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unconstitutional and they're inherently unfair because it makes the innocent victims pay and we shouldn't punish the most severely injured people for the alleged crisis. There was a 1975 Illinois Supreme Court case, as well, which was unequivocal. It said medical malpractice caps are unconstitutional because they are special legislation. We have... we, as Legislators, all took an oath to uphold the Constitution of this state. To vote 'yes' on this Amendment would be breaking our oath. Now, the business practices of the insurers, not jury awards, are really the reasons for driving up the premiums. Medical malpractice insurance premiums are rising faster than payouts, which are actually dropping. A real problem that the insurance companies have is that we require them, under State Law, to invest only in bonds and when interest rates are low, their returns are low. We should change the law to allow them to invest in other ways instead of them having to bring up the premiums so much. Should this Amendment pass, the victims of this legislation, I want you to know, Ladies and Gentlemen, are gonna be your unemployed spouses, all the unemployed spouses in the State of Illinois, our elderly and our children. This rewards insurance companies and victimizes, again, those who have been... those who have been victims. If this Bill were to pass, let me tell you how it would affect my family. My wife, Debbie, is a stay-at-home mom. We have kids in second and third grade and she goes and volunteers her time one day a week in each classroom, for each of the boys, but she doesn't have outside income.

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Think about your unemployed parents or your grandparents who don't have outside income. Think about the value of your child, your second or your third grader because if this Bill is allowed to pass, there'll be no justice. There'll be no justice for them. And the Supreme Court has already said this is unconstitutional because it victimizes those people again. Let's not let that happen in this state. We all took an oath, we need to live by it. We've seen the evidence. Even the Illinois State Medical Society says this is unconstitutional. We need to stand for something here, folks. Let's stand with the Constitution and vote 'no' on this misplaced Amendment."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, am from Madison County. I, too, see the exodus of doctors. I, too, believe and I agree with the Sponsor of the Amendment that there is a crisis that has to be addressed. I, too, believe that we need to do something this legislation... this legislative term in order to address that exodus and what is the problem? The problem is, we have a medical malpractice premium crisis where premiums are going through the roofs. Doctors can't afford it, doctors are leaving Illinois, doctors are leaving Madison and St. Clair County. Now, last week, we had a Bill on the floor of this House that nearly everybody, there were some that support it, but a vast majority of us voted against. And I wanna tell you why I voted against that Bill last week and why I have a problem here today. The Bill I voted

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against last week I voted on because it wasn't gonna make a difference and everybody who voted 'no' believed it wasn't gonna make a difference and one... for one thing and one thing only and that is the reduction of premiums for medical malpractice premiums. It wouldn't have made a difference and we resoundingly defeated it. And now we're here today and we're gonna talk about a clearly unconstitutional Amendment, an Amendment by the very terms of the Medical Society and their own lobbyists indicated it's going to be held unconstitutional. Similar Amendments have been held con... unconstitutional twice, twice before. We need to provide real relief to doctors in our area. We shouldn't give patients false hope. We shouldn't leave here and say, 'okay, we passed somethin'. Now your premiums are gonna go down, now you can remain in Madison and St. Clair County.' When I talk... when I talk to people who represent insurance companies, when I talk to people from the Medical Society, I ask them, if we give you this Bill, this Amendment, will in July the premiums for doctors in my area go down? They say, we can't guarantee that. As a matter of fact, because it's potentially unconstitutional, it's unlikely they'll go down, they'll probably go back up. So, how is that gonna stem the exodus of doctors in our area? Now, I respect the Sponsor and I know he's tryin' to address the problem, but what we need to do is pass constitutional language that's going to address the problem so that in July I can look a patient in the face, I can look a doctor in the face in Madison County

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and I can say, we didn't just do something that made us feel good, we did something to reduce premiums so you can stay and practice medicine in this state. So, unfortunately, I urge a 'no' vote."

Speaker Hannig: "Representative Winters. Why don't we get back to the... Representative Winters and we'll go on to Representative Bost. Okay. Representative Rose."

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

Speaker Hannig: "Indicates he'll yield."

Rose: "Representative, do you have a copy of the Amendment in front of you? Representative, do you have a copy of the Amendment in front of you?"

Speaker Hannig: "Representative Davis. Representative Davis, the Gentleman, Representative Rose, is acting... is asking your question."

Rose: "Hello."

Davis, S.: "Try it again, Representative."

Rose: "Thank you. Do you have a copy of the Amendment in front of you, Representative? Do you have a copy of the Amendment?"

Davis, S.: "Do I have a copy of the Amendment? Yes."

Rose: "Or did you have your computer up there?"

Davis, S.: "Yes. Yes."

Rose: "Line... or page 13. Could you please read lines 3 and 4?"

Davis, S.: "'This Section was added by Public Act 89-7 which has been held unconstitutional.'"

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

Davis, S.: "However..."

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Rose: "To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Rose: "Thank you. Ladies and Gentlemen, this is an exercise in half a loaf being better than no loaf at all. Amendment #3 does have a severability clause in it. Should the courts decide to take the course they've taken in the past and declare the caps unconstitutional, the insurance reform problem, a portion of this should still stand. I think it's important and I think it's a wonderful gesture that we're gonna have the opportunity at least, I hope, here in the near future to vote on something substantive that will, in fact, address the crisis. Last week, we had a Bill in here that purported to address this crisis, but that Bill in the affidavit of merits portion actually lessened the requirements for filing a lawsuit; went from expert witnesses qualified by experience to familiar by experience. We looked at hospitals being sued under new theories of implied agency that expanded lawsuits under last week's Bill. In short, last week's Bill didn't do anything to solve it. This particular Amendment, I don't believe the cap argument would withstand constitutional challenge, but none the less, as I said earlier, half a loaf may be better than no loaf at all and at least, under the severability clause, we could hopefully enact insurance reform. So, I intend to vote 'aye', but I'm looking very forward to our discussion of Floor Amendment #4 'cause I think that's our real opportunity, our real chance to do

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something for the people of the state in terms of reforming our medical system. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Flowers."

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

Speaker Hannig: "To the Bill."

Flowers: "Representative, can you tell me what other state, where there have been caps, where the premiums have gone down?"

Speaker Hannig: "Representative Davis, there's... there's a question. Representative Davis, Representative Flowers has a question."

Davis, S.: "Representative, I'm gonna table..."

Speaker Hannig: "Okay. So, the Gentleman wishes..."

Davis, S.: "...Floor Amendment 3, so..."

Speaker Hannig: "...he wishes to withdraw Amendment #3."

Davis, S.: "Yes."

Speaker Hannig: "Okay. Mr. Clerk, are there any further Amendments?"

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

Speaker Hannig: "Representative Winters on Floor Amendment #4."

Winters: "Thank you, Mr. Speaker. House Amendment #4 is relatively the same as House Amendment #3 with just a couple of very crucial and critical differences. First, we do not try to amend a portion of the existing statutes that were declared unconstitutional by the Supreme Court. We, in fact, create a new Section in the statutes. There have been constitutional questions raised by speakers on this

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Bill about how the Illinois Supreme Court twice has found caps unconstitutional. However, they had specific problems with the 1975 language which dealt with caps on all damages that could be recovered in medical cases. We do not cap real economic damages. All we're doing is capping the non economic. So, again, health care costs, nursing costs for the rest of a person's life and any economic damages lost as a result of salary loss will be covered without limit. That was the first constitutional challenge to this Bill. The next one was in the 1995 Bill where we capped all civil damages. The argument made to the Supreme Court was that that was special legislation and there was no demonstrated need for all civil cases to have caps. So, this legislation, House Amendment 4, simply caps non economic damages in medical liability cases. There is a need for this as demonstrated by the... the number of doctors fleeing the state. The Supreme Court is allowed to take that into consideration as a demonstrated need of this General Assembly and we have language in House Amendment 4 that state... puts forward the reasons why this is a... a crisis in our state. Another argument in the 1995 constitutional case was that we dealt differently with people who had jobs and those who did not. If they could not demonstrate a salary, such as a teenager or a housewife, there was no way for them to recover any kind of economic damages. What we have done in this legislation is to put in the average weekly wage as determined by the Illinois Industrial Commission as a minimum. So, either you have a higher

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salary than at, if you get a lower salary than that, you come up to the average weekly wage by the Industrial Commission. So, again, we think that we've answered all three of the major constitutional questions about caps. Previous speakers also wanted to know what the evidence was that caps would work. Well, we can look around the borders of Illinois and look at every state around us. Wisconsin, where I... I live three miles from Wisconsin, the liability insurance premiums for an OB/GYNE are approximately one-third what they are in Illinois, if you cross the Wisconsin border. In Indiana, you have much, much lower liability costs. You do not have a shortage of doctors in Indiana nor in Iowa or in Kentucky. The beauty of state democracies is that we are allowed to run small models for governmental decisions. As a result, we have 50 states out there that have tried this. When they have a problem, they can design a specific answer for their own state and 26 states have set caps and they are, in general, not seeing the problem with doctors fleeing their state, retiring or simply not coming to their state because those caps are the ultimate protection. They won't be an immediate fix and one of the speakers said that caps will not keep doctors in Illinois in the next three months. Well, I would beg to differ. I have been told that in Texas, upon the passage of caps, that an insurance company within three days filed for a 12 percent rate decrease, a decrease in their liability immediately upon passage in Texas and that they have seen, in the intervening year, they have seen all of

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the insurance companies... I shouldn't say all, most insurance companies in Illinois have started to lower their liability insurance premiums. The... the other provisions in here include some insurance reforms that we think are very... very appropriate, that I think we have agreement to those, in fact, House Amendment 4 and House Amendment 3 were identical and Representative Davis has done a great job of... of providing ya... 90 percent of what's in House Amendment 4 was in House Amendment 3, we have simply fixed a few of the small flaws in there. There is a severability clause in ours that the entire thing stands together. It's actually a nonseverability clause that you cannot pick and choose. If the Supreme Court holds caps unconstitutional, the rest of this legislation will fall with that constitutional... that unconstitutional ruling by the Supreme Court. So, this Bill stands together; all of it hangs together and not hang separately. With that, I would be happy to answer any questions."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to preface my remarks by saying that I have the utmost respect for the medical profession because it wasn't very long... not many years ago I had to call upon some doctors and I thank God that they were there. When I think about this issue of caps, it concerns me because it appears to me that we're talkin' about everything and everybody but the victims. I have a stack of letters here from victims. You cannot see their faces. I'll be more

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than happy to share their stories. But if they had their choice, they would have rather to have had their loved ones or there not have been a medical error, they did not want to sue, but it was their right to sue because a doctor made a mistake or either because they contacted an infection in a hospital. You've read and heard about the numerous story where there are 98 thousand people that have died in the hospital from medical errors, medical mistakes. The difference, Ladies and Gentlemen, between a doctor and a trial lawyer, a doctor can bury their mistakes, trial lawyers cannot. If doctors does... if doctors do not make mistakes, trial lawyers need not apply, but the fact of the matter is, doctors are human and they are going to make mistakes. As a result of that, this legislation is discriminatory because this legislation says depending on how much you make is how much you could sue for. So, which one of us wanna go home and tell our loved ones that your medical error or that doctor's medical error, your life, your limb is only worth a certain amount of dollars? Mr. Speaker, will the Gentleman yield?"

Speaker Hannig: "Yes. He indicates he'll yield."

Flowers: "Representative, is there a certain amount for parts of your body, let's say, your right leg? Is there a certain amount for the limbs?"

Winters: "No."

Flowers: "So, if... if I... if I went to the doctor and my... I had a problem with my right leg. If my right leg was my bad leg and that should have been amputated and the doctor

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amputated my left leg, now my left leg was my good leg, my right leg was my bad leg, but the doctor amputated my good leg. Now..."

Winters: "You better be careful talking to people about amputation that have already lost parts of their bodies."

Flowers: "Why, I understand that, but and so, therefore, you should be able to understand..."

Winters: "I'm a little sensitive to this."

Flowers: "You should understand exactly what I'm tryin' to say. Now, my right leg was my bad leg."

Winters: "Correct."

Flowers: "That is what I needed amputated, but instead, the doctor amputated my good leg. Now, I'm gonna be without neither one of my legs. So, you're saying that because of that medical mistake that I should only get what, for my pain and suffering?"

Winters: "You will receive any economic loss. In other words, if you depended on your legs, if you're a runner or you needed access... if you worked in an occupation where you had to have mobility and you were not able to earn a living because of that lack of a good leg, you could recover unlimited salary for the rest of your life, you could cover unlimited nursing care, pain medication, anything that's needed to try to make you whole, without limit. You could however, be capped on anything above those unlimited pods. You would be limited on pure pain and suffering, the non economic loss, to \$500 thousand per medical provider or 750

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thousand for a hospital. So, again, you are made whole as far as the lost to your life of your earning ability."

Flowers: "But my... my point, Sir, if you make more than I do, so, therefore, you're telling me that your limbs are worth more than my limbs and I needed my limb to go to my job the same way you needed yours, but because you made more you're gonna get more, as a result of your loss."

Winters: "But we do... we do have a minimum..."

Flowers: "No..."

Winters: "...and the minimum is the average of the entire Illinois economy. And what we're looking at in this Bill goes really to the Illinois economy. Where... what the difference is you're saying that these patients that are damaged are going to have a small restriction on how much they can recover. What I'm saying is that without this legislation they won't be able to find a doctor and that is the key to the crisis that we have in Illinois today. There are already waiting lists months long for women who are having babies. On a first pregnancy or any kind of complication from an older woman over 40, if they can't get into that doctor virtually... virtually upon finding out that they're pregnant, there could be very serious health consequences to that child and to the mother that cannot be made up later. Again, someone in a car accident, south of Springfield, without access to neurosurgeons, they are virtually dead. Same thing with emergency room doctors. There are... there are hospitals in Cook County that cannot

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find neurosurgeons that can come in and staff their emergency rooms because of the lack of caps."

Flowers: "Representative, I... I understand that. I... I... I understand exactly what you're saying and I do know that Missouri is right next door to us and they too have doctors leaving and I know also that Missouri have had caps for years. I know California has had caps for years."

Winters: "However, Missouri..."

Flowers: "...and they too are leaving, but my point to you is caps..."

Winters: "...Missouri is restricting Illinois residents from coming into Missouri..."

Flowers: "That's not the point. I'm talkin' about caps..."

Winters: "...because of the fear of lawsuit in the Illinois courts."

Flowers: "I am talkin' about caps in Missouri. So, you're gonna tell me that caps are gonna work here, but they're not gonna work in Missouri. Let me just ask you this..."

Winters: "I... I can't address the specifics of Missouri... of Missouri caps..."

Flowers: "You mentioned Wisconsin..."

Winters: "...I don't know the specifics of 'em."

Flowers: "Okay. But you mentioned Wisconsin. Let me ask you this. Does Wisconsin have their... does the Wisconsin doctors have their own insurance companies there or... or are they more competitive?"

Winters: "They're probably more compet... I don't know the... Well, let me answer though."

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Flowers: "Okay. Well, that's the... wait a minute."

Winters: "I don't know how many insurance companies are in Wisconsin. All I know is that their rates are approximately one-third of what they are in Illinois."

Flowers: "They are more competitive?"

Winters: "I also know from personal experience, when I went to find a surgeon, an orthopedic surgeon in Rockford, what used to be the second largest city, I could not find one willing to take the state insurance. I had to go to Wisconsin. I was referred to Wisconsin for a simple cortisone shot in my wrist because the Illinois doctors are so overburdened from how few of them are left."

Flowers: "My question..."

Winters: "We have 14 surgeons in Rockford ready to leave within the next three months..."

Flowers: "My question, Sir..."

Winters: "...unless caps... unless they have some hope that caps are gonna be in the future for Illinois medicine."

Flowers: "Is there more competition for insurance in the State of Wisconsin than there is in the State of Illinois with that? And then, if you don't know the answer..."

Winters: "Absolutely, there is."

Flowers: "Okay. So, that... is... is that... is that..."

Winters: "Because... because they can come in..."

Flowers: "...being addressed in your Bill?"

Winters: "We are addressing the insurance, yes."

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Flowers: "Okay. All right... no, are you... are you addressing that more counties can provide insurance depending on what their status is? Can everybody... any..."

Winters: "I... I believe the provision there was one on... on counties buying insurance in House Amendment 2, I believe."

Flowers: "Let me ask you a couple more questions before my time is up, Representative. Do you have in this legislation in regards to 'sorry works'?"

Winters: "I'm sorry."

Flowers: "Do you have in this... in your Amendment anything about sayin' I'm sorry for a doctor who made a mistake, for instance, like in Kentucky. They have..."

Winters: "No, we don't... that's not in House Amendment 4."

Flowers: "So, again, see I..."

Winters: "It's a great idea. We would like to add it..."

Flowers: "Okay."

Winters: "...when it goes over to the Senate for concurrence."

Flowers: "And so there's nothing in this legislation for a doctor to say, I'm sorry, if he made a medical mistake. And so, if a loved one... if a doctor made a medical mistake, that loved one would have to sue. See, that loved one would have to sue in order to find out how their loved one died. So..."

Winters: "We... we agree that this and I will be the first to admit that my legislation is not perfect."

Flowers: "Okay."

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Winters: "And that's why we have two chambers in our Legislature like this so that we can add. We have been on record as supporting 'sorry works'."

Flowers: "Okay."

Winters: "We've been on record of a pilot project in southern Illinois in the court system..."

Flowers: "Let me ask you this."

Winters: "...that would... it would deal only with medical liability issues. There are a lot of other good ideas. We think the critical point here is to get caps on the table for discussion and then, in conjunction with the Senate, we should arrive at a Bill that brings in other good ideas like 'sorry works'."

Flowers: "What about... what about eliminating bad docs? Do we have it so that the DPR could eliminate the licensing of bad docs? Do we have the patient's right to know, so we don't have to go to the docs who may have had criminal backgrounds in their records or docs that come into this state from other states that may have lost their license? Is there any way, in your legislation, that patients will be able to go on the web... on the website to find out about their doctors? Is there any strength in the Department of Insurance to regulate the insurance industry?"

Winters: "Yes. We... we do have an insurance clearing-house. It's web-based. It's part of this legislation. And it's taken straight from Amendment 3 to..."

Flowers: "No, I'm talkin' about DPR now. I'm talkin' about the Department of Professional Regulations in regards to... Will

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they have the... more authority to not license bad docs, #1. No. 2, to put the doctor's information on the website in regards..."

Winters: "No. We have not dealt with the medical discipline portions of DPR."

Flowers: "So, what's in your legislation for the victims? What's in your legislation..."

Winters: "It is absolutely for the victims because..."

Flowers: "No. This is for is for the insurance company and the docs."

Winters: "Not at all."

Flowers: "Tell me..."

Winters: "What it's for is for the patients who can't get access to doctors. That is what this is for is to make sure that the Rockford Col... or the... excuse me, the University of Illinois College of Medicine in all of its campuses in Illinois, it's the largest medical college in the world and yet they cannot recruit their graduates to stay in Illinois. It's access to care that we're dealing with and we feel that the critical portion of that access, you have other good ideas, but the critical portion is caps on non economic damages."

Flowers: "Thank you... Mr. Speaker, Ladies and Gentlemen to the House. I would urge a 'no' vote on Amendment #4 to Senate Bill 2241. Again, I don't think it's fair that the people of the State of Illinois have to pay for bad business practices for doctors who made medical errors. I don't think we should have to pay for insurance companies who

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have not proven that they need a rate increase but... by virtue of the fact that they have no checks and balances, they can force a rate increase and for docs who may own the insurance company that's causin' their rates to go up, who would tell you whatever you do, do not lower the rates. There's a conflict here. And I would urge a 'no' vote on Amendment #4."

Speaker Hannig: "Representative Black."

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

Hannig: "He indicates he'll yield."

Black: "Yes. Representative, I think you've made this abundantly clear but let's just go over it one more time. In this Amendment you have tried to address the concerns as best we can interpret those concerns in the Supreme Court ruling of 1997, fair assumption?"

Winters: "Yes, absolutely. Plus the one in 1975."

Black: "So, the person that... the homemaker..."

Winters: "Um hmm."

Black: "...the teenager you mentioned that their... their wage was going to be considered under the table adopted and... and generally used in the state as promulgated by the Illinois Industrial Commission the average weekly wage?"

Winters: "Correct."

Black: "Is that wage based on minimum wage? Or what is the current average weekly wage as far as you know?"

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Winters: "That's based on the average that the Department of Employment Statistics gets back. It probably is well above the minimum wage."

Black: "Considerably?"

Winters: "I don't know the exact figure."

Black: "Yes. Considerably above the minimum wage I might add. So, as best we can we've answered the concerns expressed by the Supreme Court when they struck down the law we passed in 1995. We've addressed the fact that we didn't have a wage consideration in the Bill. You've addressed the fact that there are restrictions and new procedures on insurance rates, correct?"

Winters: "Yes, there are specific legislative findings of the legitimate need for this legislation."

Black: "All right. And as far as you know... well, let me just ask you. You have no objection to a trailer Bill or someone wanting to post the experience of physicians if somebody wants to do that. Where we could get on a website if I'm going to have cardiology... if I'm going to have an open heart surgery I could get on the webpage and find out that my podiatrist probably isn't a good candidate to do that surgery."

Winters: "I... I would join in that recommendation..."

Black: "I... I would, too."

Winters: "...though it's probably not the best one."

Black: "I would, too. Thank you very much, Representative. Mr. Speaker, to House Amendment #4."

Speaker Hannig: "To the Amendment."

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Black: "Ladies and Gentlemen of the House, as Representative Winters showed a while ago while someone was asking questions about body parts, I am the only person on this floor, I daresay, because I've been here long enough to know. I'm the only person on the floor that is a... has a total colectomy. All I have is the stomach and a portion of the small intestine left. I have nothing below that. The small intestine comes out a hole in my right side and that bodily function is deposited into a plastic bag. I would prefer not to have that. But in 1964, in July of 1964, that surgery saved my life. It also destroyed a career in naval aviation that I had hoped to have with my good friend Tom Brown, who was killed on the first mission of his second tour. And perhaps we would have been squadron mates. I don't know. I guess everything happens for a reason. But I can assure you I would not wish the surgery that I had in July of 1964, on any of you in my worst moment. But I have always been grateful to doctors who could perform that surgery, diagnose a very complicated illness because of my age at the time, only being 21, it was thought that I couldn't have... could not have the disease that, in fact, later was found that I had. A doctor at home missed the diagnosis, treated it incorrectly and may have added to the necessity for the total colectomy that I had to go through in July of 1964. It never occurred to me to sue that physician. Now, admittedly, I'm of a different generation and 1964 was a long time ago. I was simply so happy that doctors had the training, the

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skill, the expertise and took the risk to ask my spouse and me and my mother who was living at the time and explain to them what the surgery was and that if I didn't have it I would not survive. We took that risk and I have survived. I've raised two children and I get to see six beautiful grandchildren. So, I don't look back on that. But when all is said and done I can tell you this, if we don't change the system in the State of Illinois, those doctors who take that risk, who have that training, who go to school for years and have that expertise will be leaving this state. Someone earlier said, is there any state that you can point to where caps have reduced the cost of malpractice insurance? I can answer unequivocally, the answer to that is yes. I live on the Indiana border and in the last six months, and you can verify this if you'd like, we have lost one of only three OBGYNs left in a county of 85 thousand people. They moved to... that OBGYN moved to Indiana and before... before that move verified that the minute that practice was established in Indiana the malpractice premium would be reduced by \$47 thousand. We had the only pulmonologist in a county of Vermilion move his practice to Indiana and upon setting up that practice in Indiana and establishing his malpractice insurance in the state of Indiana he saved \$42 thousand, immediately upon setting up his practice in the State of Indiana. Who by the way, Indiana has caps on non economic loss and have had for a number of years. I've not understood, I leave it to the lawyers. I don't understand why the Indiana Supreme

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Court has ruled that's fine and the Illinois Supreme Court has ruled you can't. I'll leave that to the judiciary. But here's your opportunity to do something that many of you have told constituents from all over the state in meetings, they've been here all Session long and they have beseeched, they have shown you evidence, they have talked to almost every one of us and simply said if you can't bring yourself to do this, all the rest is window-dressing. And the doctor flight from Illinois will continue. We don't have a neurosurgeon practicing in this state south of Springfield, not one. And Representative Bost's district, that almost cost a firefighter his life by the time they could transfer that individual to a hospital in Saint Louis where a neurosurgeon could be found. In approximately six more months in my home county I will have one OBGYN who delivers babies. Only one in a county of more than 80 thousand people. Now, they don't tell me that they don't like to practice, that they're getting too old, that they just would rather not do it. They tell me they simply can't afford to do it in the current climate in Illinois unless they were to put on a surcharge of up to \$400 per baby delivered to pay their malpractice insurance premiums. Something is wrong in this state. We can argue about what specifically is wrong and we can argue about what things we think we can do to change it. But we're out of time. The moment of truth has arrived. All of the letters that you have sent out, all of the conferences you have had, all of the constituents you have talked to who have asked all of

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us Republican or Democrat or Independent we must have some relief and they all have said we think this is the way to get immediate relief and relieve the pressure on hundreds of doctors who are leaving the state. It is not a regional issue, friends. Doctors are leaving in Chicago, doctors are leaving in Carbondale and they're certainly leaving my district on the Indiana border. So, when all is said and done, this is the opportunity to finally take a stand and say we're going to give it a try and will the Supreme Court rule, I have no idea. That's up to the Supreme Court. I'm not an attorney and I'm not a judge. Mr. Speaker, you've been very kind. I would ask that you will give us a Roll Call... a record vote on Floor Amendment #4. And Ladies and Gentlemen, we don't have time anymore to argue all the minute points of this issue. The crisis is here, if you think it's phony vote 'no'. But I think you've read enough, I think you've heard enough, I think you've talked to enough nurses, doctors and even in the case of many people who've been in my office, enough patients who tell you their doctors are leaving. And the patients are beginning to demand we take some action. If you turn your back today, don't come here a year from now and ask me what are we going to do and how are we going to attract dollars. The issue is here, the time is here, the vote should be made now. And I trust you will vote to address a crisis that you all know is here and that you all know is real. I hope you'll vote 'aye'."

Speaker Hannig: "Representative Steve Davis."

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Davis, S.: "Yes, thank you, Speaker. To the Amendment. I would just like to read into the record what is happening in Madison County and in my district a few things that are going on and... and that have occurred. In Madison and St. Clair Counties we've lost well over a hundred physicians. In Alton alone we've lost about 30 physicians and several are planning to leave the State of Illinois if... if the State of Illinois fails to pass any meaningful legislation in this Session. Over 70 thousand patients in the Alton and surrounding area have had to seek new physicians. Many have lost their physicians two and three times over the past two years. There are no... no new physicians moving into the area and the remaining physicians are unable to absorb all the patients requesting care. Because of the increased overhead and decreased reimbursement, some physicians are cutting or are no longer accepting low pay and no pay patients. I can tell you personally that my wife works for an OBGYN in Alton and her doctor is closing up shop after 20 years in October because of this crisis. And she's not a rich doctor, 90 percent of her patients are Medicaid patients. They are the poorest that we have in our region. So she's not getting rich off of Medicaid reimbursements, I guarantee you. But I want to thank the grassroots efforts that the people in my area and in Representative Holbrook's area have put forth on this issue. Many of them are up here in the gallery right now and I want to thank them for their efforts. They have taken their Memorial Day off to come up to Springfield to

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push for some meaningful legislation. They've been up here almost every day. They were up here last week. They were up here the week before and the week before that. They're taking time out of their busy schedule. They're not all doctors. They're nurses, they're people who work for the hospital, they're patients, they are hospital administrators, but they feel so strongly about this issue that they have taken time out of their schedule, they have taken time out of their holiday to come to Springfield to ask this Body and the Senate and the Governor of this state to do something to fix the problem of physicians leaving our area. Having said that, Mr. Speaker, I would just encourage everybody to vote 'aye' on Amendment 4 to Senate Bill 2241."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. I think from the other day when we discussed this issue on an Amendment that... that failed at mine and others' request I think you understand how I feel about this issue. Ladies and Gentlemen, first off, I want to say to Representative Davis, he didn't have to table Amendment #3, he could have continued on with the fight and argued that... that, you know, maybe these things are okay. But he agreed, tabled Amendment #3 and allowed us to bring 'em forward Amendment #4 and I thank him for that. That is... is truly a sign that he is wanting to cure this problem and he's not... that the people involved here on both sides of the aisle are wanting to get this problem cured. Ladies and Gentlemen, this is an opportunity to

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move this forward. Now, I also encourage that right after we move this that we move it on and that we actually vote on the Bill not just the Amendment. And we send it over to the Senate and then each of us go over to encourage our Senators to lobby the powers that be in Leadership over there to do the same and move it on to the Governor's desk so that we can truly cure this problem. Ladies and Gentlemen, I don't want to go home and tell people, well, I... I just tried. I want to be able to go home, have my doctors stay, have my people receive help, have my people and your people in your districts make sure that they know that that doctor's gonna be there tomorrow. Mr. Speaker, I would ask for a Roll Call on this Amendment if... if it hasn't already been called for."

Speaker Hannig: "Yeah, Representative Black requested a Roll Call."

Bost: "Thank you."

Speaker Hannig: "And one... one will be granted."

Bost: "Lar... Ladies and Gentlemen, I think you all know this issue well. I do ask you to vote 'yes' and help our patients, our doctors in the State of Illinois so that we can have true medical coverage and good quality medical coverage."

Speaker Hannig: "Representative Franks."

Franks: "Thank you, Mr. Speaker. To the Amendment. I want to thank Representative Winters, he answered some questions when I went over and spoke with him about some of the

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details in this Amendment. But I want to talk directly to the Amendment."

Speaker Hannig: "To the Amendment."

Franks: "My grandfather delivered over 25 hundred babies and my uncle now is an internist, my... many friends of mine are doctors and every one of 'em, they don't believe in the caps. I think what we really need to do is focus on some other reforms because my worry with this Bill is should it pass, that it will be declared unconstitutional because of the caps and we will have lost a golden opportunity to effectuate real change. House Amendment #4 which becomes the Bill leaves out many of the other important aspects of the underlying Bill such as the 'I'm sorry' clause. Many... most people like Mr. Black don't want to sue anyone, number one and number two, most people don't want to sue their doctors because they consider them their friends. Not having a... an 'I'm sorry' clause is the real problem here. I think also in this entire debate we haven't talked really about meaningful reform in the insurance industry. I touched on it briefly before where the insurance industry is not allowed to invest on this... in anything but bonds and when the interest rates are low their return is very low and then as a result they have to increase their premiums in order to maintain their profits. Last year alone, the Illinois State Medical Insurance took in a hundred and seventy-five million more in premiums than it paid out in claims. They had a 35 percent rate increase last year even when claims went down. We... this Bill also doesn't... the

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Amendment doesn't require anymore oversight of doctors. So, right now if one doctor should commit malpractice in a... in a hospital setting, then that doctor could go to another hospital 'cause he would not have lost his privileges to admit. But we need to have real oversight. We can't let a few bad apples spoil everything. And that's what happens. A very few percentage of the doctors are the ones who are getting most of the claims. And this Bill does not address that. And we really need to look at that. Also, when we talked about the extra money that was brought into the insurance companies, we have to remember that just recently a gentleman who was a super lobbyist who worked for the largest insurance in... industry here in the State of Illinois, before he went to jail, got a \$4.9 million payout. And you wonder when these companies spend the money that way. Because of the non severability clause in this Amendment, what's gonna happen, should this pass, is that the Supreme Court is going to rule the entire issue noncon... unconstitutional because they are going to determine that this is special legislation because they have already determined that on two other occasions. As a result, we aren't gonna solve the problem here. What we ought to do is vote 'no' on this Amendment, go back to the original Bill, make some changes, forget the caps because the caps are gonna doom... doom us all. And there's also another argument you talk about people leaving the state and that's true and we've got to bring those folks back. But I think by reforming the insurance industry is one way.

