

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

June 7, 1994

Speaker McPike: "The House will come to order. The Chaplain for today is Reverend Gary McCants of the Allen Chapel African Methodist Episcopal Church in Alton. The guests in the balcony may wish to rise and join us for the invocation."

Reverend Gary McCants: "May we bow our hearts. Oh Lord, as we come this day, we're mindful of all that You have done and how You have kept us to this very moment. Your word says that the heavens declare the glory of God, the skies proclaim the work of His hands, day after day, they pour forth speech, night after night, they display knowledge. There is no speech or language where their voice is not heard. Their voice goes out into all the earth, their words to the ends of the world. Oh Lord, as we come this day as we share our views on the issues to be addressed in this Assembly, we ask that You would set a watch over our mouths and that You would keep the doors of our lips. Then when our words come face to face, face to face with Yours, they would not meet conflict but they would encounter instead, harmony and peace. This is our prayer in thy dear Son's name. Amen."

Speaker McPike: "We'll be led in the Pledge of Allegiance by Representative Hughes."

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

Speaker McPike: "Roll Call for Attendance. Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present and Representative Black, I think he was working on last week's schedule. So, he's eating lunch but he'll be here momentarily. There he is. Okay, okay. He was eating lunch and so you threw him off again,

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Mr. Speaker."

Speaker McPike: "He doesn't need another lunch. Representative Currie."

Currie: "Thank you, Speaker. Let the record show that two Democrats are officially excused today. Representative Blagojevich and Representative Eugene Moore."

Speaker McPike: "Mr. Ryder."

Ryder: "Mr. Speaker, I would never doubt Representative Currie's word but if there's only two missing, where is the rest of you?"

Speaker McPike: "Take the record. One hundred and fifteen members answering roll call, a quorum is present. Local Government, Second Reading, Senate Bill 1595. Miss Cowlshaw. Mr. Clerk, the Bill's been read a second time previously. Are there any Amendments?"

Clerk McLennand: "Floor Amendment #20."

Speaker McPike: "No, what Amendment are we on?"

Clerk McLennand: "Floor Amendment #20, offered by Representative Levin."

Speaker McPike: "Mr. Levin. The Gentleman is not here. Representative Cowlshaw, what is your pleasure?"

Cowlshaw: "Mr. Speaker, I am really perplexed. I took this Bill out of the record last Thursday in order to permit Representative Levin to have an opportunity to get his Amendment printed and distributed."

Speaker McPike: "Would you like to handle the Amendment for him? I'm sure the Body will give you leave."

Cowlshaw: "I don't even know what it does, Mr. Speaker, but I'll certainly be glad to try."

Speaker McPike: "Alright. Does Lady have leave to handle the Amendment? The Lady has leave. Representative Cowlshaw."

Cowlshaw: "The Amendment #20 to Senate Bill 1595, sponsored by

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Representative Levin has to do with the provisions to train local school counsel members who are as, you know, elected in each school attendance area in Chicago and to encourage rather than require LCS members to receive eight hours of training prior to taking office. Representative Levin told me last week that this was something that had been sort of generally agreed to and so, I do not believe it is something to which there is any opposition and in that, with that understanding, I would move for the adoption of Floor Amendment #20."

Speaker McPike: "The question is 'Shall Amendment #20 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #21, offered by Representative Ostenburg."

Speaker McPike: "Representative Ostenburg. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Amendment would..."

Speaker McPike: "Are you a Cosponsor to the Amendment?"

Currie: "I think so."

Speaker McPike: "Alright."

Currie: "...would reabolish the office of..."

Speaker McPike: "The Lady has, the Lady has leave to handle the Amendment as a Co-Sponsor. Representative Currie."

Currie: "This Amendment would reabolish the Regional Superintendent of schools in Cook County and instead of as current statutes require, shifting all responsibilities to the State Board of Education, it would instead give to the Cook County Board, responsibility for administering the GED program, give to the State Board responsibility for

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Teacher's Certification and assign to the Secretary of State's Office responsibility for bus driver safety and training responsibilities. We have considered this Amendment as a Bill in the past and I'd appreciate your support for the Amendment."

Speaker McPike: "On the Lady's Motion, Representative Hoeft."

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

Speaker McPike: "Yes."

Hoeft: "Again, for general information, this goes against the Bill that we passed last year. This means that we will be contradicting ourselves."

Currie: "No, Representative."

Hoeft: "If you remember correctly the state board."

Currie: "This is identical to legislation in terms of the office of the Regional Superintendent that this Legislature approved some time ago. The major difference is that the current statute says that as of July 1st of 1994, all responsibilities from the Office of the Regional Superintendent will revert to the State Board of Education. This Amendment offers an alternative and it's an important alternative for those of you who believe that some of these costs ought to be picked up at the local level. Currently, if the State Board assumes responsibility for the GED program, that will mean some \$600,000 in State Board expenditures that under this Amendment would be born by the taxpayers of the County of Cook making it, I think, a fairer program from the perspective of those of you who don't live in Cook County and treating Cook County similarly to the way others are treated given that this test is generally done by the Regional Superintendent."

Hoeft: "The provision that the Cook County Regional

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Superintendent of schools will be one in 1996, this then continues to allow that in 1996?"

Currie: "No, this, this reverts to the original proposal that was adopted by this, by this General Assembly and approved by the Governor and that was the abolition of the office."

Hoeft: "That was the original..."

Currie: "As you know, as you know it's abolished under current statutes as of July 1, 1994. This would abolish the office in perpetuity rather than recreating it at substantial costs to Cook County taxpayers in 1995."

Hoeft: "And that after that was passed and we did change that to one that I'm talking about, one Superintendent for Cook County that is presently what we will have in 1996 unless we pass this."

Currie: "Right."

Hoeft: "Ladies and Gentleman of this General Assembly, understand you're talking about the decisions for Cook County schools being made by the State Board. If you remember correctly, the State Board of Education said it would take two and a half million dollars for them to administer this office from state funds that are so badly needed for all the schools in the State of Illinois. So, if you approve this, you're saying that we ought to one, turn over the bureaucracy to Springfield so that they will make the local decisions for Cook County and the schools and secondly, that they will do it in a far more expensive manner, some \$600,000 more than what was estimated could be done by Cook County themselves. So, if you want to pay more taxes, if you want less money for the schools and if you want local control in Springfield, than please vote 'yes' for Amendment #21."

Speaker McPike: "Representative Black."

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

Speaker McPike: "Yes, she will."

Black: "Representative, what...Let me focus just for a second on the section that says the Secretary of State will be responsible for administering the school bus, a driver permit, in fact, responsible for the entire process. Is...does the Secretary of State have sufficient staff in Cook County to carry out this additional task?"

Currie: "Representative, I haven't heard directly from the Secretary of State's Office but I have seen reports that the Secretary of State would be interested in picking up this responsibility and this language has been available not only on this Amendment, not only in this Amendment but as a House Bill and as attached to several other Bills and I've heard no negative comments from the Secretary of State's Office. I've seen reports in the press that they would welcome this responsibility."

Black: "Alright, let me, let me try to clarify what this Amendment does. The Amendment, in fact, is it your understanding, abolishes permanently the office of Regional Superintendent of schools in a county, or in Cook County?"

Currie: "Yes."

Black: "Could you look on page 6 of the Amendment? Do you have a copy of the Amendment?"

Currie: "And you'll remember that of course, that office under current statute is abolished as of July 1, 1994 to be recreated in August of '95. Yes, I have a copy of the Amendment."

Black: "Yeah, was that the one that said it would be recreated by having like three sub-regions? Was that the Bill we passed last year that says, at some point there will be three

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Regional Superintendents in Cook County?"

Currie: "No. No. My understanding of the Legislation that did pass last year is that for suburban Cook County only, this office would be recreated in August of 1995. This merely reasserts what this Legislature had earlier said and that is that this office should be abolished. The other point about this Amendment is as Representative Hoeft so well put it, to take away from the State Board the financial responsibility to operate the GED test at the expense of your constituents, who do not live in the county of Cook, and instead give that responsibility to the Cook County Board."

Black: "Can you tell me what the position of the State Board of Education is on this particular, in the language embodied in this Amendment?"

Currie: "You know, I don't know that they have taken a position. I know that they were unwilling hand maidens in the effort to give all the responsibilities, the three responsibilities to them at the point at which the Regional Superintendent's Office was abolished. So..."

Black: "Alright. Thank you very much."

Speaker McPike: "Representative Kubik."

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

Speaker McPike: "Yes."

Kubik: "Representative, I want to make sure I understand what this Amendment does, because I think this Amendment...could we ask the person between us to move? Okay, because I think this Amendment is substantially different than some other Amendment that had been offered before. I said this Amendment is substantially different than some Amendments offered before. Most Amendments that have been offered have abolished the office and transferred the duties and

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the cost to the state."

Currie: "Right."

Kubik: "Is that correct?"

Currie: "That's right. So, the effort here is to respond to legitimate concerns raised by non Cook County taxpayers asking why they should pick up the costs of the GED program in Cook County and this Amendment responds to that concern by assigning responsibility for GED testing to the Cook County Board."

Kubik: "Okay. What I guess my question is though, that in other places throughout the state, where they have Regional Superintendents, there is a...and I'm assuming because I'm not that familiar with their plan, I would assume that they would request a certain amount of money for the GED program et cetera and that would be raised via property tax. Is that correct?"

Currie: "I believe there's some state funding for all comers for GED testing but the overage and there is an overage because this test is not a...the fee for taking the test does not actually cover the costs of running the program. It is a responsibility at the local level."

Kubik: "Well, I have to say, generally speaking, I support the idea of abolishing the Regional Superintendent in Cook County, that to me is a good idea. What concerns me slightly and maybe you can address this issue is that at least in the other areas of the state, there is an individual who takes responsibility for the costs and the budgeting of the office et cetera. If I read your Amendment or Representative Ostenburg's Amendment, the...who really determines how much is going to be budgeted? As I read it, the state would say, 'Hey, look. This is the amount of money we need. You, Cook County,

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have to come up with the money'. Is that a correct description of what you're trying to do?"

Currie: "No, because under this Amendment the State Board would be responsible for the Teacher Testing Program, Teacher's Certification Program which is primarily self funding and the bus driver safety..."

Kubik: "But that would be paid for by the teacher..."

Currie: "By the fees. By the fees."

Kubik: "By the fees."

Currie: "But the issue where fees do not begin to cover the costs is the issue of the GED testing program and it's my understanding that while there maybe some states support for that, the cost difference between the fees that are paid by the individuals wanting be tested and the actual costs of running the program is paid for at the local level. And what this Amendment says is that the Cook County Board will assume responsibility for financing and operating the GED testing program."

Kubik: "I understand that but I guess what I'm saying though is that in every other area of the state, outside of Cook County, where they have a Regional Superintendent, they have...The Regional Superintendent would set up a budget or would say, you know, this year we're going to spend so much money because et cetera. If I read your Amendment, the State Board essentially would determine how much would be spent and then expect the county to pick up the costs. Is that correct?"

Currie: "Let me check the Amendment. It was our understanding that the county understands what it would cost and has informally told Legislators and others that they would be prepared to fund the program. I think it's one of those programs where in...it's not so much...I mean you can

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anticipate what the numbers are but it's consumer driven in the sense that you give the test to the people who meet the qualifications and are ready to take the exam. So, I don't think there's a hard question here about who is going to determine how much is spent because that is driven by the consumer population, the consumer of the GED services."

Kubik: "How much is the, how much did the county, you mentioned that they had informally speak of this issue, how much do they think that this will cost?"

Currie: "About \$600,000."

Kubik: "Okay, so \$600,000. Now, the other aspects of the Bill would still leave those costs born by the state. Is that correct? In other words the bus drivers and all that sort of thing."

Currie: "But my understanding is that the other programs tend to be pretty well self financing and I would assume that that's the reason for example, that we have not...we haven't heard from the Secretary of State's Office as I mentioned earlier but I'm sure we would have heard from the Secretary of State's Office if transferring bus safety issues to that office were going to create a crimp in the Secretary of State's budget."

Kubik: "Two final questions. The first being that what is the...Oh boy, I forgot my question. I was thinking about...Let me ask you this, Representative. Why is this preferable to reinstating the issue of...Oh, I know what, now I remember what my question was. The State Board who opposed the Bill initially to abolish the school superintendent in Cook County said that this was going to cost the state some two hundred, two million dollars, something to that, in that neighborhood. The county is saying that it's going to cost them \$600,000 to take care

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of the GED. Why, why the big differential in cost. I guess, you know, for somebody who's bohemian and thinks about money a lot, there seems to be a wide differential and perhaps maybe you can explain to me why there is a major difference in figures here."

Currie: "First of all, there may be some, some other responsibilities, minor ones that are mostly passed through moneys from the Federal Government that might have inflated the State Board's figure. But let me just suggest to you, you have been here long enough to know, as I do, that when an agency doesn't particularly want to do a something, it turns out that the something that their being asked to do is more expensive than when it's a something that the agency seeks to control."

Kubik: "Are you kidding? Are you kidding?"

Currie: "And it would be my guess that there might be some inflation in the State Board figures. But that's only a guess, Representative. I don't have hard information on that topic."

Kubik: "Well, I can hardly imagine that happening. But one final question, what why is this preferable? I mean what is preferable about, about, for example from somebody in Cook County, what is preferable about saying 'we ought to eliminate this office although we're going to bear the costs of the GED program'. I mean, at the Cook County Legislature before, it's almost more preferable because the full cost was being born by the state. But, now we're going to have to pick up a portion of the cost. What makes..."

Currie: "Some portion of that cost..."

Kubik: "...this deal any more preferable than reinstating the regional superintendent?"

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Currie: "Well, in my view, and I know at one time this was your view as well, Representative, there was a general understanding in the Education Advocacy Community and in the Education Watchdog Community that while regional superintendent offices might work well in some parts of the state, this office did not work effectively in Cook County. Whether that was in part a function of the office holder, whether that was in part a function of the size of Cook County, I think those are tough questions. But there is no doubt that this office ran up substantial costs, did engage in duplication of services and activities and I would point out to you that both 'Sun Times' and 'The Tribune', important newspapers in the County of Cook have encouraged this Legislature to do what we've already done and that is to say, 'let's provide the services in an efficient fashion, let us not recreate an office that is a patronage plum and that cannot guarantee the taxpayers dollars are going to be used effectively and well.'"

Kubik: "Well, Mr. Speaker, to the Bill or to the Amendment, I think that...let me first say that I think that the current regional superintendent is doing a good job. He has done a fine job in filling in for the now departed Richard Martwick. But I don't think that that changes the basic philosophical issue and frankly I think this is a fair compromise in terms of an Amendment. I think that it is...this is a good way to start consolidating some of the duties of government. One of the major complaints about Illinois is the extensive amount of local government. All of that local government costs taxpayers money and I think that this is a good move in the right direction and I would support the Lady's Amendment. I think she's got a good Amendment."

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Speaker McPike: "Does anyone rise in opposition to this Amendment? You rise in opposition? No one. Representative Biggins, do you rise in opposition? Mr. Biggins."

Biggins: "Mr. Speaker, I just rise to request a Roll Call Vote on this Amendment."

Speaker McPike: "A Roll Call Vote. No one speaking in opposition to the Amendment and you want a Roll Call Vote? Fine. The question is, 'Shall Amendment #21 be adopted?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this Motion there are 63 'ayes' and 41 'noes'. The Amendment's adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #22, offered by Representative Woolard."