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But putting more oversight on their doctors I think is critical. Now, I wanna to tell you about in McHenry County there is a Wisconsin organization which also has, I think, 15 clinics right now in Illinois, they are opening or got approval to open a new hospital and they're going to be bringing 45 new doctors to our area. It can be done. We need to have this critical reform, it's very necessary. Unfortunately, the way this Bill is written in the Amendment we'll have nothing. And that's what none of us want. So, I would ask that you vote 'no' on this. Go back to the original Bill and let... at least get something. If there's no Amendments on there, we can at least run the original Bill and we'd have some real meaningful change."

Speaker Hannig: "Representative Hultgren."

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

Speaker Hannig: "He indicates he'll yield."

Hultgren: "Sponsor, I have a couple questions real quickly for you. First of all, just for the record, is it your desire in the work that you've done putting this together, is it your desire and expectation obviously, to make this something that would pass constitutional muster... muster?"

Winters: "We think we've addressed that already in the questioning that we think we've addressed what the Supreme Court wanted to see. And we think it will withstand constitutional muster."

Hultgren: "Is it also your intent with this Amendment to attempt to make every victim of true medical malpractice whole of..."

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Winters: "Absolutely. That's why there are no caps on the medical costs, nursing costs, continuing economic damages to that person for the rest of their life."

Hultgren: "Help me understand that a little bit more now. If... if someone had an injury that a doctor caused them that they were 20 years old and they were gonna have medical expenses for the rest of their life, say they have a life expectancy of 80 years, it was gonna cost a million dollars a year for medical expenses for the next 60 years, would that be limited or would they be able receive..."

Winters: "The jury could award as long as it's proven what their... what their injuries are in unlimited amount, tax free, in one lump sum."

Hultgren: "So they could provide in that case \$60 million under your Amendment..."

Winters: "Yes."

Hultgren: "...for someone who has that type of injury and has those kind of economic damages?"

Winters: "Right. But there's no caps or limits on that at all."

Hultgren: "Thank you. To the Amendment. A couple things. First of all, I want to thank some of the people who have really put in a lot of time on this. I want to thank my friend and colleague from Madison County, Sponsor of Amendment 3. Also, my friend who's chairman of our committee, Sponsor of Amendment 1 and 2 and his Senator who I know have put in literally dozens, if not hundreds of hours of work on this issue and many others in this

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chamber. It shows the importance of this. That absolutely there is a crisis in our state. This is absolutely not special legislation. We deal with every single day addressing problems of the people in our state. I don't think there is, as all of us know, there's no more pressing need right now than for people in our state, our constituents, to be able to have access to doctors close by. So, there is absolutely a need and this is absolutely not special legislation. This is addressing a crisis that's statewide. It's not one county. It's counties throughout the state. And we're seeing it... it's a universal nec... necessity and absolutely is not special legislation. The other thing, it's very clear is that caps in and of themselves definitely can be constitutional. And in fact, we've got 26 other states that have instituted caps that are working, that are functioning, some better than others, but clearly we have examples state after state after state. Just so you have a feel. Those who have capped total damages: Colorado, Indiana, Louisiana, Nebraska, New Mexico, Virginia, and those that have just limited non... non economic damages like we would be doing: Alaska, California, Florida, Hawaii, Idaho, Kansas, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, North Dakota, Ohio, South Dakota, Texas, Utah, West Virginia, Wisconsin. It's clear that caps are and can be constitutional. And I want to thank our Supreme Court in the past because they've given us very clear direction in how past caps were drafted, why they were

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unconstitutional. And this Amendment has addressed that. It clearly has addressed that our intent in this Amendment is to address a very real crisis in the state. It also is to make those who are injured whole. So, clearly this is something that is constitutional. The other thing is there's been a lot of talk about victims here in our state. And I definitely agree with that, we absolutely need to focus on the needs and rights of victims in our state. But I see the... the greatest number of victims in our state right now and my constituents and your constituents is a patient without a doctor, a patient with a medical need who does not have a doctor is a victim. It's a victim of a system that is forcing doctors out of our state and this Amendment addresses that. Some people have claimed that this will not lower premiums. I argue with that, I think that's absolutely wrong. This will definitely lower premiums. We've got examples in Texas just recently with some of their work, I think our Amendment is better than theirs is and we have seen examples down in Texas where not only have premiums gone down but also more insurance companies are available now there, as well as all the states that surround us. And with that competition brings the premiums down even further which will cause and encourage doctors and say that our doctors are important to us, we want them to stay in our state. So, absolutely, this will lower premiums. The other thing I appreciate about this Amendment that I haven't seen in some of the other Amendments is that all sides give significantly. The

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doctors give significantly with some of the... rate compression that's going to be going on. Some of the numbers that are gonna be given to the director of insurance and leverage given to the director of insurance. Also, there's a giving by the trial lawyers of recognizing that non economic damages can be capped and so it's giving on all sides, it hurts on all sides. And sometimes that's necessary for good legislation to happen, for everybody to give when there's a crisis like this. But again, the giving is for an important purpose. It's for those victims in our state who do not have doctors. I want to give... Just a personal example, as I've mentioned, a couple weeks ago, my wife and I had the privilege of giving birth to our fourth child just a little over three weeks ago, Koleson Luke Hultgren, is a little over three weeks old. As we were in the delivery room, we had a little time in between contractions and was talking with the doctor and the doctor said you're not going to believe this, but I just came from a breakfast where three other doctors and I were sitting down discussing the feasibility of moving our practice into Indiana. And we're looking at very real options of doing that. And he just said, people don't think this is a problem, but it absolutely is a problem and doctors are fleeing left and right and we need to address this problem. It affects the suburbs, it definitely affects downstate counties. So, I sought personally I was thankful for a very healthy baby boy that was born three weeks and three days ago and I'm so grateful for that little boy and so

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grateful for a doctor who is available to be able to help us and address the needs that we had at that urgent time. There absolutely is a need for this. We've got a crisis. This will affect and lower premiums. It will be seen, I believe, as constitutional because we've addressed the issues that the Supreme Court has brought up. It is a significant step, it's not the only step. I think we need to do more to address the needs of being able... for doctors to be able to admit when they've make a mistake. That saying sorry, I agree, I think that's an important step, but I don't think that would lower premiums. I don't think that would keep doctors in our state. So, we can address that later on. I think there's other issues that we can... need to continue to address of accountability for doctors and we can do that. But right now, what this will do is address an immediate crisis in our state and I want to encourage all of you to vote 'yes' on this Amendment. Thank you very much."

Speaker Hannig: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. You know, this is not going to be an easy vote for me and I know it's not gonna be an easy vote for... for those of you here. It's not gonna be easy for me to tell victims of... of sometimes some horrendous injuries that they're gonna be limited in some way to recovering for non economic damages. But in my mind, I have to weigh what I'm gonna tell that victim that they will get everything that they're entitled to for economic damages. They will get their loss of wages, they

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will get their loss of business, if they happen to be in business, that their medical bills all will be paid for. That that will not be an issue under this Bill. They will just be limited into non economic losses to 500 thousand or 750 thousand. And while that is a limit, I have to weigh that to the other victims... the other victims who may not have any care because doctors are leaving this state. And there will be many, many, many more victims of doctors leaving... doctors who leave the state than there will be victims of malpractice. And so, in weighing this, that's why I came in favor of the victims of doctors who can't get medical care because that... those doctors have left the state. You know, caps is not... are not foreign to this state, we have caps today. And in fact, there was previous conversation from one of the other Representatives, you know, people getting sick in a hospital because of errors in the hospital. But you know, if an employee of that same hospital was... was sick from that same injury or had... or fell down because of negl... of... of something happening in that hospital and, God forbid, had a limb amputated, they would get no pain and suffering because in Illinois, under workmen's compensation, there is no recovery for pain and suffering. And unfortunately, under workmen's compensation, we do put a value on each and every limb and finger and every other part of your body. There is a limit. Now, you may not agree with that, but that is the law in the State of Illinois today. And yes, we gave up negligence in exchange for that. So we... there... there was

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give and take in that. But it isn't a foreign idea, it isn't something that people said to us, 'I don't care even if it is workmen's comp, we're never gonna put limits on.' We have put limits on in the State of Illinois and I think, because it isn't foreign and I think it... because of his works in the workmen's compensation area, I can also see it working in this area. So, I urge you to vote for those victims out there that can't get medical care in southern Illinois or in central Illinois or even up in my area because doctors are leaving or will shortly leave. And then those future limits... And remember, Repre... in committee, Representative Fritchey said to me, 'you know, in order to get a perfect Bill here, we'll both be old men.' And I said to him in response, 'if we don't do something quickly, neither of us will be old men.' I urge you to vote 'yes'."

Speaker Hannig: "Representative Lang."

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

Speaker Hannig: "He indicates he'll yield."

Lang: "Thank you. Representative, I... I heard you... well, first, let me ask this. Are... are all medical providers of any type and variety included in your Bill?"

Winters: "Yes. It... it includes... beyond M.D.s, it would include chiropractors, R.N.s, other health care providers."

Lang: "Nursing homes, clinics, nurses."

Winters: "I'm not sure about the nursing homes. Clinics and... would be under the hospital provision, I assume, and R.N.s. Oh, nursing homes, also."

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Lang: "Nursing homes are included?"

Winters: "Yeah."

Lang: "And if I hire a private R.N. who comes to my home, is that person included?"

Winters: "Yes."

Lang: "You're sure?"

Winters: "I believe so. Yeah, nursing malpractice is covered."

Lang: "So, it is your statement here that all medical providers of any type and variety in the State of Illinois are covered under your Bill."

Winters: "What we're including... the language in the Bill adds to the current legislation... current statute, including but not limited to medical, hospital, nursing home, nursing, dental, or podiatric malpractice. So, we're trying to be pretty broad ranging there."

Lang: "Representative, I heard you say when you were asked a question previously if your intention was to make people whole. That's your intention?"

Winters: "Well, yes. In the... in the economic damages where you can actually measure what their loss of earning capability and medical care. Those are measurable and we will absolutely not cap those at all. All we're doing is the non economic, which, again, is an estimate. It's... there's no way to quantify, other than pulling a number out of the air, which a jury does. And they say, 'we think this is what the non economic damages are worth.' But there's no fixed number, there's no way to come up with a formula for that."

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Lang: "And how do you make someone whole if they die as a result of medical malpractice?"

Winters: "That's very difficult."

Lang: "And... and how do you make that person's children whole if they die as a result of medical malpractice?"

Winters: "We don't have an answer for that."

Lang: "And you also have no provision in the Bill for it either, do you?"

Winters: "We are more than willing. Other Representatives have stood up here and brought forward ideas. We think that there will be a trailer Bill following. This is the... this is the legislation that breaks the log jam. Caps has been that key log in the... in the jam. We've used some dynamite on it, I think this vote is gonna be a dynamite vote. We've broken it, the river's flowing. There's lots of logs rolling down there and there's good ideas. I think the trailer Bill may be able to answer some of the issues that you're bringing up."

Lang: "Mr. Speaker, before I forget, I would like a verification if this should receive the required number."

Speaker Hannig: "It will be granted, Representative Lang."

Lang: "Thank you. Representative, have you talked to a single insurance company who has left Illinois who has guaranteed you they'll return to Illinois to provide more competition if you pass these... this Bill?"

Winters: "I haven't talked to companies that left because they aren't here anymore. They're not interested in Illinois as a place to do business."

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Lang: "But what is your evidence that this will bring competition in the insurance industry?"

Winters: "When you look at the... the evidence is from the states surrounding us and across the country that have some form of caps where their premiums are much, much lower and they have a vibrant number of companies. I believe Wisconsin has between 40 and 50. Now, that's just from the many hearings that I've ar... been in. At some point, that statistic was brought forward. Between 40 and 50 companies in... in Wisconsin, there are only 5 in Illinois that are still offering liability coverage for all specialties."

Lang: "If the problem here, Representative, is the cost of medical insurance, then why do we just have caps on awards, why... medical malpractice insurance. Why do we just have caps on awards? Why not provide for caps on medical malpractice premiums?"

Winters: "Well, if you... if you cap the insurance premiums all you're gonna do is... unless you require that those companies stay in Illinois, which we can't do, if we put caps on and they say we can't make money with the caps on the premiums, we're leaving. We're shutting down. And we're already down to 5 companies. I don't think that that's the right way to... to head, is to restrict the market even further. I mean, it... it just doesn't make any sense."

Lang: "Yeah, I agree it doesn't make sense to restrict the market, but you cannot point to one insurance company who has indicated to you that they will compete in Illinois if you pass your Bill."

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Winters: "However..."

Lang: "So, you're flying in the dark, are you not?"

Winters: "Well, then I would be willing to take a Gentleman's bet on that that in a year, if we put caps on, that there will be additional companies in Illinois."

Lang: "Well, in the State of Texas, when they added caps, pre... premiums went down 12 percent, correct?"

Winters: "That was the statistic that I heard. And by the way, the Governor's Office has been meeting with insurance companies about coming back into Illinois."

Lang: "Were... how many..."

Winters: "So, I haven't met with 'em. I understand the Governor's Office has been."

Lang: "How many new insurance companies are writing malpractice insurance in Texas now that they have caps?"

Winters: "I don't know."

Lang: "Isn't that evidence you would... you'd think we oughta have?"

Winters: "I would love to have it."

Lang: "Well, why don't you have it?"

Winters: "Because the Amendment was filed yesterday."

Lang: "So, you..."

Winters: "The Amendment on caps... and we actually think that we're moving... you know, the log jam is breaking, we haven't had the chance to..."

Lang: "Representative, people have been studying caps for the entire 17 years I've been here. You mean, no one has any

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evidence as to what would happen from the insurance company point of view if you actually passed this?"

Winters: "What evidence we have is in states that have caps have lower premiums. If I could just give you..."

Lang: "The... the test is not which states have lower premiums because of caps."

Winters: "They're not gonna get..."

Lang: "The test is which state that didn't have caps, like Illinois, have lower premiums as a result of adding caps and which new insurance companies are writing insurance in those states as a result of caps."

Winters: "The key thing that we're trying to do is to make sure that we have health care available to all Illinois residents when they need that health care. If you look at Wisconsin, much higher numbers of doctors, much lower premiums. I don't care if there's only one insurance company in Wisconsin, if they have low enough liability premiums, the doctors are willing to put their livelihoods and their families into that state. That's all I care about is health care. I don't care if there's 5, 50, 500, or 1 insurance companies as long as doctors can continue to practice medicine in Illinois."

Lang: "So, let me ask you this. So, in the State of Texas, caps lowered medical malpractice premiums by 12 percent, correct?"

Winters: "Yep. That was one company 3 days after it passed."

Lang: "Well, but..."

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Winters: "I don't know how the... I don't know how it's shaken it out since then."

Lang: "All right. But when they came to talk to you about this, this was your evidence to me when we had our personal conversation, 12 percent. So, that would take an OBGYNE's insurance premiums who's paying a hundred and fifty thousand dollars now in Illinois down to a hundred and thirty-two thousand dollars. So, let me ask you a question. Can you give me the name of one OB gynecologist who has left Illinois who has said to you, 'you know, if you lower my premiums to a hundred and thirty-two thousand dollars, I'll come back to the State of Illinois and practice medicine?'"

Winters: "I have not had that conversation."

Lang: "Of course you haven't."

Winters: "But I have had the conversations with 14 surgeons in Rockford that said they will leave within 3... they're making their decision on whether or not to leave Illinois... 55 years that practice has been in existence, they've never successfully been sued. They have not made medical errors resulting in any kind of damage award. And yet, they're shutting down at the prime... the middle of their careers and leaving the state be... and their... their whole... the whole issue that they have is if we don't see caps within the next 3 months, our decision will be made for us."

Lang: "Well, do..."

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Winters: "And the Legislature will have told us Illinois is not a place where we need these 14 surgeons. Go find some place else to practice or quit."

Lang: "So, you don't have any proof that caps will lower premiums. How do these doctors know?"

Winters: "These doctors do this day and night. That's... their sole career is medicine and pr..."

Lang: "These doctors don't know what'll happen to insurance premiums if we have caps."

Winters: "All... Oh, yes they do know what happened to insurance premiums. They've... they've been watching 'em for the last three years triple."

Lang: "And so..."

Winters: "Triple over the last three years."

Lang: "And so have these doctors in Rockford said to you, 'tell ya what, lower my insurance premiums 12 percent and I will stay in the State of Illinois?'"

Winters: "No. No. They said..."

Lang: "Has one doctor said that to you?"

Winters: "...they said, just don't let 'em go up any higher. That's what we have to know, is the certainty that we're... that caps are gonna be here to protect our families, our savings accounts, our homes so that we can continue to live in Illinois. They're not even asking for a rollback. They just don't wanna see 30 percent increases every year on... forever."

Lang: "And so, you're... so, the result of that is that you think the way to respond to this is to tell children who have

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lost their parents that they should live the rest of their life without that parent and that you're gonna limit what you think the value of that parent's life is and the value of what that child's life is. Is that what your... your response to that question is?"

Winters: "There are ins... there are... there are insurances for every different mishap in life. Life insurance is probably the correct answer in that situation, not liability."

Lang: "Let me go on to a different topic. For what... what is the justification for determining that a... that the payment on the non economic damages should be dependent on how much money you make?"

Winters: "We... we don't completely leave it up to how much you make. But this is a standard in cases where you lose an income, similar to workers' comp. If you earn a higher salary, you base it on that. In our case, all we're doing is setting a low level below which you cannot fall if you exceed it. It's very similar to the World Trade Center, where the victims of that were compensated by the Federal Government based on their life income. So, a 75-year-old that happened to be in the World Trade Center, the payout was much lower than a 45-year-old who was a stockbroker earning a great salary. We base it on their future earning potential."

Lang: "And so, you think a..."

Winters: "Yeah, we're not even touching economic damages. Those don't stay... those are no different..."

Lang: "I understand."

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Winters: "...than anything else."

Lang: "But I'm... I'm talking about non economic damages. So, a homemaker who's got two children or a captain of industry who's got two children who are the same age, who... who are... who both... who both have the same malpractice visited upon them by the same doctor, who are gonna get potentially different amounts of money here?"

Winters: "Absolutely not, in that this legislation does not change one iota the economic damages."

Lang: "I'm..."

Winters: "Currently..."

Lang: "I am not talking about economic damages."

Winters: "Well, that's what you just talked about. You said here's a housewife and here's a captain of industry. They're earning different salaries."

Lang: "I'm tal..."

Winters: "We're not changing that. This legislation doesn't do anything for the economic damages."

Lang: "But you're basing non economic damages on the amount of money they make in their life."

Winters: "No, we're not. We're letting the jury set that. The jury sets the economic... or the non economic damages, and it's not based on earning history whatsoever. It's based on the jury's best estimate of what the non economic damages are worth. That's it."

Lang: "Thank you for your answers to my questions. Mr. Speaker, to the Amendment. I don't have much different to say about this one than I had about the last one. Whether

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caps, under the way this is written, are constitutional or not, and I don't think they are, but whether they're constitutional or not, this discriminates against a whole body of people. Additionally, and perhaps more to the point, there is still no showing, in my 17 years there has never been a showing, that caps will resolve the problem. There may be a bunch of doctors, there may be a hundred thousand doctors that say we want caps, but that doesn't make it resolve the problem. And by the Sponsor's own comments, it will take a long time, even if caps work, for them to work. We have a crisis today. Why isn't there a proposal on the table today to deal with the problems of doctors leaving the Metro East today or the Rockford area today? I don't think doctors are gonna st... stay and spend hundreds of thousands of dollars more in premiums waiting five or six or eight years for this Bill to kick in, even if it works. There is no evidence that it will work. There is no evidence that this will benefit anyone in the State of Illinois. And there is no evidence that this will resolve the problem. To the medical providers in the gallery, there isn't a person on this House Floor that doesn't want to do something about this crisis. It's a real crisis. But don't be sold a bill of goods by people who keep saying caps, caps, caps when nobody knows what caps will do. In the only state someone can point to where they had no caps and added caps, the State of Texas, premiums went down 12 percent. Is there a doctor in Illinois who's thinking of leaving who's going to stay

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because their premiums may go down 12 percent five years from now? I don't think so. So, the whole notion... the whole notion that this Bill will accomplish something is a red herring. Doctors themselves have been sold a bill of goods. It's a red herring. It will not work and it certainly will not resolve the crisis right now that we face in the State of Illinois. Please vote 'no' on this misguided legislation."

Speaker Hannig: "Representative Dunkin."

Dunkin: "Mr. Speaker, I move the previous question."

Speaker Hannig: "Representative, there's only two or three speakers that would like recognition. So, why don't... why don't we try to allow everyone to speak. So, Representative Nekritz."

Nekritz: "Mr. Speaker, thank you. I would just like to clarify, been doing a little research since... since there's been so much stated about what happened in Texas here and I wanted to... to shed a little light on this. I'm looking at a... an April 2004 article from the... I'm looking at an April 2004 article from the Amarillo Globe News that indicates in the seven months since voters approved Proposition XII, Texas Medical Liability Trust is the only carrier... only major carrier to agree to reduce rates. Others have tried to raise rates. And about 60 percent of Texas doctors have not seen a rate decrease, the insurance commissioner has stated. So, I just wanted to give a little... shed a little light on what's been happening in Texas since this was imposed."

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Speaker Hannig: "I've been advised by the Speaker that he would... that he wishes on his Bill that everyone who wishes have an opportunity to speak. And I... That's correct, Representative Black. Representative Black, for what reason do you rise? You spoke in debate."

Black: "...Speaker. Mr. Speaker, an inquiry of the Chair. I have great respect for Speaker Madigan. I've stated that publicly, I've stated it privately. I happen to think he's probably the hardest working person ever to have served in this chamber, at least in my memory. I like him. We sometimes have our disagreements, but I... I respect and like and admire the Speaker. But... but my inquiry of the Chair. Though House Rules don't allow for what somebody wants, House Rule 59 clearly says the Motion to ta... take the previous question is not debatable. And let me just, for the parliamentarian, furthermore, 59(b), 'until the previous question is decided, all Amendments and debate are precluded. A Motion for the previous question is not debatable and requires the affirmative vote of 60 Members elected.' The vote... the Amendment was made... the question was made by a Member of your side of the aisle, and I stand up to protect his right to pre... to move the previous question. It is not debatable and no further discussion can take place unless you vote on it."

Speaker Hannig: "Representative Black, you're absolutely correct. So, the question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes'

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have it. The main question is put. And Representative Winters to close."

Winters: "Ladies and Gentlemen of the House, it's May 31, we shouldn't be here. We're waiting for the budget. Hopefully, in six hours we'll get it and we'll go home. Today is a day that we have to solve, at least make a first attempt at solving, the crisis in Illinois of medical care that is not going to be available to our citizens. I hope that once we adopt this Amendment, that we then can move forward. It's already been read on second, that we can move forward and adopt this, send it back to the Senate for concurrence. The major thing with caps is the constitutionality. In 1987, the Illinois Supreme Court was... they did remove any punitive damages in medical malpractice cases because the Illinois Legislature had tailored the legislation to that medical malpractice crisis 15 years ago. Punitive damages were eliminated. We're going to the next step, we're not eliminating non economic damages, we're simply capping them. That's the major provision of the Bill. I would be more than happy to cosponsor a trailer Bill that would bring in some other good ideas that have been developed this year in talking about this crisis. The... the first step we can do, though, is to state publicly that this is one of the elements of keeping medical care available to Illinois citizens. I urge the adoption of this Amendment."

Speaker Hannig: "The question is, 'Shall the House adopt Floor Amendment #4?' There's been a request for a Roll Call vote

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and a verification. So, all in favor of the Amendment vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 78 voting 'yes' and 35 voting 'no'. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. Notes have been requested but yet not filed on the Bill."

Speaker Hannig: "The Bill will remain on the Order of Second Reading. Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, we are not going to, on this side of the aisle, sit back and watch the person who pontificated so eloquently and for so long about the evils of this Bill who voted to put this Bill out on the floor as a substitute for you in the Rules Committee to note this Bill up. I would ask that the Chair entertain our Motion separately on each note to rule the note inapplicable. First of all, Mr. Chairman or Mr. Speaker, the balanced note... the balanced budget note that Representative Lang filed is clearly out of order, as it states clearly in the rules in the Constitution that a balanced budget note only applies to a supplemental Bill. This is not a supplemental Bill. I would ask that that note be ruled inapplicable."

Speaker Hannig: "So, the question is, 'Shall the balanced budget note be ruled inapplicable?' All in favor of the Gentleman's Motion vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Mr. Clerk, take the

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record. On this question, there are 63 voting 'yes' and 54 voting 'no'. And the Gentleman's Motion prevails and the note is ruled inapplicable. Representative Black on a further Motion."

Black: "Thank you very much, Mr. Speaker. If you'll get out your statute book, in Chapter 25, Section... or excuse me, Act 50 under the Fiscal Note Act, the necessity on certain Bills, I won't bother to read all of the sentences in it. But if you read the statute requirements on a fiscal note, this Bill as... this Amendment does not even come close to meeting the statutory requirements for a fiscal note. If you wanna kill the Bill, fine. You have your Roll Call. And I don't imagine we'll ever get to vote on the Bill. But I see no reason... if ya... if you have nothing to be afraid of and you're certain that caps don't help and you think this is all a charade, what are you afraid of? Why did you note it up? What's the matter, are you afraid to let the Constitution and the Supreme Court rule on it or would you just rather bottle it up here as part of a sham? This does not require a fiscal note, I would rule the fiscal note be ruled inapplicable."

Speaker Hannig: "Representative Lang."

Lang: "Mr. Speaker, it is very late in the day and I don't want the Gentleman on the other side aisle too out of sorts. So, I'll withdraw all my note requests."

Speaker Hannig: "So, the notes requests are be... been withdrawn by Representative Lang. Representative... Mr. Clerk on... on the Order of... Repr... Representative Black."

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Black: "Mr. Speaker, the Amendment has been added to the Bill, the Amendment has passed. You've graciously withdrawn all of the fiscal notes. I've been here long enough to know what's gonna happen to the Bill when it goes over to that great chamber in the sky. Let's vote it out of the House. Let's move the Bill to Third Reading, let's have a vote. Let's at... let's at least... let's at least say that one chamber of this Body, this Legislative Body... at least, let's say the House of Representatives took a stand. And we are willing to let the Supreme Court rule on this and we are willing to say that the crisis is now, the time is now, and the vote should be 'yes'. Call the Bill on Third Reading."

Speaker Hannig: "The Gentleman from Cook, the Sponsor of the Bill, Representative... Speaker Madigan."

Madigan: "Mr. Speaker, I am the Sponsor of the Bill and I would ask you to take the Bill out of the record."

Speaker Hannig: "The Bill will be out of the record at the request of the Sponsor. On... on page 11 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 2247. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2247 has been read a second time, previously. A Motion has been filed to table Committee Amendment #1, but not approved. Floor Amendment #2, a Motion to Table has been approved for consideration, offered by Representative Dunkin."

Speaker Hannig: "Representative Dunkin on the Motion to Table."

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Dunkin: "Yes. I move that we adopt Amendment #2. Excuse me, table Amendment #2, point of clarification."

Speaker Hannig: "The Gentleman moves to table Amendment #2. Is there any discussion? Rep... the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. A point of personal privilege."

Speaker Hannig: "Okay. State your point."

Black: "Thank you very much. Ladies and Gentlemen of the House, even though I disagree, I still respect that man up there. I still respect you, Mr. Speaker, the real Speaker. You're always about a chapter ahead of most of us and I don't mean that in any negative way. You are a remarkable man and I know and appreciate why you've been Speaker longer than any other Member of the... this Body in its history. I would simply say, for the record, Mr. Speaker, the debate has been for the past hour on a critical issue that impacts people in this state, it gets to the core of access to health care. When the record clears and when you prepare your campaigns, let the record be very clear who pushed for the issue, who asked that the issue be moved forward and who took the issue out of the record. Send me your direct mail, folks, 'cause I intend to send it right back at ya."

Speaker Hannig: "Is there any further discussion? Then all in favor of the Mo... the Gentleman's Motion to Table say... Representative Dunkin, did you seek recognition? Okay. Is there any further discussion? Then all in favor of the

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Gentleman's Motion to Table say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion prevails and House Amendment #2 is tabled. Are there any further Amendments?"

Clerk Mahoney: "Floor Amendment #3 has already been approved to the Bill. No Motions have been filed."

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

Clerk Mahoney: "Senate Bill 2247, a Bill for an Act in relation to property. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Dunkin. Representative Dunkin."

Dunkin: "I need to ask a parliamentary question."

Speaker Hannig: "Yes. State your point."

Dunkin: "Has Amendment 1 been tabled?"

Speaker Hannig: "Mr. Clerk, what is the status of the Amendments on this Bill, please?"

Clerk Mahoney: "A Motion was filed to table Committee Amendment #1, but was not approved for consideration. Floor Amendment #2 was tabled. Floor Amendment #3 has been approved."

Speaker Hannig: "So, Representative Dunkin, did that clarify? Representative Dunkin, would you like to take this out of the record and... Why don't we take this out of the record for a few moments and we'll get back to it."

Dunkin: "No. We're okay, Mr... Mr. Speaker."

Speaker Hannig: "Are you okay?"

Dunkin: "Yes."

Speaker Hannig: "Then proceed, Representative Dunkin."

Dunkin: "Okay. Number 3 becomes the Bill, Amendment #3."

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Speaker Hannig: "Okay. Mr. Clerk, let's take this out of the record. We'll let the Sponsor get clarified and we'll come back to it. Mr. Clerk, would you read Senate Bill 2367."

Clerk Mahoney: "Senate Bill 2367 has been read a second time, previously. Amendment #1 was approved in committee. Floor Amendment #2, offered by Representative Daniels, has been approved for consideration."

Speaker Hannig: "Representative Daniels on the Amendment."

Daniels: "I wanna withdraw Floor Amendment #2."

Speaker Hannig: "The Amendment is withdrawn. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Daniels, has been approved for consideration."

Speaker Hannig: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 has been worked on by the Fee for Service Committee appointed by the Speaker and I move for its adoption."

Speaker Hannig: "Is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. Notes have been requested on Amendment #3, but yet... not yet filed."

Speaker Hannig: "Okay. So, Representative Daniels, there's been some requests for some notes and the Bill will remain on the Order of Second Reading for the time. Representative Dunkin, are you... are you ready to go back to

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2247? Okay. We'll take that out of the record. On page 12 of the Calendar is Senate Bill 2404. Mr. Clerk, read the Bill."

Clerk Mahoney "Senate Bill 2404 has been read a second time, previously. Amendment #1 was approved in committee. Floor Amendment #2, offered by Representative Mautino, has been approved for consideration."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you. Floor Amendment 2 to this legislation would preserve the ability of the liquidator to negotiate voluntary commutations of reinsurance contracts. This is language that we took, actually, from 1750 and it was pointed out by Representative Franks and agreed to by Mr. O'Brien that those Amendments were out of order. The Committee Amendment itself was the Department of Insurance's administrative Bill. And I know of no opposition."

Speaker Hannig: "Is there any discussion? Representative Black. Okay. Is there any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. All... No notes filed."

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

Clerk Mahoney: "Senate Bill 2404, a Bill for an Act in relation to insurance. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Mautino."

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Mautino: "Thank you. The... the Bill now as it's enrolled is the Department of Insurance's administrative Bill. It has four provisions in it. The first would allow the director of insurance to request that insurance companies file their forms electronically. This is through the SERFF system, a system for electronic rate and form filing, part of the Graham-Leach-Bliley and streamlining of insurance regulation. The second provision would be in the fees and it would allow the department to mail a quarterly invoice to the companies for the appropriate filing fees. Third provision deletes the thousand dollar cap for multiple filings and two thousand for advisory or ratings organization filings. This is so that they can have the continuous work flow as opposed to people waiting 'til the very end in order to file. Fourth item is the... the ability for the director to specifically approve transactions under a runoff plan. Know of no opposition. And be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Representative Dunkin. Okay. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 67 voting 'yes' and 47 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Let's return to page 11 and Representative Dunkin is recognized on Senate Bill 2247."

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Clerk Mahoney: "Senate Bill 2247, a Bill for an Act in relation to property. Third Reading of this Senate Bill."

Speaker Hannig: "Rep..."

Dunkin: "Thank you, Mr. Speaker and Members of the House. Senate Bill 2247 simply allows the State of Illinois to give the City of Chicago the opportunity to lease land that is owned by the state at fair market value to a private entity. And I move that we vote for the Bill. At fair market value. And I ask for an 'aye' vote."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black. We'll get back to Representative Black. Let's go to Representative Parke, the Gentleman from Cook."

Parke: "Since Representative Black is prepared to speak, I will yield my time."

Speaker Hannig: "Very good. Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. First of all, I wanna thank Representative Dunkin. He took this Bill out of the record some time ago and that's never easy because you're never sure that you're going to get back to the Bill and I... it's a little more certain when you're in the Majority then when you're in the Minority. But be that as it may and I want the... I want the record to reflect he asked if there were any such lease agreements in my district, I said I didn't know, if he knew, he could let me know. The Illinois Department of Transportation has told me that these lease arrangements are not that rare, in fact, there are two of

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them in my home county of Vermilion... three, the guy's really studied the issue. So, there are three in my home county of Vermilion. Secondly, the... his Amendment, at fair market value, is all we ever wanted to get to and we're there. The last appraisal that IDOT did on this parcel would show a lease rate of about \$25 thousand a month. Now, there will be another appraisal as Representative Dunkin has indicated. That monthly fee, I'm sure, will go up. IDOT cannot tell me how they got this parcel in the first place because it's so long ago and they think there is a possibility... they just don't know and I'm taking them at their word. I've never had any reason to doubt the word from IDOT that this land, this parcel, in fact, may have been donated for a highway project of 50, 60 years ago. So, when all is said and done, Representative Dunkin is right. I stand corrected. There will be a new appraisal and it will be fair market value in probably in certainly in excess of \$25 thousand per month. There are some other points we could argue, but I... I'm not going to do that at this point. The Gentleman has done everything I asked him to do. I thank him for that. And I intend to vote 'aye' on his Bill."

Speaker Hannig: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker. I also commend the Sponsor of the Bill. It has been the practice that fair market value is always used, but we asked him specifically in committee, in Executive Committee, if he wouldn't mind putting another Amendment on that actually says those words. He was more

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than accommodating. It cleared everything up. And I thank the Sponsor and I also urge an 'aye' vote."

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

Dunkin: "Thank you, Mr. Speaker and Members of the House. Again, this is a... a very good situation for the State of Illinois to receive this. Fair market value on a consistent basis of land that was not... that is not previously used. And it expands jobs here in the State of Illinois which expands our revenue base. So, I encourage all of our Members here to vote for this Bill. Thank you."

Speaker Hannig: "The question is, 'Shall Senate Bill 2247 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 3 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Repre... Giles, for what reason do you rise?"

Giles: "Thank you, Mr. Speaker, on a point of personal privilege."

Speaker Hannig: "Yes. State your point."

Giles: "Thank you. Mr. Speaker, being a chairman of the Illinois Legislative Black Caucus, Members come to you and ask you to make all sorts of requests and statements. And so, I'm just here to... to grant this particular request. Senator Rickey Hendon in the Senate have asked me to make this charge to this Body. He's seeking a reward, there's a

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reward for \$75 for a return of a lost softball, he states in this flyer. Please help. Anyone who knows me know that I love softball. This ball is very special to me. I pitched my first no-hitter, if anyone has seen this ball please call Senator Hendon, Rickey Hendon at 782-6252. So, Mr. Speaker, ya know, \$75 may be hard to come by. So, if people got any lost softballs around, here's your chance to pick up a extra 75 bucks. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Turner, have any lost softballs?"

Turner: "I've got the \$75 to send the Senator to Arizona. I think that's where it might be. He'll need it for next year's game."

Speaker Hannig: "Okay, coach. Representative Monique Davis."

Davis, M.: "I would like to know, Mr. Speaker, what is written on that ball and will he have a handwriting expert to determine that it is the real ball that's lost because he could get about ten balls back."

Speaker Hannig: "Thank you, Representative Davis. On page 8 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 739. Mr. Clerk, would you read the Bill, please?"

Clerk Mahoney: "Senate Bill 739 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

Speaker Hannig: "Representative Reitz."

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Reitz: "Thank you, Mr. Speaker. Floor Amendment #1 clarifies... actually, it's an initiative of the Meat Inspector's Association. Clarifies for Class II slaughterhouses that they also stamp 'not inspected by the Department of Agriculture' along with the 'not for sale' stamp that's already on there and increases the size."

Speaker Hannig: "On the Amendment, is there any discussion? Representative Franks."

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

Speaker Hannig: "He indicates he'll yield."

Franks: "Representative, why do we need this?"

Reitz: "Currently, the Department of Agriculture does not inspect meat at Class II meat processing plants and they just wanted to class... to clarify that, ya know, that it is not inspected. Currently, it just says 'not for sale'. It's... They're not allowed to sell the meat. It's processed for individuals, things of that nature. They want clarification that this meat is... has not been inspected by the department and it's not for sale."

Franks: "What is a Class II facility?"

Reitz: "It's a facility that does not sell to the public. If someone took private animals in and had them slaughtered, a cow or a pig, something along that nature, then they could get that back or a deer. Most of them are used for... to process deer."

Franks: "Okay. So, if we pass this Bill, they'll have to put a... a stamp probably on the packaging..."

Reitz: "Correct."

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Franks: "...of the meat and they'll say it's not been inspected by the department, it's not for sale?"

Reitz: "Right."

Franks: "Who would see that if they're not... if it's not for sale?"

Reitz: "The... Well, the... the individual that brought that in. Currently, they stamp on there 'not for sale'. They'd like to just see that it says 'not... not inspected by' just to clarify that it's not inspected by the Department of Agriculture."

Franks: "So, this is for someone who brings in a deer, for instance, and needs it to be processed and they would get this back in the... in the white waxed paper..."

Reitz: "Right."

Franks: "...and it would be stamped on there 'not inspected, not for sale'? This is somebody's personal..."

Reitz: "Correct."

Franks: "...a deer they shot or something?"

Reitz: "Correct."

Franks: "Okay."

Reitz: "And where the clarification would probably help more than anything else is if they... if they donate that to a school or something like that. Just so they know that this meat hasn't been inspected by Department of Agriculture."

Franks: "All right. Thank you. As I... couldn't figure out why we needed it, but you've helped. Thanks."

Reitz: "Thank... It's what we're here for."

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Speaker Hannig: "Is there any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 739, a Bill for an Act concerning agriculture. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Reitz."

Reitz: "The Amendment became the Bill. I'd appreciate an 'aye' vote."

Speaker Hannig: "Is there any discussion? Then all in favor... I'm sorry. Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 829."

Clerk Mahoney: "Senate Bill 829 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoffman, has been approved for consideration."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What Senate Bill 829 does, Floor Amendment #1, is it addresses the issue of needed money for downstate transportation and makes sure that the Downstate

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Transportation Fund that many times lapses between 10 and 19 million dollars actually goes... the majority of it actually goes to downstate transportation districts. It also addresses an issue regarding St. Clair County Transit District and the Metro-Link System. It also allows and brings up to the statutory amount the 55 percent operational cost level of all the downstate transit districts. And it also funds three new transit districts that will become eligible and receive funding under the new system which would include the three newest, include DeKalb, Macomb and Shawnee. It also would reflect the 10 percent yearly increase that each district receives each year and additional help with those districts that were getting funded below the 55 percent operation level. I ask for a favorable Roll Call or not now..."

Speaker Hannig: "Yes. Is there any discussion? Then all in favor of the Amendment say... excuse me. Representative Meyer on the Amendment."

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

Speaker Hannig: "Indicates he'll yield."

Meyer: "Representative, my analysis shows that this is about \$600 thousand, is that correct?"

Hoffman: "I... I apologize, Representative. Somebody else was talking and I apologize."

Meyer: "My analysis shows that what you're asking for is \$600 thousand. Is that correct?"

Hoffman: "No. I believe that the amount of money is actually in the approp Bill that we passed earlier. And what it

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does is... is every year the downst... what happens is money goes from the sales tax directly into a Downstate Transportation Fund. Okay. And what we're saying here is that that money, which a lot of it lapses every year, we'll make sure that that money is utilized and my staffer's coming to tell me exactly how much is in the approp Bill and I'll... I'll get that to ya, if you could hold on one second."

Meyer: "Is that... is that distributed out to different districts by formula or what, how is that determined?"

Hoffman: "Yes. What happens is the legislation... previous legislation indicated that downstate transportation districts or downstate transit districts are funded at a 55 percent operational cost level from the state the rest is local support. And this is sales tax that actually is collected in the district, sent to a fund and then goes out to these local districts at 55 percent level. Prior to this legislation, a lot of the districts weren't receiving their full 55 percent level because of quirks in the law. This makes sure that they'll receive their full 55 percent level and ensures that three new transit districts which... which have been on the books, but weren't funded or funded and that would be in DeKalb, Macomb and Shawnee."

Meyer: "All right. Thank you for your response."

Hoffman: "Thank you."

Speaker Hannig: "Is there any further discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, I apologize if this has already been brought up. I was off the floor. Set some of the Members on our side of the aisle, as well as yours, at ease. Many people looked at this and said that you were trying to get into the Road Fund for your district. I don't see it that way at all. Could you... you comment on what this is?"

Hoffman: "Yeah. I hope... I think I have the wherewithal if I wanna get in the Road Fund, I'll just get into the Road Fund."

Black: "Whoa."

Hoffman: "I'm kidding, I'm kidding. I'm kidding. This has nothing to do with the Road Fund."

Black: "Yeah. This has nothing to do with construction projects, no, you're not transferring any money that would go into the IDOT capital budget. You're simply tweaking the formula on mass transit which comes from sales tax. Correct?"

Hoffman: "Right. And it statutorily goes into this fund and for whatever reason, the way the previous statutes were written, the previous laws were written, it wasn't brought up to the 55 percent level in many of these districts. This allows that and the money that's sitting there and would otherwise lapse is gonna go out to the transit districts including, I believe, Danville will... will get an additional amount."

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Black: "Well and I don't like... and I'm sure that no one on this floor likes to see any... any transit district lose a penny, but at the same time, the population density in the Metro-East area is just a little bit greater than in my area. So, I don't see anything wrong with this. I intend to vote 'aye'."

Hoffman: "Thank you."

Speaker Hannig: "Is there any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 829, a Bill for an Act regarding highways. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes. The Amendment is the Bill, Senate Bill 829, we just debated it. Deals with the Downstate Transportation Fund."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 5 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 943."

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Clerk Mahoney: "Senate Bill 943 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 and 3 have been adopted to the Bill. Floor Amendment #4 has been approved for consideration, offered by Representative Hoffman."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes. Floor Amendment #4... I believe we had already adopted Amendments 1 and 3 and Floor Amendment #4 adds to the Bill. And what it does is it... it is an initiative of the Procurement Policy Board. And currently the Procurement Policy Board allows CMS to seek renewal of leases in effect before July 1, 1999 by review and approval of the board. This... what happens is the state leases are for about four or about five years and the board would essentially lose its review authority this year via attrition. So, what we're doing is saying that the... any leases that have taken place before July 1, 2002 that... that before July 1, 2002, that they will be able to review them; therefore, the Procurement Policy will be able to review leases on an ongoing basis."

Speaker Hannig: "Is there any discussion? The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Is there any reason in particular you chose that date, Representative Hoffman?"

Hoffman: "I... No. The date was chosen by the Procurement Policy Board which is made up, I believe, of one member from... an appointee of each caucus and one from the Governor. And they chose this date because, I believe, the leases are

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normally five years and they used to be July 1, 1999... any leases made before July 1, 1999, were reviewable, but any leases made after that were not. So, what we're doing is we're changing it so that... so that any leases that are made prior to July 1, 2002, are reviewable."

Mulligan: "So, if they're reviewable, what does that mean? You can review them and if... and let them again or cancel them? So, what if someone has made some substantive commitment to a lease and then they could cancel that lease and start again?"

Hoffman: "I think... currently, the Procurement Code allows CMS to seek renewable leases in effect prior to July 1, 1999, by review and approval of the board. Okay? That would be a renewal of the lease. So, I believe, this just deals with renewals of... of the leases."

Mulligan: "So, it'd only be renewed if they couldn't review them in the middle of a con... of the..."

Hoffman: "I don't think that's... it would indicate that the... CMS, in order to renew the leases, must have review and approval of the board. So, it gives it the approval authority and they want the approval authority to kinda oversee what CMS is doing with regard to the renewals."

Mulligan: "All right. Thank you."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Yes. State your inquiry."

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Black: "Could you advise as to whether or not Floor Amendment #3 has been adopted and is on the Bill?"

Speaker Hannig: "Mr. Clerk, what is the status of Floor Amendment #3?"

Clerk Mahoney: "Floor Amendment #3 has been approved, is on the Bill."

Black: "All right. Thank you very much. Mr. Speaker, will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, #... Amendment #4, I assume, adds to the Bill?"

Hoffman: "Yes."

Black: "Okay. L. I apologize. I'm trying to catch up here. The design-build language that was in the original Bill, some of the contractors that deal with road and bridge projects were concerned about a design-build proposal. It's my understanding that Amendment #3 eliminates their objection because for all practical purposes, if I'm wrong, say so, it takes the road construction RFPs and bids out of the process."

Hoffman: "Yes. All this deals with now is it deals with Floor Amendment #4 which we are attempting to adopt regarding the renewal of leases and the Procurement Policy Board and it just deals with the Capital Development Board and the concept of design-build at the Capital Development Board."

Black: "And this is primarily aimed at a building that we have on line for the Illinois Emergency Management Agency?"

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Hoffman: "Yes. That's... that is one of 'em, but it... it also would give the Capital Development Board if, indeed, the scope of the project and the nature of the project would indicate, and the speed of the project necessitates, a design-build type of procurement that they would utilize that. They indicated that they estimate at the most they would do it between 5 and 10 percent of their... yeah, 5 to 10 percent of their buildings."

Black: "It's... Would it be fair to say that, should this Bill be on the Governor's desk and signed into law, that this significantly changes the Procurement Code and gives more authority to the Capital Development Board? I don't view it that way, Representative..."

Hoffman: "No. I don't think that that's true. I think..."

Black: "...but I wanna make sure that's not your intent."

Hoffman: "No. Let me just tell ya and I'll try and give you... I'm not a construction expert, but I'll give you what I know about design-build. Design-build is... is a fairly new concept that has become popular over the past few years which really integrates the process and is used well only when a scope and the speed of the work is necessary to do it. This is... is very limited into what it can be used for. It is at the... at the Capital Development Board's... they can make the decision. It's my understanding that nobody is against the Bill and the people who work: the architects, the engineers, the builders. They are the big proponents of this Bill. I think, Representative McAuliffe was... Representative McAuliffe originally carried a provision or

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the design-build concept here in the House and this is agreed language that everybody can agree to."

Black: "When... when you... when you go... when you contact the design-build firm and they do all of this which expedites things, the firm that you contract with, would they go out for bids to various subcontractors or do they... I guess what I'm getting... I guess what I'm a little confused about, would people like my brother still have a right to bid on a contract or the design-build engineering firm or consulting firm just do... do all of that and have captive employees or more or less or captive subs?"

Hoffman: "Yeah. Well, it's my understanding, again, as limited as it might be, is this would only be used in... the scope would be limited at the time of use in like emergency type projects and when its... it needs to be compressed and the time limit needs to be compressed."

Black: "Okay."

Hoffman: "The design firm then bids out, I believe, and ask that subcontractors bid to them and then they use that in order to make their bid to CDB."

Black: "Thank you very much, Representative. As always, I appreciate your indulgence and let me just say, you're far too modest. You... you have a lot of experience in construction because I'm in awe of you about the design-build contract you've been able to foster with the Governor. So, we... we hold you in great respect here."

Hoffman: "I've done real well on this designing and building this budget, haven't I?"

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Speaker Hannig: "Is there any further discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 943, a Bill for an Act in relation to state procurement. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes. I believe that we debated the design-build concept for CDB and we talked about Amendment #4 that dealt with the renewal of leases by the Procurement Policy Board. I just ask for a favorable Roll Call."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 voting 'yes' and 8 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Parke, for what reason do you rise?"

Parke: "I'm call... talking because a number of people would like to have an idea of how much longer we're gonna go, whether or not we should order food for dinner or should we wait a short period of time?"

Speaker Hannig: "That's a... that's a very good question, Representative Parke and I've been advised that we'll

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probably work a couple more hours. So, you can make your plans accordingly."

Parke: "Thank you."

Speaker Hannig: "Representative Molaro."

Molaro: "Thank you. A point of personal privilege."

Speaker Hannig: "Yes. State your point."

Molaro: "In the Speaker's Gallery on the Democratic side, to my left, I'd like to welcome Representative Joe Lyons, Ladies and Gentlemen."

Speaker Hannig: "On page 9 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 1400. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1400 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Mendoza, has been approved for consideration."

Speaker Hannig: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 1400 is a very important initiative that thankfully I can say has counted on bipartisan support through the drafting of this Bill. I... Is that... Originally, an initiative of the Illinois Hunger Coalition and deals with feeding hungry children breakfast at schools. What the Bill basically says... Oh, first of all, the Amendment and I think... Do we need to adopt the Committee and Floor Amendment or is this just the Floor Amendment?"

Speaker Hannig: "This is..."

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Mendoza: "Floor Amendment #2?"

Speaker Hannig: "...Floor Amendment #2."

Mendoza: "Okay. This simply adds an effective date to the Bill. It amends it to say that the Bill would take effect upon the Governor's signature... 90 days upon the Governor's signature or by September 1 of 2005 whichever date is later. And I would ask for adoption of the Amendment."

Speaker Hannig: "On the Amendment, is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 1400, a Bill for an Act regarding nutritional services for children. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, again, Senate Bill 1400 is a Bill that... what it does it says that any school that has 40 percent or more of its enrollment eligible for free or reduced school lunch would also have to provide breakfast, a breakfast program. And we would think that study after study has shown and demonstrated that children who are hungry cannot and will not learn at the levels that they should. So, I wanna thank Representative Roger Eddy, Representative Renee Kosel and all the Members of the Education Committee and those other Members who worked with me hand in hand in developing

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a Bill that, at this point, is now, I believe, approved and being supported by everyone. We have no opposition that I know of at this time. And I would ask for an 'aye' vote."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 1400. And on that question, Representative Eddy."

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

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

Eddy: "Representative, I wanna thank you for your work on this Bill, as well. Just wanna make sure that everybody's understanding of the language. This Bill does allow a school district to opt out of the school breakfast requirement if it is determined that due to unique circumstances specific to that school district that the expense reimbursement would not fully cover the cost of implementing and operating that school breakfast program. Is that correct?"

Mendoza: "Yes. That would be correct, Representative. As... as you made aware to myself and other Members of the committee, there may be special circumstances where a school could demonstrate and make their case that they really, in effect, cannot meet the full funding mandate of this program. In that instance, that entity would be able to go before the regional, the ROE, at which point or at which time the ROE would be able to decide whether or not to grant a waiver, independent of the current waiver with the school. And if there's still no resolution in terms of the community or the school itself, there's a secondary

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appeal mechanism which could... which would be before a joint committee of the House and Senate. So, I think that we really have tried to address the concerns of those rare instances where perhaps the school really can make a case that they can't meet this mandate."

Eddy: "And it's the intention that the process for appeals is the regional superintendent and not the current waiver process that's established?"

Mendoza: "That is correct. As a matter of fact, let me just be more specific on that. And let's see here, it exempts the school breakfast program from the current mandate waiver process and creates the one that I just stipulated."

Eddy: "Okay. Thank you very much."

Mendoza: "Thank you."

Eddy: "Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Eddy: "Ladies and Gentlemen of the House, I do wanna thank the Sponsor of the Bill for her consideration of the concerns of many school districts who found themselves in a situation where although they had a high rate of free and reduced lunch students they were concerned about the possibility that this type of a mandate without some way of at least having an opportunity to explain how the requirement could cause them to have to choose between programs for... for children and a breakfast program it allows them that opportunity. And in its current form, I wanna note that the School Alliance Management Group is neutral on the Bill and again, I think in its current form

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it is fair. But it allows us an avenue to have children who are in schools with high rates of free and reduced lunch an opportunity to get breakfast where they may not have it. It also allows those schools a legitimate opt out. Thank you."

Speaker Hannig: "Representative Flowers."

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

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

Flowers: "Representative, does your Bill speaks to the quality of the school lunch?"

Mendoza: "The Bill specifically just states that any school that currently is eligible for a free or reduced lunch program also have to provide a breakfast program which is... there are guidelines set by the USDA as to what type of food can be eaten. But that's a great question because I know that there have been issues regarding lunches and there are different... many different Legislators and other interested parties in looking at revamping what some of those food offerings are. But the intent is to make sure that all schools are providing breakfast for children who need it."

Flowers: "I understand that your intentions may be good, but as you stated, you know of the problems that we've been having across the state in regards to reduced school lunches and I don't want people to think that because these children are poor that they can be given anything. My other concern with your Bill is that it states that the state board makes on-site inspection for school milk programs in at least one

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building per school district every five years. Now, we have 600 schools in the City of Chicago. Is there a particular reason why that we would want ISBE to inspect one school building per district on a five-year... every five years? Is... Why was that necessary?"

Mendoza: "We're just keeping the Bill consistent with what we do for the lunch program, Representative. So, if the school provides lunch, then it this would just be an extension of the program for the morning hours."

Flowers: "But as far as the inspection of the lunch?"

Mendoza: "It's... it's the same, yeah. Because most of the schools are going to be using... utilizing their same kitchens, so the..."

Flowers: "But wouldn't we... wouldn't we want to..."

Mendoza: "...inspection process would be the same for lunch versus breakfast."

Flowers: "Would we want to have it inspected a little more often to make sure it's being cleaned or the proper food is being served and it's being kept at the right temperature, so we won't have to see children being hauled off to the hospitals from bad inspections or bad food?"

Mendoza: "I'd be open to anything that improves our current nutritional opportunities for our children, but again, this Bill is just keeping the program consistent with what we do for lunch."

Flowers: "I'm sorry. I didn't hear your last statement."

Mendoza: "I said I would, of course, be supportive of anything that would improve our nutritional offerings to our

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children, but this Bill is specifically related to breakfast and we're keeping it consistent with what the current lunch program is."

Flowers: "Okay. But is this your language, the inspection every five years or was that existing language?"

Mendoza: "I believe that's what we do currently with the lunch program, so we're just keeping it consistent with what... what... what we're doing for lunch."

Flowers: "Okay. But you would be amenable to a change. Would you think that we should have it... the school inspected more often it should be more than one school? I mean, if... if the state board can inspect more than one school, we should allow them to do so."

Mendoza: "I think if you'd like to offer an Amen... I mean, a Bill next year that would do that and could provide a funding source for that as well 'cause I'm sure that'll come up, I'd be willing to support that. But in terms of this Bill, I think we've worked out pretty much all the kinks that we... we can at this point. I think it's very important to move it over to the Senate, get concurrence on it and start feeding hungry children. Thank you, though, for your offer."

Flowers: "Thank you, Representative."

Speaker Hannig: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield?"

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

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Meyer: "Representative, do you have any idea how many... approximately how many schools would qualify for this program?"

Mendoza: "Let me get that number for you. I know I have it, but I believe it's like 361 or something like that. That we have here... Can you give me a minute to get that? Three hundred and twenty-one schools."

Meyer: "The 300 and... excess of 300 schools, that's fine. And where... where does the funding for this... where's that going to come from?"

Mendoza: "That's a great question. And this is all in the Bill, the U.S. Department of Agriculture provides... we get federal reimbursement for this... participating in the program similar to what we do with the lunches. And so there are certain things that are reimbursable under this program for any school that chooses to participate. Let me read you what the list of those things are. Okay. Compensation of employees for the time devoted and identified specifically to the performance of the award. It also reimburses for the cost of materials acquired, consumed or expended specifically for the purpose of the award. It also... things that are reimbursable are equipment and other approved capital expenditures. And we also would be able to get reimbursement for travel expenses incurred specifically to carry out the award. For example, if you needed to provide an earlier bus time or things of that nature. And those are all things that originally were not known to be reimbursable and we did get clarification from

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the USDA as to what those issues are that are reimbursable so that this Bill would be obviously more palatable to many of the Members of the Body."

Meyer: "Well, are the schools reimbursed for all expenses no matter how much they are or do they get a pot of money to administer to anyone or all of those programs as they choose?"

Mendoza: "Okay. The schools get a standard rate of \$1.20 for each breakfast served to a student eligible for free benefits, 90 cents for each breakfast served to student eligible for reduced-price benefits and 22 cents for each full-priced student breakfast. Now, obviously, some of those schools are going to be able to fully fund their entire program with that level of reimbursement. Other schools may have extra money left over and some schools, as Representative Eddy and I have talked about, may be able to make a case that they can't meet the mon... the funding mandate. In which case, they would then be able to appeal to the ROE which was something that was not originally included in the Bill. And I do think that's a very fair complaint that's why I was more than happy to work with Members of... as a matter of fact, there... those were brought to me to my attention by the Members of the Republican Party and... and members of different superintendent bodies. And I think that those are valid arguments and that's why we've written an appeals process into the Bill."

Meyer: "So, it would be realistic for us to assume that there would be a number of schools that would, at some point,

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take part in this appeal process to the regional superintendent. Now..."

Mendoza: "Yeah. That'd be..."

Meyer: "...and if I could just move on beyond the regional superintendent. The one part that kind of disturbs me a little bit is the provision that if the regional superintendent would deny the appeal that the schools could then actually come to the Legislature which puts us in direct appeal process and both the House and the Senate would have a role in that. Which committees in the House and the Senate are those that would have the role?"

Mendoza: "I believe, in the Bill and has it written as Education Committee between the House and Senate. So..."

Meyer: "And if they did not... did not pass on the identical appeal, if one would refuse to agree with it and the other did agree with it, well, then the school would be required to implement that?"

Mendoza: "Right."

Meyer: "Well, then..."

Mendoza: "So, if the first... Let's say the ROE voted against the school that they have to do it cause ROEs are elected as well. And the... Let's say... Okay. So, let's go back. Okay. The ROE says that the school is right, that they... they're granted a waiver. Then the community could appeal it as secondary appeal to our Body which currently we're the ones who grant the waivers to begin with, so this is not an entirely new concept. But since we're exempting them of the original waivers process then go to the ROE.

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If the community isn't, after this hearing and the decision of the ROE, unhappy with the decision, they can appeal it to a secondary body which would be out of the House and Senate and that decision would be final."

Meyer: "Did I understand you that if... if the superintendent or, excuse me, the regional superintendent granted the appeal that then the community could come back and appeal to the State Legislature?"

Mendoza: "Yeah. The interested parties. So, there is and there would be a public hearing during the ROEs appeal process at which time either the ROE... I mean, not the ROE, either the school or the community interested in this has access to an appeal. It's not one way or the other, they both do."

Meyer: "Well, I'm not gonna belabor the point. I... I think that that concept needs to have some work on it from my perspective at least, Representative, because quite honestly it appears to me that you've interjected the direct appeal from interested parties whoever those might be. It could be one parent, it could be ten parents or whatever, not liking what the ruling is and wanting their child to have the lunch that evidently the school feels it cannot provide without the possibility of cutting other programs and you've interjected the House and the Senate Committee into that fight and I... I'd be very concerned about that. Thank you."

Speaker Hannig: "Representative Miller."

Miller: "Will the Sponsor yield?"

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

Miller: "Just real quickly, Representative. There was some discussion when this Bill was presented in the committee in regards to additional cost and I heard some of the discussion before. One of my school districts had thought that is it now exempted out. It talked about transportation costs and also security issues and also, as far as just the space, so if the children come in the morning, they essentially have to be bussed there or however they're gonna get there. And there's gonna have to be some super... some supervision. Can you just kinda comment on that?"

Mendoza: "Yeah. Thank you, Representative. The... just for clarification of that 'cause I think that's a very important part of this Bill. What are the issues that are reimbursable? The transportation costs that came up in committee that many people thought were not reimbursable, are, in fact, reimbursable under this program; travel expenses incurred specifically to carry out the award; equipment and other approved capital expenditures; cost of the materials acquired, consumed, or expended specifically for the purpose of the award, and compensation of employees which is a very important point here for the time devoted and identified specifically to the performance of those awards. So, if you need to bring the kids in a little bit earlier and you have to arrange for a bus for example, that would be reimbursable. You would be able to appeal for reimbursement of that as well as any additional teachers

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that you brought in to oversee the children while they're being given breakfast. These are issues that are very important for this part of this Bill and are, in fact, written into the Bill as reimbursable by the Federal Government. Thank you."

Miller: "Okay. And then you just answered the other part, so when you talk about the reimbursement part of it, that is on a federal level, correct?"

Mendoza: "That is correct."