Speaker McPike: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. What Floor Amendment #22 does is extends an opportunity for us to do something that is in much need in the State of Illinois. And that's to deal with construction of some much needed repairs and additions to many of the school districts throughout the state. This is exactly as 2757, House Bill 2757 which passed out of sub-committee in Revenue and never ever got out of committee because there were not enough participants present on the day that they were sending those Bills to the Floor. It divides the money. Twenty-five percent of the money going to populations of 500,000 and more, the rest going to the rest of the state downstate. It will add a billion dollars for construction and the funding source for these GEO bonds will be riverboat gambling in the City

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of Chicago. I'll stop here and answer questions if anyone has any."

Speaker McPike: "On the Gentleman's Motion, Representative Dart."

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

Speaker McPike: "Yes."

Dart: "How much exactly is the dollar figure on the bonding here?"

Woolard: "It will increase by one billion dollars, with a 'b', billion."

Dart: "And how much of this is allocated for the City of Chicago?"

Woolard: "Twenty-five percent of the money would be allocated for the City of Chicago but also, only 50% of the new moneys would be coming downstate. The rest of it would be remaining within the city anyway."

Dart: "It would be remaining in the City of Chicago?"

Woolard: "Yes."

Dart: "Now, the bonds are to be paid off in total from the revenues of the riverboat gambling in Cook County?"

Woolard: "Very definitely."

Dart: "What about now, the riverboats in East St. Louis and throughout the rest of the state? Should we not be going after their revenue too, would that makes sense?"

Woolard: "I definitely think that this is something that we need to address and I think it's something that could be a great revenue source for additional moneys. The billion dollars that we're talking about here will not begin to adequately address the needs that we find in schools throughout the State of Illinois."

Dart: "I agree with you wholeheartedly about the needs. I know especially, I know the hispanic areas, they've had a great growth in the student population and yet they do not have

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the classroom space for them. However, my problem with this Amendment is that we're going after Cook County, Cook County alone for the source of revenue when there is no reason that I know of that we should not be going after all of the riverboats throughout the entire State of Illinois because it is going, the money's going throughout the State of Illinois. So, we should tap into them. We should not be targeting, Cook County alone is the fatted cat that we are going to be going for all the money from. I just think it's inherently unfair. And for that reason I'm going to be opposing the Amendment."

Speaker McPike: "Representative Wennlund."

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

Speaker McPike: "Yes, he will yield."

Wennlund: "Yes, Representative Woolard, in the event that riverboats are not approved for Chicago or Cook County or...what would cover the debt service on the outstanding billion dollar bond issue?"

Woolard: "There would be no billion dollar bond issue. This is tied directly to that as a funding source and the way this is written, it's very specific that if the funding source is not available the GEO bonds will not be issued."

Wennlund: "Okay, and what's...is there any criteria in the Amendment that would set up how and what school district would be eligible to participate in this fund?"

Woolard: "We'll use the same formula that's in place now as far as the State Board of Education is concerned. They will make the determinations based on need. There shall be a different split. The maximum contribution would be raised to 90% to the most needy school district and the minimum would be 20%."

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Wennlund: "Thank you very much."

Speaker McPike: "Representative Skinner."

Skinner: "Would you repeat again where this money's going to go?
Would the Gentleman, I mean ask...answer that question."

Speaker McPike: "Representative Woolard."

Woolard: "The moneys would be utilized throughout the State of
Illinois. There would be a proportion that would be
guaranteed for the City of Chicago that being 25% of the
revenues or for any school district exceeding 500,000
population."

Skinner: "And where's the rest of the money going?"

Woolard: "To the suburbs, to the downstate areas, all areas of
the state."

Skinner: "Is this Governor Edgar's plan?"

Woolard: "Well, I would hope that it would be a plan that he
could live with and I think it would be something that he
is expressed an interest in. The basic difference is that
under his plan, he had a fifty-fifty match and I think this
eliminates some of the poorer school districts. And under
our plan there would be at least an opportunity for the
more needy school districts, the greater construction needs
and the least ability to pay to access these moneys."

Skinner: "Well, is no local match allowed under your formula?"

Woolard: "I'm sorry, I didn't hear."

Skinner: "Will there have to be any local match at all for the
neediest, what you define as the neediest school
districts?"

Woolard: "Very definitely. Every school district would have to
come up with their match."

Skinner: "And what match would the lowest match be?"

Woolard: "The lowest match would be 90, well 10% would be the
local contribution."

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Skinner: "And I believe the Governor wants it to be 20 or 30%."

Woolard: "Well, under the original plan the Governor had and I'm not real sure what his plan is. The existing law now says that the minimum would be 70%, 30% local match, under the existing construction money GEO bond funding that we have in place now, the Capital Development Board. This would be increasing that to a 90% or a 10% local match."

Skinner: "As I understand it, the minimum now is 20%."

Woolard: "Well, the minimum, depending on which one you want to call the minimum, if you want to call the minimum at the state..."

Skinner: "The minimum local match."

Woolard: "The minimum is 30%, now."

Skinner: "Alright, but the minimum local match is 20% now and you want to take it down to 10%?"

Woolard: "Yes."

Skinner: "Are you changing how the money is split between dual districts and unit districts?"

Woolard: "I have not addressed that in any way."

Skinner: "Thank you."

Speaker McPike: "Representative Cowlshaw."

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

Speaker McPike: "Yes."

Cowlshaw: "Representative Woolard, I want to commend you for bringing this Amendment forward. It is another slight variety, slightly different variety of a proposal that the State Board of Education has been very strongly in favor of for about the last three years, I believe. And of course, it is also something which Governor Edgar has said is a program that he believes is essential to help improve our schools. I did have this question, however. You are

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setting aside precisely 25% of this total bond authority to be used for the City of Chicago schools, is that correct?"

Woolard: "I guess that the City of Chicago schools would be the only one who would follow under the criteria of 500,000 population. If there would happen to be any others that would go to that level, that would be shared."

Cowlshaw: "Well, Representative Woolard, I have heard one minor criticism of the way this is drafted in that...In the 1990 census, the City of Chicago contained 24.4% of the total population of the State of Illinois. This proposal gives 25% of this bond authority or \$250,000,000 to that school district. Now, I realize that in terms of a billion dollars that .6% difference in the population would be the equivalent of about \$6,000,000 of bond authority. Now, Representative Woolard, did you, did you provide that little cushion because of the fact that the construction projects in the City of Chicago tend to be just a tad more expensive than in other parts of the state?"

Woolard: "Representative, I'm not sure that the construction costs would be any greater there than in might be in some of the other suburban areas surrounding the city. But yes, the 25% was grabbed because of the fact that we thought that that was a match to, that was very comparable to the population base within the City school system. So, we think we are being very fair and theirs is guaranteed that that portion will be theirs. But your school district doesn't have a guarantee that you'll get your fair share."

Cowlshaw: "I understand. I understand. Thank you very much, Representative Woolard. To the Bill or rather the Amendment. Mr. Speaker, Ladies and Gentlemen of the House, I stand in very strong support of this Amendment. This is an idea that has been discussed extensively in these

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chambers for at least three years. It is a need that our school districts have that I think we all recognize is a very serious and ongoing need. If any of you read the 'Chicago Sun Times' series of articles about the conditions of the Chicago public schools, you would know how much this is needed. It is also needed in suburban areas where there is a lot of growth and a necessity to build new school buildings. It is needed in downstate areas where we have school districts that would like to consolidate but they can't do so because they're got to have a building. Also, of course, throughout this state we have very, very old school buildings that really need to be renovated or improved. Now, this may not, this particular Amendment and I'm sure the Sponsor of the Amendment would agree to that. This may not turn out to be the final version of this proposal but it is still another means of offering a discussion for the whole concept of the state helping schools with their capital development needs. And therefore, I stand in support of this Amendment #22 to Senate Bill 1595. Thank you."

Speaker McPike: "Representative Pugh."

Pugh: "Thank you, Mr. Chairman, Ladies and Gentlemen of the Committee. Will the Sponsor yield for a question?"

Speaker McPike: "Yes, he will."

Pugh: "Does the, is the Amendment accurate when it says that the Cook County, the gambling proceeds from Cook County will be used to pay the retirement and interest on this largest loan?"

Woolard: "You're certainly right and I think that everyone recognizes the fact that there is a few of us from downstate and the suburbs and even other states and a few people that come in from outside of this Country to visit

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in the City of Chicago. So, there will be lots of dollars traveling through the riverboats if implemented in the City of Chicago that will be probably even some of them belong to people from other parts of this state."

Pugh: "So, would it, would it not be more equitable for the debt to be retired by riverboats throughout the state seeing as though the funds will be distributed to schools throughout the state?"

Woolard: "Coy, I'm not opposed to that in anyway. In fact, I'll be the person who will be glad to carry that legislation. But at the present time, we have existing contracts that are in place with those individuals who are running boats and we don't have the ability to change those contracts midstream. But when they do come due and when we have changes that are able to be implemented, I'll be glad to be a Sponsor of the legislation which would make that happen."

Pugh: "Does your, does your Amendment speak to that at all?"

Woolard: "I'm sorry, I didn't hear."

Pugh: "Does your Amendment speak to making the changes at the appropriate time?"

Woolard: "No, it does not."

Pugh: "Until the Amendment does that, I don't think that any Members from Chicago, in particular, in Cook County at large should be in favor of an Amendment like this. I understand that your interest is to represent your community and get the best deal for your community and vice versa that's what Representatives in Cook County and Chicago, in particular, are elected to do. So, until the Amendment reflects the equitable position that you're eluded to, I don't think that any of us should be in favor of this Amendment. Thank you."

Woolard: "Representative, let me just say that I am reasonably

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sure that Representative Brunsvold who represents Rock Island area is very willing and does at the present time allow the money that's collected in his boat to be spent in the City of Chicago. I know that in downstate Illinois, metropolis, we're very proud of the fact that those revenues that come in are adequately and fairly distributed throughout the State of Illinois including the City of Chicago. And we're very proud of the fact that we have a fair plan. We believe that this can also be just as fair."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I share the reservations as to equity that were expressed by the prior Speaker. I think the evidence on gambling whether riverboat gambling or casino gambling is that most of the money comes from local sources not from international tourists. There was an earlier question as to why if the Chicago public school population is something less than the 25% of the total Illinois school population, why this Amendment would supply 25% for the construction projects. It was my impression that perhaps the Sponsor of this Amendment recognizing the inherent unfairness of expecting Cook County taxpayers to bond all school construction throughout the state at least ought to be given the extra .4%. I think that the problems of school deterioration in and out of the City of Chicago are real and I appreciate the Sponsor's interest in trying to do something about it. But I don't think that it makes sense from the perspective of equity or fair play to say that those gambling revenues in Cook County will be the soul source of the school construction program that will apply statewide. I think we can do better than that. And I also would just suggest to those of you who aren't so sure whether you're in favor of

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expanding gambling opportunities into Cook County, you might want to look pretty carefully at your vote on this Amendment. Certainly, it could be interpreted as a vote that says, 'yes, let's go for it, let's make sure there are riverboats operating throughout the County of Cook'. I would encourage your reservations with respect to this Amendment. And while I admire the Gentleman for trying to solve a real and legitimate problem, I think that this particular Amendment in its present form will not do the job in a fair and equitable fashion. I urge a 'no' vote."

Speaker McPike: "Representative Rutherford."

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

Speaker McPike: "Yes."

Rutherford: "Thank you, Representative Woolard and...This would be the adjusted gross receipts tax for the boats in Chicago. Would this, as I understand this, would the amount, would that be all of the revenue that the state would be receding from what may be potential boats in Chicago or is there another category of tax that the State Treasurer would also receive? I just want to make sure nomenclature, I mean the terms are correct."

Woolard: "It's our understanding at this time that this would be the soul source of revenues coming to the state."

Rutherford: "So, all, just to clarify, all state moneys that may come from riverboats in the County of Cook would go to this fund to retire bonds for this as was..."

Woolard: "That's our understanding."

Rutherford: "Okay, thank you. Do you have, and I realize that we are talking about 'what ifs' because we obviously do not have riverboats authorized, but do you have any estimate on the amount of revenues from these boat revenues that would

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feed the Treasury. And the reason is cause my second question would be then, as I read in this further, it says that if the boat revenues do not cover it, it's going to be supplemented by funds which I assume would be general revenue funds. So, I'm trying to figure out if we're losing...if we don't have the boat money, ultimately how much general revenue money are we potentially looking to invest in this project?"

Woolard: "I think we've been very conservative in our estimates and we believe that there will be an excessive amount of moneys coming in to more than cover the indebtedness that will be taking place."

Rutherford: "Then let's take it to the extreme. Is there potential that there would be more boat money than would be necessary for these bonds which may ultimately then still feed the State Treasury?"

Woolard: "If you'll also look, we've not said that we're going to authorize a indebtedness of a billion dollars the first year. We're phasing it in and one of the reasons we're doing so is so that we can have some kind of a track record as we proceed down the track. So, you know, it's not an accident that we decided to phase it in and if we have to adjust we can and I'm sure that future Legislative Bodies will have the ability to recognize whether or not there would be maybe more money that could be built into the system or would have to reduce the amount that we authorized."

Rutherford: "Okay, just one more time to clarify then, if boats are not authorized for Cook County, these billion dollar, this billions dollars worth of GEO bonds would not be issued."

Woolard: "Representative, your correct."

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Rutherford: "Thank you."

Woolard: "I think that everyone recognizes that there's a big question in front of us still as to whether we authorize the gambling boats in the City of Chicago and other places. But everyone also recognizes that this is something that will be on the table, will be there for us to discuss further in future debates if, in fact, we are successful in expanding the riverboat gambling in the state."

Rutherford: "Great. Thank you, Representative."

Speaker Currie: "Representative Currie in the Chair. Further discussion? Representative McPike."

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

Currie: "He will."

McPike: "Representative, earlier you were asked if riverboat gambling does not pass for the City of Chicago, would this plan, would this bond plan be implemented and your answer was 'no'. Would you tell me where in the Amendment you were referring to?"

Woolard: "Hang on. We're looking. The authorization of those bonds would not be forthcoming until such time as..."

McPike: "Yes, I know that's what you said..."

Woolard: "...riverboats in place in the revenue stream."

McPike: "Would you tell me what page that is on in your Amendment?"

Woolard: "Page eight and a half."

McPike: "Page eight and a half. Right. So, it's not in the Amendment. To the Amendment, Madam Speaker."

Speaker Currie: "To the Amendment."

McPike: "Alright, this is as always, we have a lot of good causes in this Body. We have a lot of good reasons to spend money for a variety of programs. But usually we've had an understanding for the last five years that when you

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introduce a new bond program, you provide a stream of revenue to pay for the bonds. The last time we did that was on computer software to pay for \$200,000,000 in construction projects in state parks all over the state. But this Bill does not do that. This Bill says that we're going to sell a billion in bonds and if the boats are approved in Chicago, we can use that money. But if they're not approved in Chicago this says specifically that bonds issued under the billion dollar bond authorization added by this Amendatory Act of 1994 constitution additional source and shall not be construed as the only source of funds that may be used. In other words, general revenue funds. So, the first thing the Bill does is that it treats Chicago unlike any city in Illinois. It says that Alton can have our 25% of the local money. Joliet can have theirs, Rockford can have theirs if they get a boat, Lake County can have theirs if they get a boat. But only Chicago is singled out in the Bill. It says, 'Chicago, you get nothing. If you'd like to use your revenue to balance your \$300,000,000 hole in your budget next year, tough luck. You can't use the money. You could use the money if we get a boat, you could use it for school construction but you can't use it to balance your budget'. And what does it say to the rest of the state? It says to the rest of the state, 'we don't care what happens to riverboats because one way or another, we're paying for this out of general revenues. These are general obligation bonds. A billion dollars. That's a hundred million a year for 20 years. That's \$200,000,000 in debt service, \$200,000,000 out of your pocket right now. And when you vote for this, let me remind you, you are voting for riverboats in Chicago and don't doubt it. This is not voting for just bonds and

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schools, it's voting for riverboats. So, if you want to vote for riverboats, if you want to vote for \$200,000,000 in GRF over the next 30 years, go on and vote for it. I'm voting 'no', Madam Speaker."