Miller: "Okay. And the process in which the school is to be reimbursed. So, for instance, one of my schools in South Holland may decide to participate in this, okay, and that... Now, my understanding is it still would be optional to a degree if they... if they cannot provide the space or the transportation, then they can waive out of the program?"

Mendoza: "Well, they'd have to make their case to the ROE that as to why the reasons are that they can't. If the ROE, let's say, supports the decision of the school, then they would have to put in writing and we would get that report as to why it is that they are standing by the decision of the school to not have to participate in this school breakfast program. Because the overall intention here is to make sure that we have as many schools as possible providing breakfast to hungry children."

Miller: "Well, absolutely. The... the last question. As far as when you said that they would have to present it to us, you're saying the Legislative Body here? And also..."

Mendoza: "Yes."

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Miller: "...what would be the... let's say, that year one they couldn't do it. Would it be up to the school or the ROE or us, it's similar to the waiver process, to determine on yes, we'd want this school to do it or no, they can't do it or... Is there... I think, there was a question dealing with reevaluation during that process."

Mendoza: "Well, the way it works is that they'd have to, since this is a new program for some of these schools, in order to qualify you... in order to participate and to be mandated to do this, the qualifying factors are that you be a school that has 40 percent or more of your population eligible for free or reduced lunch. If you meet that requirement, then we're saying here that we feel it's important enough to provide breakfast to those schools. So, if for whatever reason you can't meet the mandate and you really feel you can make your case, then you bring it before the... the ROE. If the ROE sides with you, then it could be that's the final decision. If someone wishes to appeal it, they can appeal it one step further, but ultimately we think that most of the cost of this program are funded by the Federal..."

Miller: "Not to cut you off, but I just wanted to get to the point of the reevaluation process."

Mendoza: "Oh, okay."

Miller: "So, for once, so and so... For instance, like there's a lot of transition in our area, in the south suburbs, so one year a school may not be on the list and in another year,

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the school may have 40 percent eligible. And I was just trying to get a timing of it. That doesn't have to be..."

Mendoza: "Well, you have to... thank you for putting me back on track."

Miller: "...during the summer or the beginning of the year..."

Mendoza: "It would be the following year. So, right now, a certain amount of schools are gonna qualify under this 40 percent requirement, but if, ya know, a year from now a school that's not participating, population shifts and their income is now makes 'em eligible under this 40 percent guideline, then they would have to participate in the next following school year."

Miller: "Okay. To the... to the Bill."

Speaker Hannig: "To the Bill."

Miller: "Ya know, I think this is a wonderful piece of legislation. I know that Representative Mendoza has worked hard for my... on this. Myself, when it was initially presented in Elementary & Secondary Education, I was on it and then I heard some... from some concerns from my local school districts because of some of the questions I asked in regards to transportation and security and she's worked very hard to try to appease all those groups. As far as I know, there's no opposition. And as we all know, that having a breakfast for some of these children in our schools is probably the only meal they may have today next to the lunch that the school provides. And so, it's just... we just know that their brain cells will be working better and for them to be able to study and do better performance

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which I think we all want regardless of where we live. I would ask for a favorable vote."

Speaker Hannig: "Representative Black."

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

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

Black: "Representative, first of all, this is subject to federal appropriation, correct?"

Mendoza: "That is correct."

Black: "All right. That's probably not gonna happen, so the Bill doesn't really do anything. Secondly, if the school district can show to the regional superintendent of schools, that it is a neighborhood school and nobody's gonna come to this school and eat breakfast; therefore, they shouldn't have to go to the time, trouble, expense to set up a program when they can clearly show that no one is going to take advantage of the program. You're telling me the regional superintendent of schools can deny that... deny that school the right to say, no, we don't want to participate. Not only do we not want to participate, we have surveyed all of our parents and no children will participate in this program."

Mendoza: "Right. Then they can make their case exactly that to the ROE at which time the ROE could say, you know what, I looked at all the facts and it appears that you're correct and no, you don't have to participate in the program."

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Black: "And if the R... if the regional superintendent denies that school's petition, it can then be brought to the House Elementary & Secondary Education Committee?"

Mendoza: "That would be the secondary appeal. If someone wishes to appeal it. I mean, if you're telling me that all the parents are saying we don't want to participate and the community is saying we don't want to participate and the school is saying we don't want to participate, it seems to me that there wouldn't be someone trying to appeal it a second time. I'm just using your example, Representative."

Black: "Well, let's just say, I spent a long time teaching school. You have a public hearing."

Mendoza: "Yes."

Black: "Somebody comes to the hearing doesn't even live in the school district."

Mendoza: "Right."

Black: "Object. I object. I absolutely object. Every school district in the state should serve breakfast. Ya know, God forbid they'd get that upset about whether we're teaching reading and writing and math, but what the heck. So, some... somebody shows up at the public hearing, who doesn't live in the district and says, I object, you should serve breakfast. I'm assuming that that person can file the necessary petition to bring this to the House Elementary & Secondary Education Committee."

Mendoza: "Theoretically that would be correct, yes. At which time we would have the opportunity to review the..."

Black: "I wouldn't. I don't serve..."

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Mendoza: "Well, okay, but you..."

Black: "...on the committee, so I don't have to."

Mendoza: "...the Education Committee, good point. But Members of this Body would have the opportunity to review the reasons why it was that the ROE, in writing, stipulated he agreed with the decision of the school, then I'd have to participate and hear all kinds of evidence and facts as well as to make that case. And I have enough confidence in my colleagues that if one person who doesn't live in the district or anywhere near the area or the school and just wants to complain about something, that we would hopefully be able to sift through those facts and make the right decision. But the point is that we have a process in place now in this Bill that originally was not there that gives people that opportunity."

Black: "Now, if I... if I understand what staff is telling me, this becomes even more convoluted. That the House Elementary & Secondary Education may act on this petition, but the Senate Education... Elementary & Secondary Education Committee can also get involved in this process and it appears that the two committees must agree."

Mendoza: "Let me check on that, but I believe it's a joint committee between the House and the Senate that would be put together to look at that issue."

Black: "On... on page 5 line 19, it says, 'the joint committee shall make a final decision...'"

Mendoza: "Joint committee."

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Black: "...at the conclusion of the hearing on the school district's request for an exemption from the school breakfast program requirement'. So, I'm assuming that that means the House Elementary & Secondary Committee and the Senate Elementary & Secondary Committee meet in a joint ses... or a joint meeting..."

Mendoza: "Right."

Black: "...and they have to agree?"

Mendoza: "Yes. So, I don't believe they'd be meeting separately that's why the word joint is in there..."

Black: "Okay."

Mendoza: "...as in both of them."

Black: "Thank you very much, Representative."

Mendoza: "Thank you."

Black: "I won't belabor the point. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "I've been here long enough to know this Bill's going to pass with beaucoup votes, but I'm reminded of what the Governor said a few months ago in this chamber about the Soviet style of bureaucracy that exists in the State Board of Education. Now, here we go... here we're telling a local school board and a local school district, you will serve breakfast. I don't care what the reason may be that you don't want to, you will serve breakfast, the comazar has spoken. And so if you don't wanna serve breakfast, you can appeal and if the regional superintendent denies your appeal, then you can appeal to the House and Senate joint Elementary & Secondary Education Committee who will sit as

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a super school board and decide on that school district's petition. The fact that none of them live in that school board or that school district, that none of them have probably been in that school district, that doesn't seem to make any difference. You will serve breakfast. You know what, this Bill's gonna get 80 votes, that's fine. Representative, I have a lot of respect for you, I really do, you know that. And this Bill on the surface, I, you know, sure it's a great idea, but you know one of the reasons that I got out of education are things like this. We were asked to collect mil... milk money. We were asked to sell insurance. We were asked to do this. We were asked to do that and when I finally left the classroom, it was based primarily on, I wonder if the school... I wonder if the General Assembly will just simply let me teach my subject. Let's teach them how to read. Let's teach them how to write. Let's teach them how to compute. I don't need an Elementary & Secondary Education Committee to tell my school district, you will serve breakfast. It doesn't make any difference what you want. We will tell you what to do. That's the Soviet style of bureaucracy that I thought the Governor was trying to get rid of. I know your Bill's gonna pass and I know it sounds like a great idea, but at some point, if you really want kids to learn and teachers to teach and scores to go up, will you let school districts teach and would you let local school boards decide whether they need to serve breakfast, lunch, dinner and a snack. It's relatively simple. I intend to vote 'no'. I don't

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care if I'm the only 'no' vote. At some point, I think what the Governor was trying to say in his budget address was right, let local school districts decide how they're going to run. Let teachers teach, let school boards set policy and let kids learn."

Speaker Hannig: "Representative Dunkin."

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

Speaker Hannig: "She indicates she will."

Dunkin: "I simply want to... To the Bill."

Speaker Hannig: "To the Bill."

Dunkin: "This is a very, very impressive Bill because it... it moves along the issue and the concern of young people. Children are a very valuable resource. Having an opportunity to essentially not miss a meal while they're in grammar school, a very critical portion of their livelihood or a time in their life, and I actually ran a... an after school snack program at the Boys and Girls Clubs of Chicago for about five years. Because oftentimes breakfast and lunch, unfortunately, and especially during the summer months is either their only meal for the day or their second meal for the day. So, this is a very, very valuable approach to dealing with some of the learning problems in our schools by providing kids with a food nourishment so they could have their minds open early in the morning when a lot of us take various stimulants to perk ourselves up. Food, the proper food, gets kids pumped up for the morning and ready for learning. This... this Bill along with the Speaker should be commended. We should adopt this Bill.

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Vote for it, overwhelmingly, to support our kids. And I think all of the other details that we've covered have been answered appropriately and I would encourage strongly an 'aye' vote. Thank you."

Speaker Hannig: "Representative Monique Davis."

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

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

Davis, M.: "Thank you very much. Representative, you know we had talked in committee about some guidelines in reference to the nutritional value of the breakfast. Does you Bill, in any way?"

Mendoza: "No. I do remember that we had mentioned that in committee, but it was never my understanding that we wanted to amend the language to add any of that, Representative."

Davis, M.: "Because..."

Mendoza: "But I do believe, like... like I mentioned when a prior Representative spoke, that those are issues that we need to look at, not just in the breakfast, but also in the lunch."

Davis, M.: "You know, the Federal Government only is concerned with the caloric intake. They have no concern with nutritional value. And the reason I'm concerned with the nutritional value is I know from a... for a fact some schools may serve pancakes and br... pancakes and syrup. The next day they may serve donuts. On the same day that they may serve the pancakes and syrup for breakfast, for lunch they may serve or they will serve mashed potatoes, corn and all of this is sugar. So, teachers complain that before 1:00 they're climbing the walls 'cause they've had this sugar

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all day. So, ya know, when we talked in committee, I thought you were going to address nutritional value."

Mendoza: "They... Representative, this program is funded like, I believe I mentioned, by the USDA, by the Federal Government and there are guidelines that they have to participate with in a month. Now, the issue is that hopefully the schools that will be participating in this... I mean, at the end of the day we have to think that children are going to be fed, period. Now, I do understand that the quality of the food is very important, but we're talking about children that, right now, are skipping breakfast as a whole, entirely."

Davis, M.: "Sometimes they may be better off."

Mendoza: "Well, I would argue that a hungry child is a child that, not just I would argue, but there is proven scientific fact to support the statement that a hungry child does not learn. And schools are going to be looking at what kind of breakfast they're providing, so that the... the school itself is going to be deciding what to feed the kids. Now, there is lots of options that they can choose from whether they be cereal..."

Davis, M.: "Is it the school or the school district?"

Mendoza: "Oh, that's right. The school district, you're right."

Davis, M.: "Each individual school makes the decision?"

Mendoza: "Just the same... the way we do right now with lunches. And I do agree, though, that we really do need to start getting everyone in this Body to think that we have to be looking at nutritional contents of food. And ya know,

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there's so many different... every day we hear something new in terms of what's nutritional what's not. We do really need to tackle this issue, but I think it's more important at this point now to move in the direction of providing food to children who have gone many, many, many years without it. And let's move on in that direction and I'll be willing to support you or anyone else who wants to introduce a Bill that would mandate more rigorous review of lunch and breakfast programs in all of our schools."

Davis, M.: "May I move on to another topic, transportation."

Mendoza: "Yes."

Davis, M.: "And I'm gonna support your Bill. I will support your Bill..."

Mendoza: "Right."

Davis, M.: "...but I do have these concerns. Transportation, what about children who are picked up and brought to school just a little before classes are to begin and... and..."

Mendoza: "Like bussing?"

Davis, M.: "Hold on. And the bus schedule is based upon that."

Mendoza: "So... do you... are you... you're talking about the bus. Would that be reimbursable? Yes, it would."

Davis, M.: "I'm talking about the bus..."

Mendoza: "Yes."

Davis, M.: "...there's a bus that picks up children from a number of locations. Some schools will have breakfast programs, some schools will not have breakfast programs. How will that be worked out?"

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Mendoza: "Right. Any cost that's associated directly to the implementation of this program: transportation costs, oversight costs. If you have to bring the kids in a little bit earlier, you may have to bring the teachers in earlier, obviously, to oversee not only the children who are eating, but perhaps those who are not. So, you may have to make..."

Davis, M.: "So, you may have to have two separate buses."

Mendoza: "Yes. And those..."

Davis, M.: "One for children who have breakfast and one who don't."

Mendoza: "And all you need to do is prove that this is an expense that is incurred because of the implementation of this program for it to be reimbursable. And that is written into the Bill so that there's no mistaking what is or what is not reimbursable."

Davis, M.: "Are there any guidelines in reference to the adults who will be supervising the program?"

Mendoza: "In terms of it being reimbursable? It is. As long as they're..."

Davis, M.: "In terms of them being... will they be aides, will they be regular teachers, will they be parents?"

Mendoza: "Yeah. There's no guideline in the Bill for that. That's up to the school to decide how they wanna do it. I know some schools have it... issues with their personnel policies or whatever, but the... the concept here is to make sure that we have children whether they're getting to school early or whether they're doing it in classroom and... it's all up to the school at that point how they implement

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their program. But the end of the day result is that children are going to be fed breakfast. Thank you."

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

Speaker Hannig: "To the Bill."

Davis, M.: "First, may I say, there are actually no free lunches. Regardless, regardless to how... regardless to how this program is implemented, someone will pay. My concern is that the children don't pay with their health. Now, I agree with Representative Mendoza that we don't want children hungry in the morning. We're making sure they're not hungry at lunch, but I'm also extremely concerned that the Federal Government nor the state is concerned with the nutritional value of the food we serve children. Now, that the Federal Government requesting the caloric number for grade levels is really ancient. It's ancient because we know that it is nutrition that creates health and not the number of calories that you, ya know, contain. And one of the other reasons I'm concerned about this legislation is and I'm going to vote for it, it may prove very disruptive to transportation schedules. And even if the... the Federal Government is going to pay for this, school districts will have to work out a schedule that will pick up those who will eat breakfast and leave those until later who will not be eating breakfast. This is an excellent piece of legislation because it does address hunger in children. However, in my district, no one has come to me and said, my kids are hungry in the morning now. I'm sure there are some districts where that does occur, but I... I'm really

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concerned, Representative Mendoza, as when we increase the amount of times children are receiving institutionalized food that someone be concerned with what that food is. Now, as the Governor looks at this legislation, as school boards look at this legislation, perhaps they, themselves, can develop guidelines to protect the nutritional content that children need. The Federal Government just says they need these calories. Well, that might have been true 50 years ago, but today we know that it's nutritional content that makes people healthy or unhealthy. But I will vote 'yes' on your Bill because I think the idea and the intent is noble."

Speaker Hannig: "Representative Stephens."

Stephens: "My seatmates object to this Motion because they just love the debate; however, I regretfully remove the previous question."

Speaker Hannig: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The main question is put. Representative Mendoza to close."

Mendoza: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I believe one of my colleagues on the other side of the aisle, I'm hoping he ate his breakfast. I don't know, he's a little grumpier than usual today, but hopefully he ate his breakfast. And I wanna just thank everyone for giving me a very, I guess, informative debate here today. I wanna thank the Representatives, like Representative Eddy who worked very closely with me on this

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Bill and all the other Members of the House. And just ask for an 'aye' vote and thank you for your support of hungry kids."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 98 voting 'yes', 18 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 15 of the Calendar, under the Order of Concurrences, is House Bill 720. The Gentleman from... the Gentleman from Cook, Representative Will Davis is recognized."

Davis, W.: "Thank you, Mr. Speaker. I move that the House concur with Senate Amendment #1 to House Bill 720 which is the result of negotiations between the Professional Towing and Recovery Operators of Illinois, the Illinois Department of Transportation and the Illinois State Police. The contents of this Amendment passed both Houses last Session as Senate Bill 330 and Senate Bill 563; however, it was discovered that technical changes were necessary and the Bills were vetoed. House Bill 720 update... updates current law to reflect the technological and equipment advances made in the towing industry in the past decade. The Bill makes three significant changes. Number 1, it creates a weight limit for tow trucks manufactured with a third rear axle. The limit is set at 56 thousand pounds. Currently, law is silent with respect to these vehicles. Operators of

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this equipment must possess a special permit issued by IDOT. This type of equipment is used throughout the country and is necessary when clearing the roadways in an effective and timely manner. Traffic incident and management techniques recommend the use of these vehicles. The use of the trucks is restricted... restricted to routes approved by IDOT. Number 2, several years ago the same parties agreed that in certain circumstances a tow truck hauling a disabled vehicle will... will be overweight due to outdated restrictions in current law. A special permit was designed to keep towers within legal limits; however, the high cost of those permit... these permits has created a situation in which IDOT does not currently issue any permits. It is agreed that the cost of the permit should be reduced to encourage compliance and that all three rear axle trucks must possess the permit. This will also produce revenue for the State of Illinois. And number 3, currently, limits the distance... current limits the distance a tower can transport a vehicle... a disabled vehicle. It was agreed that in today's world many types of large and specialty vehicles require care that is not available within mileage restrictions. House Bill 720 permits the tow from the point of the disablement to the location of the repair. These tows are restricted to state routes and all bridges. All bridge limits must be obeyed. Again, this is an agreed Bill by several parties. And I ask for an 'aye' vote."

Speaker Hannig: "Representative Franks."

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

Speaker Hannig: "He indicates he'll yield."

Franks: "Representative, when this Bill came up before and the House did 44 negative votes, is that because it was a shell Bill?"

Davis, W.: "I'm sorry. I can't hear you."

Franks: "When this Bill came to the House before, it had 44 negative votes. Would that... Was it a shell Bill at the time?"

Davis, W.: "I believe it was."

Franks: "Okay. Now, this Bill, as I'm reading the analysis, this actually reduces fees from \$2 thousand to \$200 from... for certain special permits and reduces quarterly fees by... from 500 to 50 dollars, correct?"

Davis, W.: "That is correct."

Franks: "So, it's nice to see one passing a Bill that will reduce fees around here, for a change. So, I wanna commend you on that. Have you talked to the Secretary of State or the Governor's Office on what their position may be on this Bill?"

Davis, W.: "No. Actually... actually, I have not spoken to either of those offices regarding their position on it nor according to my information, they are not opposed to it either."

Franks: "Well, I'm glad you brought this Bill forward and I urge 'green' votes."

Davis, W.: "Thank you."

Speaker Hannig: "Representative Brady."

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

Speaker Hannig: "He indicates he'll yield."

Brady: "Representative, does... Representative... Representative..."

Davis, W.: "Yes."

Brady: "Does your Bill in any way deal with the responsibility of tow truck drivers or anyone else for that purpose of towing... giving or providing a ride, I guess I should say, for individuals whose car, truck..."

Davis, W.: "Representative, I'm having just..."

Brady: "...camper become disabled?"

Davis, W.: "Representative, I'm having just a little trouble hearing you."

Brady: "Mr. Speaker, could you ask the chamber to quiet down a little bit, please?"

Speaker Hannig: "Yes, could... could we give the Gentleman some attention, please. Okay. Representative Brady, could you repeat your question."

Brady: "Thank you, Mr. Speaker. Representative, does your Bill in any way deal with whose responsibility it is to provide a ride for the owners or occupants of a disabled vehicle, truck, camper, et cetera?"

Davis, W.: "The individuals themselves?"

Brady: "That's correct."

Davis, W.: "I don't believe it does."

Brady: "Okay. Thank you very much. Thank you."

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

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Davis, W.: "Thank you, Mr. Speaker. Again, this is an agreed Bill by several parties that has... this issue apparently has been around for... for many, many years and we finally come to a... a resolution on it. So, I ask for an 'aye' vote from the Body."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 720?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 1 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 15, on the... on the Order of Concurrences, is House Bill 753. Representative Osmond. Proceed, Representative."

Osmond: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 which is the exact legislation to House Bill 6138 which was passed by this House by a vote of 99-18, but was held in the Senate Rules. This is a special emergency legislation for Gavin School District 37. Gavin School has... was seven years old and was condemned in March by the state superintendent because of 52 trusses out of the 102 that were cracked. The Bill, as amended, allows a limited exemption from the tax caps to generate revenue for repayment of student relocation expenses, bond payments for the school building repair and re... and replace... or replacement, allows the district to repair, reconstruct and

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replace a condemned building without seeking referendum approval. The language insures that the taxpayers and the state are whole when the insurance claims and settlement dollars are received. I'll answer any questions."

Speaker Hannig: "The Lady moves for the House to concur in Senate Amendment #1 to House Bill 753. Is there any discussion? The Gentleman from McHenry, Representative Franks."

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

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

Franks: "Representative, we passed something similar a few months ago, didn't we, on this Bill?"

Osmond: "Yes."

Franks: "Well, what happened to the Bill in the Senate?"

Osmond: "It went over to the Senate and Senator Link asked for additional time to allow negotiations to come forth and the superintendent and myself met with him. He agreed to hold the Bill until the 18 of this past... of this month in hopes that everybody would come to the table. On the 18, we were even further away. So, we... he put it on a vehicle Bill and Senator Peterson carried it for me over there."

Franks: "Now, when we... as I recall, there was a problem with the building of the... of this school and you said there were some trusses that are... are not..."

Osmond: "Fifty-two..."

Franks: "...worthy."

Osmond: "Fifty-two trusses that are cracked."

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Franks: "So, it's either the builder who put them in incorrectly or the architect or the engineer or possibly even the people that built the trusses, their fault."

Osmond: "There's three... Yes. The wood in the trusses is being tested to see what went wrong. The architect has some responsibility because they're missing different parts of the support beams and the... Bullock... Bullock Construction is another entity. So, there's three actual entities right now trying to get it together."

Franks: "Well, we know it's somebody's... we know it's somebody's fault. We know it's not the taxpayers fault, that we know."

Osmond: "Yes, Sir."

Franks: "I'm wondering, has there been a demand made on the insurance company for them to pay this and then we can worry about whose fault it is at the end and they can fight it out?"

Osmond: "The last three meetings, all entities were there with their claimsmen and with their attorney. It was... I believe there was 19 at the... at... at the table trying to resolve the matter."

Franks: "You'd think that the insurance companies would come together 'cause they know that somebody's gonna have to pay here. And it... what... what bothers me here is we're asking the taxpayers to pay again when we know it's not our fault. It's somebody's else's fault, yet the insurance companies are not making the payments. Has there been any thought of

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penalizing those companies for not making the payment when they know one of their clients has to pay?"

Osmond: "I know that and the reason for the emergency legislation that I'm doin' right now is because I'm trying to get these kids back in school."

Franks: "I know."

Osmond: "And we've tried to be open and tried to listen to all negotiations, but we have 640 kids that need to be back in school come this fall. There's \$240 thousand worth of relocation fees right now that we need to have paid."

Franks: "And we've gotta pay 'em because other people are being dilatory in not doing their jobs."

Osmond: "When you say we..."

Franks: "Well, you're saying when you're asking for a hole in the tax cap, you're asking for the taxpayers to pay again for a school they've already paid for once."

Osmond: "Well, I'm asking for bonds to be issued in hopes that by the time this all gets resolved the settlements will be there and we can pay those bonds off as soon as possible."

Franks: "To the... to the Bill."

Speaker Hannig: "To the Bill."

Franks: "I respect very much what my colleague is trying to do and if I was in your position, I might be doin' the same thing, but this is really bad public policy, folks. We, obviously, have wrongdoers here who've done something wrong whether it be the people who built the trusses, the people who put the trusses in, whether it was an engineer, whether it was an architect, we obviously know there's some

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wrongdoer. We also know that the insurance companies, who should be paying for this, are refusing to do so and have not done so at this time. We should not be bailing out people who are not doing what they're supposed to be doing. They have an obligation. They received those premiums yet they are not paying and now, you're asking us to ask our taxpayers to pay again in the hopes that maybe down the future we'll be able to recover this money. I think this... What we ought to be doing with this legislation is penalizing those insurers that are creating hyper litigious costs making us sue when they know they should be paying. We shouldn't vote for this Bill because it's bad public policy no matter how much we may want to, I think we're starting a real slippery slope here if we start bailing out insurance companies who ought to be paying their bills. So, I'd ask everyone to vote 'no'."

Speaker Hannig: "Representative Kosel."

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

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

Kosel: "Thank you. Can you give me a little information about this... this Bill? When the insurance companies pay, what will happen with that money?"

Osmond: "It'll go immediately to pay off the bonds."

Kosel: "If a lawsuit is settled against the architect or any of the construction people and a settlement is reached, where will that money go?"

Osmond: "To pay off the bonds."

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Kosel: "So, any funds that have... that are... that are collected from this in a... during any time period will go back to pay off the taxpayers and in the meantime, while offering a solution that continues to help the students achieve learning goals. I commend you for your work. I commend you for your fairness to make sure that the taxpayers will be paid back. Thank you."

Speaker Hannig: "Representative Washington. Representative Washington, do you wish to speak on this Bill?"

Washington: "Thank you, Mr. Speaker. I was just having a conversation. What I wanted to... to say, if the Sponsor would yield."

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

Washington: "The way I understand this Bill and I had signed on with this and I still stand committed because when I looked at the information concerning the trussel, evidently a poor design, somebody cuttin' corners, making that money up front, but putting our children at risk for a major tragedy that could have taken place. And I... and I... my hat goes off to my colleague on this side of the aisle because I know she's a mother and I know she cares about children, period and the fact that she responded like I think a Legislator should respond by doing something quick because those children, in that school district, were under a toothpick holdin' up concrete and mortar that was not done right in the first place. And I think because of the urgency of the time and the state will wind up payin' more money than it paid out if those students would have had to be bussed

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all different areas and put in another overcrowding situation, I don't think that was a solution. I think the solution is what she's proposing and I think that she's an astute enough Legislator, along with the others that stand with her, that they are going to do everything within our power, and we're not powerless, to make sure that even though the insurance company didn't pay on the front-end they're definitely gonna pay up on the back-end if they wanna continue to do business in the State of Illinois."

Osmond: "That's correct."

Washington: "And I urge passage of this legislation. Thank you."

Osmond: "Thank you."

Speaker Hannig: "Representative Beaubien."

Beaubien: "Mr. Speaker, would the Sponsor yield?"

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

Beaubien: "Yes. I'd like this to go right to the Bill. This is partially in my district, but it's mostly in JoAnn's. This is another classic situation where you have the tragedy that affects basically a single district. We've... we've come to the floor and helped out Round Lake. We helped out Hazel Crest. We've helped out library districts. We've helped our fellow Legislators deal with situations that are tragedies in their own district and this is just another one of those and as I always say, someday it may be one of you that comes to us and needs some special legislation for an unforeseen circumstance. And I vote... urge an 'aye' vote."

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Speaker Hannig: "Representative Mulligan."

Mulligan: "I'm sorry, Mr. Speaker, caught me with my mouth full. I just would like to point out to the Body that in other cases we've actually bailed some school districts out. The Lady is not asking for that. What she's asking for is authority for their own district to take care of the problem themselves and I think that's very important. She's not asking for a bailout by the state. And I'm sure the people in her district wanna take care of those children and I know that there is money pending out there to pay it back. So, I don't think she's asking for what we have done in other cases it actually totally bail out other districts. She's only asking for the authority for her district to take care of themselves. And I think we ought to support this."

Speaker Hannig: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker. To the Bill. A previous speaker said that what we should be doing is going after the insurance companies and I suppose the point would be that'd be nice except going after the insurance companies doesn't put the kids back in school. And we could go after the contractor and we can go after the architect and there are a lot of people we can go after, but none of that puts the kids back in school. What we've gotta do is put the kids back in school. What Representative Osmond's trying to do is the best she can possibly do to put this school district in a position so that come the fall these kids can go back to school. Once in a while, in each one of our

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districts, we have an emergency. We come down here and we ask for help. Sometimes we do some odd little things to try and get ourselves in a position where we can help and that's what Representative Osmond has done. This may not be a perfect Bill, but it is what is the best Bill for this situation, at this time. Let's help put these kids back to school in the fall where they belong. Thanks."

Speaker Hannig: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, you remember just not too many months ago we all, in this chamber, voted not unanimously, but enough of us to bail out a school district in Hazel Crest which absolutely had just run roughshod over school funding. Absolutely no reason to do that except one, we could not fathom the fact that the kids would wake up one Monday morning and not have a place to go to school. This is no different. We're not even breaking tax caps, if you think about the long run, because the money simply is going to be borrowed and then paid back as soon as the suit is settled and believe me, there will be a suit. JoAnn's done a very admirably thing here in making sure that kids will have a place to go to school. It's that simple. Vote 'aye'. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Osmond to close."

Osmond: "Thank you very much. I just wanted to call your attention to the fact that this was the exact same wording that was in House Bill 6138. It passed through our House with 99 positive votes and in the Senate, it passed with 39

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votes. I ask you to consider concurring with Senate Amendment #1. Thank you."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 753?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'yes' and 13 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative McKeon is recognized on House Bill 812. Representative McKeon."

McKeon: "Thank you, Mr. Speaker. Move to concur with Senate Amendments #1 is a technical Amendment, it's highly technical. Deals with remuneration (sic-remuneration) and defining, based on date or years, a dollar amount for the Unemployment Insurance Act. Basically, what this does since we worked very hard to restructure the Unemployment Insurance Trust Fund is bring our code up-to-date to meet the agreements with respect to that trust fund balance and the unemployment insurance benefit. I'd gladly answer any questions of the Members. Thank you."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Parke is recognized. Representative Parke."

Parke: "Representative McKeon is this the Bill that passed this morning? And this is an agreement between the business community and what other groups?"

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McKeon: "Business, labor and the department."

Parke: "Then I rise in support of Senate Amendment #1. Thank you."

Speaker Hannig: "Any further discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 812?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Reitz or perhaps Turner on House Bill 826. Representative Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 82... or I should say House Bill 826 is similar to House Bill 4929 and basically it does this. It allows local government to define business districts in their particular community and in... and as a result they can impose a tax on the retail sales for tangible property that may not exceed 1 percent of the selling price of that item. That tax can be im... incremented in .025 increments, but it is... it is to be used only in the business district, it is to be used for the Business District Tax Allocation Fund. The situation is this in that..."

Speaker Hannig: "Representative Turner..."