Speaker Currie: "Further discussion? Representative Steczko."

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

Speaker Currie: "He will."

Steczko: "Representative Woolard, just to ask a couple questions. First of all, with this program, is it specifically for school repair or is it also for new school construction?"

Woolard: "Either."

Steczko: "My question was, is the program your seeking the implement here for school repair only or for school construction as well?"

Woolard: "I say either. You can do either one."

Steczko: "When you mentioned the Chicago riverboats, is that the term of art we use for any riverboat in Cook County?"

Woolard: "Yes."

Steczko: "And thirdly, the money that we would be allocating to pay these bonds, would that be the state and local share of what the riverboats gets or would it be strictly the state's share that would pay off the bonds?"

Woolard: "Only the state share. The local share would still be available for them to utilize in any way that they saw fit. They would have the same opportunities that the City of Alton has with their boat or any other facility around the state."

Steczko: "Okay, that answers my question. Thank you."

Speaker Currie: "Further discussion? Representative Kubik."

Kubik: "Would the Sponsor yield?"

Speaker Currie: "He will."

Kubik: "Representative, Representative Woolard,

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Representative...question. I want to make sure that I understand this completely. What this Bill says is that if, that if riverboats are enacted in the City of Chicago that the portion of the money that would normally go to the state would go to the bond construction fund, is that correct?"

Woolard: "That is correct, Sir."

Kubik: "And what happens to the money, that is under the current riverboat law, a quarter of the money goes to the..."

Woolard: "I can't hear a word he is saying."

Kubik: "...municipalities. I said, under the current riverboat law, a portion of the money goes to the municipality with when, within which it is located and a portion of it goes to the state. Is that correct?"

Woolard: "That's correct."

Kubik: "Okay. Where does the state money go from the existing riverboat gambling law? Does it go directly into the common school fund or to go to general revenue?"

Woolard: "It's utilized for the operation of our schools throughout this state."

Kubik: "So, it goes into the common school fund?"

Woolard: "Right."

Kubik: "Okay. So, what you're really saying here is that, and I didn't hear all of the answer that you gave to Representative Steczo, if there are riverboats that are enacted in places other than the city, for example, Willow Springs and suburban Cook County or in Lake County, would these boats be a part of this program?"

Woolard: "Under the guidelines that we've established in this Amendment, no. But I've made a commitment. I'm ready and willing to precede with whatever is necessary to accommodate all schools or all boats falling into the same

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category. I don't think we should be using such a divisive approach in gambling revenues for the operation of our schools. I think we should make a commitment to operate our schools with general revenue funds but I think that this is an ideal source for a construction bond program such as this."

Kubik: "But I guess...Well, Representative, so what you're saying is that if there are, let's go through a scenario. Let's say there are 10 riverboat licenses enacted by the legislature. Five of them are in the City of Chicago, just as a hypothetical. So, what you're saying is that the five licenses within the City of Chicago would provide the dollars for this bond program. And those that our outside the City of Chicago would continue to operate like the rest of the downstate riverboats with respect to revenue."

Woolard: "As far as my legislation reads, yes it would continue in the same operation for those outside of the Cook County area to have the same contractual agreement as those that are in existence today."

Kubik: "Outside of Cook County or outside Chicago?"

Woolard: "Outside of Cook County."

Kubik: "So that a boat that is in Cook County, in suburban Cook County, would also be a part of this bond program?"

Woolard: "That's the way I understand the Bill is drafted."

Kubik: "Okay, so the five riverboats and the two riverboats that might be in suburban Cook County, so seven riverboats would be in this bond program, possibly."

Woolard: "It is Cook County."

Kubik: "Okay, Representative, you know, again I understand what you're trying to accomplish. Where I have a problem in this legislation is that why is it that we are saying that with respect to Chicago only or in this case Cook County

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only that money is going to be used to construct schools. Why is it that we don't do that for all of the riverboats throughout the state. Why is it that we're just going to do it for those riverboats in Cook County?"

Woolard: "I think I answered a similar question earlier and my answer then and still is, is that these are proposed boat locations, gambling casino locations. The others are in existence now. It would be difficult to go back and change those existing contracts that we have. In the future, yes I agree that we should be consistent and I think this a great revenue source to accommodate some very specific construction and remodeling needs that we have throughout this state."

Kubik: "Well, Representative, I...To the Amendment, Madam Speaker."

Speaker Currie: "To the Amendment."

Kubik: "I have...as I recall, this Bill was before the Revenue Committee and I think the Representative has some good points. But I really think that Representative McPike has raised some excellent points in this Amendment. And the one that I'm really troubled by is that this is kind of like, why is it that we are pulling Chicago out and saying 'you are going to bear the full costs of a school bond program', or Cook County as this Amendment reads. I think we ought to build schools and I think that's a great idea. But I really think that it's wrong to say that we're going to leave those boats which aren't existent which are all downstate boats. There are no boats in Cook County, there are no boats in Chicago. All of those boats, we're not going to touch them. They will remain as is but, new boats we're going to use for constructing schools. I think if we're going to be fair, if we're going to be correct about

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this and if this is such a good idea, it ought to be...It ought to affect all of the counties and all of in the State of Illinois. This is kind of like the idea of the referendum in some ways. I think it's kind of hypocritical to say that we ought to have a referendum on riverboats and then exempt all the existing riverboats from the referendum. You know, this is kind of similar. We ought to use this money for bond construction fund, but let's exempt the riverboats prior to the enactment of new riverboats. I admire the Gentleman for what he's doing, I think this is the wrong method and I also agree with Representative McPike. If this Bill doesn't have a triggering mechanism, we are in for a whopper of a tax increase to pay for this one."

Speaker Currie: "Representative Deering."

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

Speaker Currie: "He will."

Deering: "A couple of questions, Representative. Going back to what Representative Steczo said, you can use these moneys for either repair and maintenance or new buildings. Right?"

Woolard: "Yes."

Deering: "Now, does this still provide that the local entity, the local school has to come up with the 10% match no matter what they use it for?"

Woolard: "Depending on the State Board of Education's determination as to what the needs assessment was of the particular school district. The local match would have to be there. The 10% is the minimum local match. It could be as high as 90% local match."

Deering: "So, you'd have to come up with the local match either or."

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Woolard: "Yes."

Deering: "Okay. Will any of these, if you use these bonding moneys for repair and maintenance or new construction, will that reflect on property taxes in that school district? Will that reduce them?"

Woolard: "Well, yeah but the property taxes would be triggered by the decision of the local school board. But this could have a very significant impact on the reduction and the additional property tax that might be implemented. You know, they're going to have to vote on this whether or not they decide to do it or not. They're going to have to...They're going to have to ask their people for authorization in order to accommodate whatever they do as far as construction or remodeling is concerned."

Deering: "Towards the match."

Woolard: "Yes, for the local match."

Deering: "Okay, final question. Does it specify in your Amendment, can these moneys...Must these moneys be used for academic buildings or can they be used for extracurricular activity buildings? Like indoor swimming pools and tracks, so on and so forth, or must they be used for classrooms only?"

Woolard: "We're going to use the same authorization procedures that the state board is using now and they have criteria that eliminates those extracurricular activities and they have to be for educational purposes at this time."

Deering: "Thank you."

Speaker Currie: "Representative Weaver."

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

Speaker Currie: "He will."

Weaver: "Just a couple of brief clear-up questions here, Representative. Your shift in the grand index, is that

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intended to get the poorer districts access to this money?"

Woolard: "I think that there is a lot of school districts that haven't got the ability locally to generate the kind of moneys necessary to accommodate the needs that they have. Yes, in fact, that is what we're trying to accomplish here, Mike."

Deering: "Okay, is it also your intent that the State Board of Education administer this program so the amount of bonds issued won't outpace the ability to repay those bonds?"

Woolard: "Very definitely. That's a part of the criteria that they use at the present time and will continue to do so."

Deering: "But it will be the State Board of Education rather than CDB."

Woolard: "The State Board of Education, yes."

Deering: "And one final question. I guess in response to a previous questioner, is there anything in this Amendment that would indicate that this is a vote for riverboats?"

Woolard: "Positively not. I think that this is ridiculous for us to say that this is a vote for riverboats. I think that everybody will have to make that decision when the time comes. All that I'm saying and those who join with me today are saying that if, in fact, riverboats are successful in being planted in the Cook County area that we'll change that portion of money that comes from, to state government and we'll use it for construction money rather than putting it directly into the operations fund that we do currently with the other riverboats. This is no different in the amount of money that is collected from any other boat, the same percentage will be coming. The only difference is we'll be utilizing for a different purpose."

Woolard: "Thank you. Madam Speaker, I would..."

Speaker Currie: "To the Amendment."

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Woolard: "To the Amendment, and noting the appropriate rule, I would ask for a Roll Call Vote on this Amendment."

Speaker Currie: "Further discussion? Representative Edley."

Edley: "Thank you, Madam Speaker, Ladies and Gentlemen of the General Assembly. I rise to support this Amendment. I think that one of the things that we need to do is if we do have an expansion of riverboat gambling and I am voting for it under the condition that this is not a vote in favor of more riverboats for Cook County. But if we do have additional riverboats in Cook County that the revenue not go into some kind of a general revenue fund or even in the common school fund because we know that the transfers from that fund doesn't ensure that money goes to education but the additional gambling revenue go into some bonded program dedicated to education, and I think that this is one of the options that we should be supporting so, I'm voting for this not as any support for expansion of riverboat gambling in Cook County or Chicago but in support of bonding whatever revenue that we do receive from a future boat for schools."

Speaker Currie: "Representative Tenhouse. Not Representative Tenhouse, Representative Mulligan."

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

Speaker Currie: "He will."

Mulligan: "Representative, I'm still unclear as to whether the bonds will go forward whether the riverboats pass or not."

Woolard: "Anytime that we have a bonding authorization, no matter if it's specific or not, the bonds have to be sold. And these bonds will not be sold until the funding stream is in place. And I think it would be asinine for us to believe that we would do anything different to that. You know, maybe we were not specific enough in the Amendment to put

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the triggering mechanism in place. But surely undoubtedly the Governor and those people who would be making the decisions to sell the bonds and proceed with having moneys available would wait until it would be revenue source in place and I don't think there's any doubt in anybody's mind in this Body that our intent is very specific, that this will only take place if the revenue source is there."

Mulligan: "Alright, so it's not quite clear but your intent is that it only goes forward if the riverboats in Chicago or Cook County pass?"

Woolard: "Yes."

Mulligan: "Is it your intent that all of the revenue from the riverboats will go to pay off the bond obligation?"

Woolard: "All of those dollars coming to the state, yes."

Mulligan: "I've sponsored a Bill and a number of other people have sponsored Amendments for some of that revenue to go to address the problem of problem in compulsive gambling. I think that's an issue that needs to be discussed particularly since we're creating a bigger problem by expanding gambling across the state. And so, I could not necessarily be in favor of all the money going to retire the bonds. Also, I represent suburban Cook County, adjacent to the airport, adjacent to the expressway and my district of schools is not necessarily one that would want to build new schools, we may repair a little bit, but we're pretty well maxed out. And the amount of revenue that we would get from this although, we would have the detriment of added traffic and not the benefits of the school bonding does not make it particularly attractive in any number of ways to vote for bonds that would be spread across the state. So, what is there in it for people that are in suburban Cook in similar positions to I am that would

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benefit from this?"

Woolard: "Let me tell you what's in it. I think that there is tremendous opportunities for any school district that might see that there is an expanding neighborhood taking place or any kind of growth because this would give you some participating dollars from state government to accommodate those needs as they might come forth as far as expansion. Every school district, I don't care if it's even in the richer suburbs of this state, has needs as far as remodeling and correcting some of the facility problems that they have. You would have access to those dollars in a proportion to share."

Mulligan: "Don't you feel that perhaps we ought to dedicate some of that money to address that problem of compulsive and problem gaming, though?"

Woolard: "I don't have any problem with that whatsoever. I think that you've got a good issue there but that's not something that we addressed when we were thinking about this Bill."

Mulligan: "I'm hesitant...To the Amendment."

Speaker Currie: "To the Amendment."

Mulligan: "I'm hesitant to support this Amendment simply because we will have a detriment of added traffic, added gambling in the area if it should pass particularly where the suburbs that I represent are located and I think that we normally get the short end of the stick. As far as funding goes, we get 7 to 9% and I don't think this would be a great benefit to the area that I represent."

Speaker Currie: "Representative Hicks. Representative Hicks, but let the Chair announce that the Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee immediately behind the chamber in the Speaker's Conference Room. Representative Hicks."

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Hicks: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Currie: "He will."

Hicks: "Representative Woolard, I'm hearing some conflicting stories here from different questions asked on the floor and maybe I want to try and see if I can't straighten those out a little bit. I heard Representative Steczo ask you about the dollars, whether or not those dollars would be state dollars or whether they would be city dollars and I heard Representative McPike mention that the city would be losing dollars because of this legislation. Are we taking Chicago dollars? Don't those dollars entitled to them to go to Chicago for this Bill or just taking state dollars as Representative Steczo asked?"

Woolard: "Under the existing plans that are in place now, there are both local taxes and state taxes that are withcoming or forthcoming from those boats. Under this plan, those dollars that are going into the state coffers at the existing boats and going into the common school fund would be replacing the common school fund with the debt retirement on the GEO bonds. The local moneys would remain in the control of the local authority."

Hicks: "Okay, then I also heard that...Representative Pugh mentioned that City of Chicago should not be for this because we're taking City of Chicago dollars and yet, I heard Representative Currie mention that less than 25% of the kids in the State of Illinois actually live in the City of Chicago. So, it would be an assessment of mind to think that there should be less than 25%, yet, in your legislation you're entitled then to at least 25% of the money or a max of 25 and yet, Representative Pugh mentioned that they should be opposed to it because we're taking the rest of the dollars for downstate. Does Chicago currently

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participate in those dollars from the downstate riverboats in the common school fund?"

Woolard: "Very definitely. I think that the local...or the taxes generated to come into the state coffers a significant portion. In fact, I think about 30% goes into the city schools now."

Hicks: "Then using the same logic that Representative McPike used awhile ago, why would Representative McPike have been for a boat in Alton, let's say, or Representative Brunsvold been for a boat in Alton if 30% of those dollars were going to go to the City of Chicago? Or maybe Representative Pugh, using his logic awhile ago, why they should be opposed to it. Why should I as a downstater been for giving the City of Chicago 30% of the money coming from downstate riverboats. Should I not have been against that? Should not have McPike, Representative McPike, Representative Brunsvold who add a riverboat been against doing that? Have you used the same logic?"

Woolard: "I'll let you make that determination."

Hicks: "Well, thank you, Representative. To the Bill, Madam Speaker..."

Speaker Currie: "To the Amendment."

Hicks: "I think that for those people who, maybe such as that represent a small portion of Cook County, may have a fear about losing some revenue in Cook County. I think that the reality is hear that Cook County, if you go back to the 1977 bond issuance for building new schools in the State of Illinois, downstate spent their money of the sum \$100,000,000, they spent that money, in a period, of less than five years. In the City of Chicago back in 1989 we were still, some fourteen or fifteen years later, still have a few dollars left, a few million dollars left for the

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City of Chicago for Cook County to spend on school buildings. They chose not to do that. They didn't have the matching dollars at that time to do that. This is something that is sorely needed throughout the State of Illinois. Whether you live in an area that has schools, that already has a fixed base of students, you have a very large element of schools that need to be repaired. You have work that needs to be done on those old school buildings at all times. This legislation would allow that to happen. I think it's very important for all of you to be very clear on this. This is a good vote. I don't think it's a bad vote for anyone in this House chambers. I'd urge your 'aye' vote."

Speaker Currie: "Representative Tenhouse. Representative Tenhouse. Representative Tenhouse, do you want to speak? Representative Woolard moves adoption of Amendment 22 to Senate Bill 1595. All in favor say 'aye'; opposed, 'no'. In the opinion of the Chair, the 'ayes' have it, the 'noes' have it. The Amendment fails. Are there further Amendments?"

Clerk McLennand: "Floor Amendment #23, offered by Representative Skinner."

Speaker Currie: "Failed. Representative Skinner. Representative Skinner. Representative Weaver, for what reason do you rise?"

Weaver: "Madam Speaker, I specifically requested a Roll Call Vote on that Amendment."

Speaker Currie: "Representative Weaver, you did specifically request a Roll Call Vote and you were joined by one of your colleagues in that request. As you know, the rule requires a larger number of hands. The Chair counted most carefully. Representative Skinner was right there with you

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and we are now on Representative Skinner's Amendment. Proceed, Representative Skinner."

Skinner: "I assume the Amendment before passed. Is that correct?"

Speaker Currie: "Representative Skinner, I believe you were going to offer the Floor Amendment 23 to this Bill. Would you like to proceed?"

Skinner: "I'm sorry, we can't hear you. You're not speaking into the mic."

Speaker Currie: "Representative Skinner, you were called upon to present Amendment 23, would you like to present Amendment 23?"

Skinner: "Has the controversy finished on the previous Amendment."

Speaker Currie: "I think the Chair announced what happen on the previous ruling and Representative Skinner, you were called upon. If you want to proceed, proceed. Otherwise, you can withdraw the Amendment and we'll see if there are other Amendments."

Skinner: "I'm certainly not going to withdraw the Amendment."

Speaker Currie: "Then, carry on."

Skinner: "This is a Bill about teachers and administrators who have been found to be perpetrators by DCFS of either sexual or physical abuse. The current procedure in DCFS is as follows. There is a DCFS investigation after there is a complaint of sexual or physical abuse. There is a finding by a caseworker of whether or not the individual complained about as indicated to have been a sexual or physical abuser. After that finding has been entered on the DCFS system, the indicated perpetrator may file an appeal. For teachers only, this appeal has all of the trimmings of a trial. One goes before an Administrative Law Judge. The

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case goes before an Administrative Law Judge. Both sides have the ability to call and question witnesses, a transcript is taken. A decision is then made by the Administrative Law Judge. This is reviewed by the director of the Department of Central Management Services and he either says, he either agrees or disagrees with the Administrative Law Judge. If the finding is that the teacher or administrator is a sexual or physical abuse perpetrator the information is just then sent to the local school board and to the state school board. What this Amendment adds...Oh, excuse me. And then after that, the perpetrator can go into the local circuit court and ask for administrative review based on the record that has been created before the Administrative Law Judge. This Amendment 23 adds two things. Number one, that the notification that the individual in question is a sexual or physical abuser goes to each school district in the state. Now, because of the Wonder Lake experience, one letter is not good enough. Do you remember in Wonder Lake, it was the administrator who was the sexual perpetrator. So, this Amendment says that the notification shall go not only to the school superintendent but also to the school board president. That dichotomy of notification is at the request of the Wonder Lake School Board President. Secondly, there will be a registry that will be open to the public that DCFS will take, will keep. That's what the Bill does and I would ask for your affirmative vote. I think it is very important that teachers who are found to be sexual or physical abusers of children should not be allowed to teach in the State of Illinois and because it is conceivable that they may continue to have their teachers or administrators certificate, I think it's important that

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we notify each school district in the state. I further think it's important that parents from schools where such teachers have been teaching or administrators have been running should have the ability to know that such an indication has occurred on the part of DCFS. If there are any questions, I'd be happy to answer them."

Speaker Currie: "Representative Skinner moves 'do adopt' on Amendment #23 to Senate Bill 1595 and on that Motion, Representative Dart."

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

Speaker Currie: "He will."

Dart: "Representative, I just have a couple questions here. I agree in theory with what your doing. I just need to have some things explained. Now, the...Under the Bill, it says within a reasonable time after the director's determination that someone is a perpetrator. How would the director make this decision, again?"

Skinner: "Well, the decision is...if I can answer in so far as the timing goes. After the Administrative Law Judge makes a decision the transcript and the decision is sent to the Director's office and the Director's office presumably reads the decision, reviews the transcripts and decides whether or not the Director agrees with the Administrative Law Judge. If the Director agrees with the Administrative Law Judge, he makes a decision and a letter is sent."

Dart: "So, you're really not changing anything in that regards at all?"

Skinner: "No."

Dart: "And the language about the reasonable time, that does not change anything that presently exists right now?"

Skinner: "No."

Dart: "Okay. And now, these are individuals who are not

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necessarily charged with criminal offenses, is that correct?"

Skinner: "They may or may not have been charged with criminal offenses."

Dart: "Okay. And so this would be based upon an allegation by a child or a parent of a child or something along those lines that an act of abuse had occurred and..."

Skinner: "Well, it would be based on more than an allegation."

Dart: "Pardon me."

Skinner: "It would be based on more than an allegation. There would be a...obviously a full investigation by the caseworker at the first level but then that caseworker's investigation would be reviewed in what amounts to an internal DCFS trial before the Administrative Law Judge."

Dart: "Okay. And so, the caseworker then would make a determination about whether, in their opinion, this had occurred or not and then that would then go up to the administrative review process and eventually to the Director?"

Skinner: "Yes."

Dart: "Okay. And whether or not this person is actually criminally charged with anything would depend on the circumstances, the state's attorney, the whole nine yards, right?"

Skinner: "Depending on whether the witness would be willing to testify in court, obviously."

Dart: "Yeah, whether the state's attorney believes he has a case, all the different factors."

Skinner: "Right."

Dart: "My final question was as far as the release of these documents to the general public, now is that a deviation from what they presently do?"

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Skinner: "Yes, although only in the case of which, in which the perpetrator does not appeal to the circuit court. Obviously, if the perpetrator goes to administrative review, that is files for administrative review in the local circuit court, there will be court document."

Dart: "Okay, but now then...so I'm just trying to follow along here now. You're really not changing that much as far as the scheme goes as far as how this will travel. But now..."

Skinner: "I'm not changing that at all."

Dart: "Okay. But now we have somebody and correct me if I'm wrong here, we have somebody who is not charged with anything criminally one way or the other but is found via the caseworker's work and so on to be classified as a perpetrator. Now, we are...The one major difference here is now we are going to allow the public access to that information that this individual though not charged as a criminal was found internally as a perpetrator?"

Skinner: "Only if the person...only if the perpetrator does not decide to appeal the circuit court in which case the perpetrator is voluntarily revealing that he has been indicated as a perpetrator by DCFS."

Dart: "And if they go to the circuit court they would just be a public record based on the documents contained in there. So, your just talking about those instances where someone does not utilize their appeal rights?"

Skinner: "Right."

Dart: "No further questions."

Speaker Currie: "Representative Lang."

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

Speaker Currie: "He will."

Lang: "Madam Speaker, could we get some semblance of order within

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the chamber?"

Speaker Currie: "Good point. Could we have a little order in the chamber? A little order, a little quiet. Proceed Representative Lang."

Lang: "Thank you very much. Representative, I want to pursue some of the questions Representative Dart was asking you. If I'm reading your Amendment properly, you're in essence turning over to DCFS to determination of criminal offenses by these teachers."

Skinner: "No, I'm not."

Lang: "Well, can you explain that."

Skinner: "There's nothing I am changing about what DCFS now is, does and is empowered to do under state statutes except notifying each school board and each school board president and allowing the public the right to know once a fully internally adjudicated DCFS indicator perpetration has been made."

Lang: "Well, is there somewhere to find the term 'perpetrator' in your Amendment?"

Skinner: "Not in the Amendment but certainly in the underlying DCFS law it is."

Lang: "Is that a fact?"

Skinner: "They use the word all the time. I believe it is a fact."

Lang: "Well, let me ask you this. Is DCFS obligated to turn over the results of their investigation to law enforcement agencies?"

Skinner: "I know that they turn them over to the local school board and to the State Board of Education. I do not know that, I do not know at what point they interface with law enforcement agencies."

Lang: "Well, isn't that just as relevant as what your doing here."

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Wouldn't it be important to know assuming that DCFS has these hearings and determines that these people are sexual or physical abusers of children that law enforcement agencies be given the information?"

Skinner: "Well, I certainly would be willing to support an Amendment like that but I believe that DCFS already does interface at an earlier stage than what I'm talking about."

Lang: "Are you completely satisfied that DCFS which is currently a department in total confusion and chaos can conduct these hearings and be sure beyond a reasonable doubt that these people are perpetrators to the extent that we're going to allow these records to become public?"

Skinner: "Well, Representative as you know the standard of proof in DCFS is not beyond a reasonable doubt. I believe it is the preponderance of the evidence. Now, I'm not a lawyer so if you want to ask me lawyer questions, you can probably trick me up, but I do know that the standard of evidence within DCFS is lower than the standard of evidence in a criminal court. Yet, we as a Legislator, allowed DCFS to make such findings on a daily basis."

Lang: "Thank you. To the Amendment."

Speaker Currie: "To the Amendment."

Lang: "I'm really concerned about where this Amendment is going. It takes teachers who have been accused of certain activities and without them being convicted beyond a reasonable doubt which is what our legal system provides, members of the public will be able to get these allegations. And despite the fact that DCFS, I'm sure will do the best job they can possibly do to do these investigations, it is not a criminal proceeding, it is not a criminal tribunal. And since there standard of proof is different and since the rules regarding evidence is

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different, it is highly possible and especially considering the state of confusion that DCFS is in today, it is highly conceivable and mostly probable that these kinds of records will be disseminate to the general public in a way that will hurt teachers that perhaps if they appealed would not be convicted of these crimes. Now, I'm very much in favor of getting abusing teachers out of the education system. That isn't the issue here. The issue here is standard of proof. The issue here is confidentiality of records before a certain standard of proof has been made. Accordingly, I must be opposed to the Amendment."

Speaker Currie: "Representative Cross."

Cross: "Thank you, Speaker. Madam Speaker. Madam Speaker could we have a question as to germane this on this Amendment. The Amendment amends the Abused and Neglected Child Reporting Act. The underlying Bill amends the school code."

Speaker Currie: "We'll check that. Thank you, Representative. The Amendment is germane. Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Currie: "He will."

Cross: "Representative, just to follow up on a few of their earlier questions. Would you mind if I thank the Speaker for that ruling first?"

Cross: "Please do."

Skinner: "Thank you, Speaker."

Speaker Currie: "The Speaker always does her job. Representative Cross, no 'thanks' are necessary."

Skinner: "Never the less they are deserved."

Cross: "Representative, if I'm reading this correctly, an individual or a teacher could be found not guilty in a criminal courtroom. But still under your Bill, under the

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guidelines of this Amendment that person's name would be sent to, by mail to the chief administrator and president of the school board of each school district in this state and to the chief education officer of each state, the district of Columbia in each territory in the United States."

Skinner: "Well, I'm..."

Cross: "Is that accurate?"

Skinner: "Actually, I can't answer your question. I do not know whether that is accurate or not. I mean I am not an expert in what DCFS does in cases where someone is found not guilty."

Cross: "Well, this Amendment does not prohibit that is my concern, is that in a criminal courtroom with the burden of proof that we're all used to and that we live by and is constitutional, we could find someone not guilty. And then under your Amendment at least right now without any different language, if they're found to be a perpetrator by DCFS under a hearing with a lesser burden in a civil case then we're going to release the name all over state and the Country."

Skinner: "Well, Representative, I am certain that no director at DCFS is going to put his name on the line saying that someone is a sexual or physical abuser of children if it is not, if he is not positive, that is the case. Absolutely positive. I mean this is a very serious finding for the Director of DCFS to make."

Cross: "What's the level of proof..."

Skinner: "Sorry that I cannot answer the question with regard to what would happen in a specific instance where someone was found not guilty. I mean obviously, if DCFS had somebody on the floor, DCFS does have somebody on the floor."

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Perhaps Russ Blaauw could come down and whisper into your ear or my ear and we'd know the answer."

Cross: "Additional question. Even if someone could not even be charged by a State's Attorney's Office as being one who has committed sexual abuse and still their name could be released."

Skinner: "That is conceivable. The answer to your question is, because of the difference in the level of evidence that is used by DCFS versus the criminal court system, it is possible that someone who has been found not guilty in a criminal case could be found to be a DCFS sexual or physical abuser of children."

Cross: "If that's the case then under this Amendment we'll have the ability or DCFS will to release that individual's name to school districts all over the state."

Skinner: "Understand, they already tell the individual school district and the State Board of Education. Already."

Cross: "And now we're going to expand that to the president of the school board of each school district in this state and every, and each chief educational officer throughout the state."

Skinner: "That is correct. I don't think people like this ought to be teaching."

Cross: "I don't think people like...convicted people like this ought to be teaching either. But I think there is a big distinction. Right now, if I am in the State of Illinois and I'm found to be a perpetrator under DCFS rules and I move to the State of Iowa and I apply for a teaching job, could the State of Iowa contact our State Board of Education to get the finding that I've been a perpetrator, if we're already reporting it?"

Skinner: "That could happen."

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Crosse: "What do we gain then by this Amendment?"

Skinner: "When Illinois State Government has determined that someone should, is not fit to be a teacher and I think that someone who has been found to be a sexual perpetrator or a physical perpetrator, that is my value and judgement, is not fit to be a teacher or an administrator. I think it is our affirmative duty to tell other states of our finding. I mean, I know that there was one, this does not speak directly to what you're suggesting but there was a principle at one of the junior high schools in Crystal Lake who led a young man I knew into homosexuality. He is not teaching in the State of Illinois, he is not an administrator in the State of Illinois. But I am not at all confident he is not an administrator or teacher in some other state."

Cross: "I just saw the last line of this Amendment. It says the department shall make available to members of the public upon request without charge, copies of any information contained in the register. Once again, upon the finding of 'not guilty' in the criminal court, we're going to make..."

Skinner: "That of course is public information."

Cross: "Correct. But we have a 'not guilty' and assume in this situation a 'not guilty'. But the DCFS hearing and once again, a lot lesser...What is the burden to find someone, the burden of proof in a DCFS hearing?"

Skinner: "Credible evidence is what I have just been told."

Cross: "What?"

Skinner: "Credible evidence."

Cross: "Who makes that decision as to what's credible."

Skinner: "Caseworkers do it everyday. DCFS caseworkers. So, I mean, if you had any objection to DCFS' burden of proof, we should change the DCFS law."

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Cross: "All we need then is a DCFS worker to make an allegation..."

Skinner: "No."

Cross: "Well, then what?"