Turner: "Yes."

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Speaker Hannig: "...could I interrupt for a moment? The Clerk informs us that the... there's been no Motion to Concur filed or on file. So, someone needs to file the..."

Turner: "Can I sign that sheet at this moment? Yeah. It's... The... Representative Reitz is..."

Speaker Hannig: "And then that will have to go to Rules and then come back for consideration. So, we'll have to take this out of the record at this time."

Turner: "Okay."

Speaker Hannig: "So, let's move on down the Calendar and we have House Bill 843. Representative Ryg is recognized."

Ryg: "Thank you, Mr. Speaker. I make a Motion to Concur on Senate Amendments 1 and 2 on House Bill 843. As amended, this Bill is necessitated by silence in existing law regarding what to do with remaining funds in the debt service account of a township that has issued bonds for buying open space land. Libertyville Township passed a referendum in 1986 to purchase open space land. The bonds were recently retired, the first time in the state, but some funds remained in the debt service account due to errors in the tax extension process. Under existing law, the township's only option is to return the money to the taxpayers. Five hundred thousand dollars remains in the fund and there are 20 thousand parcels affected. The county treasurer has requested relief due to the cost to fine the taxpayers exceeding the amount of the refund that they would be due. The treasurer is unable to calculate the cost exactly, but projects that overtime work will

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entail researching almost 20 years of taxpayer data since the referendum was passed, calculating the appropriate share of the refund due each taxpayer and then the cost of preparing and mailing refund checks which would be, at most, \$25 per parcel. This legislation would allow the remaining balance to be transferred to the maintenance and operations fund for the open space areas. This appropriation must be made by December 31 of 2004 and can only be used for the same purposes for which the bonds were issued. The taxpayers still receive the benefit of the funds as an additional levy for maintenance will not be needed while these transferred funds are available. There is currently no maintenance levy as the revenue stream from interest on the bonds and lease agreements have covered maintenance costs up 'til now. This is a unique circumstance that can only be addressed with legislation that is time limited. And I ask for your approval of this measure. I'd also like to thank my colleague from Libertyville Township on the other side of the aisle and Representative Sullivan has offered his support testimony on the technical aspects of this Bill."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, even though the bond payments from... from... and I tried to listen very carefully to your remarks,

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but again, it's very hard to hear in here. Every... Even though the bonds were paid off is... is it your understanding that bond council will allow the proceeds of that bond sale, even though they were in excess, to be used for other purposes?"

Ryg: "This legislation would require that the... that the funds be used for the purposes for which the bonds were originally passed."

Black: "Well, if the bonds were passed to buy open lands, for example, and the bonds were paid off and there's money left in the account, as I understand it, due to a... a levy, error. Is that right?"

Ryg: "A tax extension error."

Black: "Yeah. Okay. The extension error. You're telling me that bond council has no objection as long as the excess money is spent for the same purpose that the bonds were issued?"

Ryg: "I'd like to defer to my colleague from... who is involved in township government, but my understanding is that bond council doesn't have the authority to approve this without this legislation."

Black: "Yeah. I would like that answered because I think it opens up a... a can of worms about the bond money and bond council. And I've always, as a former county board chairman, I know that bond council were very, very specific in what we could do with bond proceeds."

Ryg: "Representative Sullivan..."

Sullivan: "Yes."

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Speaker Hannig: "Representative Sullivan, would you like to answer the question?"

Sullivan: "Yes. Representative Black, bond council and the township are in agreement, signed letters stating that this money will be trans... will stay in the open space maintenance fund only to be used for open space maintenance. So, bond council has already signed off on this."

Black: "Representative, how... how much money are we talking about?"

Sullivan: "About 5..."

Black: "Six figures..."

Sullivan: "Five hundred thousand dollars."

Black: "Okay. And... as... I recall our conversation now, forgive me, it's late in the day. Didn't... Wasn't a study made that it would indicate that it would take more than is in the account to return the money, based on the property tax bill, would actually cost more to try and do that than there is money in the account?"

Sullivan: "Yes. It would.. it would cost the taxpayers more to return the money because you'd have to try and identify the taxpayers, cut the checks, and all this would have to be done on overtime pay because the treasurer has to do his current work."

Black: "Okay."

Sullivan: "And on top of that, then the township would have to levy for the open space maintenance fund to begin with, so

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this really is a savings, it would have be, to the taxpayers."

Black: "So, bond council says that if this legislation passes, then this would be agreeable to bond council, that it wouldn't violate the standards of the issuance of the bond?"

Sullivan: "We already have signed letters..."

Black: "Okay."

Sullivan: "...from the township and bond council on this..."

Black: "All right. Fine. Thank you very much."

Speaker Hannig: "Any further discussion? Then the question is, 'Shall the... the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 843?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 96 voting 'yes' and 20 voting 'no'. And the House does concur in Senate Amendments #1 and 2. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Phelps, for what reason do you rise?"

Phelps: "Point of personal privilege."

Speaker Hannig: "State your point."

Phelps: "On House Bill 812, my switch wasn't working. So, I'd like to be recorded as a 'yes'."

Speaker Hannig: "The record will reflect your intentions. Representative Currie is recognized on House Bill 855. Okay. We'll go on down the Calendar to page 16 in the

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Calendar. Representative Sullivan, for what reason do you rise?"

Sullivan: "Yes. Mr. Speaker, on that previous Bill, I would like to be recorded as a 'yes' vote as I had a malfunction on my switch. Thank you."

Speaker Hannig: "The record will so reflect your intentions. Representative Granberg, for what reason do you rise?"

Granberg: "Personal privilege, Mr. Speaker."

Speaker Hannig: "State your point."

Granberg: "Would the record... have the record reflect that I would intended to vote against Senate Bill 1006 last week, since I spoke against it, but my switch was inadvertently voted 'yes'. And I'd like the record to also reflect that I support the director of the EPA."

Speaker Hannig: "Very good director, yes. And now Representative Gordon is recognized on House Bill 1020."

Gordon: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I move to Concur in the Senate Amendments. House Bill 1020 is... adds to the list of persons that may file for custody of a child. A grandparent who's a parent or stepparent of a deceased parent, one of the parents is deceased, if one of the following conditions existed at the time of the parent's death. First of all, that the surviving parent had been absent from the marital abode for more than a month without the deceased spouse knowing his or her whereabouts, that the surviving parent was in state or federal custody, or third, that the surviving parent had received supervision for or had been convicted of any

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violation of Article 12 of the Criminal Code directed at the deceased parent or child or received supervision or had been convicted of violating an Order of Protection under the Domestic Violent Act for the protection of the deceased parent or child. It also allows the court in its discretion to appoint a guardian adlitem to the child in these proceedings. This comes out of a situation that occurred and is occurring in my district regarding a little girl by the name of Rebecca. I'm sure most of you have received e-mails, phone calls, as well as letters regarding this little girl. Senator Welch was the Sponsor in the House, and I would ask for an 'aye' vote."

Speaker Hannig: "Okay. The Lady moves that the House Concur in Senate Amendments #1 and 2 to House Bill 1020. And on that question the Gentleman from McHenry, Representative Franks."

Franks: "Thank you, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Franks: "I... ri... rise in strong support of this legislation and it's... I want to commend the Sponsor for bringing it forward. I can tell you a real life scenario why we need this Bill. In McHenry County last year there was a couple going through a divorce and the father had sole custody of the two young daughters. On his way over to the... to the former marital residence one day, his father-in-law shot him dead in front of the two children. The mother, who was deemed by the court not to be fit to have custody, now has custody of those children. The man who was slain, his

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parents, don't have any contact at all with the children because they don't have standing even to petition. This will right that wrong, and I'd ask everyone to vote 'yes' on this very important Bill."

Speaker Hannig: "Representative Lindner."

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

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

Lindner: "Representative, I do have a couple of questions about this legislation because I think we have to look at parental rights which have been strong in Illinois for a long time and I'm looking particularly at #2. Is there any time limit for that surviving parent to be in state or federal custody?"

Gordon: "Not in the Bill, as written, but Representative, this also... this would be discretionary on the judges part as well, to determine if that is applicable."

Lindner: "So, I mean, somebody might be in prison, say for a mis... well, for a year, for a misdemeanor charge or could be in prison for three months and at that time if there was another deceased parent, the grandparent would have the right to petition for custody?"

Gordon: "They would have the right to file the petition, it would give them standing."

Lindner: "But the judge could grant that, right? If somebody... if they... if one of the parents was in prison for just a month, the judge could in his discretion... his or her discretion grant custody to the grandparents and that parent would lose his or her parental rights?"

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Gordon: "No, they would not lose their parental rights. The... the judge could, at their discretion, grant custody to the grandparents, it would not in any way terminate the parental rights of the surviving parent, and in fact when... when the surviving parent got out of custody could petition again for custody of their child."

Lindner: "With this, is there anything in it about giving temporary custody or permanent custody or that would again be up to the discretion of the judge?"

Gordon: "Yes, Ma'am."

Lindner: "That would be up to the discretion of the judge? All right. I just think this is something we need to think carefully about and maybe do a trailer Bill concerning it, because I do think it really affects parental rights and which there is a presumption in the state that parents make the best decisions for their children, and we have to think carefully about that."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of the Concurrence Motion. I know that over a period of years here Bills regarding grandparents rights have been very contentious or have been a lot of serious debates, good debates, on the floor of this House. Representative Gordon here though has worked very hard to create a very, very narrow piece of legislation that covers a very narrow niche accordingly because it's... it involves some... some real needs in the lives of some people. I would encourage all the vote to support the Motion."

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Speaker Hannig: "Representative Black."

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

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

Black: "Representative, can you enlighten me as to why the Illinois Coalition on Domestic Violence is opposed to this Bill?"

Gordon: "I just... I just learned that this morning, Representative. What they told me was that they're just interested in waiting to see, regarding our custody legislation that may be coming out within the next year that they'd been working on... that they're rewriting the custody code."

Black: "Can you tell me why the Illinois State Bar Association is opposed to the Bill?"

Gordon: "I believe, also for the same reason."

Black: "That reason being that they're waiting to see a rewrite of the Child Custody Law?"

Gordon: "That they're working on a rewrite of the child custody law, yes."

Black: "If the minor child is in the custody of one of the surviving parents, don't you think this Bill is a little broad to allow a grandparent to seek custody? In other words, they're gonna be in a custody battle over the child when one of the parents, surviving parents, is... in fact, has custody of the child?"

Gordon: "Representative, it's merely a... a statute. It's an addition to the... the Marriage and Dissolution of Marriage

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Act that gives the grandparents standing to petition in these specific cases. The judge can deny the petition on a... on the face of the pleadings. It's merely a way to give the grandparents standing."

Black: "Does... does your Bill address the Supreme Court decision where the Supreme Court decided to strike down our grandparent visitation law based on the fact that the... the Bill was based on the best interest of the child, didn't the Supreme Court strike that down?"

Gordon: "My Bill does not address that, no."

Black: "Well, I... I'm a grandparent and I can certainly understand the Bill. We passed a Bill earlier from the chamber, under the sponsorship of Representative Lindner, that grants grandparents the standing to seek visitation and a judge can rule on that. I... I'm not sure I understand how this petition to be given custody measures with the recent Supreme Court decision on that issue, as promulgated in the law that was struck down, acting on the best interest of the child. If I read this, you have that language in the Bill, as amended, acting in the best interest of the child. I mean what... you're not concerned that the... you're putting language in the Bill that the Supreme Court, two and a half years ago, struck down as unconstitutional focusing on that sentence, 'in the best interest of the child?'"

Gordon: "Representative, this... this is a much narrower than the situation, I believe, that you're referring to. So, it... it may be challenged..."

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Black: "Well..."

Gordon: "...it may be, but it's a much narrower situation."

Black: "No, I understand that. And I... I don't mean to raise the issue because I'm not an attorney and I certainly don't sit on the Supreme Court, although I would like to make what a Supreme Court justice makes, but that's a whole other issue. What... you say it's very narrow, and yet, the State Bar Association's met... primary objection is that they say your language is too broad. So, I mean, we... seems to be something in conflict here. And I... I have great respect for the Bar Association, who says it's too broad, you say it's very narrowly crafted. So... Representative, I... let me just conclude. Could you respond to the concerns that some have indicated? The overriding interest of courts for some time has been to protect the rights of parents. It seems to me like your Bill is saying in some cases the right the grandparents will supersede the right of the parent. All right. Is that a fair assumption or am I going down the wrong road or... or what?"

Gordon: "It's... it's... it's the right of the child, I believe, Representative. The... it's... it's very narrow... narrow the circumstances that this is allowed in, and... and once again, it is merely a vehicle for standing for the grandparents."

Black: "Well, I, again, as a grandparent, I can appreciate what you're doing and you're reacting to a situation in your district, ultimately the court will have to decide this. But I think case law is very clear, and according to staff, I... I'm not a lawyer, but I'm playing one here on the House

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Floor, I'm talking to our staff attorney, she assures me that the Supreme Court... the United States Supreme Court, the Illinois Supreme Court has ruled very clearly that the right of parents supersedes the right of a grandparent. Now, in this... in the case that you, the reason that you're bringing this is a case in your district, as a grandparent I can understand that and I don't think I'm going to vote 'no' because I am a grandparent. I'm not sure that your... this Bill will withstand a court challenge and I'm sure that you agree with me that one will be made, but in the meantime, as a grandparent I'm not in conflict of interest, I'm going to vote my heart rather than my head. I'll support your Bill, but I am concerned that the Bill is too broad and will probably be struck down by a court."

Speaker Hannig: "Representative McCarthy."

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

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

McCarthy: "Representative, I'm reading from our analysis and it says it has to have one of like three conditions. And the first one seems somewhat contradictory to me. It states, that 'the surviving parent has been absent from the marital abode for more than one month without the deceased spouse knowing his or her whereabouts'. How do we know what the deceased spouse knows?"

Gordon: "Well, I... I'm not gonna speculate on what may be evidence of that, but once again it would be up to the judge to decide if the evidence meets the proper standards, an evidentiary matter for the judge to decide whether or

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not to... to grant a hearing based upon if that's pleaded in the petition."

McCarthy: "So, the analysis... the analysis is written correctly and it would be up to whether the deceased spouse knew that, and the court would decide whether the deceased spouse knew that or not?"

Gordon: "The... the analysis is written correctly."

McCarthy: "Is there any protection in there that says they'd have to give some guarantee that the absent spouse knew about the ex-spouse's death?"

Gordon: "It... that would be part of the notice require... I mean it... it..."

McCarthy: "I mean... I mean, could... could his parental rights be taken away with out even knowing this?"

Gordon: "Nobody's parental rights is... is taken away in this. There's... this is not a termination of parental rights, this is not a situation where a parent is gonna be determined to be unfit."

McCarthy: "But the grandparents could take over custody of the child?"

Gordon: "They could... they could get custody. They could have stand... they have standing now to petition for custody. Standing means they now have the right to bring... bring the petition into court. Whereas now... now they're an outsided party... outside party. They have the right to ask at... with this legislation. Right now they don't even have that right."

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McCarthy: "So, if the absent parent then finds out, forty-five days later or fifty days later, can the absent parent come back and be expected to regain custody or..."

Gordon: "Well, I mean, there would be notice requirements, it... and... and once again, it's all based on the evidence that's before the judge and the... what's pleaded in the petition."

McCarthy: "Are the notice requirements such that that person would know about the death or about..."

Gordon: "About... about... about the hearing, about the proceeding..."

McCarthy: "About the custody?"

Gordon: "...absolutely."

McCarthy: "And what if they can't find the person at that time?"

Gordon: "I'm sorry, what?"

McCarthy: "Is there like a time frame where they have to find the person or..."

Gordon: "Well, there's different rule... I mean, there's... you can do attempt at service at last known addresses, certified mail service or... and also publication in... in a periodical that is very well known in the area that... that the parent may be in. But those requirements are... are throughout the civil statutes."

McCarthy: "I'm still a little concerned about it, but I thank you for the answers."

Gordon: "Thank you."

Speaker Hannig: "Representative Gordon... Excuse me, Representative Monique Davis."

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

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

Davis, M.: "Representative, suppose a mother has sole custody of her children and she is arrested and incarcerated for let's say six months. Can the paternal grandparents petition the court for custody?"

Gordon: "Is the father deceased?"

Davis, M.: "No."

Gordon: "No, then he can... then they cannot."

Davis, M.: "But he's missing. He's missing from their lives."

Gordon: "Okay, but if he's... under this, it's only if he's deceased."

Davis, M.: "So, if the mother is incarcerated, even though it's not for a long period of time, it's for a short time, and if the father is deceased, then the paternal grandparents could petition the court for the child?"

Gordon: "They have the right to petition."

Davis, M.: "Can the maternal grandparents petition?"

Gordon: "Not unless the mother is deceased."

Davis, M.: "Wait a minute now."

Gordon: "If... if the mother's incarcerated, the maternal grandparents cannot petition for custody of the child.."

Davis, M.: "Why?"

Gordon: "...under this type of legislation."

Davis, M.: "Why?"

Gordon: "Why not?"

Davis, M.: "Why? I mean, let's just say... What did the maternal grandparents do that they can't petition?"

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Gordon: "Representative Davis, I believe you're talking about a different situation. This... this... this legislation only deals with one of the parents who is... if they are deceased. That's it. I... I don't know why, is my answer to... you know, why the maternal grandparents can't petition for custody if the mother is incarcerated. That's a completely different situation than... than the legislation before us."

Davis, M.: "So, I don't... I don't wanna to be confused. If the maternal grandparents are petitioning for the children of their daughter or son unless the father is deceased they can't petition for the kids. Is that right?"

Gordon: "I... I don't understand your question. So... so let me, wait a minute, on... let's... Here's the situation, okay. The mother is deceased, the mother of the children is deceased, the maternal grandparents then have standing to file a petition for custody, if, and only if the father, the surviving parent me... is... is... meets one of the three requirements of... of this legislation. In the same way if... if the father is deceased, the paternal grandparents can then petition for custody..."

Davis, M.: "So, in other words..."

Gordon: "...if the mother meets one of these requirements."

Davis, M.: "...in other words, the person who is deceased parents have greater rights than the person who's not deceased?"

Gordon: "Under this legislation it gives them standing to petition. I... I don't wanna... I don't wanna giv... give an opinion as to greater rights."

Davis, M.: "But couldn't the other grandparent petition also?"

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Gordon: "No."

Davis, M.: "Well, that's something wrong with that, isn't it?
I mean these other grandparents aren't guilty of anything.
Are they?"

Gordon: "Nope. Not as... not as... not that I'm aware of
Representative, but... but this isn't... the situation you're
talking about is not..."

Davis, M.: "Shouldn't it be..."

Gordon: "...is not the intent of what I'm trying to do."

Davis, M.: "Okay. Shouldn't the le... I don't... well, I don't
wanna to change your Bill, but shouldn't it... wouldn't it be
better if it said 'either maternal or paternal
grandparents' could petition for those kids? One... why
would one set be given a greater right than the other when
neither are... are... have done anything wrong. Because your
child died, then you have a right to petition in the court,
to take the kids. My child is still alive, but I don't
know where they are or they're not being responsible or
whatever, then I should also have a right to petition for
the kids."

Gordon: "That... that may... that may arise in a situation, but the
intent of this legislation only deals with if one of the
parents is deceased, Representative. I... I'm not gonna give
any opinion on... on... on..."

Davis, M.: "Let me, I'm gonna... I'm just... Let me just make it
very clear to myself what you're saying."

Gordon: "Okay."

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Davis, M.: "You are saying that if a parent is deceased, that person's parents have a right to petition for their children."

Gordon: "Yes."

Davis, M.: "Only that grandparent has a right to petition."

Gordon: "In limited circumstances as spelled out in the Bill, yes."

Davis, M.: "But the living child's parents don't have a right to petition?"

Gordon: "Not under this legislation."

Davis, M.: "But do you see the effect it'll have?"

Gordon: "Representative, I'd be willing to discuss that with you at... at another time, but that's not what this legislation puts forward."

Davis, M.: "Is your legislation designed to take care of one isolated case?"

Gordon: "No. In... in fact, I've talked with the State Bar Association regarding this legislation and... and in their calls to their attorneys, they've talked to other family law attorneys and they've said that this situation is not unique and it comes up... comes up in other situ... it comes up in other areas as well."

Davis, M.: "To the Bill, Mr. Speaker. This might be really good legislation, but I'm concerned if one set of grandparents are being given greater rights than another set simply because his or her child is deceased. I don't understand that. I think I need another button, Mr. Speaker, on here. We have 'yes', 'no', I need 'confused'."

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Speaker Hannig: "Representative Joe Lyons."

Lyons, J: "Speaker, I move the previous question."

Speaker Hannig: "The Gentleman moves the previous question, the question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The main question is put. Representative Gordon to close."

Gordon: "Thank you, Mr. Speaker. Ladies and Gentlemen, the reason why this legislation came to me is because of a very beautiful little girl by the name of Rebecca, who lives in Seneca, Illinois with her grandparents. Seneca's... or excuse me. Rebecca's mother has died. She is living with her grandparents. Her father has been an absent father her entire life. He was violent towards her mother and... and has never been present in this little girl's life. This is Rebecca's Law. I am here representing the constituents in the 75th District, which includes Rebecca. Not only do I ask for your 'aye' vote, Rebecca asks for your 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall the House Concur in Senate Amendments #1 and 2 to House Bill 1020?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have... have all voted who wish? Mr. Clerk, take the record. On this question, there are 94 voting 'yes', 16 voting 'no', and 7 voting 'present'. And the House does Concur in Senate Amendments #1 and 2. And this Bill, having received a Constitutional Majority, is hereby declared passed. Let's return to House Bill 868. Okay. Representative Molaro's

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recognized on House Bill 869, excuse me. And why don't we...
Mr. Clerk, do you have a Rules Report?"

Clerk Mahoney: "Rules Report. Representative Barbara Flynn
Currie, Chairperson from the Committee on Rules, to which
the following legislative measure/s and/or Joint Action
Motions was/were referred, action taken on May 31, 2004,
reported the same back with the following recommendation/s:
'approved for floor consideration' a Motion to Concur with
Senate Amendments 1 and 2 to House Bill 826."

Speaker Hannig: "Okay. And now Representative Molaro on House
Bill 869."

Molaro: "Thank you, Mr. Speaker. Ladies and Gentlemen of the
House, Senate Amendment #1 to House Bill 869, which have
Motion to Concur on. We... we passed the Bill, I think it
was Public Act last year, that allows this. Now, this
enables the county boards to adopt an ordinance ways
similar in which ones the Home Rule counties do. I was
told in committee that this is basically cleanup language,
which I want to use the word 'closes a loophole', but I'm
afraid to use that and... but it does fix what we did in
Public Act 93-657, which imposes the administrative burning
on county recorders to separate and apply two distinct
taxes when it could be uniform and more easily implemented.
So, I'll answer any questions if there are any."

Speaker Hannig: "Is there any discussion? Representative
Mulligan."

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

Speaker Hannig: "He indicates he'll yield."

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Mulligan: "Would this impact a transfer from your name into a trust that you would have in your will? Would you then have to pay a fee to transfer that?"

Molaro: "No. No, because there would be no consideration passed with that, you'd be doing it through inheritance. This is strictly when there's a transfer for money."

Mulligan: "How about a transfer in exchange property for property. Would that also impact it then?"

Molaro: "No, it... what... what it does do is, as I said in committee, if I were to sell you a piece of property so it goes from the Molaro's to the Mulligan's, and it's two hundred thousand dollars, you'd have to pay a transfer tax. If I was in a land trust and it went from my land trust to... to the Mulligan's, you'd have to pay a transfer tax. But if I were to transfer my beneficial interest in the land trust to you for two hundred thousand dollars, that would be a way of skirting this and this closes that. This allows the non-Home Rule communities to get to that transaction and let them pay the taxes, like everybody else does."

Mulligan: "All right. So what if you transfer from a parent to a child?"

Molaro: "Not unless you charge your child two hundred thousand dollars for the... for the property. There's no money changing hands. If it's not for money or because all of the transfer taxes are based on money."

Mulligan: "All right. So, then that's... that's the only way there would be... this fee would kick in?"

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Molaro: "Correct."

Mulligan: "Thank you."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 869?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all... Have all voted who wish? Mr. Clerk, take the record. On this question, there are 45 voting 'yes' and 70 voting 'no'. And the Motion to Concur fails. On page 16 of the Calendar is House Bill 1075. Representative Mautino. Okay. That's out of the record. Let's return to page 15 of the Calendar, House Bill 826. Representative Turner or is it Representative Reitz. Representative Reitz. Okay."

Reitz: "Thank you, Mr. Speaker. I'd like to concur with Senate Amendments 1 and 2 here. And this... this Bill would allow a municipality to create a business district. They'd be able to adopt a development and redevelopment plan for a specific area, and allow the municipality the option of imposing a sales tax for the business district, or business redevelopment. This is optional, but would create another tool for municipalities to help attract businesses and I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

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Black: "Representative, true or false, this is a tax increase without referendum allowing a municipality to increase the sales tax, including the sales tax on food and medical products? Yes or no?"

Reitz: "Yes."

Black: "Thank you."

Speaker Hannig: "Any further discussion? Representative Reitz to close."

Reitz: "Thank you, I think. Appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 826?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 43 voting 'yes' and 73 voting 'no'. And the Motion fails. On page 16 in the Calendar, Representative Burke is recognized on House Bill 1336. The Gentleman from Cook. Out of the record. Representative Coulson, on House Bill 1659. The Lady from Cook, Representative Coulson."

Coulson: "Thank you, Mr. Speaker. I move for concurrence on Senate Amendment 1 and 2 on House Bill 1659. Basically they amend the Health Facilities Planning Act to provide that those people who are living in nursing homes and that is considered their home, would be able to have dialysis in the nursing home, instead of having to be transported to an outside agency. And I would ask... answer any questions."

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Speaker Hannig: "The Lady moves that the House concur in Senate Amendments #1 and 2 to House Bill 1659. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Yes, state your inquiry."

Black: "Would the Clerk enlighten me as to how we can adopt Senate Amendment #1 and Senate Amendment #2 when Senate Amendment #2 becomes the Bill?"

Speaker Hannig: "Okay, I think, Representative Black, you raise an interesting point. The Calendar says that the Motion #1 is to nonconcur. Representative Coulson, is... was that your request?"

Coulson: "No, we were suggested by staff that we must concur in Senate Amendment 1 because when Senate Amendment 2 became the Bill it referred back to Senate Amendment 1. So, we were told to concur in both Amendments."

Speaker Hannig: "So, the Lady's Motion, Representative Black, is to concur in Senate Amendments 2 and 3."

Black: "No."

Speaker Hannig: "I'm sorry, 1 and 2."

Black: "All right. And that's... I intend to vote for the Bill. There's something funny here. I don't know whether it's the Senate or what, but why would we adopt... why would we vote to adopt Senate Amendment #1 when Senate Amendment #2 becomes the Bill? Why wasn't Senate Amendment #1 tabled in the Senate?"

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Speaker Hannig: "But Representative, if we concur in both Amendments the Bill would go directly to the Governor. That's final action."

Black: "Okay."

Speaker Hannig: "If we concur in only one Amendment and nonconcur in the other, then the Bill has to go back to the Senate."

Black: "All right."

Speaker Hannig: "So I think the Lady is just trying to take a shortcut."

Black: "And I understand that and I hope we all vote 'yes', and I hope somebody tells the Senate for crying out loud, when you do this, table your one Amendment, will ya'? Appreciate it."

Speaker Hannig: "The Gentleman from McHenry, Representative Franks."

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

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

Franks: "Representative, I understand what you're trying to do here. I want to ask a procedural question and maybe you know the answer."

Coulson: "Sure."

Franks: "I understand that the Illinois Health Facilities Planning Board has their own set of rules. Couldn't they just change this by a rule instead of us having to do this via legislation?"

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Coulson: "I believe that we need to do this via legislation because it also affects federal funding, and so we were told that this needed to be done this way."

Franks: "Okay. Do you know when they're gonna be redoing their rules, because I'm told that they are supposed to be redoing their rules in the very near future?"

Coulson: "I am not aware of that."

Franks: "Have you talked to anybody from the Illinois Health Facilities Planning Board on this Bill?"

Coulson: "I have talked to the Department of Public Health, and they are the ones who requested that we do it this way."

Franks: "Oh, okay. Because... Okay. I understand what you're doing. I think it might behoove you for a phone call tomorrow. It looks like we're gonna be here, just to find out on those other issues. Thank you."

Coulson: "Thank you."

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

Coulson: "I would urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 1659?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendments #1 and 2 to House Bill 1659. And this Bill, having received a Constitutional Majority, is hereby declared passed. On

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page 18 of the Calendar, under the Order of Concurrences, is House Bill 5928. Representative Osmond."

Osmond: "Thank you, Mr. Speaker. I move to concur with Senate Amendments #1 and 2 on House Bill 5928. This is... this was a shell Bill as requested from Representative Currie to further neg... to send it over to the Senate for further negotiations. The legislation puts the guaranty associations in the same position as the insolvent insurer with respect to deductible reimbursement arrangements agreed to by the insured in original contract of insurance. I know of no opposition."

Speaker Hannig: "The Lady moves that the House concur in the Senate Amendments 1 and 2. Is there any discussion? Then the question is, 'Shall the House Concur in Senate Amendments #1 and 2 to House Bill 5928?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendments #1 and 2. And this Bill, having received a Constitutional Majority, is hereby declared passed. Returning to the Order of Senate Bills-Third Reading, on page 5 of the Calendar, is Senate Bill 451. Representative Graham. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 451, a Bill for an Act in relation to transportation. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Graham."

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Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is Senate Bill 451. This is the same Bill that we saw in House Bill 4086. It is now an agreed Bill. When 4086 went to the Senate... And let me just give you a brief back over with... backtrack with... Yeah, back over, right... with this information. House Bill 4086 was doing a study on how many children had been backed over by a motor vehicle or rolled up in a power window incident, so... so when the Bill went over to the Senate, the coroners and I sat down to work on an agreed Bill and this is the agreed piece. The initial piece of legislation asks that every death certificate be sent to the Department of Children and Family Services. It has now been scaled back to just the deaths that have... that involve children that had been backed over or rolled up in a power window. So, I'll take any questions at this time."

Speaker Hannig: "And on that question, Representative Brady."

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

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

Brady: "Representative, I know you've worked very hard on this Bill, but I'm still troubled by... But just one quick question, maybe you can clarify it. When we... when we discussed this in the House and debated it, it was your contention, at that time, that the death certificate in the State of Illinois did not give enough information regarding the circumstances surrounding a death of a child under 18 years of age, but now you believe that it does. Is that

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correct, cause that's the report that you're looking for now?"

Graham: "There's a couple of things that happen. Once the coroners complete their death certificate, they send it to a registrar, and whatever that registrar does when they send it on to the Department of Children and Family Services, some information may get lost. But when I sat down with the coroners, they did show me a copy of a death certificate that did have a box on it that says the cause of death. But they don't send their death certificates directly, they send it to a registrar and whatever the registrar does, maybe some of the information gets lost there and that's what the coroners and the Department of Vital Records, we determined, maybe something got lost."