Skinner "An individual, an individual makes an allegation to DCFS. DCFS has a caseworker who does an investigation. The caseworker makes a finding which is then entered into the registry. You know, the hotline registry that we have. At that point the person is notified obviously that he is on the registry and he has allowed to appeal internally. This administrative view is before an Administrative Law Judge. Witnesses may be called by both sides. They may be questioned by both sides. There is a transcript and the Administrative Law Judge makes a decision. That decision is then reviewed and either approved or disapproved by the director of the Department of Children and Family Services. At that point the decision of the director is sent to the local school board and to the State Board of Education for possible license revocation purposes. What I'm suggesting is that the parents of the schools ought to be able to find it out also. I mean, what if the school board decides to leave this teacher in a teaching position. Is it not relevant perhaps to the other parents that DCFS thinks that this person, more than thinks has found that this person is a sexual or physical abuser of children?"

Cross: "I think the concern is who is making the determination about who the abuser is. Are we going to have a court of law making either with a jury or a judge with the burden of proof beyond a reasonable doubt or are we going to a DCFS worker make a determination based on a student's accusations?"

Skinner: "Well, I would not suggest that...I think calling the

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director of DCFS, a DCFS worker which you may or may not have been intending to do...it means the entire process that I have laid out here. I mean we have a full trial, basically before the Administrative Law Judge. I mean it's..."

Cross: "A civil trial."

Skinner: "Yes, as much of a trial as it would be before a circuit court judge."

Cross: "There's a big distinction between a civil hearing and a criminal hearing, Representative."

Skinner: "If you do not think that any teacher should receive the penalty, the potential penalty that exists until a judge makes a decision. Then we need to change underlying state law with regard to what DCFS's powers are."

Cross: "But what you said earlier is we could have a criminal court find someone 'not guilty' and we could have a DCFS worker make up a suggestion or a ruling on their own that someone is a sexual perpetrator and now we're going to make all that information available to the public."

Skinner: "Now, you're assuming that the individual would not feel so strongly about it that he would not appeal it himself, thereby, making it public. I mean, if I were a teacher..."

Cross: "I'm not assuming anything, I'm looking at the Bill."

Skinner: "If I were a teacher who had been found 'not guilty' of sexually abusing a child and DCFS found me to be an indicated perpetrator after this hearing before the Administrative Law Judge, I most certainly would go to court, to circuit court for administrative review in which case I would be voluntarily letting anybody that can find the court record know that DCFS had found me to be a sexual perpetrator."

Cross: "And what if I have been told by the state's attorney's

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office that there is no basis, there is no evidence to suggest that I should be charged, is it possible that I'm just going to leave it alone?"

Skinner: "Then I assume that the state's attorney would have been called before the Administrative Law Judge as a witness for the teacher."

Cross: "I think we're making a lot of assumptions but thank you for your answers, Representative."

Speaker Currie: "Representative Davis."

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

Speaker Currie: "He will."

Davis: "Thank you. Representative, currently, if a person is accused of molesting or abusing a child and that person holds a teacher's certificate, what happens?"

Skinner: "In Chicago I don't know what happens."

Davis: "Well, in the rest of the state what happens?"

Skinner: "In the rest of the state, when it gets to the point that the director of DCFS has agreed with a caseworker, has agreed with the Administrative Law Judge..."

Davis: "No, I mean without this legislation. I mean currently without your legislation."

Skinner: "I'm telling you."

Davis: "Oh, alright."

Skinner: "The information is sent to the Office of Education and the Office of Education has...some type of a teacher's certification board that hears evidence and decides whether or not the teacher's certificate should be, teacher's or administrator's certificates should be revoked."

Davis: "With your Amendment, is there any provision for removing the teacher's certification?"

Skinner: "There's no change from present law, no."

Davis: "So, you're saying that once the teacher has been before

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the...in our city, I think they go before our prosecuting attorney and if they have a court hearing, you know the results of that is usually the basis of them losing their teaching certificate."

Skinner: "I think that would be automatic."

Davis: "So, once if they lose their teaching certificate, then at this point what would your Bill have the Department of Children and Family Services do?"

Skinner: "Well, this would be before they would lose their teacher's certificate."

Speaker Currie: "Representative Flowers, in the Chair."

Davis: "Would you, Representative, would we be adding another administrative office to the Department of Children and Family Services?"

Skinner: "No, we're just adding another mailing list. We're adding another mailing list. We're expanding the mailing list. Right now they have to notify the local school board of where the teacher is. They do that currently."

Davis: "Do you really think that the Department of Children and Family Services would be equipped to do this job and do it as well as we would hope."

Skinner: "I don't know..."

Davis: "Well, I believe that currently, to the Bill, Madam Speaker. I think currently the protections of children for abusers is in place and in most cases, in most cases working very well because that person goes before a prosecuting attorney and so forth. And then they also go before, have a hearing at the State Board of Education and if it is determined that they have committed such an act, they do lose their teaching certificate and then it's up to the attorney general...state's attorney, I'm sorry, where they will be given or prosecuted with criminal charges.

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So, I think your Amendment is highly unnecessary and I think it will serve to cause confusion when a teacher does commit such an awful act. And I think the confusion may result in some of them slipping through the fingers of the State Boards therefore I would urge a 'no' vote on this Amendment."

Speaker Flowers: "Representative Weaver, on the Amendment."

Weaver: "Just an inquiry of the Chair, Madam Speaker. Trying to get some handle on what the ground rules are going to be in terms of our requests for a roll call. I wanted to vote 'yes' on Amendment #22 however, the previous Speaker failed to recognize that because she didn't see enough hands out here and I know you being an eminently fair individual, I need to know if we do request a Roll Call Vote, do we have to name the four people that join us in that request or will a simple show of hands suffice?"

Speaker Flowers: "Representative Weaver, we're on Amendment #23 of this Bill. Would you please confine your remarks to the Amendment?"

Weaver: "No, this is an inquiry of the Chair as to what the Chair will accept in terms of our request for a Motion or a request for a roll call on any Amendment. Whether it's this Amendment or the next Amendment or whatever, what will you accept as a valid request for a Roll Call Vote?"

Speaker Flowers: "Representative Weaver, I can assure you that the Chair will follow the Rules of the House."

Weaver: "Well, the last person in that Chair didn't seem to follow the rules and I'm trying to figure out what your interpretation of the rules are. Does it require a simple show of hands or do I have to actually, by name identify those people that stand with me in the request?"

Speaker Flowers: "Excuse me, Representative Weaver.

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Representative Walsh, for what reason do you rise?"

Walsh: "Thank you, Madam Speaker. I just want to follow up with what Representative Weaver is saying. Do we have to...For how long do we have to hold our hands in the air and did the previous Speaker, did she acknowledge the fact that the request for a Roll Call Vote had not been accepted? There was never any mention made. It would seem that some type of mention should be made to the Representative, if he's made a Motion for a Roll Call Vote and it has not been accepted by the Chair?"

Speaker Flowers: "Representative Walsh, Representative Weaver, I can only refer you to Rule 55(c) where it says, upon the Motion of any Member joined by four other Members, a record vote shall be taken. That's the rule. When four Members are joined by the Member. Representative Mulligan, for what reason do you rise?"

Mulligan: "Thank you, Madam Speaker. I just rise for a point of personal privilege. I know it's against the rules but I'd like to recognize the fact that the children, teachers and parents from Washington School in Parkridge are in the gallery today."

Speaker Flowers: "That's against the rules. Representative Persico, for what reason do you rise?"

Persico: "Well thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Flowers: "He indicates that he will."

Persico: "Thank you. Representative, I don't think anybody on the House Floor is going to quarrel with the fact that if a convicted child abuser should not be in a classroom teaching. I don't think there is anybody that's arguing that concept. I guess, and I apologize cause I've been off the House Floor for a little bit. The normal process right

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now, current law, what will happen to a teacher if they are accused of child abuse?"

Speaker Flowers: "Representative Cowlshaw, for what reason do you rise? Representative Cowlshaw."

Cowlshaw: "Yes, well thank you, Madam Speaker. I've had this speak button on for a rather considerable amount of time now but apparently that wasn't noticed anymore than my hand was noticed when it was raised when Representative Weaver made his request that a Roll Call Vote on Amendment #22 be taken. Perhaps it is about time that all those who are privileged to occupy the Chair, that we call Speaker, should all have vision exams so that they can see a little bit better. Especially since it's so hard for you apparently to see anything that happens on this side of the aisle. However, the reason for having my speak button on is because I'd like to make a comment if I may, about Floor Amendment #23. Madam Speaker, I don't think that anybody in this chamber or anybody within the hearing of anything that happens here is in favor of doing anything except eliminating from any classroom in Illinois or anywhere else in this nation or this world, any adult whether a teacher or a staff member who is likely to abuse or in any other way harm a child. Of course we want to try to prevent that in every way that we can. However, I think it is important for us to acknowledge that the Illinois Education Association is opposed to this Amendment. The reason for that is not because the Illinois Education Association is in favor of child abuse. Of course it isn't. But the IEA has shared some information with me that I want to share with you. That is the State of New York, an act of similar legislation to this Amendment and it was ruled unconstitutional because of it's low standard of evidence.

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I submit to you that we ought not to be causing people to lose their jobs and any number of other hardships when they have not, in fact, been convicted of doing anything wrong. I would like to also point out that Illinois already has a registry such as this that superintendents from other states have the authority to use if they choose to do so. And finally, it would just seem to me that there would be quite a good deal of expense involved in sending notices from via the department from this central registry to every single one of the more than 900 school districts in this state to all school board presidents, all superintendents throughout the entire nation. It just seems to me that that is a burdensome thing to do to the department when, in fact, already, those people can seek this information if they choose to do so. Therefore, I stand in opposition to Amendment #23 and in favor of vision exams for anybody who is going to sit in the Speaker's Chair."

Speaker Flowers: "Representative von Bergen Wessels. Representative Persico, for what reason do you rise?"

Persico: "Thank you, Madam Speaker. Before you called on Representative Cowlshaw I did ask a question of Representative Skinner and I would like an answer to that. And I never had an opportunity to hear what he was going to say."

Speaker Flowers: "Representative Skinner, would you please answer Representative Persico?"

Skinner: "Well, let's see if I can remember the question. I think the Representative asked what would happen after DCFS indicated someone as a perpetrator."

Persico: "No, I asked you what is the current law if the teacher is accused of child abuse, what is the current law right now?"

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Skinner: "Well, if a teacher is accused of child abuse within the DCFS..."

Persico: "Within the classroom. Is that what you're talking about or any child abuse case? If a teacher is a person accused of child abuse, what is the normal procedure right now?"

Skinner: "It is my understanding that a report is made to the Department of Children and Family Services at which case, at which point a caseworker is assigned to investigate the allegation, the caseworker makes a determination in 60 to 90 days. At that point if the teacher is found to have been a perpetrator by the caseworker, the name is entered on the registry which DCFS keeps and the teacher has the ability to appeal within DCFS. An Administrative Law Judge is assigned to the case, witnesses are called by both sides of the case. They can be questioned by attorneys on both sides of the case. A transcript is taken and eventually all of the evidence which is offered is...Well, eventually it ends and the Administrative Law Judge makes a decision after full consideration and reading the transcripts, this is then given to the Director of the Department of Children and Family Services who reviews the case and makes a decision. And then the perpetrator and the school board and the state school board, the local school board and the state school board are notified of the decision."

Persico: "So, after it is assigned to a caseworker and a caseworker decides that this person did indeed in their mind commit child abuse. At this time, does this information, is it sent to the State Board of Education? Is it sent to the local school presidents? Is it sent to Iowa?"

Skinner: "It is certainly sent to the local school board. I am

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not, I do not believe that is sent to the state school board at that point."

Persico: "It's sent to their local school board?"

Skinner: "Yes."

Persico: "But not, you don't know if it's sent to the State Board of Education or the school board presidents of anybody else in Illinois or in the United States."

Skinner: "The legislative liason from the Department of Children and Family Services tells me that after the first indication, the information is sent to the Department of Professional Regulation, the State Board of Education and the local school superintendents in Illinois."

Persico: "So, in other words the caseworker is acting like the judge and jury in this particular case?"

Skinner: "I'm sorry, Representative."

Persico: "In other words, what I'm saying that a caseworker is acting like the judge and jury in this particular case?"

Skinner: "Yes and that is why the General Assembly gave teachers extraordinary more...well, gave them more due process than any other type of individual, an individual employed in any other profession several years ago."

Persico: "But it seems to me that in this particular case you're not doing that, you're making it a lower standard of evidence. You're letting a caseworker who may have, I don't even know what their degree of education may have to be, but they're acting as not only the jury but the judge in this particular case."

Skinner: "Well, Representative that is done currently. I am not doing anything to change that. What I'm asking is that after all the internal administrative due process is completed, at that time that notification be made to local school districts throughout the state to state school

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superintendents elsewhere and also the other parents at the school be able to figure out what has happened."

Persico: "Does the accused have the right to meet their witnesses face to face in this part of the process?"

Skinner: "Yes."

Persico: "Does the accused have a right to an attorney at this stage in the process?"

Skinner: "I'm..."

Persico: "I mean are they given the same rights as if we are in a court of law?"

Skinner: "The answer is yes."

Persico: "This is a civil hearing not a teacher hearing."

Skinner: "Only if you're a school teacher. If you're a Legislator you wouldn't have that right."

Persico: "Any other person does not have the right to an attorney or a right to meet their accuser face to face in a particular DCFS case."

Skinner: "Yes."

Persico: "But a school teacher does according to current law?"

Skinner: "Nobody ever suggested the IEA and the AFT or the IFT were not strong lobbys."

Persico: "What is the normal amount of time that is elapsed between when a person is accused and when a caseworker would make their final determination?"

Skinner: "The initial caseworker decision is supposed to be made within sixty days but there may be additional thirty-day extensions if their is cause."

Persico: "And at this time is when these notices are sent out to the State Board and the school board presidents and so on is what you're saying. How long...Does this person still have a right to a trial by jury..."

Skinner: "No."

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Persico: "...in a civil law case, the accused?"

Skinner: "The accused has the right after we go through these seven or eight steps that I have outlined several times on the House Floor..."

Persico: "So this would be many months or years possibly after a caseworker has made a determination, the guilt or innocence of that..."

Skinner: "Yes, it could be. But then you go to circuit court and the circuit court judge makes the decision based on the record that was offered to the Administrative Law Judge and whatever other internal records that DCFS caseworkers may have put in the file."

Persico: "A person does not have a right to a jury at this time?"

Skinner: "I don't believe so. That's not my understanding of what administrative review is all about."

Persico: "How about a person that is not an educator?"

Skinner: "I'm sorry, I could not hear your last question."

Persico: "A person that is not a teacher, do they have a right to a jury trial at this time?"

Skinner: "Well, I may be wrong, Representative. It is conceivable they may have a right to a jury trial. I am not an expert in, I am not an expert in judicial review."

Persico: "Was similar language to yours declared unconstitutional in the State of New York because of the low standard of evidence?"

Skinner: "I certainly have no clue. But if we're going to attack the standard of evidence we should be attacking that standard of evidence for every decision that DCFS makes, every decision. Because it's the same standard of evidence."

Persico: "I believe DCFS is an agency that is going through troubled times right now so, maybe we are beginning to

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question..."

Skinner: "But no one is suggesting that we change the standard of evidence unless you are."

Persico: "I'm not suggesting that we're changing the standard of evidence. I'm just suggesting that possibly the ramifications of your particular piece of legislation might be a little too harsh at that stage of letting a caseworker determine the guilt or innocence of a person rather than a court."

Skinner: "The statement you are making is irrelevant to the Amendment because what I'm talking about is not at the caseworker level, it's after the caseworker, it's after the Administrative Law Judge has conducted this internal trial, if you will, and after the Director of the Department of Children and Family Services has reviewed all of that and decided whether or not to affirm the Administrative Law Judge's decision. This is, this could be as you suggested one or two more years after the original caseworker made the indication. I'm suggesting doing nothing after the original caseworker makes a decision that is not already in state law."

Persico: "If a person is convicted in a criminal court, an educator, convicted in a criminal court of child abuse, does this record go to the State Board of Education and to the local school president?"

Skinner: "That's a really good question and it is not one I can answer with certainty. From a number of larger counties the record most assuredly goes to the State Board of Education. I am not confident the record goes to the State Board of Education in over 60% of the cases in the State of Illinois."

Persico: "Okay, are you making up that percentage?"

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Skinner: "No, I'm not."

Persico: "Do you know this for sure or what?"

Skinner: "I know this from having talked to the state police which gather the criminal information from the various county clerks and only approximately 60% of the information was getting to the central record keeping place when I checked last year."

Persico: "Does current law require that be given to the State Board of Education?"

Skinner: "It does but..."

Persico: "So, it's the enforcement of the law rather than the law itself that you may have some problems with."

Skinner: "It depends on whether the circuit clerks are enforcing, following the law. You are correct."

Persico: "And at that time then, if that person seeks another position of employment in the same field, then at that time after they've been convicted of child abuse in a criminal court, if that person decides to seek other employment in the same field of education that's the local school board's have the ability to call the State Board of Education and find out if this person has been convicted of child abuse, correct? If our system and our current laws working correctly."

Skinner: "I am not confident you are correct. I wish you were correct but the holes that I found last year while looking into the "Deeny" Bill that Senator Klemm introduced lead me to believe that there are still significant holes about notification even after conviction in a court of law. I hope to correct those holes next year perhaps with your help."

Persico: "The holes that you're speaking about are in terms of enforcement rather than current law, though?"

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Skinner: "Yes."

Persico: "Thank you very much."

Speaker Flowers: "Representative Hoffman."

Hoffman: "Thank you, Speaker. I just have a couple questions. Your Bill does not indicate that any teacher will be removed from a position of teaching in the State of Illinois."

Skinner: "That is correct. I just want the people who will do the hiring to know what the background is."

Hoffman: "And your Bill doesn't say that those people can't teach anywhere else in Illinois. It doesn't say that they can't teach anywhere else in Illinois."

Skinner: "It does not say that."

Hoffman: "It doesn't say that they are suspended from teaching in any way."

Skinner: "It does not say that."

Hoffman: "Placed on probation, it doesn't say that either."

Skinner: "Just as I...a Bill that, an Amendment that tries to give notice to the people who would do the hiring."

Hoffman: "In fact your Bill has nothing to do with any action against the certificate of the teacher."

Skinner: "That is correct."

Hoffman: "Now, already what we do...all your Bill would do is to send notice to all 50 states as well as send to the, I think it's 924 school districts in the State of Illinois."

Skinner: "That's right."

Hoffman: "So, for instance, the Crystal Lake example. That actually happened in Crystal Lake. You would then send notice of that to Collinsville, Unit 10 school district."

Skinner: "Right."

Hoffman: "It does not have anything to do with notice to our State Board of Education."

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Skinner: "No, the State Board of Education is already notified."

Hoffman: "Now, already what happens is that, it's my understanding, that if there's an indicated case that's sent to the local school district that person teaches in and to the State Board of Education."

Skinner: "That is correct, yes."

Hoffman: "So, the State Board of Education then takes action on the certificate."

Skinner: "Well, there is, I understand there's a board that determines, a board connected with the State Board of Education that makes the determination on teacher certificate revocation."

Hoffman: "Now, you're aware of the fact that it's current law and I believe we passed it. Senator Klemm was the Sponsor of it and it was on one of my Bills."

Skinner: "And you sponsored it here."

Hoffman: "And I sponsored in the House, that says I believe you're convicted, you cannot teach. You lose your certificate to teach. Is that right? I believe that's what the Bill did."

Skinner: "The part that I focused in on was who got notified."

Hoffman: "My point being, if you're convicted of one of these offenses, convicted, you lose your certificate and when you go and you try to attempt to apply anywhere else, they're obviously going to call and say, do they have a certificate to teach. The State Board of Election says, no they don't have a certificate to teach. They've been, that's been revoked. They no longer certificate to teach. You can't hire the person in Illinois."

Skinner: "That happens in criminal cases."

Hoffman: "If you want to go to Missouri and you want to teach, Missouri calls Illinois and says, did he have a valid

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certificate. They say, no he doesn't have a valid certificate so he can't teach in Missouri. Correct?"

Skinner: "That makes sense to me."

Hoffman: "So, I submit to you what we're doing here is we're just adding another layer to something that is happening already. What we're saying here, what we're saying here is under a suspicion we're going to send to 924 school districts to all 50 states and we're not going to have a conviction. So, so if there's an indicated case at DCFS that goes through that process brought to the State's Attorney's Office. They say, we don't believe there is enough evidence here to prosecute this case. They still will get this notice in all 50 states. They still will get this notice in 924 some odd school districts throughout the state without there being sufficient evidence for the local state's attorney to even proceed. That's my problem with the Bill is that we now have a provision of state law that says these people who commit these crimes should not, can not and will not teach in the State of Illinois or will not have a certificate in the other states because they called Illinois to find out if there is a valid certificate. I believe that it's just a waste of time by sending these notices to people when we already have sufficient provisions in Illinois that Senator Klemm so put forward in one of my Bills last year."

Speaker Flowers: "Representative Monroe Flinn."

Flinn: "Madam Speaker, I've heard enough and I'm sure everybody else has. I move the previous question."

Speaker Flowers: "The Gentleman has moved to the previous question. The question is, 'Whether the main question shall be put?' All those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it. Representative Skinner to

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close."

Skinner: "I would ask for a Roll Call Vote under Rule 55(c) and I hope four other people will raise their hands. Do you see four? You don't see four? There are various ways that teachers who have abused children either physically or sexually can have that made known to people who might hire them. One way most certainly is to have their license revoked. Their certification to teach revoked or their certification to be an administrator revoked. That occurs in criminal cases. It's supposed to happen automatically. I am not convinced that it does happen automatically but that's another argument for another day. What we're talking about here is not criminal court cases. We're talking about cases in which the Department of Children and Family Services have found the teacher or the administrator to be a sexual or physical abuser. Now, to those of you who don't think that's a high enough standard, I would suggest that you ought to be attacking the standard and these cases that you see on T.V. where the Department of Children and Family Services goes in and takes children from parents with no due process whatsoever, none. There's no criminal trial, there's no conviction of child neglect. There's merely an accusation, a determination by DCFS. Now, we're not talking about doing at that stage with teachers in this Amendment. What we're talking about is after the teacher has had an ability to defend himself before an Administrative Law Judge being able to subpoena witnesses, to have witnesses for both sides questioned by lawyers to have the Administrative Law Judge make a decision to have that decision reviewed and affirmed by the Director of the Department of Children and Family Services. At that point, I'm suggesting that school administrators

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and school board presidents around the State of Illinois and across the United States ought to know that there is a red flag by this guys name. In addition, it seems to me that the other parents in the school, those that are not the parents of the child in question ought to have a right to know what has happened to this teacher who probably is no longer teaching in their room, in their school. But maybe teaching in their school because the school board doesn't have to take the teacher out of the classroom when DCFS says that he is a sex abuser or a physical abuser. This is basically opening up the process to those teachers who don't feel confident enough in their case to ask for administrative review in circuit court. Because if the teacher does feel confident that he is not guilty he can go to circuit court and voluntarily reveal what the charges that DCFS has made. It is understandable that teacher's unions would not be in favor of this Bill. A job of a union or a trade association is to protect the jobs of their members so, I'm not all surprised that the IEA would be opposed to this Bill and I'm sure that the Illinois Federation of Teachers is opposed to this Bill. But I can assure you, if you put this on a pole in a questionnaire in your district you'll find at the 70, 80% or higher level that the citizens in your district are in favor of this type of language. I ask for an affirmative Roll Call. Thank you."

Speaker Flowers: "The Gentleman move for adoption of Amendment #23 to Senate Bill 1595. All those in favor vote 'aye'; opposed vote 'nay'. Voting is now open. Have all voted? Have all voted who wish? The Clerk, shall take the record. This Bill having with...Take the record, Mr. Clerk. 3 voting 'yes', 104 voting 'no'. This Amendment fails.

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Representative Skinner."

Skinner: "Do I get the "Brian Duffle" award for the Session?"

Speaker Flowers: "You got it."

Skinner: "Thank you."

Speaker Flowers: "Are there any further Amendments, Mr. Clerk."

Clerk Rossi: "Floor Amendment #24, offered by Representative Salvi."

Speaker Flowers: "Representative Salvi on the Amendment. Withdraw Amendment #24. Representative Black, for what reason do you rise?"

Black: "Yes, I have a point of personal privilege, Madam Speaker. It has been drawn to my attention that we had a very serious accident in the parking lot about one hour ago. In fact, we may have to take up a collection. Representative Persico's car was damaged about an hour ago, damaged very extensively by a deer that got into the parking lot at the Stratton Building. Seriously, I'm telling you the truth, jumped into Representative Persico's car, did quite a bit of damage. The deer unfortunately did a little damage to himself. Given the fact that we've had a flood, a fire and locust, I want to know what Democrat does that deer belong to? Brunsvold? Alright. Well, we just wanted to know who we were going to talk to about a civil case, a course of civil action and I'll go talk to Representative Brunsvold and see if we can get Representative Persico's car fixed. In the meantime, those of you that like venison, I think Vince is going to have a barbecue this evening."

Speaker Flowers: "Representative Persico."

Persico: "Thank you, Madam Chairman. I wish that I could have venison for everybody tonight but the deer was only stunned. He just hit the windshield, lost a little blood all over my car and then scooted away. He was trying to

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jump a white car and landed into my rear window. I do like to know, I know that it's been a long Session and there's been a lot of rancor and bitterness on both sides of the aisle but I didn't know that you guys were training kamikaze deers on Republican cars for one thing and I would like to maybe find a Bill that I can amend to Representative Woolard's ratite Bill that if you bother a Republican car, you're allowed to chase down the deer and kill it. And Representative Black is going to Co-Sponsor a fundraiser with me tonight and we are having venison for dinner. Thank you very much."

Speaker Flowers: "Representative McPike, for what reason do you rise?"

McPike: "Vince, that deer belonged to me. I took the elephant that was left in my parking spot last year and traded it in for that deer."

Speaker Flowers: "Representative Persico."

Persico: "I really don't believe you, Representative McPike. If it was a dog and you trained a dog to that then I could believe it."

Speaker Flowers: "Representative Giles."

Giles: "Thank you, Madam Chairman, Ladies and Gentlemen of the House. I would like for you to join with me in welcoming Ms. Eve Blackwell. She's a candidate to be appointed to the seventh judicial here in Springfield and we would like to welcome her here to Springfield. Thank you."

Speaker Flowers: "Third Reading, Mr. Clerk. Committee Reports."

Clerk Rossi: "The Committee on Rules is met in pursuant to Rule 14(a)5, House Bills amended in the Senate recommends consideration the following Bills be placed on the Order of concurrence. House Bill 6, House Bill 8 and House Bill 9."

Speaker Flowers: "Representative Cowlshaw, for what reason do

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you rise."

Cowlshaw: "Thank you, Madam Speaker. Did you move that Bill to Third Reading?"

Speaker Flowers: "Yes, I did."

Cowlshaw: "Thank you very much."

Speaker Flowers: "Supplemental Calendar Announcement."

Clerk Rossi: "Supplemental Calendar #1 is being distributed."

Speaker Flowers: "The Order of Concurrence, Representative Ryder on Supplemental #1."

Ryder: "I would move to nonconcur with Senate Amendments 1 to House Bill 6, Senate Amendments 1 and 2 to House Bill 8, Senate Amendments 1, 2 and 4 to House Bill 9 so that the Bill will go back to the Senate. My understanding is that they will not recede and ask for a Conference Committee Report so we can proceed with the negotiations on the Appropriations."

Speaker Flowers: "Representative McPike."

McPike: "Yes, thank you, Madam Speaker. I rise in support of the Gentleman's Motion and I just would like Senator Maitland to recognize that this will be official House action."

Speaker Flowers: "The Gentleman moves to nonconcur with Senate Amendment #1 to House Bill 6, Senate Amendment #1 and 2 to House Bill 8, Senate Amendment #1, 2 and 4 to House Bill 9. All those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it. The Gentleman, the House does nonconcur. Representative Brady in the Chair."

Brady: "Ladies and Gentlemen of the chamber, today we are pleased to welcome two Hungarian citizens, Margrit Dombi and Erzsebet Kovacs to the Illinois State House. Ms. Dombi is a journalist from Hungary, Ms. Kovacs is an advisor to the Hungarian Parliament and a consultant in the field of private organizations. They are visiting Illinois through

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Project Democracia, a cooperate effort of the Legal Women Voters, the United States Information Agency and the Sorus Foundation of Hungary. The month long project provides Hungarian political and community leaders in Government, the media, minority rights and citizens based organizations with the opportunity to meet with their American counterparts and get hands on experience in democratic activism. Hungarians first real elections were held in 1990 so they are looking forward to learning about how citizens participate in democracy in the United States. In exchange, they will be educating American Citizens about Hungarian culture and politics. Please welcome to Springfield and Illinois, Mrs. Dombi and Mrs. Kovacs."

Margrit Dombi: "Ladies and Gentlemen, we would like to say thanks for your coming. We are very happy to be here, to meet very friendly citizens of Illinois State and we hope that we could educate our values for experience in Hungary in a new Democratic country of...Thank you very much."

Brady: "Representative Flowers back in the Chair."

Speaker Flowers: "Thank you, Representative Brady. On the order of Second Reading, we have Senate Bill 1721. Representative Persico. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1721 has been read a second time previously. Amendments 1, 3, 4, 5, 6, 7, 8, 9, 10...excuse me, 7, 8, 9, 11 and 12 have been adopted to the Bill. Committee Amendment #2 was tabled and Floor Amendment #10 was withdrawn. Floor Amendment #13, offered by Representative Persico."

Speaker Flowers: "Representative Persico, on Floor Amendment #13."

Persico: "Thank you, Madam Chairman. Withdraw Amendment #13, please."

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Speaker Flowers: "Withdraw, Mr. Clerk. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Flowers: "Third Reading. On the Order of Second Reading, State Operation. Representative Granberg on Senate Bill 580. Out of the Record, Mr. Clerk. Representative Schoenberg on Senate Bill 1159. Out of the record. Representative Schoenberg. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1159 has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendments 2, 3, 4, and 5 have been adopted to the Bill. A Motion has been filed by Representative Granberg to table Floor Amendment #5."

Speaker Flowers: "Mr. Clerk, please take this Bill out of the record. Senate Bill 1724, Representative Novak. Representative Novak. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1724. The Bill has been read a second time previously. Amendments 1, 2, 3, 4 and 5 were adopted in committee. No motions have been filed. Floor Amendment #6, offered by Representative Persico."

Speaker Flowers: "Representative Persico, on the Amendment."

Persico: "Thank you, Madam Chairman. Amendment #6 requires the Department of Energy and Natural Resources and the State Board of Education to conduct a joint study to determine the feasibility of a statewide school recycling program. We've heard this Amendment before and I urge it's adoption."

Speaker Flowers: "The Gentleman moves for the adoption of Amendment #6 to Senate Bill 1724. Seeing no discussion, all those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it and the Amendment is adopted. Are there any further Amendments, Mr. Clerk?"

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Clerk Rossi: "Floor Amendment #7, offered by Representative McAfee."

Speaker Flowers: "Representative McAfee, on the Amendment. Representative McAfee. Representative McAfee on Amendment #7 to Senate Bill 1724."