Brady: "Okay. I... I'm very aware of the process, don't agree with that, but nonetheless I'm gonna vote against the Bill. But I will commend you for as hard as you've worked on it. But I still don't agree with the situation over the death certificate, it's reversed of what we debated here quite some time ago."

Graham: "Excuse me, Representative?"

Brady: "The... the problem at that time was simply that the death certificate, in your particular discussions with me, was that it could not provide enough information regarding the death..."

Graham: "Representative, I just confirmed with..."

Brady: "...the circumstances."

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Graham: "...I just confirmed that they did show me a death certificate that did have... So, I am saying 'yes' to what you're saying, but what the coroners their... they send their information on to somebody else who then sends information to the Department of Children and Family Services. There was not a direct link. Had that direct link been there, maybe there would not have been an issue."

Brady: "Okay. Well, I... I... I don't agree with... with that. I'm not gonna sit here and debate, we got a lot of other issues tonight, but I know how the process works..."

Graham: "Okay."

Brady: "...and the registrar who files the death certificates, in whatever county, doesn't attach anything to it in the way of description of the manner or cause of death in the State of Illinois."

Graham: "Okay."

Brady: "Okay?"

Graham: "All right."

Brady: "Thanks."

Speaker Hannig: "Is there any further discussion?
Representative Joyce."

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

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

Joyce: "Representative Graham, the genesis of this Bill comes from inadvertent SUV rollovers, is that correct?"

Graham: "Yes."

Joyce: "When an SUV vehicle reverses and doesn't see a child or someone behind it?"

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Graham: "Absolutely."

Joyce: "Okay. And correct my wrong... correct me if I'm wrong, but I think... did you have some sort of study Bill come out too, regarding..."

Graham: "This... this is the study Bill that we're... that I'm referencing now. This is the Bill that actually is going to do the research to find out if there's any... how many children have actually been backed over or rolled up or killed in a power window incident."

Joyce: "And without this legislation, it's hard for us term... to determine, of the fifty-four or fifty-eight deaths in the United States last year..."

Graham: "Yes."

Joyce: "...it's hard for us to determine how many actually came from Illinois, is that correct?"

Graham: "Well, yes, because when we started doing research on this and we went to various departments, the number... three deaths had been recorded, but we knew from newspaper articles that there had been more than three. So, in my search to find that information we were inconclusive. The Department of Vital Records said that they can tell how many children had been hit by a car, but they couldn't tell how many children had been backed over by a car because those statistics were clumped together."

Joyce: "Okay. And then I... I'll... I'll ask you one last question and then I'll listen for your response. What is the hope after this information is discovered. Is there a follow up

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Bill? Is there a trailer Bill? What is your hope to come out of this legislatively?"

Graham: "Well, we... we're hoping to... to look and see if there is a problem with children being backed over by a motor vehicle or children being rolled up in a window, power window incident. If there is a problem, we'd like to be able to address that problem by putting some other mechanisms in place if there is indeed a problem with the blind spots and children being accidentally rolled up in a power window. When that was an issue with a garage door, the garage door used to come straight down, but now they have the sensors on the garage doors where when something goes under it, the door goes up automatically. So, maybe there could be a device put inside of a car to keep a window from rolling up on a child and the signals may be put on the back of a car to let you know that something is behind the car, so that you don't back over whatever that object is."

Joyce: "And... and so, you would come back with another Bill legislatively to address this issue after one or two years. I mean, how... how long is a proper time to look at the numbers?"

Graham: "Possibly a year to two years."

Joyce: "Thank you."

Speaker Hannig: "Any further discussion? Representative Graham to close."

Graham: "Thank you, Ladies and Gentlemen Of the House. I've worked very hard on this piece of legislation. I urge an

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'aye' vote. I think it's very important that we know if this is a problem in the State of Illinois. So, I ask my colleagues to join me in this effort to... to dig into this information to see if we absolutely have a problem. I urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 83 voting... 84 voting 'yes', 32 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 10 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 1960. Mr. Clerk, would you read the Bill. Representative Rose, I think this is your Amendment."

Clerk Mahoney: "Senate Bill 1960, has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Rose, has been approved for consideration."

Speaker Hannig: "The Gentleman from Champaign, Representative Rose."

Rose: "Thank you, Mr. Speaker. This should be... Floor Amendment #1 should be tabled. We should be on Floor Amendment #2, is that correct?"

Speaker Hannig: "Mr. Clerk, what is the status of Floor Amendment #1?"

Clerk Mahoney: "Floor Amendment #1 was referred to the Rules Committee."

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Speaker Hannig: "Okay. So, that stayed in Rules. And Mr. Clerk, are... are there any Amendments?"

Clerk Mahoney: "Floor Amendment #2 was approved for consideration."

Speaker Hannig: "Representative Rose on Floor Amendment #2."

Rose: "Thank you. Floor Amendment #2 amends the University of Illinois Board of Trustees Act. It would provide, starting in 2006 general election, that the trustees would no longer be appointed and instead it would move to... actually would return to the system previously used prior to the mid-1990s where they'd be elected from the general populous at large. They would be nominated at each Party's nominating convention... state conventions, three each. The current trustees would serve out their terms on the board. And so, for every two years, three trustees would be replaced from the elected trustees. And I believe, actually, the Governor's Office would end up getting another round of appointments in... in the meantime. I would ask for adoption of Floor Amendment #2."

Speaker Hannig: "Is there any discussion? Representative Joyce."

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

Speaker Hannig: "He indicates he'll yield."

Joyce: "Representative Rose, did you... you said that each Party will nominate their nominees for the November election, is that correct?"

Rose: "That's correct."

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Joyce: "Okay. Okay. So, the only time someone has to face election is in a general election, as opposed to primary elections and..."

Rose: "That's correct, Representative. Prior... the way we did this prior to the mid-1990s was that the state Party conventions would slate a set of three candidates each to be placed on the fall ballot for the general election. Typically what would happen, although not in all instances, but typically the... each Party would consult with the U of I Alumni Association and present a list of candidates at that point."

Joyce: "Now, do you think maybe if another Party were elected to the Governor's Office, that you may want to change this back in a couple years?"

Rose: "Representative Joyce, I was the student trustee at the University of Illinois at the time that this was originally done and I had severe reservations at that point in time about the change when that was made. The board, itself, actually voted to oppose the change and the University of Illinois' lobbying team here in Springfield, at the time, actively opposed the change when it was being brought forth in the mid-1990s."

Joyce: "And now they have no position, is that correct?"

Rose: "That's correct."

Joyce: "Okay. Thank you."

Speaker Hannig: "Representative McCarthy."

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

Speaker Hannig: "He indicates he'll yield."

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McCarthy: "Representative Rose, just to bring it to the attention of the Body, this would make the U of I different from every other university in our state, where the Governor appoints the seven trustees. During committee today, you tried to give at least your rationale for why you feel the U of I should have things one way and the other nine public universities should have things the same way. So, maybe you could share the information with the Body why you feel that the University of Illinois should have it a different set up."

Rose: "I'd be pleased to. First of all, I'd note that I have another state institution in my district, Eastern Illinois University, who would not be changed under this Bill, under this Amendment. The rationale is simple, the University of Illinois is a \$2.9 billion institution of which approximately 24 percent of that is GRF dollars. The rest of it comes from tuition, outside private donations, alumni association donations, private corporate grants for research and federal research dollars. The University of Illinois is the only public institution in the state.. for institution in the state to have a research one designation. Research one designations do not come easily. The Urbana-Champaign campus, and the Chicago campus are research one designated universities. This puts them on par with Northwestern and University of Chicago. There are very few, very, very few research one institutions in the nation, Representative McCarthy, and we are lucky enough to have two of those in the University of Illinois. Now,

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there's a couple other reasons that set the University of Illinois apart from other institutions in the state. The university's mission itself is functionally different, statutorily, from the other four-year schools. They have a research mission, as I just mentioned, making it a research one institution, they have the education mission that they share with the other institutions, they have a public service outreach component, the 4-H extension service, cooperative extension service to the counties for example, and just recently, in the last few years, the Legislature enacted yet a forth mission for it and that is a tool of economic development for the State of Illinois to help grow and expand our state's job base. That's a very fundamental difference that no other institution, four-year institution, has in the state. The last difference, and I think really, is the foundation, the charter of the University of Illinois, this is a land grant institution. The University of Illinois is here because of Abraham Lincoln's signature. Abraham Lincoln's signature. No one else can claim that designation. For all these reasons, I think it's appropriate that the voters have the say of who's gonna be in charge of this board of trustees."

McCarthy: "I appreciate your answers, but my next question would be, this research one designation, they've been able to maintain that for the nine years that they've had appointed trustees as opposed to elected. So, what makes you think that if we continue with the appointed trustees,

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they would lose that designation, since you think that's so important?"

Rose: "Representative McCarthy, that's a wonderful question, and if I can I'd like to quote from a June 28, 2003, News Gazette article, where the University of Illinois President, Jim Stukel, who's supporting an 8 percent recommendation for tuition increase last year, is quoted as saying, 'with the benefit... with the benefit of the board's council, I've decided to recommend not the 8 percent, but to present the lower increase of 5 percent, as the appropriate tuition level'. He went on to say for the reason for this decision were external pressures for us to have a lower increase. The article then went on to say that this came from, essentially, the second floor in a flurry of phone calls to trustees. Now, let's talk about the impact, Representative. In a June 25, 2003, article, the university noted that due to our last year's budget cuts, that they were gonna need a higher tuition increase, otherwise they'd have to eliminate eleven hundred jobs on its three campuses and two hundred and thirty faculty positions as well as a thousand course sections. I have copies if you'd like them. There is a deleterious impact, to answer your question."

McCarthy: "Could... could you... could you please clear that up, because this was confusing in committee too. Are you saying because it was an appointed board they reduced the tuition? I... or did they increase the tuition? It is kind of noisy in here..."

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Rose: "What I'm saying is..."

McCarthy: "...but it seems to me you're saying that if there wasn't an appointed board, we would have had a higher increase in tuition, is that correct?"

Rose: "What I'm saying, Representative, is that there was influence on the board's tuition policy. There've been numerous instances since approximately 1998 of... since we moved to the appointed system of influence on the boards policy, not just in this area, but numerous areas. I, for one, think it's entirely appropriate for us to have a firewall and create an independent board that's gonna do what's right and what's best for the University of Illinois and not necessarily for any other outside interests."

McCarthy: "Thank you, and Mr. Speaker, I would like a Roll Call on this Amendment, please. And to the Amendment. I agree... you know, understand that the Sponsor is well meaning, I understand that there's probably Members of the other side of the aisle, who voted for this change in '95, who now have truthfully changed their mind and I... and I find no fault with that. But I, as I said in committee today, I'm one of those Members of our House here who is old enough to remember voting for these University of Illinois trustees and knowing so little about them, and they're so way down at the end of the ballot, that very, very few members of the electorate actually pay attention to those offices and I think that the current system where the Governor appoints these people... where the Governor has to be accountable to the electorate, if he makes appointees that look like their

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just hacks or people that aren't doing a good job for the university, the Governor's reelection every four years, he'll pay the price for those poor appointments and I think he can be a lot more accountable than we can by electing three people who are probably gonna have poll numbers that are down in around the four hundreds, at the end of a long ballot, during... especially during presidential elections. I think it's working today, we are gonna hold the Governor accountable for the people that he's appointed to that board, and I don't see right now, that it's necessary for us to take this right away from Governor Blagojevich in order to appoint the members when absentees occur on this board. So, I regretfully have to oppose my Member of my committee over here, and I would ask for a 'no' on the Amendment vote."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. There's a hundred and fifty notes been filed to the Bill, so it isn't gonna move. I move the previous question."

Speaker Hannig: "The Gentleman moves that... moves that the previous question be put. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the previous question is put. And Representative Rose to close."

Rose: "Thank you, Mr. Chairman. For those of us who had been around the University of Illinois for literally their entire lives, it's extremely important that the Alumni Association have input. That's been ignored time and again over the last... essentially six years. I'm not laying this

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at anyone's door step, crosses Party lines. The best way to handle this, in my opinion, is unfortunately an unconstitutional way, and that would be for the Alumni Associations of each state university to forward a list to the Governor's Office of approved candidates. Unfortunately, we're told that that's not possible. But Ladies and Gentlemen, in the absence of that, I would argue the returning control of this board to the voters is a positive thing. I respect my colleague's discussion when he mentioned the judge... judicial candidates. You may be right, people don't always know who the judicial candidates are, but you know what if I wanted to vote against a particular judicial candidate or if I wanted to vote for a particular judicial candidate, at least I have that right. And all I'm asking is that we extend that same right to the voters of the State of Illinois in returning the University of Illinois Board of Trustees to its elected foundations. The foundations that it had for years and decades leading up to the mid-1990s. I'd ask for an affirmative vote. Thank you."

Speaker Hannig: "There's been a request for a Roll Call. There's been a request for a Roll Call vote on the Amendment, so the question is, 'Shall Floor Amendment 2 be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 voting 'yes', and

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48 voting 'no'. The Amendment is adopted. Are there any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions... notes have been filed and not received."

Speaker Hannig: "So, this Bill will remain on the Order of Second Reading. On page 12 of the Calendar is House(sic-Senate) Bill 3186. Mr. Clerk, read the Bill. 3186, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3186, has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted to the Bill. No Motions filed."

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

Clerk Mahoney: "Senate Bill 3186, a Bill for an Act concerning human rights. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I urge for the passage of 3186. And all it does is add the definition 'because of sex' or 'on the basis of sex'. And I know of no opposition to this legislation."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Parke."

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

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

Parke: "Representative, is this the same legislation that you and I had our discussion on a couple days ago?"

Flowers: "It's the same legislation, Representative."

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Parke: "And this is the one that I said that there was some kind of testimony in committee in opposition. Is that the same legislation?"

Flowers: "Same legislation, Representative."

Parke: "And so... so the Body will know. I was informed... misinformed in that, in fact, no one has spoken against your legislation in committee. And I wanted the Body to know that I... it was mistaken in that comment."

Flowers: "I'm sorry, Representative. Mr. Speaker. Mr. Speaker, can you lower the volume in the House, please, because this Gentleman is trying to say something..."

Parke: "I already said it."

Flowers: "...and I didn't hear what..."

Parke: "I already said it."

Flowers: "No, you didn't... I didn't hear you, so I need for you..."

Speaker Hannig: "Okay, could you repeat... could you repeat your question or comments, Representative?"

Parke: "Yes. And I was saying that I made a mistake, and that was not true. But I am big enough to admit that."

Flowers: "You are big enough, Representative, and thank you very much."

Parke: "That's right. So, therefore I rise in support of this Bill."

Flowers: "Thank you, Representative."

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

Flowers: "I urge for an 'aye' vote, please."

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Speaker Hannig: "Okay. The question is, 'Shall Senate Bill 3186 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 2 voting 'no' and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Just to alert the Members, there's been a House Committee schedule that's been distributed. And we'll break sometime around 9:15, and then we'll have committees. The Personnel & Pensions Committee and the Revenue Committee to consider some action, at which time we'll then return to the floor for further deliberation. So... and now on page 15 of the Calendar, under the Order of Concurrence, is... is House Bill 855. The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. I move that the Sen... the House concur in Senate Amendments 1 and 3 to House Bill 855. This is a simple concept. Today, when people win big at the racetrack or at the casino, if they are Illinois residents, we withhold some of their winnings for purposes of the Illinois income tax. An out-of-state person, however, is not subject to the same withholding requirement. The Senate Amendments to House Bill 855 do two things. First, they apply the same withholding requirement to out-of-staters that currently is faced by Illinois residents and second, we lower the threshold for withholding from what is now federal withholding requirements to income that is required to be reported to

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the Federal Government. This measure would bring in approximately \$4 million. It's about essential parity and equity. I am told that the Illinois Manufacturers' Association and the Illinois Retail Merchants Association support this proposal from Governor Blagojevich to help close our budget deficit. I'd be happy to answer your questions and I hope you will join me in making sure we have these fair revenues in order to meet the needs of Illinois' most vulnerable citizens."

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

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

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

Parke: "Representative, if a Illinois citizen goes... well, if a out-of-state citizen comes to the track and they win a large pot on the first race, what happens under your legis... under your legislation?"

Currie: "An out-of-state person?"

Parke: "Yes."

Currie: "An out-of-state person would have a portion of the winnings withheld because that income would be allocable to Illinois, given that the money was won in Illinois."

Parke: "Okay. Lad..."

Currie: "Same way they do it in Missouri, same way they do it in Iowa, same way they do it in Indiana and Alabama, Kansas and Mississippi."

Parke: "Ladies and Gentlemen, I rise in opposition to the Lady's legislation. Let me explain. She just said to you

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that an out-of-state winner comes and bets, then the State of Illinois will... and has a large bet and wins a large amount of money, the State of Illinois, upon collecting that winning, will take a portion of that money, just take it for tax purposes. That person no longer has that money to bet, so, therefore, our... the people that are involved in the horseracing business, including the purses, including the people that are involved in horses, do not get the use of that money. They... So, that if that person wanted to bet some more then they would not have the ability to bet more. So, therefore, we are denying the opportunity for that bettor to lose money because he doesn't have it any longer. Ladies and Gentlemen, I think we better take a good, hard look at this. They claim that this is gonna save the state probably around \$4 million. I, in fact, believe that this legislation will, in fact, cost the state money because that money will no longer be available for that person to bet. I will remind the Body and Mr. Speaker, if I could have some attention, please."

Speaker Hannig: "Yes."

Parke: "I'd like to remind the Body that this Bill was brought to us last year and failed strongly, it failed 72 to 36. Seventy-two of us, this is 72 of our Members said that they did not think this was a good idea last year. This is still a not a good idea and I rise in opposition to the Lady's Bill and Senate Amendments 1, 2... 1 and 3."

Speaker Hannig: "Representative Lang."

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

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

Lang: "Thank you. Representative, I understand that this Bill or a similar Bill has failed more than once in the past. Is that correct?"

Currie: "I believe that two years ago a Bill similar to this did fail. I still can't figure out why."

Lang: "Well, perhaps, I can enlighten you as to why. There will be those that believe that someone like me might be opposed to this because I'm sorta considered a progambling person, but that's really not the reason. So, let's... let's take a situation where someone has won a major jackpot on a riverboat or a... had a major win at the racetrack. And you want, if they win over \$12 hundred or... collect over \$12 hundred at any one given moment, to leave Illinois withholding before they take the rest of their loot with them. Is that correct?"

Currie: "That is correct."

Lang: "But there's no test in here is there for whether this person has actually won that money or not and by that I mean, this. Let's assume someone goes on one of our Illinois riverboats and has put 2 thousand silver dollars in a slot machine before that \$12 hundred jackpot came out. So, if the person kept all of the \$12 hundred, they'd still be an \$800 loser, but under your proposal, you would have to take some percentage points away from that person, rendering them a larger loser, would you not?"

Currie: "All right. Let me just point out that right now the bet... the boat is or the horserace... horseracing track is

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required to withhold for federal income tax purposes against that same individual and if the amount is \$5 thousand or more, today, Illinois withholds from that individual only if that individual is an Illinois resident. So, this is already the law, except that, the current law doesn't apply to out-of-staters and the threshold is federal withholding, under this Bill it would become federal reporting."

Lang: "But this... It is a change in the law because first you're reducing this threshold down to \$12 hundred and second, you're now applying to out-of-staters."

Currie: "Fair is fair, right."

Lang: "Mr. Speaker, to the Motion."

Speaker Hannig: "To the Motion."

Lang: "I thank the Representative for her answers. I voted for this Bill in committee with the announcement that I wasn't intending to support it on the floor because as I've done before in the Revenue Committee, I believe that the Governor should have his... have the right to have his package on the floor, but this is not a good piece of legislation. First of all... first of all, we have the issue of determining whether som... whether you're taking tax from someone who is a loser at the casino or at the riverboat. To tax someone who is a loser stretches my imagination, that's first. Second, at a time that we're trying to attract people from out-of-state into the State of Illinois to spend their money here which is why many of us have been opposed to cuts in the tourism budget to tell someone from

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out-of-state, if you come to Illinois and you win a jackpot, whether you're a winner or a loser we're gonna take more taxes from you, is just wrong-headed. It doesn't make any sense at a time that we're trying to get people to come to our state, even if they're gamblers, to say, well, there's a... there's a price to pay for coming here and if you do really well if you gamble here, we're take even more money from you. Now, some would say, well, what's the big difference, how many people are there, they're just a few gamblers. But that's not the point. The point is it's the principle of what we're doing here. We wouldn't say to a business from out of state that we're going to make life harder from... for you because you're from out of state. We... we don't say to anyone else, who comes and spends their money or earns money in Illinois, we're doing more to you, but here because these are gamblers somehow there's a difference. Now, if there was some sort of a test that determined that these people were actually winners and you wanted to take withholding from people who were winners, then I'd say, well, fine, let's tax the winners. But these could be people who have lost \$10 thousand and now, they're lucky enough to win a \$5 thousand jackpot and we're gonna take money from people who have left \$10 thousand in the casinos of the State of Illinois and today, the casinos are paying a 70 percent tax. The casinos are paying a 70 percent tax. We already have \$7 thousand of the \$10 thousand that person left here. Now, if we want them to come back, if they're lucky enough to win 5 thousand more,

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now we're gonna tax them before they leave town? Makes no sense to me whatsoever. It can't possibly make any sense to any of you whatsoever. So, please, vote 'no'."

Speaker Hannig: "Representative Delgado."

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

Speaker Hannig: "The Gentlemen moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the main question is put. Representative Currie to close."

Currie: "Thank you, Speaker and Members of the House. Simple equity, simple fair play. People in my neck of the woods go to Indiana to play the boats there and guess what, Indiana withholds if they win a big jackpot. Currently in Illinois, federal withholding applies to the out-of-stater as well as the in stater, it's just that only our constituents have Illinois withholding when they.. when they hit a big jackpot. My guess is, people will still come to Illinois even if we treat them just the way the boats do in Indiana, in Missouri, in all those other states I mentioned. I don't see why my constituents face state withholding and out-of-staters do not. This is a fair Bill. It's a critical Bill if we want a budget that can perform all the items that our constituents hope we'll be able to give them when we do the budget for the coming fiscal year. Vote 'yes'."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments 1 and 3 to House Bill 855?' All in favor

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vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 29 voting 'yes' and 85 voting 'no'. And the Motion fails. On page 20 of the Calendar, under the Order of Resolutions, is House Resolution 659. Representative Hassert."

Hassert: "Thank you, Mr. Speaker. House Resolution 659 proclaims 2004 the Year of Polio Awareness to promote vaccination in post-polio sequelae education and treatment. Appreciate an 'aye' vote. Thank you."

Speaker Hannig: "Is there any discussion? Then all in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. House Resolution 660, Representative Joyce. I'm just moving down the page, so if you'll follow with me, you'll... you'll know when your Resolution's coming up. Representative Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 660 urges the Department of Public Health to study and report on the installation of ultraviolet germicidal irradiation equipment in private and public work spaces. And that's in... the genesis of this Resolution is a study that was done that looked at work case illnesses. And the study concluded that from a pri... from a univer... a private university concluded that corporations and government could save over a billion dollars a year if they installed this equipment into their lightning to keep bacteria and flu-like symptoms out of...

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out of the workplace. I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Then all in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. House Resolution 690, Representative Munson."

Munson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 690 creates a bipartisan task force to study the obstacles facing obstetricians in the State of Illinois. The creation of this task force is in response to the loss of OBGYNs throughout the state. We are losing OBGYNs at an alarming rate either through early retirement, flight to other states or new doctors simply not choosing obstetrics as a specialty. There's a convergence of factors causing this access to health care crisis: high medical malpractice premiums, low reimbursement rates from insurance providers and late Medicaid payments. Separately, they make maintaining a medical practice a challenge at best; together they create a crisis. Women and their babies' health are at risk. The task force will focus on finding a solution."

Speaker Hannig: "Is there any discussion? Then all in favor of the Resolution vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And the Resolution is adopted. House Resolution 701, Representative Coulson. The Clerk advises me,

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Representative Coulson, that there's an Amendment on the... Do you wanna take it out of the record? Okay. Out of the record at the request of the Sponsor. Representative Delgado on House Resolution 703. There's... there's an Amendment pending, I'm advised, Representative. Would you like to explain the Amendment?"

Delgado: "Thank you, Mr. Speaker and Members of the House. The Amendment... I'm sorry. Mr. Speaker, we have an Amendment pending on this? We don't have an Amendment pending on... on..."

Speaker Hannig: "The... the... the Chair was in error, Representative. There is no Amendment. Proceed on the Resolution."

Delgado: "Thank you... thank you, Mr. Speaker. Thank you, Mr. Speaker. The Resolution designates the month of March as Hemophilia Awareness Month to enhance the understandings and proper treatment of the hemophilia... of hemophilia and to encourage participation activities to support programs to properly treat hemophilia. And I would ask for an 'aye' vote."

Speaker Hannig: "Is there any discussion? Then all in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. House Resolution 704, Representative Watson."

Watson: "Thank you, Mr. Speaker. House Resolution 704 creates a one-to-one task force with four Members appointed from... by the Speaker of the House and four Members appointed by the House Republican Leader. I was a Big Brother for eight

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years and I had the opportunity just to have a match with the same Little for eight years. He just finished his first year of college which is remarkable considering that he never knew his father and that his mother died when he was three. The great thing about mentoring and one-to-one... being a one-to-one mentoring is it costs the state nothing and what we're trying to do is set up a task force to encourage that. And I would appreciate your support."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the Resolution be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And the Resolution is adopted. House Resolution 711, Representative Kurtz."

Kurtz: "Thank you, Mr. Speaker. This Resolution is introduced at the request of the 4 thousand members of the Illinois School Principals Association and also at the request of... by their teachers who have observed the unintended consequences of taking your child to work during a school day. They recognize how invaluable it is that a parent team up with his or her child to experience the workplace, but the thousands of random absences in April caused teachers to put their lessons on hold and diminish time for normal quality education. The Association of School Principals request that you take your child to work during a vacation day. We appreciate your approval."

Speaker Hannig: "And on the Resolution, Representative Dunkin."

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

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

Dunkin: "Representative, didn't we sponsor something like this recently, like last week?"

Kurtz: "Ye... We..."

Dunkin: "Yesterday?"

Kurtz: "I believe that the superintendents had requested something like this, but this is a request from the principals and their teachers, those in the trenches teaching the children. And so, it give added credibility to the request to use a vacation day."

Dunkin: "Why?"

Kurtz: "Why what?"

Dunkin: "I'm sorry. I can't hear you. Representative?"

Kurtz: "Yes. Would you repeat your..."

Dunkin: "So..."

Kurtz: "...question?"

Dunkin: "Okay. So, I'm trying to figure out why they're asking the same thing that we just voted on yesterday, just out of curiosity."

Kurtz: "I'm stressing and I was requested by the Association of School Principals who are quite different than the school superintendents. There were 4 thousand of them and I talked to them, called them up, interviewed them and they had a specific request and wanted me to mention about the unintended consequences. So, it is good to repeat the request and the Resolution."

Dunkin: "Thank you, Representative."

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Kurtz: "You're quite welcome."

Dunkin: "To the Bill. To the Bill. To the Resolution. Although we did this yesterday, I still think today that it's a great Bill... it's a great Bill and I would vote for an 'aye' vote."

Speaker Hannig: "Okay. All in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. House Resolution 719, Representative Rose."

Rose: "Thank you, Mr. Speaker. This has nothing to do with the University of Illinois."

Speaker Hannig: "Yes."

Rose: "This urges Congress to repeal the Social Security offset provision and the Windfall Elimination Provision. Many people in this Body have heard this before particularly teachers and anyone that is retired from a state entity, a TRS board or the Chicago Pension System has negative implications... many have negative implications to their Social Security and their spouses Social Security. I'm simply asking that we ask Congress to fix this problem."

Speaker Hannig: "All in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. House Resolution 721, Representative Rose."

Rose: "Thank you, Mr. Speaker. House Resolution 721 urges Congress to limit interest rate increases on federal student loan, consolidation loans to 2 percent. It would allow borrowers to refinance an existing... refinance an existing consolidated loan but also allow for a dual or

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singular payment options for repayment of those consolidated loans. I'd ask for a favorable vote on the Resolution."

Speaker Hannig: "All in favor of the Resolution say 'aye'; opposed 'nay' The 'ayes' have it. And the Resolution is adopted. House Resolution 725, Representative Franks."

Franks: "Thank you, Mr. Speaker. House Resolution 725 encourages the Illinois Pension Systems to use the Chicago Stock Exchange rather than out-of-state exchanges. This is to benefit the state to prevent the expenditure of Illinois Public Pension Funds without a state financial service providers when there are Illinois financial service providers that provide the same returns and risks on investments."

Speaker Hannig: "Is there any discussion? Then all in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Okay. So, the House will now stand in recess. The committee of Rev... the Revenue Committee and Personnel & Pensions Committee will meet almost immediately at 9:15 and then about 9:40 the House will... will resume. So, the House will stand at ease for a time. Representative Molaro, for what reason do you rise?"

Molaro: "Just to point out. The Revenue Committee will meet at 9:15 promptly."

Speaker Hannig: "Promptly, Representative."

Molaro: "So, I want the Members to know that."

Speaker Hannig: "Absolutely. So, the House will be in recess."

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Clerk Mahoney: "Committee Reports. Representative Bradley, Chairperson from the Committee on Personnel & Pensions, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Conference Committee Report #1 to House Bill 599. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to Hou... to Senate Bill 1936."

Speaker Hannig: "Okay. Representative Currie is recognized for a Motion."

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that Senate Bill 928 can be heard in J-1, Senate Bill 1737 in Executive, House Resolution 985 in State Government, House Resolution 996 in Local Government, House Resolution 1006 in Education, House Resolution 1007 in Human Services, House Resolution 1008 in State Government, House Resolution 1010 in Energy & Environment, House Resolution 1015 in State Government, House Resolution 1028 in Education, House Resolution 1030 in Local Government, House Resolution 1033 in Registration, House Resolution 1038 in State Government and House Joint Resolution 89 in Human Services."

Speaker Hannig: "You've heard the Lady's Motion. Is there any discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted and the posting

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requirements are suspended. Mr. Clerk, on page 10 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 1936. Read the Bill."

Clerk Mahoney: "Senate Bill 1936 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Gordon, has been approved for consideration."

Speaker Hannig: "Representative Gordon."