McAfee: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #7 to Senate Bill 1724 is the same language we passed in House Bill 2685. Twenty six eighty five basically amends and sets up blasting regulations. This has been a concern that we've had in our area as relates to aggregate blasting and we've also passed this by the various agencies expected and supported by the Department of Mines and Minerals. I'd ask for your support."

Speaker Flowers: "The Gentleman moves for the adoption of Amendment #7 to Senate Bill 1724. Seeing no discussion, all those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it and the Amendment's adopted. Are there any further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #8, offered by Representative Novak."

Speaker Flowers: "Representative Novak, on Amendment #8."

Novak: "Yes, Madam Speaker, Ladies and Gentlemen of the House. Floor Amendment #8 is an initiative of the Departments of Mines and Minerals. It was the original content of House Bill 3640 as sponsored by Representative Tenhouse. It proposed technical changes to the Illinois Oil and Gas Act. This was an agree legislation. I ask for it's adoption."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #8 to Senate Bill 1724. On that, Representative Persico, on the Amendment."

Persico: "Thank you, Madam Chairman. Will the Sponsor yield?"

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Speaker Flowers: "He indicates that he will."

Persico: "Representative, is this the Amendment that was inadvertently tabled in committee on a different Bill?"

Novak: "Inadvertently, I don't...That's your word. This Amendment was somehow tabled in the committee."

Persico: "And this is an Amendment that the Department of Mines and Minerals need?"

Novak: "Right, correct."

Persico: "I stand in support of the Amendment."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #8 to Senate Bill 1724. All those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it, the Amendment's adopted. Are there any further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #9, offered by Representative McAfee."

Speaker Flowers: "Representative McAfee withdraws Amendment #9. Are there any further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #10, offered by Representative Novak."

Speaker Flowers: "Representative Novak, on Amendment #10."

Novak: "Yes, Madam Speaker, Ladies and Gentlemen of the House. Floor Amendment #10 is concerned with guaranteed energy savings, Energy Savings Act. This is an agreed Amendment by both sides of the aisle and I ask for it's adoption."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #10 to Senate Bill 1724. On that is there any discussion? Representative Balanoff, on the Amendment."

Balanoff: "Just for a question. Could we have a little bit more explanation than a guaranteed energy saving?"

Speaker Flowers: "Representative Novak."

Novak: "Right. It deals with the time limit for payments on contracts. Currently, right now it is...this would extend

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it to a ten-year time limit."

Balanoff: "But, the guaranteed energy saving under which program. Is it under...just one second."

Novak: "Representative, it promotes the original legislation passed in 1991 in the sign in the law promoted energy conservation projects in state buildings."

Balanoff: "Oh, okay. Thank you."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #10 to Senate Bill 1724. Seeing no discussion, all those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it, the Amendment's adopted. Are there any further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #11, offered by Representative Novak."

Speaker Flowers: "Representative Novak, on Amendment #11."

Novak: "Yes, Madam Speaker, Ladies and Gentlemen of the House. Floor Amendment #11 makes internal environmental audit report provisions privilege not admissible, provides procedures for determining if the audit is privileged. This is an agreed Amendment between the EPA, the Illinois Manufacturers Society and the other interested parties."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #11 to Senate Bill 1724. Are there any discussion? Representative Black, on the Amendment."

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

Speaker Flowers: "He indicates that he will."

Black: "Representative, our staff has made a note on this that it gives, that this Amendment will give a third party access to environmental audits. Is that your understanding?"

Novak: "Just one second, Representative. Let me just state what we have in our analysis. The Amendment has a second

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circumstance in which an environmental audit privilege does not apply as follows. The owner operated facility must provide a copy of the environmental audit report within thirty days if the State's Attorney or the Attorney General makes a written request for disclosure of the audit report. I don't know if it deals with any third party liability, Representative."

Black: "That was my concern because obviously, I was concerned about what kind of third party and what standing would they have to have to get access to an environmental audit because I don't see it in the underlying Amendment. But staff usually is much sharper on this than I am and my only fear is that if it's in there in some capacity, we may want to take another look at that because there are obviously some people that would not have any legal standing to get access to an environmental audit."

Novak: "Well, I agree with that."

Black: "Okay, as long as you can give me some assurance that isn't your intent then I certainly have no objection to the Amendment."

Novak: "Right."

Black: "Alright, thank you."

Speaker Flowers: "Representative Dart, on the Amendment."

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

Speaker Flowers: "He indicates that he will."

Dart: "Now, in regards to the provisions dealing with the immiscibility of these audit reports, now we're borrowing them from any type of court proceeding so that they cannot be used if someone were to find out something as a result of this audit and not divulge it to anybody, could that then not be used against them?"

Novak: "My understanding, Representative clarifies that if a

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state's attorney or attorney general makes a request for disclosure of an environmental audit report and an owner or operator petitions the court or board to contest such disclosure the circuit court or board has jurisdiction over the petition."

Dart: "Okay. So..."

Novak: "So, we're not watering...there aren't any attempts to water down any type of current legislation with respect to responsibility in that particular aspect."

Dart: "Okay."

Speaker Flowers: "Representative Persico, on the Amendment."

Persico: "Thank you, Madam Chairman. Representative, in response to Representative Black's previous question, I believe it's on page 2 or page 3 line 82, Section D where it says 'shall provide to the state's attorney, attorney general or any other person.' I think that's where the third party part comes in. On line 82, 'shall provide to the state's attorney, attorney general or any other person as the case may be at the time of filing any objection to the disclosure.' Representative Black had a question on third parties have the opportunity to look at this audit and this is where it does, on line 82."

Dart: "Right, thank you."

Persico: "And I stand in support of this Amendment."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #11 to Senate Bill 1724. Seeing no discussion, all those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it and the Amendment is adopted. Are there any further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #12, offered by Representative Novak."

Speaker Flowers: "Representative Novak, on Amendment #12."

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Novak: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Floor Amendment #12 is a clarification of a Bill that was sponsored by Representative Bugielski dealing with alleged illegal dumping of construction debris in the City of Chicago. It answers concerns of the Illinois Manufacturers Association and other interests dealing with liability matters and I move for it's adoption."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #12 to Senate Bill 1724. Is there any discussion? Representative Persico."

Persico: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Flowers: "He indicates that he will."

Persico: "Representative, this change in Representative Bugielski's Bill, what exactly was the change?"

Novak: "It specifies only in the instances where the person is liable to, it's relegated to construction debris only."

Persico: "And how would you define construction debris?"

Novak: "How would I, how would we define construction debris. I would say concrete asphalt, any other type of building construction materials that are the result of wastes from construction sites or from sites where housing has been raised or buildings have been raised."

Persico: "And the person that is doing this dumping, what kind of fine or punishment can they receive?"

Novak: "I believe the statute points out that a certain number of hours of community service shall be performed pursuant to a judge's order."

Persico: "So, the judge has the discretion whether or not to give community service or not?"

Novak: "Yes."

Persico: "Thank you."

Speaker Flowers: "The Gentleman move for the adoption of

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Amendment #12 to Senate Bill 1724. Seeing no discussion, all those in favor say 'aye'; opposed. 'nay'. The 'ayes' have it. The Amendment's adopted. Are there any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Flowers: "Third Reading. (Senate Bill) 1730, Representative Churchill, Senate Bill 1730. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1730, the Bill's been read a second time previously. No committee Amendments. Floor Amendment #1, offered by Representative Sheehy."

Speaker Flowers: "Representative Sheehy, on Floor Amendment #1 to Senate Bill 1730. Withdraw, Mr. Clerk. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Brunsvold."

Speaker Flowers: "Representative Brunsvold, on Floor Amendment #2. Withdraw, Mr. Clerk. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Homer."

Speaker Flowers: "Representative Homer, on Floor Amendment #3."

Homer: "Thank you, Madam Speaker. Ladies and Gentlemen, this is an Amendment that I negotiated along with Representatives Sheehy and Levin with the Secretary of State's Office to codify the current administrative hearing process and procedure for due process for minors who are suspended under the provisions of the Bill. The Bill itself is the Zero Tolerance Bill for minors and I would answer any questions but the Amendment is an agreed Amendment."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #3 to Senate Bill 1730. On that is there any

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discussion? Representative Churchill, on the Amendment."

Churchill: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Flowers: "He indicates that he will."

Churchill: "Representative Homer, who are the other Sponsors of this Bill?"

Homer: "You mean the Amendment?"

Churchill: "Of the Amendment, yes, I'm sorry."

Homer: "The Amendment is sponsored, it's a Homer, Sheehy, Churchill Amendment."

Churchill: "And this only applies to the proceedings, this does not apply to the underlying Bill. In other words, your language doesn't have any of that underlying Bill in it?"

Homer: "No. We don't change the substantive part of the Bill. It just puts in some due process provisions for the administrative hearing that could be conducted if someone challenges the suspension."

Churchill: "I think those provisions are correctly placed in the Amendment and I would stand in support of the Amendment."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #3. Is there any further discussion? Representative Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Flowers: "He indicates that he will."

Lang: "Representative, this Amendment is alright with all of the people who have been calling me to say, don't put any Amendments on this Bill. This one's still okay, right?"

Homer: "This is the one they want."

Lang: "Thank you very much."

Speaker Flowers: "On the Amendment, Representative Rutherford."

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

Speaker Flowers: "He indicates that he will."

Rutherford: "Thank you. Representative, just to clarify for the

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Body that in regards to the effort or this position of public record that this would allow for the first offense to appear on the public record only during the time of suspension?"

Homer: "Right, during the term of the suspension the fact that there is a suspension will be on the public record. Once the suspension is concluded, it would come off the public record, would stay on the internal Secretary of State's record and that only is for the first offender. If it's a second offender, it remains part of the permanent record."

Rutherford: "Very good. Thank you."

Speaker Flowers: "The Gentleman move for adoption of Amendment #3 to Senate Bill 1730. Seeing no further discussion, I'm sorry. Representative Lindner, on the Amendment."

Lindner: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Flowers: "He indicates that he will."

Lindner: "Those Secretary of State records, are those available to anybody who wants to see them, those internal records?"

Homer: "Not the internal records. There are two different records that are kept. One that is available to insurance companies and others who pay a fee and apply for the record and then there is the internal record within the Secretary of State's Office."

Lindner: "And who sees that record?"

Homer: "That record is only available to the courts, the police and the Secretary of State."

Lindner: "Thank you."

Speaker Flowers: "On the Amendment, Representative Ellis Levin."

Levin: "Madam Speaker, Ladies and Gentlemen of the House, I just want to commend the Sponsor for presenting this Amendment #3. Senate Bill 1730 initially came up in the House Judiciary Committee and there were some substantial

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concerns at the time in connection with particularly the lack of due process. And Representative Homer and the Secretary of State and Representative Sheehy and others have worked very hard to come up with this compromise which I think is an excellent compromise and I think everybody needs to be commended for working together to make this, in fact, a bipartisan Bill and one that addresses the concerns, I think which needs addressed. It's a very important Bill and I would strongly encourage the adoption of Amendment #3."

Speaker Flowers: "Representative Sheehy, on the Amendment."

Sheehy: "Madam Speaker, I stand in support of this Bill as you can tell. I had a similar Bill in this House about three weeks ago, House Bill 2338. And we had some flaws in the Bill at that time during our debate. Since that time, we have corrected those flaws and this is how this Amendment came about today. And because of the bipartisan support, I ask everyone in this House to please vote 'yes' for this Bill, this Amendment. Thank you."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #3 to Senate Bill 1730. Representative Meyer."

Meyer: "Thank you, Madam Chairman. Would the Sponsor yield for a question?"

Speaker Flowers: "He indicates that he will."

Meyer: "Thank you. Representative, with this what would be the MVR that an insurance company might order show?"

Homer: "I didn't hear the question. Right, the suspension would only appear on the public record during the time the suspension was in effect for first offenders. After the termination of the suspension, it would come off the public record but of course would remain a part of the internal record of the Secretary of State. For second offenders, it

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would remain a part of the public record."

Meyer: "Would that be the same thing that is currently done for DUI's?"

Homer: "Yes, if there is a statutory summary suspension now under the DUI law, first offender records are removed from the public file after conclusion of the suspension for first offenders."

Meyer: "Thank you."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #3 to Senate Bill 1730. Seeing no further discussion, all those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it and the Amendment is adopted. Mr. Clerk, are there any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Brunsvold."

Speaker Flowers: "Representative Brunsvold, on Floor Amendment #4."

Brunsvold: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Amendment #4 addresses a problem we have in quad cities and it may be occurring at the borders in Illinois, I'm not sure. At this time, we have a car dealer in Davenport that is showing cars in Illinois at displays as advertising. The Car Dealers Association in quad cities have gone all the way to the Appellate Court with this decision and they were ruled against by the Appellate Court in Ottawa saying that this was advertising. With the Secretary of State's Office and the New Car Dealers Association, this language was developed to try to answer the question of displays, exhibit displays and exhibit trade shows. To answer that question of car dealers in out of state coming into this state and displaying their automobiles which we cannot do in their states. So, this

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language was developed in cooperation with the Secretary of State's Office and the New Car Dealers Association. Provisions also contain in here would touch on some slight regulation on Chicago Auto Show. I've talked with the Representatives from the City of Chicago last week and they didn't seem to think there was an objection to this. I have not heard official word yet but I don't think they would object to this language. I'd ask for the adoption of Amendment #4."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #4 to Senate Bill 1730. On that, Representative Biggert."

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

Speaker Flowers: "He indicates that he will."

Biggert: "Representative, there's also something new in this Bill about a fee. Could you explain the fee that has to be paid?"

Brunsvold: "There's two different fees, a \$25 fee and a \$10 fee depending on whether it's exhibition trade show or exhibition display and through the court decision we tried to generate through the legal representation from the Secretary of State's Office and from the New Car Dealers Association. Language that would be acceptable as far as defining who can do this and part of the Secretary of State's provisions in here was putting a minimal fee on displays on license dealers only. And that's where the fees came from."

Biggert: "Thank you. You said that this was agreed to by the Illinois Auto Dealers Association?"

Brunsvold: "Yes."

Biggert: "And the Secretary of State."

Brunsvold: "Yes."

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Biggert: "Thank you."

Speaker Flowers: "Representative Churchill, on the Amendment."

Churchill: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise in support of this Amendment. Representative Brunsvold is correct. He and the Secretary of State's Office have worked this out and as an accommodation to Representative Brunsvold to try and help him get something accomplished in his district. The Secretary of State has agreed to allow this Amendment to go on."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #4 to Senate Bill 1730. Seeing no further discussion, all those in favor say 'aye'; opposed, 'nay'. The 'ayes' have it. The Amendment is adopted. Is there any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Flowers: "Third Reading. On the Order of Human Services, Second Reading. We have Representative Schoenberg on Senate Bill 1165. Representative Schoenberg. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1165 has been read a second time previously. Amendment #1 was tabled in committee. Floor Amendment #2 failed, Floor Amendment #3 was withdrawn, Floor Amendment #4, offered by Representative Meyer."

Speaker Flowers: "Representative Meyer on Floor Amendment #4 to Senate Bill 1165."

Meyer: "Thank you, Madam Chairman. This Amendment amends the Public Aid Code, it provides that periods of medicaid ineligibility based on property transfers may not run concurrently unless they are required to do so by Federal Law or Regulation and really, it's a friendly Amendment. I've spoken to the sponsor of the Bill, he is an agreement

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with it. Since December of 1993, the Department of Public Aid has restricted applicants from qualifying sooner for Medicaid by making multiple transfers over several months rather than making one single transfer. And this legislation would simply codify this practice and make the state law consistent with new federal law and by making multiple transfers a period of ineligibility run concurrently and the time it takes an individual applicant to become eligible for assistance is shortened. If the periods of ineligibility are changed to run consecutively, individuals devesting the same total of dollars would be treated the same and quite frankly, fairly. I'd be happy to answer any questions."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #4 to Senate Bill 1165. On that is there any discussion? Representative Granberg, on the Amendment."