Gordon: "Thank you, Mr. Speaker. Good evening, Ladies and Gentlemen of the House. House Amendment #2 becomes the Bill. It does several things. First of all, I'd like to point out that this proposal is a negotiated agreement between the Governor's Office and the trucking industry. It repeals the income tax credit for trucking companies. It allows the commercial distribution fee sales tax exemption to additionally apply to vehicles that are used primarily for commercial purposes which would end the SUV sales tax loophole. Also, the rolling stock sales tax exemption will apply to vehicles involved in interstate commerce for at least 50 percent of its total trips or 50 percent of the total mileage driven in a 12-month period. This change also includes intrastate trips as part of an interstate jour... journey. It also allows a percentage of trailers dedicated to a specific group of trucks to qualify for the rolling stock exemption based on the percentage of the truck in that specific group that qualify for the rolling stock exemption. It also reduces the commercial distribution fee over time for vehicles weighing over 8

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thousand pounds and it... for vehicles that are less than 8 thousand pounds are... they are no longer subject to the commercial distribution fee regardless if they have claimed the rolling stock exemption. I would move for adoption of this Amendment."

Speaker Hannig: "The Lady has moved for the adoption of Floor Amendment #2. And on that question, the Gentleman from Cook, Representative Parke."

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

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

Parke: "Now, Representative, you're saying that this makes... repeals the tax that we put on trucker companies from last year?"

Gordon: "Yes."

Parke: "Over a period of how long?"

Gordon: "For... for the registration period from July 1 of '05 through July 1 of '06 the fee would be 21.5 percent which is reduced from 36 percent and it's 21.5 percent of the current weight-based registration fees. For the registration period from July 1 of '06 and thereafter the fee is 14.35 percent of the current weight-based registration fees."

Parke: "And then it ultimately ends?"

Gordon: "No. It'd stay in effect."

Parke: "So, it stays at 14..."

Gordon: "I'm sorry. For vehicles over 8 thousand pounds."

Parke: "So, will... there will still be a tax on some trucks?"

Gordon: "Correct."

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Parke: "Did the... Did this... We're phasing this out because we no longer need that tax revenue or that is was a bad idea and it costs us jobs in this state?"

Gordon: "Well, the... That's a loaded question. I would..."

Parke: "It was... it was meant to be a loaded question."

Gordon: "Great, great. Representative Parke, earlier this year I... I also sponsored House Bill 412. I believe that this tax was an undue burden on the trucking industry and Illinois lost jobs because of it."

Parke: "Well, I agree with you and I am going to support your legislation because I think it's a long overdue idea. The original idea certainly did generate some income, but in the long run it is costing us jobs, it is gonna... it has cost us growth in the economy of Illinois and it was a bad idea when we put it in. And I'm glad that you have this legislation so we can phase it out and bring relief to our trucking industry in the State of Illinois."

Gordon: "Thank you."

Speaker Hannig: "On the Amendment, Representative Sacia."

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

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

Sacia: "Ladies and Gentlemen, Mr. Parke put it very well; however, what hasn't been mentioned yet tonight is in the last year this great state has lost 17 thousand truckers, 27 hundred trucking companies have either closed their doors or moved to another state and now we're gonna toss them a bone and cut it back a little bit. This is an insult to the trucking industry and those of us that

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support the trucking industry are going to be forced to support this because a bone is better than nothing at all. Why couldn't this be... and my question to you, Representative Gordon, why couldn't we make the cut immediately to the... what is it, 14 percent or... or thereabouts?"

Gordon: "Representative Sacia, I don't know why we couldn't do it immediately. What I do know is that what my friends at... at the Mid-West Trucking Association are telling me is that this is a negotiated agreement that they are... are in support of this and... and therefore I must stand with them."

Sacia: "No, no, no. Representative Gordon, I'll tell you what the Mid-West Truckers are like every trucker in this great state. We've got them right over a barrel. They can't even negotiate. They've watched an industry leave the state, nothing left of it, they're trying to hang on. You know, to call this a negotiated agreement... I... I don't mean this to you directly, you know that, but I think that is a absolute slap in the face to the trucking industry. This is no negotiated agreement. This is, here folks, here's a little bone and take it or leave it. I will support this legislation because it's the only thing that will move in this Body. But the trucking industry has been quite frankly, royally, you know what."

Speaker Hannig: "Is there any further discussion on the Amendment? Representative Black on the Amendment."

Black: "Thank you very much. I would ask that the referee do an instant replay on that to see if there's 15 yards for

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unsportsmanlike conduct. But while you're reviewing the video, would the Sponsor yield?"

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

Black: "Yes. Thank you. Representative, I was... I was fascinated with this idea as I know you were when it first came up and it wasn't drafted very well. Is there any language in here that closes off a very interesting loophole that's letting people buy \$85 thousand Hummers and \$45 thousand SUV pickup trucks and not having to pay sales tax on the transaction?"

Gordon: "It does end that loophole, Representative."

Black: "Well, nothing... nothing can last forever. Ya know, I... I've said that on this floor about five or six times in the last year and I don't know why it has not... the press doesn't pick up on it, which is fine, ya know, it's past their bedtime, but this was an amazing loophole that I don't know what it's cost the state. If you go to a dealer, and I'm glad you're gonna close it, and you buy an \$85 thousand Hummer and tell the dealer you're gonna use it for delivery purposes you could buy this \$85 thousand vehicle and not have to pay sales tax on it which was an unintended consequence of the legislation that was drafted in haste trying to get every dollar we can get. So, I'm... I'm glad that, ya know, well, I shouldn't say I'm glad, but... I had a constituent who got caught up in his truck was... his truck's a 1989 and they... they sent him the bill, when he renewed his license plates. I mean, that this was just a... well, it's a classic example, but now we're gonna

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fix it so okay. Let me ask you one other que... a coup... just a couple more questions. Following up on Representative Sacia's remarks. I see that this is probably as close to an agreed Bill as we're going to get, right? In other words, the outright repeal of this fee that has cost several truck registrations and I know it cost one company because they sent me a copy of a letter they sent to the Governor last August in which they clearly said they're... they were through. They laid off 21 drivers, sold their equipment, packed it in, they're done. You... Let me ask you because you're in a more enviable position than I am to know what I'm going to ask you. There's no chance that we're gonna be able to pass an outright repeal. Would that be a fair statement?"

Gordon: "That would probably be a pretty fair statement from what I understand, Representative."

Black: "What... what's the trigger... what... what's the final tax rate before we would have to revisit this? It goes down in steps, but then it hits a plateau. What... what's the plateau tax rate?"

Gordon: "That's 14.35 percent of the current weight-based registration fees."

Black: "And then... When do we hit that plateau? Fiscal year..."

Gordon: "On July 1, '06 and thereafter."

Black: "Okay. So, we can hopefully revisit it for FY07..."

Gordon: "I'll be very happy to do that with you, Representative."

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Black: "Well, I don't... I'm not sure I'm gonna be here. You might, but we'll see about that. I... Well, thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, to the Amendment. It is... And one thing I've learned in my years of being here is sometimes you take less than what you want because what you're going to get is better than nothing. I would rather have the outright repeal, but this, I think, is the best we can hope for. Mid-West Truckers have signed on and a lot of the business groups have signed on, but I would like just one... one last jab if I might at the people who put this tax together. The Secretary of State has estimated that we've lost \$23 million in sales tax on luxury vehicles that escape the sales tax because of the poor drafting of this Bill. I'm not criticizing anyone. I'm just saying that some of us said that well over a year ago. Be careful how you draft tax Bills, discuss them fully, discuss them completely. So, whatever we're gonna gain out of the distribution fee, cut that amount by \$23 million, we didn't do as well as we thought we were gonna do. Thank you very much, Representative. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes, to the Bill, Mr. Speaker."

Speaker Hannig: "To the Amendment."

Hoffman: "I apologize. To the Amendment, Mr. Speaker. I was listening... I apologize I wasn't on the floor but I was listening to the previous debate and one of the speakers, I think, made reference to the fact that this may or may not

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have been a negotiated agreement or was not an agreed Bill. Well, I was fortunate enough to work with the Mid-west Truckers, the Illinois Truckers Association to negotiate this agreement. I was fortunate enough to work with them to get this agreed Bill. So, any kind of indication that they aren't big boys and can't make their own decision and that somehow they were forced into this agreement, I certainly take offense to, Sir. And let me just tell you something, let me just tell you something. Why do we need it for this year? Why do we need it for this year? Maybe you haven't read the papers. We have a \$1.75 billion deficit. Right? And if you don't think... you don't think they don't know it and aren't willing to do their part, well they're willing to do their part this year. And I want to thank 'em for agreeing to this and I wanna thank the Mid-west Truckers and the Illinois Truckers Association for agreeing to help out the State of Illinois."

Speaker Hannig: "Any further discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 1936, a Bill for an Act in relation to taxation. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Gordon."

Gordon: "Thank you, Mr. Speaker. Ladies and Gentle... Gentlemen, Senate Bill 1936 is a great piece of legislation. I ask for your 'aye' vote because it may be the only time that

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I'm on a Bill that the Governor's Office is in favor of.
Thank you."

Speaker Hannig: "Representative Molaro."

Molaro: "Yes, I'll... I'll be brief. When I was in... we were just in committee with this and it sure seemed like the business community was for it. I certainly didn't look in their eyes and know if they were there in force, but they seemed to be for it. But I... I'm not rising for that. Just risin' to say that about two months ago I never thought this would be possible and Representative Gordon did a great job putting these people together. You should be commended. It was a nice job and it's really gonna help the truckers. And if it is a bone that they're thro... throwing 'em, there's a little bit of meat on it, not a lot but a little bit. So, I think it's a great Bill. Thank you."

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

Gordon: "I encourage an 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall Senate Bill 1936 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #2, under the Order of Conference Committee Reports, is House Bill 599. Representative

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Reitz. Is the Gentleman in the chamber? Okay. The Gentleman from Randolph, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Conference Committee #1 on House Bill 599 is an agreed Bill for the firefighters. It's a pension Bill that corrects some of the things and it increases the minimum benefits by 3 percent. It has surviving spouse language and this has annual increase for children's benefits also. This also increases the cost of the firefighters by 1 percent. And I'd be happy to answer any questions."

Speaker Hannig: "Representative Reitz moves that the House accept House... the First Conference Committee Report on House Bill 599. Is there any discussion? Representative... the Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "He indicates he'll yield."

Parke: "Can you tell us a little bit more about what this does, now?"

Reitz: "Yes, I sure can. It... it, as I said, it... it increases the minimum benefits for this by a thousand dollars per month. The current minimum is... There's three types of a thousand per month. The minimum benefit will increase by 3 percent compounded every year during years 2004 and 2008. The high... It establishes the surviving spouse annuity would be a hundred percent of the deceased firefighter annuity effective January 1, 2004. It increases the children's benefits by 3 percent compounded annually and...

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It would also in... would specify that any increase in required employer's contribution would not be subject to property tax caps. It allows a firefighter's surviving beneficiary to receive a hundred percent of the firefighter's salary if the firefighter died in the line of service after 1988. It's currently available for firefighters through 1994. This would add six possibly between six widows to the... to the benefit plan."

Parke: "Thank you. One thing it... this does pierce the property tax cap, but it is a decision that a local municipality can choose to make. Is that correct?"

Reitz: "Correct."

Parke: "Okay. To the legislation. Ladies and Gentlemen, I respectfully must point out to the Body that this is an additional piercing of the property tax cap which 90 percent of the citizens of Illinois voted for. It is for a worthwhile cause and it is permissive on the local municipal government, but it does pierce the property tax cap. Thank you."

Speaker Hannig: "Representative Pankau."

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

Speaker Hannig: "He indicates he'll yield."

Pankau: "Dan, is it just... is it the whole pension payment that the municipality would be able to take out of the tax cap or only that that would apply to the... to the widows?"

Reitz: "Just the increased cost to the... to the pension plan would... it would not be subject to PTELL."

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Pankau: "But the rest of their police and fire pension plan would stay under the tax cap?"

Reitz: "That's correct. Yeah."

Pankau: "Thank you."

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

Reitz: "Mr. Speaker, I think this... as I said, this is an agreed Bill between all the parties. And I think it's the right thing to do for the... the spouses and survivors of our firefighters who serve us every day. Appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House accept the First Conference Committee Report on House Bill 599?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 81 voting 'yes', 35 voting 'no' and 1 voting 'present'. And the House does accept the First Conference Committee Report on House Bill 599. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 10 of the Calendar is Senate Bill 1960. The Gentleman from Champaign, Representative Rose is recognized."

Rose: "Thank you, Mr. Speaker. A point of parliamentary inquiry."

Speaker Hannig: "Yes. State your point or your question."

Rose: "Mr. Speaker, I filed fiscal notes... I filed a fiscal note and I filed a state mandates note. I'm simply requesting

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whether a balanced budget note is applicable under the statutes. The applicable statute is not, in my opinion, and is only applicable for... to statute... to supplemental appropriations. I'm asking whether a Correctional budget and impact note is applicable. I don't believe there's any way you can say there's a proper nexus between Corrections and the University of Illinois. And I'm asking whether a state debt impact note is applicable. I do not believe it is either."

Speaker Hannig: "So, the Gentleman's Motion is that the named Fiscal Notes Act... Acts do not apply. Is there any discussion on the Gentleman's Motion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Gentleman's Motion. It's... it's clear by statute reference that the balanced budget note clearly does not apply. And the others... to file a Corrections impact note on a budget calling for an election of trustees of the university is a abuse of the process. His Amendment passed. If you wanna vote against the Bill, fine, but and you, Mr. Speaker, you have chastised me on more than one occasion for filing notes that clearly aren't applicable and generally, upon your call, I have withdrawn those notes. I don't recall that we've ever taken more... maybe once or twice we've actually taken you to a vote. The applicable notes have been filed on the Gentleman's Amendment. The rest of them are... are simply harassment filings that even the person requesting the note clearly

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knows they aren't applicable and the balanced budget note, by statute, is not applicable in this case. If... if the idea is, by filing notes late in the Session, a way to kill a Bill, then we need to review the Rules of the House. I think the Gentleman's request is timely, I think it's accurate, I think it's on target. Harassment notes should not be used to kill a Bill when the Amendment that becomes the Bill has already received enough votes to pass. That... that's... that's simply being disingenuous at best and worse... well, I won't even go there. I... I rise to support the Gentleman's Motion."

Speaker Hannig: "And on that question, Representative McCarthy."

McCarthy: "Thank you. I was up at the well and Representative Rose, would you tell me what notes you are asking to be found inapplicable?"

Rose: "We have... we have found fiscal impact which was I believe at Representative Davis's request and he filed a state mandate impact which is at your request, Representative McCarthy. I'm asking that balanced budget notes be held inapplicable and then, I believe, I have statutory authority for that. I'm asking the Correctional budget impact note be... be held inapplicable and there's no nexus there on state debt impact note. And I also believe since this is in the record right now, we cannot accept any more requests for notes."

McCarthy: "So, it basically... the fiscal note, state mandates note, balanced budget note and Correctional budget note."

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Rose: "No. The balanced budget, Correctional and state debt. I've filed fiscal and state mandates."

McCarthy: "Okay. The state mandates, was I the only one that filed that?"

Rose: "Yes."

McCarthy: "Because I also withdrew that after the vote as I think I told you."

Rose: "Oh. Well, thank you, Representative."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall the Gentleman's Motions that the balanced budget note, the Correction impact note and the state debt impact note are not applicable?' All those in favor of the Gentleman's Motion vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Currie, would you like to be recorded? Representative Younge. Representative Colvin. Representative Younge. Last call. Mr. Clerk, take the record. On this question, there are 106 voting 'yes' and 11 voting 'no'. And the Gentleman's Motion prevails. And the request for notes is ruled to be inapplicable. And the... Mr. Clerk, move this Bill to the Order of Third Reading. And Mr. Clerk, read the Bill."

Clerk Mahoney: "Se..."

Speaker Hannig: "Representative Brady. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1960, a Bill for an Act in relation to higher education. Third Reading of this Senate Bill."

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Speaker Hannig: "The Gentleman from Champaign, Representative Rose."

Rose: "Thank you, Mr. Speaker. As we discussed earlier, Senate Bill 1960 as amended by Floor Amendment #2 would simply return, over a period of time, the University of Illinois Board of Trustees to elected rather than appointed. This would begin in 2006. And it will be three trustees every two years until we have moved all nine trustees into the elected column. I would appreciate an 'aye' vote. Thank you."

Speaker Hannig: "And on that question, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Hoffman: "Yes, Representative, I remember there was a point, I believe, where the trustees were actually elected. Is that correct?"

Rose: "Yes, it was, Representative."

Hoffman: "And what year was that changed, do you recall?"

Rose: "It would have been in the mid-1990s, I believe, 1995 or 1996."

Hoffman: "I believe it was 1995. Is that right?"

Rose: "Fair enough."

Hoffman: "Who was in control of the chamber at that time, do you recall?"

Rose: "Representative Hoffman, earlier in the debate we noted that at that point in time Governor Edgar was Governor and the Republicans were in charge of the chamber. I was, actually, student trustee on the U of I Board of Trustees

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at that time. The board actively opposed that. As a Republican, I, myself, had some misgivings at getting at opposite ends with Governor Edgar, he's from my hometown. But nonetheless the... it was passed by the Legislature at that point in time over... over the elected trustees' objections."

Hoffman: "Well, to the Bill, Mr. Clerk or Mr. Speaker. Let me just say that I was here in 1995 when the... when the legislation was changed and I find it ironic that it was good enough for Governor Edgar to make the appointments, it was good enough for Governor Ryan to make the appointments, but now when we finally get a Governor that is a Democrat, we wanna change the rules. Now, I understand what you're doing. I guess I understand why you wanna do it. I would just say to the people on this side of the aisle, we finally have control of something. It's been 27 years since we've controlled the Governor's Office. We have the ability to drive policy now at the University of Illinois. We have the ability to make decisions at the University of Illinois. And I don't see why we'd would wanna take that away from a Governor of our own Party. So, I ask for a 'no' vote."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. In all due respect to my good friend who just spoke, I was here in '95 as well and as I said in committee today, and I will say it publicly for the record, why is it so difficult to get up on the floor of

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this chamber and admit you made a mistake. I made a mistake in 1995 when I gave the Governor of this state the ability to appoint trustees to the University of Illinois, the only land grant college in the State of Illinois. It was a mistake. Many of us thought it might be a mistake at the time, but we do things around here like that sometimes. I would submit to you that the university ran for many years under an elected board of trustees with a minimum of controversy. The controversy started when a Republican Governor began to make the first appointments to that board. You all been... you're not... you're not children, this isn't a student council. You know when you make a political appointment that there are certain unstated protocols that go with that appointment. The person that you appointed owes something to the Sponsor who made his or her name... brought his or her name to the Governor's people and they also owe something to that Governor. I'm telling you that this process was abused under two Republican Governors and the jury is out, it may have been abused under this Governor's administration, it may not have been. It depends upon your point of view. If I were the Governor, unlike school reform, I don't think I would want to patake full responsibility for the failures or the controversies that happen to the University of Illinois on my watch. We got along for almost a hundred years with an elected board of trustees. It worked just fine. And then we get into the executive branch wanting more and more power over every aspect of our governmental duties and I'm

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telling you now, I don't have any problem admitting, I wish I had that vote back in 1995. I've never heard any of the three Governors that have had this authority tell me or tell the public on any occasion that they are accepting full responsibility for the operations, the tuition increase, the faculty pay, you name it. If the Governor wants to tell me, any Governor, past, present or future, that they will take full responsibility for everything that happens on the University of Illinois campus... campuses: the University of Illinois-Chicago, the University of Illinois-Springfield, the University of Illinois-Urbana-Champaign. If the Governor wants to take full responsibility for the governance of the state flagship university, that's fine, I'll respect that, but I don't think Republican Governors wanted that responsibility... I didn't... I don't remember them ever taking that responsibility when things went wrong. I don't think this Governor wants that responsibility either. What is wrong with letting people vote to govern the largest, the only, land-grant university in the State of Illinois? I would submit to you that it was chartered differently. Because of its federal land grant status, it is a creature of the Federal and the State Government. All of our other institutions in the State of Illinois of higher ed and they're all good, were created and are creatures of State Government. It's a unique institution. I think it was well-served by an elected board of trustees. I can't believe I'm having this conversation. It's the Democrats who have always said,

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trust the people. The Governor said it in his budget address, trust the people to do what's right. Eliminate these Soviet-style bureaucracies where they didn't trust the people to vote. Let the people vote. Let the people decide."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. To the Bill. I find myself in complete agreement with Mr. Black. In... in the '90s, when... when Governor Edgar tr... tried to take over all of education in Illinois, I was one of the people, on this side of the aisle, arguing very strongly that we should not have gubernatorial appointments to these bodies and that we should create accountability in the system. Now, some would say, well, you know, this is just like voting for judges, nobody knows these people. But I would submit to you, that if even 5 percent of the electors know these people, that's 5 more percent that would know them that if the Governor appointed them. We have to have some accountability. We have to have people in place who are independent. People in place who are accountable. People in place who are not beholding to anyone else. I think we understand how important the University of Illinois is in... in the higher education system of the State of Illinois. So, for purposes of accountability more than anything else, I support Mr. Black. I support Mr. Rose in this Bill. And I would suggest 'aye' votes."

Speaker Hannig: "Representative McCarthy."

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McCarthy: "Thank you, Mr. Speaker and just to the Bill. I don't wanna belabor this. We've been over this. This is our third or fourth time today for Chapin and I. I do wanna say though, as far as the notes, I think a state mandates note actually was justified because on page 16 and page 17 of the... of the Bill, it clearly states county clerks have some new duties because of the responsibilities added to them by this Bill. So, I think the... the Gentleman would agree with this. Let's remember though. The Governor has to be responsible for these appointments. That's a direct line of accountability and I think, ya know, it's lost when you have people that are on the fifteenth page of the ballot. The other thing is, if you can think of all the directions in the state, Northern, Southern, Eastern, Western, Illinois State, Governor's State, Chicago State, Northeastern Illinois. Every single one of them, the Governor appoints those seven people. I don't think the U of I is that unique and I think that the system is working. If these people are doing a poor job, bring it up and throw it in the Governor's face during the next gubernatorial election, but I think that's more direct accountability. And I stand in opposition to the measure."

Speaker Hannig: "Representative Giles."

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

Speaker Hannig: "He indicates he'll yield."

Giles: "Representative Rose, ya know, you brought this piece of legislation before the Higher Education Committee this morning and I got an opportunity to ask a few questions,

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but since listening to debate there's some... I... I guess I just wanna ask one of the ultimate questions and I'm sure you can answer it. And that is, Representative, that have since... since the board has been appointed and now we're trying to change it to be elected, the ultimate goal of any higher institution is to what?"

Rose: "To educate."

Giles: "Is to educate, educate your students. That's correct. To... to make sure that they have an opportunity to get a quality higher education whether they're trying to get their bachelor's degrees or master's or Ph.Ds. or other degrees. So, could you tell me, in 1995 when... when Governor Edgar, under his administration, the board went from elected to appointed, was there any stipulations or problem in which it hinder U... University of Illinois, from educating those students or are those students having a better opportunity to be educated than those students having the... some sort of deficiencies for those students are gettin' a higher degree?"

Rose: "Representative Giles, are you speaking specifically of Governor Edgar?"

Giles: "No, what I'm speaking about, there were a change in 1995 to change the board back to be appointed and not elected. So, I'm asking the question and I'm serious about the question because I'm trying to find out and I'm not trying to be facetious, I'm trying to find out..."

Rose: "I understand."

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Giles: "...that right now, if we're changing it back to elected, is there a... is there a question of lack of students not being able to get their master's and bachelor's and Ph.Ds..."

Rose: "Representative Giles, I think that..."

Giles: "...because that's the ultimate of any board to make sure that good education is administered. Is that correct?"

Rose: "Regarding Governor Edgar, no. Since 1998, we've had significant issues."

Giles: "Okay. Significant issues that and of course, you haven't mentioned that they were educational issues or student doc..."

Rose: "Would you like me to? I can read you some."

Giles: "Okay. Well, I..."

Rose: "News Gazette ..."

Giles: "...one or two examples."

Rose: "...June 25, 2003. To deal with budget cuts from the state, the U of I's expected to eliminate 11 hundred jobs on three campuses, 230 faculty positions and cancel 1 thousand course sections because the Governor told 'em what tuition policy to dictate. He dictated tuition policy to 'em. Now, if that doesn't directly impact on the educational mission institution, I don't know what does."

Giles: "Well, you know, Representative, and I don't wanna get into the debate with you and I understand your... your... your... the way you're presenting yourself. You're trying to make a point and that's understandable. Ya know, 'cause I know you've had a long day with this legislation, but... but I'm..."

Rose: "I... I have indeed, Representative."

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Giles: "...I'm somewhat of a little bit more of a serious nature than some of my colleagues. You know, because, as I stated to you, early on, that it... it was... it's kinda suspect to me in the last hour that we were bringing forth such legislation at this time. Now, you know..."

Rose: "Well, Representative, I found... we..."

Giles: "...I think this is such of an important... I think..."

Rose: "...Representative Mitchell filed an almost identical Bill of this six months ago..."

Giles: "Okay."

Rose: "...and it didn't come out until basically yesterday and got posted for committee 'til this mornin'."

Giles: "It..."

Rose: "I can't control that in... We're in the Minority on our side, Representative, I don't have any control over that."

Giles: "And... and... and... Right. And as you stated, ya know, five or six months ago this piece of legislation was introduced and... and you know, and I suggested I think that we should maybe have convened some sort of subcommittee or committee that we could really look at this what the effect and affects that will have on all of the universities, all of the state universities, to find out what would truly be if it's... if it's... if it's good legislation that will... that will affect the outcome of educating students and students having the opportunity to get higher education. And so, that's what I'm looking at and it's... You know, and to the Bill, Mr. Speaker. Thank you, Representative. You know, it's just, once again, this is... it's just too suspect. I

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mean, at the last hour of, ya know, when we... we should be adjourning, but of course, we all know what that... truly what the fate of... of tonight is going to be. But ya know, this... this smells the same smells of when... at the last hour we would do quick-take legislation and that's what this smells like. And this, I believe, ya know, we're playin' a political game here and... and we're changin' the process that we have not truly looked at. We have not dissected. We have not studied the issue. We have not brought in all parties that have interest in higher education to look and see if this really a good idea. And so, because of the last hour, it is too suspect for me to... to vote on it. I urge my colleagues to give a 'no' or a 'present' vote on this matter."

Speaker Hannig: "Representative Mike Smith."

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

Speaker Hannig: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The main question is put. Representative Rose to close."

Rose: "Thank you, Mr. Speaker. To close... to close, Mr. Speaker. First of all, let me say to my good friend, Representative Giles, I'm sorry if I got a little bit testy, there. It's been a long day. We have debated this about five times, now. But I would like to point out that the university's mission is fundamentally different than the other four-year institutions of which I have one in my district, Eastern. It is the only land-grant institution

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in the state. It's the only research one institution in this state. And it's... statutorily its missions differ. Yes, it has the education mission like all four-year institutions do, but also is a public service outreach. The University of Illinois 4-H extension. It has a... an economic development mission that this Legislature's brought to it in recent years and it has its, of course, research mission. So, it is different. It's also a \$2.9 billion budget. It's a budget, I believe, I personally believe, the voters ought to have a chance to vote on who's gonna to be running that \$2.9 billion budget. I might add, Senate Bill 242 from February 17 of 1995, Governor Blagojevich voted against giving Governor Edgar the power. Right here. And to my good friend, Jay Hoffman, I would simply say my criticism has not been leveled at any one individual, any one party. Since 1998, the University of Illinois Board of Trustees has systemically been influenced by the State of Illinois, by the second floor. We have four trustees now who aren't even U of I graduates, four of nine. How many more is it gonna be? The voters deserve to pass on who it is that's gonna be runnin' 2.9 billion. The voters deserve to pass on who's gonna be running the flagship institution in the State of Illinois. The voters deserve better. I'd ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall Senate Bill 1960 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the

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record. On this question, there are 62 voting 'yes' and 53 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Brady, for what reason do you rise?"

Brady: "Thank you, Mr. Speaker. I'd like to have the record reflect on a recent piece of legislation we just voted on, House Bill 599, that I inadvertently pushed the incorrect button of 'no'. My intent was 'yes' on that piece of legislation. Thank you."

Speaker Hannig: "The record will so reflect, Representative. Representative Hassert is recognized on a Motion."

Hassert: "Thank you, Mr. Speaker. I move to reconsider the Hou... reconsider the vote on House Bill 826."

Speaker Hannig: "The Gentleman moves to recon... reconsider the vote by which House Bill 826 failed. Is there any discussion? Representative Sacia on the Motion."

Sacia: "Thank you, Mr. Speaker. House Bill 826, nobody really saw it coming or going on the previous consideration. This Bill affects a community in my district Galena, Illinois, which many of you are... Oh, I'm sorry."

Speaker Hannig: "So, on the Motion to reconsider, you're in favor, Representative?"

Sacia: "Yes."

Speaker Hannig: "Okay. So..."

Sacia: "I'm sorry. Thank you."

Speaker Hannig: "So, all in favor of the Gentleman's Motion to reconsider say 'aye'; opposed 'nay'. The 'ayes' have it. And the vote by which House Bill 826 failed is

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reconsidered. Now, on that question, on page 15 of the Calendar is House Bill 826. And Representative Reitz is recognized."

Reitz: "Thank you, Mr. Speaker. Appreciate the opportunity to reconsider this vote. I think we... we're maybe wondering what this was earlier and it... it got through fairly quick. I'll explain it again. This allows the municipalities to create a business district and to have a 1 percent sales tax in that business district to use as a tool for economic development. This... this is already available for Home Rule communities. This was... is simply voluntary for municipalities to use as another tool for... to entice industries to come in. The... the Senate Amendment #2 was in contention allows them to actually put this on... on food and drink, mostly for the intention of attracting grocery stores that would know this before they come in. And the... and the language even in for the food and drink is permissive on that part. And to clarify earlier that it does... it does not include medicines or medical supplies. That's still exempt under the sec... the Amendments on 826. But I think this is a very important Bill for I know a number of communities throughout the state that would like to have this opportunity. As I said, we already do this for home... for Home Rule. It no way impacts property taxes. It's just another tool to bring businesses in. I'd be happy to answer any questions."

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Speaker Hannig: "Is there any discussion on the Gentleman's Motion to Concur in Senate Amendments 1 and 2? Representative Sacia."

Sacia: "Thank you, Mr. Speaker. I would just encourage 'aye' votes, as well. One of the communities in my district, Galena, Illinois, is a community that really needs this. It would be beneficial to their business district due to the hundreds of thousands of people that visit there every year. They have a tremendous amount of... their... their infrastructure is badly beaten up, far more so than a regular community and it will give them the additional opportunity to raise necessary revenue. Thank you."

Speaker Hannig: "Representative Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I, too, rise in support for this legislation. And if any of you are familiar with what goes on and I try to use the analogy of the inner city of what happens to my community. Oftentimes, the... the shopping centers, we have a lack of, and this Bill would create an incentive to help us bring those shopping centers or bring 'em back online. What we're asking in this legislation is 1) to create a business district that would be defined by the... the local government and once that business district has been defined, they would then be allowed to impose a tax, a sales tax, on the people who come in and shop in that particular district. What this would do is encourage redevelopment in areas that ordinarily redevelopment may or may not take place. This would allow us the... this money

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could then be used to either say, put parking lots together, to put additional lightning, infrastructure needs that may help encourage business to come to a particular area. This issue is supported by lots of small towns or I should say, non-Home Rule units because they're the ones that currently cannot do it. But if you've heard this word about a tax being imposed, this tax would be imposed by the local unit of government, if, in fact, there's going to be one. And it would be done in a .25 increments, so it's not a 1 percent, but .25 increments and it would last for a period of 23 years or until the bonds have been retired. If the bonds are retired before that 23-year period expires, the money would then go to the local unit of government to help them offset their other needs. But in areas, as I say, now think about in my particular area, this would help, although I'm in a homeroom (sic-Home Rule) municipality, we can not impose it. They've done it already in Cook County. This is how we write down the cost of funding McCormick Place. There's been a local business district defined and any of you who stop in between 35th Street and Armitage Avenue on the north, between the lake and Halsted on the east... east, are charged an additional tax on your hamburgers and whatever you purchase in that area and that money is used to help defray the cost for McCormick Place. This Bill would allow local units of government, small town USA or small town Illinois, to be able to impose this same tax, create the same business district and try to encourage businesses to come to those

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areas. If there's ever a tool to help improve small municipalities, this is one that I think is a very good one. And again, because this... you hear this crazy word 'tax' and this is a tax that would be imposed once there's been hearings and has been brought to the local community, the business district has been defined and everybody knows exactly what's going to benefit from it. And I think this is an excellent piece of legislation and would encourage all of us to vote for it. It's very good for non-homeroom (sic-Home Rule) units. Local units will determine if it's going to take place and I'm often curious down here because some times we, as elected officials in State Government, do not put faith in our local elected officials many of whom... many of you who serve here started out as local elected officials and I hate to think that you feel that, as a local elected official when you were in that capacity, you did not understand the needs for your particular community or the area that you represent. Again, I think this is excellent legislation. And I would encourage all of you to vote 'yes' on it."

Speaker Hannig: "Representative Black. Representative Black, you're up. Okay. Representative Mathias."

Mathias: "Yes, thank you, Mr. Speaker. Will the Representative yield?"

Speaker Hannig: "He indicates he'll yield."

Mathias: "Yeah. Just so I understand my analysis here and I just wanna make sure that I'm reading this correctly before

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voting on this. My analysis says that this tax can be assessed on food and drugs. Is that correct?"

Reitz: "That... No, the analy... the... actually, Senate Amendment #2 can be on food and drink. The... actually, the... the Bill as amended the provision remains exempting medicines and medical supplies from any tax. So, medicines would not be included."

Mathias: "Okay. And what about... there was something in here also about handicapped equipment, vehicles for hand... modification of vehicles for handicapped people. That is wrong? Okay."

Reitz: "Not that I know of. I... I... I don't see that, so..."

Mathias: "Okay. And this... this applies to non-Home Rule communities, obviously?"

Reitz: "Correct. Home Rule communities already have the... this ability."

Mathias: "But don't non-Home Rule communities have a right to pass a sales tax now?"

Reitz: "By... by referendum, correct. This allows the... this allows the town board to do it and it's an initiative of the Municipal League and a number of... of other people that are supporting it. This allows the town to sit the mayor and city council to make that decision."

Mathias: "Now, also, I don't know, again, if my analysis is wrong or not, but it says the Chicagoland Chamber is opposed to this. Can you tell me why, if that's... it that is the case?"

Reitz: "I... I don't show any opponents on my analysis."

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Mathias: "Okay. I'm just going by our analysis here. Did anyone in committee oppose it? Is that wrong also, the Chicagoland Chamber?"

Reitz: "Yeah, I would..."

Mathias: "Okay. Thank you."

Speaker Hannig: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just wanna echo the comments of my good friend, Representative Turner and he talked about the applicability of this piece of legislation for his district. It's equally applicable to those of us downstate where we have high unemployment rates and our local public officials, political officials, need every economic development tool they can possibly have to try to help their own region, their own city, their own municipality. This is a well-crafted piece of legislation. The exemptions have been made because they wanted to address the concerns of the individuals in those cities. This is strictly voluntary. So, I... It's not mandatory, it's voluntary, if our locals want to use it. So, that would be their decision and I see nothing wrong with letting local control... letting the local control, our local people, decide what they want to do in our town or our city. This is an important tool for... for all of us. I would simply ask your support, but importantly as importantly as downstaters because all of our communities are in desperate need of anything we can do to stir economic development. And this is another tool that we can, obviously, use very wisely."

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Speaker Hannig: "Representative Black."

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

Speaker Hannig: "No trick questions, Representative Black."

Black: "I'm sorry, what?"

Speaker Hannig: "No trick questions."

Black: "Oh, no, no. In fact, Mr. Speaker, at the appropriate time, I'd like to clear up some misunderstanding, the responsibility of which rests largely with me."

Speaker Hannig: "Proceed, Representative."

Black: "Representative, first of all, just to make sure we're all on the same page and this is what happens when you're in Session too many hours, voting on too many Resolutions that have, I think, saved the world for democracy at least another day. But, be that as it may, this only applies to communities that have a business district already established, correct? Or... or created?"

Reitz: "No, I think... create, yes or create one, correct."

Black: "All right. So, it isn't exactly accurate to say any community can take advantage of this?"

Reitz: "A way it is, yes. As long as they create a business district, yeah."

Black: "If they create a business district..."

Reitz: "It just allows them to do this inside a business district, correct."

Black: "...they can take advantage. Okay. And it isn't exactly voluntary is it? I mean, if the local government imposes this sales tax, it is without referendum?"

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Reitz: "Correct."

Black: "And the increments can be levied in quarter percent increments. Is there any limit on the number of quarter percent increments you can pass?"

Reitz: "Up to 1 percent, can't exceed 1 percent."

Black: "Up to 1 percent, okay. All right. I thank... Mr. Speaker, with apologies to the Body, in my earlier remarks I was looking at an analysis that had not been updated. And one of the things that jumped out at me was that this tax would be levied on medical supplies which would include wheelchairs, which would include a \$35 hundred bill if you take in a van and have a handicapped ramp installed, a hydraulic ramp installed. I don't think anybody would want to pay 7 percent sales tax on that, that is not currently taxed and it goes... it went on to say that the tax would be levied on diabetic supplies, needles, syringes, in other words, a variety of medical supplies that I don't think any of you would wanna vote for. What's unfortunate, when we move the way we've moved on this last day of the regular Session, is that at some times it's very hard to update your analysis. And I apologize, I would never intentionally mislead my side of the aisle nor try to intentionally mislead the other side of the aisle, although, I would like to mislead you on occasion I would never do so intentionally. I think it's very important that you ask staff on both sides of the aisle that Amendment #2 removed all language that said this sales tax increment could be established on medical supplies. That

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was stricken by Amendment #2. That certainly makes this more palatable than the earlier analysis. In the... in the... in the finality of this, it does levy a tax in quarter percent increments up to 1 percent on food that one would purchase in a grocery store, which is a change in policy that we have right now where that is limited to 1 percent. I assume, correct me if I'm wrong, Representative, that would also apply obviously to foods sold in restaurants. If you... if you wanted to add another percent, you would do so on all food and beverage sold in restaurants in the business district. Would that not be right?"

Reitz: "That's correct."

Black: "All right. So, I think if... if we're going to vote based on the information that we have, I think it's important that you look at Amendment #2. I'm still not comfortable with it, but it makes a great deal more sense now that we are all, I hope, on the same page. There is no sales tax imposed on medical equipment or medical supplies. There is a sales tax possibility of being placed on food that you would purchase in grocery store for consumption either on premise or later and there is no referendum procedure. Now, at least we have the accurate information on which to base a vote. And I do apologize. I'm not blaming staff, I blame me. That's my responsibility. I... I apologize to the Body. I misspoke. I based my statements on the analysis that I thought was correct. Staff very quickly ran up here, gave me the Amendment and then I think I have tried to honestly tell you what the Bill does with

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Senate Amendment #2. I apologize for my inaccurate remarks earlier. That's what happens when I speak so quickly. And I, again, if you're going to vote, at least base your information on the correct data not the incorrect data that I used in the previous debate."

Speaker Hannig: "Representative Cultra."

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

Speaker Hannig: "Indicates he'll yield."

Cultra: "Right now, Home Rule communities have the ability to do this. Is that correct?"

Reitz: "That's correct."

Cultra: "Then what is stopping any community that's not Home Rule to vote themselves Home Rule?"

Reitz: "I'm sure anyone that's... they... ya know, that's qualified you could, but I... there's certain requirements that you have to have to be Home Rule. Then they have to go through and run the referendum to be Home Rule."

Cultra: "Right. All they have to do is run a local referendum and any community in Illinois can be Home Rule. So, basically, what your Bill is doing is circumventing the local voters."

Reitz: "Not necessarily. It's... I believe, it's... it's putting faith in your local... local officials. I mean, not every community wants to be Home Rule. Ya know, a lot of them can comply under the State Laws and are very happy doing that, but if they have an opportunity to... to use this as an economic valve and tool, this will afford them the opportunity to do that."

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Cultra: "Well, I would think if the local voters had faith in their local officials, then they could vote for Home Rule and then they would have this power. What we're doing is, we're taking the ability of judgment away from the local voters and just giving it to the officials. Wouldn't that be correct?"

Reitz: "We're putting our faith... but there'll be hear... there'll be hearings as there would for anything, open meetings and they'll have an opportunity... the local community will have an opportunity to have their input in this."

Cultra: "Yeah, to the Bill. I did... Any community can vote to be Home Rule. I... This is just another way to pass a tax increase without local input. And I... I would urge a 'no' vote. Thank you."

Speaker Hannig: "Any further discussion? Representative Reitz to close."

Reitz: "Thank you, Mr. Speaker. I guess, just for clarification. I think my... my understanding is they have to be at least over 5 thousand, I believe, for Home Rule. There's a number of communities in my district that wouldn't meet that qualification. A number of them don't want to be Home Rule. I appreciate the input, the support on this. As Representative Sacia said, this is very important for a number of communities and Representative Turner and Granberg throughout the... throughout Illinois. I appreciate Representative Black's indulgence for clarifying this. I think this is a very important Bill put some faith back into our local community leaders, allow them to grow

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their... their communities and bring in some economic development. I great... greatly appreciate an 'aye' vote."

Speaker Hannig: "Okay. Representative Cultra, you've spoken debate, for what reason do you rise?"

Cultra: "He'd stated that you have to be 5 thousand to be Home Rule. I live in a community of 15 hundred and we passed to be Home Rule because we wanted to do something special. So, you don't have to... there's no limit on the population to be Home Rule, you just have to pass a local referendum. Thank you."

Speaker Hannig: "Representative Reitz, would you like close again?"

Reitz: "Appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 826?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 65 voting 'yes' and 52 voting 'no'. And the House does concur in Senate Amendments #1 and 2. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Clerk Mahoney: "Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hannig: "On page 14 of the Calendar, under the Order of Consideration Postponed, is Senate Bill 948. Representative Turner."

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Turner: "Thank you, Mr. Speaker. And I appreciate... I know it's getting late and I appreciate the opportunity to bring this Bill again. I just wanted to make certain Members were clear as to the intent of this particular piece of legislation. Right now, the way the... I think it was two years ago, I'm trying to look for the exact Public Act number, we passed in... in Public Act 93-0207, we passed a law which says that the department... the Prisoner Review Board will hear cases of what we call 'relief from disabilities' regarding former inmates who may, in fact, want to apply for certain licenses. We... we then allow them the ability to now get barber's license and there were a couple other professions that now qualify and which the... which the Department of Corrections, I should say, the Prisoner Review Board, can now give certificates to these members. But there were three professions that were left out: one is engineering, the other one, water well or pump installers and the other one was electrologist. This legislation simply says that it allows the Prisoner Review Board and they will make the determination as to who would qualify based upon the requirements for these particular professions. They would then be able to reinstate and get the... or be able to apply for their licenses as a result of this legislation. And I move for the adoption or the passage of Senate Bill 948."

Speaker Hannig: "Is there any discussion? Then Representative Turner to close."

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Turner: "I simply move for the passage of this legislation. This is something I think that is good legislation and would benefit us all and it was here... those people, who may have made a bad turn somewhere in life, the ability to go ahead and... and make a living and be productive again. So, I move for the passage of Senate Bill 948."

Speaker Hannig: "The question is, 'Shall Senate Bill 948 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 65 voting 'yes', 52 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills-Second Reading, on page 12 of the Calendar, is Senate Bill 2847. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2847 has been read a second time, previously. No Committee Amendments. No Floor Amendments. But a note has been filed and not received."

Speaker Hannig: "Representative Turner, the Clerk informs us that one of the notes has not been filed."

Turner: "A note has not been filed?"

Speaker Hannig: "Representative Turner."

Turner: "All right. Yes, Mr. Speaker. I... I move to question the applicability of the note and I'd like to have a Roll Call on that. I move that the..."

Speaker Hannig: "The Gentleman moves that the note request is not applicable. Is there any discussion? Representative Black."

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

Speaker Hannig: "State your inquiry."

Black: "What... what note, what kind of note are we ruling inapplicable?"

Speaker Hannig: "Mr. Clerk, would you answer Representative Black's request."

Clerk Mahoney: "A state mandates note has been requested to House... Senate Bill 2847."

Speaker Hannig: "Okay. Representative Black."

Black: "Mr. Speaker, can you tell us... well, it wouldn't... wouldn't reflect the department. Who... who filed the note? Did I file it?"

Speaker Hannig: "Mr. Clerk, could you tell us who filed the note, please."

Clerk Mahoney: "The note was filed by Representative Flowers."

Speaker Hannig: "Representative Black."

Black: "All right. I... I... and I believe... Well, that's not germane. I... Thank you very much. I... Mr. Speaker, to the Gentleman's Motion, if I could."

Speaker Hannig: "Proceed."

Black: "I have found... found it generally to be the case any note requested by the Majority Party can generally be answered in an hour or two. Notes requested by the Minority Party often are never... are never written and filed which is why the Minority Party usually is the one that rules or asks that rules be inapplicable. This is a quandary. I have great respect for the Sponsor, but I also

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have great respect for the Member of the same Party, on your side of the aisle, that requested the note in the first place. And I look at the... I look at the opposition and I find that the Department of Public Aid is also in opposition to the Bill. My guess is it was the department who asked that the note request be filed. So, I'm not gonna belabor the point, the Gentleman has moved. But it seems to me like this is a dispute on your side of the aisle that you ought to handle rather than being a dispute from the Minority asking that the Majority give us the ability to move legislation. You have that ability very quickly to get notes requested, filed by... by departments because you're in the Majority Party. But it's interesting that one of your Members asked that the note be ruled inapplicable and one of your Members filed the request. A little strange to me."

Speaker Hannig: "Is there any further discussion? Then all in favor of the Gentleman's Motion say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion carries. And the note is ruled inapplicable. Third Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2847, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. 2847 is a Bill that would allow the Department of... What it does is it provides that the Department of Public Aid may not establish any pulmonary limits or

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restrict any prior authorization requirements for any insulin prescription drug that's prescribed and determined to be medically necessary for the treatment of diabetes. This Bill will become effective July 1, 2004. Basically, it would allow a diabetes drug to be put on the preferred drug list. That's what the Bill does. The drug is a drug that's put out by one of the pharmaceutical companies here in the state. In fairness to the previous speaker who mentioned about the Minority Party and... and how sometimes those notes can be acted on within an hour, I just wanna let him know that this is one minority that hasn't seen any notes acted on, on his behalf, within an hour. Now, I don't know which Minority Party he was speaking of and I guess it's very unique at this case because another Minority asked for it. So, it shows you how Minority get treated around here. But let me also say, because there's some 90-plus Sponsors to this legislation and although we are calling it here at the 99th hour, I do say and... and I want it to be known for the record that I do not approve with this particular process in terms of how we're putting Bills on the formulary. I have a lot of faith in the department and in particular to the commission that reviews this legislation, but because of all of the sponsorship here and everybody feels that this is the way to go, although the department says that it would save 4.9 million. I've agreed to go ahead and move forward with this legislation, but I only know that we're opening up Pandora's Box next year and I hate to think that I've got

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to stand up next year and take a different position on legislation, but I think that this is one that warrants the discussion because of the overwhelming support by the Members and so we will push further with the legislation."

Speaker Hannig: "Is there any discussion? Representative Mulligan."

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

Speaker Hannig: "He indicates he'll yield."

Mulligan: "Representative, I tend to agree with your Bill. My mother was a diabetic and I know as the disease progressed, there were certain things that she became allergic to or were better suited. And I certainly think that doctors should have the right to prescribe what is best for that patient particularly where diabetes is concerned. I don't know if I'd question the exact amount that the department put on this, but I think if they were really serious about this they would show the different prescriptions and about how much they fill. I don't think doctors are frivolous or ya know, prescribe the most expensive. Sometimes they go for the best treatment and I think which includes diabetes and it changes over the course of the disease. So, I think that it would be appropriate to put... do what you wanna do with this Bill. And I'm planning on voting 'aye'."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to join with the Sponsor of this legislation. I was the Sponsor, but because of some problems with this legislation I took my name off of it."

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And I think we're setting a very bad example if we allow this to continue to go forward. And I would really urge a 'no' vote. Thank you."

Speaker Hannig: "Representative Franks."

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

Speaker Hannig: "Indicates he'll yield."

Franks: "Representative, I see in our analysis that there are a number of opponents. Can you please tell us why the Illinois Pharmacists' Association is opposed to this Bill?"

Turner: "Representative, I cannot answer that question. I don't know why the Pharmacists' Association nor do I know why the Illinois Retail Merchants are opposed. Neither one has said anything to me in that regards."

Franks: "Department of Public Aid is also opposed. Is that... is it your understanding they're opposed because by their figures that'll... it will... they estimate that it will cost them an extra \$4.2 million a year?"

Turner: "That's correct and that's the information that the department has said over and over again. That there's about a \$4.2 million additional cost for the passage of this legislation."

Franks: "Representative, do you... are you familiar how the Illinois Department of Public Aid uses a preferred drug list to help keep down the cost of prescription drugs?"

Turner: "Yes, I am, Representative. I'm familiar with that process. The department uses the preferred drug list to... the savings from their drug list is used to help fund KidCare and other medicated related programs that we're

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able to use those additional dollars for. So, it has been an incentive for the department to do other things."

Franks: "And preapproval requirements are used to encourage doctors to prescribe lower drug costs that are on the state formularies. Wouldn't you agree?"

Turner: "That's correct."

Franks: "Tell me why we need to make an exception for this?"

Turner: "Representative, in... in discussing this particular issue, as you heard from one of the previous speakers, I guess they're... and we know that diabetes is on the increase throughout the... not only in my community, but throughout the entire state. And so I think that the... the overwhelming increase in diabetes has created the need for an alert to do something in this regards and so I believe that we're reacting to a need. Now, whether or not that need is currently being met, there's some question about whether it's being met. In committee, it was brought to our attention that there's some 4 thousand, almost 5 thousand, requests for this particular medication via the preferred drug list and of the 5 thousand requests, about 25 were denied, so over 95 percent of the time the drug was made available when doctors asked for it to be made available. Now, there's some concern or some question about those doctors who may have called and who did not get through. My... During the negotiations for this legislation, and I've met with the department a couple of times, it was always my concern that any doctor that calls, regardless to whether it was this medication or any other

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particular medication, I wanted to make certain that he could call the hotline and that there would be a response or a timely response in terms of those requests. The department feels and I... I have to agree with the department, it appears that they have a pretty good system in place and yet the Body feels, as... as I say with over 90 cosponsors, now the Body feels that this particular drug is one that should be put on the list."

Franks: "Representative, last year we had something very similar and Representative Bellock carried the Bill, as I recall and she ended up pulling out of the record because after we talked about it... I'm not sure if what you're trying to do here is gonna to accomplish your goal. And you know that whenever, in the prior approval process, that no one can be turned down, that they have to have at least a three-day supply. And by your own testimony you agreed the Illinois Department of Public Aid is doing a good job..."

Turner: "That's correct."

Franks: "...and the folks are getting the medication. Correct?"

Turner: "That's correct."

Franks: "So, the only thing that this Bill would ultimately do is to handcuff the State of Illinois, not allow them to negotiate lower drug prices. It'll only cost us an extra \$4 million when the folks are gonna get the drugs anyway."

Turner: "That is correct."

Franks: "Okay. So, in all due respect to the 90 cosponsors, we should repeat with that. You'll agree with me that this

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Bill will not accomplish the goal, that the people can get the drugs now and all this will do is raise costs."

Turner: "People can get the drugs, it is available now."

Franks: "Right."

Turner: "Now, whether it raises the cost depends upon who you talk to, whether you talk to the pharmaceutical companies, whether you talk to the Department of Public Aid..."

Franks: "Okay."

Turner: "...and so, that's the \$50 million question at this point..."

Franks: "Well..."

Turner: "...but the PDL list that you say and how it is prescribed has served as a tool to help the department save money and make other things work."

Franks: "I respect this Sponsor enormously. He's telling you the truth. Listen to this, folks. There are a lot of people on this Bill because it sounds like it's the right thing to do, but it's not. We all wanna make sure that people get their drugs. By passing this Bill, ironically, people are going to have less access to drugs because the cost is going to go up by at least \$4 million. If it's not on a preferred list, the price is gonna go up. Did you see last week the headlines throughout the world where the drug companies raised the cost of their AIDS drugs by 40 percent. I guarantee you, as soon as this comes out, as soon as it doesn't have to be on a preferred list, that these costs are gonna go up at least 25 percent tomorrow. There is no reason to pay more money for these drugs. The

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people can get them now. This Bill, on its face, sounds good, but folks, we're gonna regret it if we pass this Bill. I'd ask for a 'no' vote."

Speaker Hannig: "Representative Boland."

Boland: "Yes, Mr. Speaker. I move the previous question."

Speaker Hannig: "Gentleman moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The main question is put. Representative Turner to briefly close."

Turner: "Thank you again, Mr. Speaker. You've heard the discussion on this particular issue. I am not questioning the... the creditability of the drug. I've talked to a number of Members here who either have family members and friends who have diabetes and who feel that whatever medication is out there should be made available and I'm also of that same opinion. But there is still this... this ongoing question as to what the savings are and what it's going to cost. But 90... 90 Members have signed on as cosigners and although this leg... I've also been informed that this drug itself has increased at least two or three times in the last year. So, they've had their price increases already to address the issue that Representative Franks mentioned. But this is one that the Body says or the Body will tell me in a minute that they agree with and again, I believe that what's available... what... what's out there should be available. It's my contention or it's been told to me that it is available, but this leg... but passage

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of this legislation would make certain that it's available 100 percent of the time and not 95 percent of the time. And I move for the adoption of Senate Bill 2847."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Scully, would you like to be recorded? Rep... or not, huh. Representative Scully. Mr. Clerk, take the record. On this question, there are 107 voting 'yes', 9 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or joint action Motions was/were referred, action taken on May 31, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' a Motion to Concur with Senate Amendment 1 to House Bill 4851."

Speaker Hannig: "On page 17 of the Calendar, on the Order of Concurrence, is House Bill 40... 4851. Mr. Clerk. Representative Boland is recognized on a Motion to Concur."

Boland: "Thank you, Mr. Speaker. I move that the House concur with Senate Amendment 1 to House Bill 4851. Senate Amendment 1 is a technical Amendment to the Volunteer Firefighter Job Protection Act which would allow volunteer firefighters who receive a monetary incentive award of \$240

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or less from a fire protection district to still qualify for this Act."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "It sounds like an old radio show, doesn't it? Actually, it sounds like my knee in the morning. Will the Sponsor yield, Mr. Speaker?"

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, I... you're asking us to concur in Senate Amendment #1. What does... I know you explained this, but your voice is even lower than mine right now. What... what does Senate Amendment #1 do?"

Boland: "It just clarifies that those fire protection districts that give an incentive award of \$240 or less that the voluntary firefighters in those districts qualify for this Act. It was really to clarify just to make sure that they... they're included under this."

Black: "Did... did the Amendment process, Representative, remove the opposition? At onetime, there was substantial and significant opposition to this Bill and I... I apologize, I can't find it. There've been several updates on this Bill and evidently I'm just not looking at the right update. I know at onetime the Chamber, the manufacturers, the Federation of Independent Business, even the fire district... fire protection districts had some concerns about the Bill. As... as amended, has all of that opposition been removed?"

Boland: "I don't know for sure, Representative. The proponents of this Bill are the Illinois Fire Chiefs Association, the

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Illinois Firefighter's Association and the Illinois Professional Firefighters Association. I might add that it passed the House 98-16 and the Senate 50-6."

Black: "Representative, some of these things... staff reminds me now of some of the concerns that were expressed even by the fire protection districts. If a volunteer firefighter is also a member of a paid fire department and chooses to use his or her off hours volunteering for a fire department in his or her area, it appears that this language may be aimed at limiting their ability to do that because of the... a stipend rule."

Boland: "And that's what the Amendment was... it was actually aimed to make sure that in those districts where a volunteer was given an incentive award of \$240 or less, that they would still qualify for this."

Black: "Representative, there's... I'm not gonna belabor the point. There... there is something wrong with this Bill. This Bill started out with your Floor Amendment being opposed by the Chamber, IRMA, IMA, the State Fire Marshal's Office, the Illinois Association of Fire Protection Districts. They were all listed as opponents with your Floor Amendment #1. And in fact, staff tells me that the original language of your Bill came from the Associated Fire Fighters union to get at those people who volunteer fire... on a... on a volunteer fire department who are also full-time firefighters to... I don't wanna use an inflammatory word, but to perhaps discourage them from also

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volunteering in a volunteer capacity. Now, you tell me the Senate Amendment removed all of that opposition."

Boland: "Well, no... no, I... I'm not sure if it did or not. I have not heard from any of those groups. Initially, I have on my analysis... initially, the Illinois Manufacturers' Association and the Illinois Chamber Employment Law Council were the only opponents. My initial House Amendment actually just limited the population size. That was at the request of the Fire Fighters of Illinois, the full-time firefighters who asked that it be limited to municipalities of 35 hundred or less."

Black: "So, what were you attempting to do? Indemnify... and that's not the right word. You were attempting to say that if a volunteer firefighter leaves his or her job to fight a fire, that they could not be fired. Is that what you were after?"

Boland: "No. No. The idea was that if they were out on a fire... they were out fighting a fire and because of that activity they were late for work or missed work, they could not be fired. We actually had a case in a community whi... which I think brought this to the floor, in which a volunteer was fighting a fire at the plant where he worked. He went back to change his clothes after fighting the fire, went to work and was terminated. That's actually where..."

Black: "Why were municipalities... why were municipalities exempted from the original Bill? I mean, if... I mean, obviously, that protects, basically, paid departments. Most municipalities of any size have a paid department."

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Boland: "Right. This..."

Black: "Well, this seems only aimed at rural, purely volunteer fire departments."

Boland: "It is. It is. And the idea why the volunteer firefighters were for this was to give them some kind of protection. And also the fire districts, it helps them... the fire chiefs have told me that this would help them in recruiting and retaining volunteer firefighters which are... Ya know, with today's pressures, that's often hard to get people to do that duty."

Black: "Representative, I think this is one of these Bills where we're splitting hairs. All of the de... all of the fire departments in my district are volunteers, with the exception of one. And in talking with staff and in talking with people who serve in those volunteer fire departments, the one thing they have tried very hard not to do over the years is to become confrontational with the employer."

Boland: "That's right."

Black: "And it appears to me that your Bill could put an employer at risk of having to shut down. Let's say you have four employees and you make farm implement gates. And if all four of your employees are volunteer firefighters... it has usually been the thrust of a volunteer fire department that you have an agreement with that employer that one or two of you go answer the call but if all four of you leave, I might as well shut down my plant."

Boland: "Well, this... this doesn't cover anybody who leaves their work to go fight it. This is only covering them if

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they're already in the process of fighting a fire and they're late for work or they maybe are absent from work for whatever reason. This just protects them from being terminated. They can be, ya know, written up and they may be forced to get a written notice from their fire chief and so forth."

Black: "Thank you very much, Representative. The hour grows late, I won't belabor the point. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "For almost 19 years, I have represented primarily a rural constituency where we have more volunteer fire districts and departments than we have paid staff. I have never, in the almost 19 years that I've been here, I've never had a volunteer firefighter bring this complaint to me. I've never had a fire chief of a volunteer fire department bring this complaint to me. I've never had an employer bring this complaint to me. What I'm saying is that this is one of those Bills where the instincts that you develop when you've been here for a while tells me there's something wrong with it. I can tell you this, not to belabor the point, I intend to vote 'present' because I think there's something inherently wrong with this Bill. In a rural district, if you... if you don't enjoy a collegial atmosphere with employers and employees making time available regardless whether you leave work or you're late getting to work, if you destroy that relationship that they've built up over the last 50, 75 years, I'm afraid

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that you may begin to destroy the very fabric of volunteer fire departments that some of you have never ever dealt with and you don't even fully understand. But I can tell you, in my district, without volunteer firefighters, without volunteer EMTs, without volunteer ambulance districts most calls for help would go unanswered. And that fragile ability to answer those calls depends on a very collegial relationship with the volunteer, the employer, and the community. And there's something instinctively that tells me this Bill is not aimed at helping the volunteer firefighter, it's aimed at helping those who perhaps want to see fully paid departments. And I can tell you right now, in my lifetime, that isn't gonna happen in my district. I intend to vote 'present'."

Speaker Hannig: "Representative Boland to briefly close."

Boland: "Thank you, Mr. Speaker. This Bill is aimed at helping over 75 percent of our communities that rely on volunteer firefighters. It was brought... the issue was brought before the House Fire Caucus and it is a way of helping to recruit volunteer firefighters and to retain them. And I would ask for an 'aye' vote. It was brought by the Volunteer Firefighter Association and the Illinois Fire Chiefs Association. Thank you."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4851?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there

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are 94 voting 'yes', 18 voting 'no', and 5 voting 'present'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "Agreed Resolutions. House Resolution 967, House Resolution 1017, House Resolution 1020, House Resolution 1021, House Resolution 1023, House Resolution 1024, House Resolution 1026, House Resolution 1027, House Resolution 1029, House Resolution 1032, House Resolution 1034, House Resolution 1035, House Resolution 1036, House Resolution 1037."

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. Representative Brady is recognized. For what reason do you rise?"

Brady: "Thank you, Mr. Speaker. For an announcement."

Speaker Hannig: "Yes."

Brady: "Tomorrow morning the House Republicans will have caucus at 9:30 in Room 118. It will be a short caucus, but a very informal and it's full of information, I should say, caucus. So, 9:30, Room 118."

Speaker Hannig: "And the Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House. You've all received this pink notice for tomorrow's activities. It is our plan, when we come into Session at 11 a.m., to be in a position to advise you as to our plans

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for the remainder of the week. So, with that having been said, I move that we stand adjourned until 11 a.m. tomorrow morning."

Speaker Hannig: "Speaker Madigan moves that, allowing perfunctory time for the Clerk, that the House stand adjourn until tomorrow, Tuesday, June 1 at the hour of 11 a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House stands adjourned."