Granberg: "Will the Gentleman yield?"

Speaker Flowers: "He indicates that he will."

Granberg: "Representative Meyer, you indicated this merely codifies existing law, I believe or to allow to run concurrently with the federal law. If it is not currently the same, what are the differences between the Illinois provisions and that of the federal law?"

Meyer: "I'm sorry, I couldn't understand the question. There's quite a bit of noise down here."

Granberg: "What are the differences between our current Illinois Law and that of the federal government?"

Meyer: "Well, Representative, basically what this law does is where the federal government allows for concurrent disposition of property then the federal law would be honored. This just basically would prevent people from devesting their property over a shorter period of time.

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Let me give you an example. If a person today was going to transfer \$30,000 of property and they were going to enter a nursing home and the average costs of staying in a nursing home in the state is \$3,000 a month and they divested \$30,000 worth of their assets, they would be ineligible from receiving medicaid payments for ten months or \$3,000 divided into that \$30,000 divestiture. However, there is a way of doing this today that would allow the person divesting the \$30,000 to do it over a different period of time. Say for instance, the first month, they would divest \$12,000 and that would give them the \$3,000 divided into \$12,000 which would give them four months of ineligibility. The second month, they divest \$9,000, divide that \$3,000 into the \$9,000 divestiture gives them three months of ineligibility but it runs concurrent. The third month, they would divest \$6,000 it would give them two months of ineligibility and the third month, they divest the last \$3,000 which is one month. All told, they've invested the same amount of money, the \$30,000 but they've been ineligible for medicaid payments for only four months as opposed to if that ran consecutively, they would be ineligible for ten months. In all fairness to those people that have to pay and all fairness to the medicaid system, that, in fact, should take place consecutively as opposed to concurrently and that's what this Amendment will do."

Granberg: "Representative, just for clarification, what is the current law in Illinois now? The current law, I believe now requires that you cannot transfer assets out of the estate or out your personal name in order to apply for medicaid for nursing home payments. Is that correct?"

Meyer: "You cannot transfer assets? I believe that you can transfer assets today but it makes you ineligible to

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receive medicaid payments until it...and it goes back I think three years but you can transfer and it makes you eligible, ineligible..."

Granberg: "What is the current law, Representative. That's what I'm asking. And how this differs with it. The current law prohibits transfers in an attempt to get on medicaid within a certain time period before you apply. You cannot transfer assets out of your name in order to get medicaid within a certain time period. So, hypothetically if you have a couple and they anticipate that one of the spouses is going to be placed in a nursing home, they cannot transfer assets out of their name within a certain time period up until they applied for that public aid. Now, do you know that time period?"

Meyer: "I believe it's three years. Do you know it?"

Granberg: "I think it's thirty months. Does this, now does your Amendment lengthen that period?"

Meyer: "This Amendment deals with the earning off of that amount of money that is transferred before you become eligible for the medicaid payment. Again, the example that I used in one instance, you're still...In both instances you are transferring \$30,000 but in one instance you would be ineligible for ten months before you could start to receive medicaid payments with the second example where we are talking about running off concurrently..."

Granberg: "Let me give you an example and see if you can..."

Meyer: "Well, we've reduced that down to four months."

Granberg: "Let me give you an example. You have an older lady, she has five children. Her estate, her potential estate would be worth a \$150,000 and that consists of a domicile and some personal property. Her children and her intent is to transfer her potential estate to her children so her

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kids can have the benefits of her and her deceased husband's livelihood. So, she transfers the assets, her assets out of her name to the house to her children within thirty months of applying for medicaid for the nursing home. Now, take that example and how would this impact that?"

Meyer: "I don't think we're changing that at all. That's not the intent. What we're doing is using...and again going back to that example and I've tried to make an example here that is easy for all of us to understand. If you're transferring \$30,000 and the average costs of nursing home care in the state is \$3,000 a month..."

Granberg: "If you're transferring \$30,000, within what time period. Within the thirty months or does that matter?"

Meyer: "If it's within the 30 months you're still ineligible. We're not doing anything with that previous period of time that..."

Granberg: "So, this is before the thirty months?"

Meyer: "It just doesn't have anything to do with that, Representative, I don't believe."

Granberg: "But if it's a limitation on the transfer of assets."

Meyer: "Today, if you divest that money over a period of time and you can be eligible for medicaid payments within three months if you use the example that I just used. However, if you treated it..."

Granberg: "I'm sorry, under the current law you are saying that I can divest \$30,000 and apply for medicaid?"

Meyer: "Within a four month period if you break it up and divest it the way that I described in the example. However, if you divested it in one, in one chunk, you'd be ineligible for ten months. In other words, you're getting at the medicaid funding, six months prior to what you would if you

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would have devested it one piece..."

Granberg: "So, this is not a limitation on your ability to transfer assets?"

Meyer: "We're treating everybody fairly and the same."

Granberg: "What, is this a limitation on your ability to transfer assets?"

Meyer: "No."

Granberg: "This does not limit any person's ability to transfer assets?"

Meyer: "You can transfer it. It's how your treated on the other side, how quickly you become eligible for medicaid."

Granberg: "Yeah, but if you do it you'd be penalized."

Meyer: "Wait a second, I'm..."

Granberg: "If you do it you would be penalized."

Meyer: "You would not be penalized, you'd be treated the same as everyone else."

Granberg: "But as, in contrast..."

Meyer: "In both cases, you have \$30,000 worth of assets that you are transferring. One makes you eligible, one allows you to be eligible...to receive medicaid within a four month period of time, transferring the \$30,000. The other makes you eligible at the end of a ten month time. It's a loophole. If you have a good lawyer, you can take advantage of it."

Granberg: "So, this would penalize you as opposed to the current law?"

Meyer: "Basically, Representative, it's a lump sum versus an installment distribution of it."

Granberg: "Representative, I couldn't hear you."

Meyer: "This is recommended by the auditor general."

Granberg: "Now, that's not the question. This would change it under the current law and a person who wanted to transfer

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that \$30,000 would be treated differently than the person under the current law."

Meyer: "Under the current law they are not being treated the same. This does require that everyone be treated the same..."

Granberg: "Under current law they are not treated the same, correct?"

Meyer: "Well, because they're allowed to do that if they so choose..."

Granberg: "That's the point. Under the current law they are not treated the same. Under your Amendment they would be penalized."

Meyer: "They would be treated the same, not penalized. They would be treated the same."

Granberg: "They would be penalized..."

Meyer: "Are you suggesting that we should be able to devest funds any way that you want so that we can take advantage of the system?"

Granberg: "Representative, I'm just asking you what the current..."

Meyer: "I'm asking you, is that what your...I'm trying to get at the gut work of what you're suggesting, Representative."

Granberg: "No, I do not want to suggest they...parents can't transfer assets to their kids and they would be penalized for it. Under the current law you have restrictions on the transfer of property. You are trying to make it more restrictive under your Amendment."

Meyer: "No, what I'm trying to do is to make it fair."

Granberg: "Well, does that equate too restrictive?"

Meyer: "It equates that the people with the same amount of assets should be treated the same in the way it's distributed."

Granberg: "Is this, are you making the law more restrictive on

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the ability to transfer assets?"

Meyer: "What I'm doing is making it fair for everybody. I think I've answered the question. Madam Speaker."

Granberg: "Representative, does this apply to the ten month four month period or does this apply to the family farm or does this apply to the small business?"

Meyer: "It applies to the divestiture of assets under the current law."

Granberg: "So, this would apply to all assets?"

Meyer: "What ever the current law applies to applies to that also, Representative."

Granberg: "So, again this would restrict the family members from the transfer of assets?"

Meyer: "No different than today."

Granberg: "Thank you."

Meyer: "Everything is being treated the same as today in the terms of assets, Representative. It's just that it makes it fair and it treats everybody the same."

Granberg: "Alright. Thank you, Representative. Madam Speaker, to the Amendment, I rise in opposition. Under the current law our families, our mothers and our fathers can transfer assets in certain limited circumstances. This would make this more restrictive on the transfer of those assets. The people have worked all their lives to save money for their children. This would simply allow that, it would put obstacles in the way of doing that. The current law today is fair enough. We do not need to make it more restrictive. I understand the Gentleman's intentions but this is not the time, this is not the place to do that to these families."

Speaker Flowers: "Representative Sheehy, on the Amendment."

Sheehy: "Madam Speaker, will the Sponsor yield a question?"

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Speaker Flowers: "He indicates that he will."

Sheehy: "Representative Meyer, does this have anything to do with the Illinois Partnership Act that was enacted in 1991?"

Meyer: "I'm sorry, I can't hear."

Sheehy: "Does this have anything to do with Illinois Partnership Act that was enacted in 1991 but has never been implemented?"

Meyer: "Well, Representative, did you say the Illinois Partnership Act?"

Sheehy: "Long term care part."

Meyer: "Long Term Care Partnership Act?"

Sheehy: "It's where they diversified their assets."

Meyer: "What it has to do with is determining the period of time in which you're eligible to participate in Medicaid. For those that should be on Medicaid because there's a need for that to be considered on long term care, I think that we all support that. This would make sure that everyone is treated fairly in terms of divesting properties and eligibility for that Medicaid Act."

Sheehy: "So, this is basically the same thing, Representative, is that what you're saying?"

Meyer: "No, I didn't say that. I don't see how you could construe what I said as being the same thing, Representative."

Sheehy: "Well, all that Act actually does is keep people from diverting their assets so they can't apply for Medicaid in the future and your Amendment seems to be the same thing."

Meyer: "Well, this Amendment deals with eligibility for Medicaid payments, one of divesting property and it treats...it brings everything together so that everyone is treated the same."

Sheehy: "Thank you."

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Speaker Flowers: "Representative Black, on the Amendment."

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

Speaker Flowers: "He indicates that he will."

Black: "Representative, when all is said and done, isn't your Amendment aimed at the practice that all of us have heard, dumping assets so you can go on Medicaid much faster. Isn't that what you're trying to prevent?"

Meyer: "What we're attempting to do here is to make sure that everyone that is divesting money has an opportunity to do so but when they do choose to divest their money that they are treated the same whether they divested \$30,000 over a ten month period of time or a four month period of time or if they do it in one full swoop."

Black: "Well, in other words and I don't mean to be disrespectful to any profession or any group, there are some people who are able to transfer assets much more quickly and more easily depending on the quality of their attorney. Wouldn't that be correct?"

Meyer: "I think that's a fair assumption to make, yeah."

Black: "That's, you know...and I don't think, contrary to my colleague to my right, we're not casting any aspersions or stones at any group but we know for a fact that people are dumping assets to go on Medicaid. We also know, I think, what Medicaid is costing us. So, the bottom line is I don't see anything wrong with your Amendment. I simply would rise to support it. I think you're on the right track. You're asking that just because somebody might be able to afford a little better legal or accounting advice that they shouldn't be treated any differently than the intent of the original law. You should not be allowed to accelerate the divestiture of your assets so that you can

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go on Medicaid. That's it, right?"

Meyer: "That's a pretty good description there."

Black: "I think it's a great idea and I don't know all of the arguments to the contrary but everybody has said that we need to tighten up, fraud may be too strong of a word in this case, but I think it could be used in some cases if we're going to stop this phenomenal increase in our Medicaid costs then we have to see that assets are handled across the board in a fair and equitable manor. And so that somebody who could well afford to pay their nursing home Bill does not end up with Medicaid at the end of two or three months. I think you've got a fine Amendment here."

Meyer: "Thank you."

Speaker Flowers: "Representative McPike, on the Amendment."

McPike: "Thank you, Madam Speaker. I rise in opposition to this Amendment. I've never talked to someone about...I think it would be very unusual if you went to someone and asked them where they, how they received ownership of the family farm and they said, well, it's dumping assets. If you ask them where they inherited the family business, they say, it's dumping assets. This Amendment makes it very difficult or a lot more difficult than what it is today to transfer assets to your children. So, if you want to vote against Ma and Pa who worked all their life to build up their farm and leave the farm to the kids. If you want to hurt that farmer, if you want to make it more difficult on a farmer to leave his farm to his children then vote 'yes'. If you happen to live in a suburban area where there are not a lot of farms and you want it more difficult for entrepreneurs who have worked all their life to build up their small business and would like to leave that small business to

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their children so that they can enjoy the same type of work that their father and mother did, if you want to hurt that entrepreneur then vote 'yes' for this Amendment. That's what this Amendment is, it's anti-farmer, it's anti-middle class, it's anti-entrepreneur. This is a bad Amendment and I think you should vote 'no'."

Speaker Flowers: "Representative Edley, on the Amendment."

Edley: "Thank you Madam Speaker, Ladies and Gentlemen of the General Assembly. I rise in support of this Amendment. We're facing a Medicaid hole that's approaching well over \$2 billion. We can't afford to provide public aid to the middle-class. This Amendment would reduce the abuse that we currently have in public aid in many of our programs. This Amendment is simply a technical change so people could not stagger out their transfer of assets and circumvent the current federal regulations. I support this Amendment. I think these are exactly the kind of things that we have to do if we're ever going to get control of the Medicaid budget. I only think it should have been done two or three years ago. Unfortunately, the Governor is setting on his hands and I don't see any of his lesions of liasons working to support this as they should be."

Speaker Flowers: "Representative Krause, on the Amendment."

Krause: "Thank you, Speaker. Very briefly, if I may immediately go to the Amendment, I rise in support of the Sponsor's Amendment because what is being done here is an attempt to really treat people equally and to treat them fairly and that is all that is being done here. I think it is needed. The goal should never be as that to try to have a lawyer to try to get around the provisions of the Public Aid Code. This treats everyone the same. It is needed and I urge the adoption of the Amendment."

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Speaker Flowers: "Representative Lawfer, on the Amendment."

Lawfer: "Thank you, Madam Chairman. Ladies and Gentlemen of the House, this Bill is going to be very hard on the younger generation. Unless we pass this Bill, the younger generation is going to be saddled with the increased costs that we are now incurring in Medicaid. I urge a 'yes' vote on this Amendment."

Speaker Flowers: "Representative Wennlund, on the Amendment."

Wennlund: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, it's not too often Representative Edley and I agree on too many things but he's right on this Bill. He knows, working with appropriations, the Medicaid budget has doubled in the last three years. The only way we're going to be able to trim it down is to get tough on these people who transfer their assets merely to get on public aid quicker. Now, I'm really kind of hardened by Representative McPike's concern over the farmers in his district. Last count I had, he didn't have any farmers in his district. But, I'm glad he's concerned about the farmers in the rest of the state, even the ratite farmers maybe. But if you want to do something about cleaning up welfare cheats and cleaning up those who ship their assets to their kids so they can go on the taxpayers roles earlier. This is a good Amendment and pursuant to Rule 55(c) and I'm joined by five of my colleagues over here, I request a record vote. Thank you, Madam Speaker."

Speaker Flowers: "Representative Hughes on the Amendment."

Hughes: "Thank you, Madam Speaker. To the Amendment, I do farm. We have a family business, we've been farming for four, five, six generations and part of our responsibility is to help plan for the future to transfer that land and business to our children. But it also means to plan for ourselves

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first and I think what this Bill has addressed that. It says, plan for your future first. Keep your assets for your future. Your children have a lifetime to earn for themselves and I think our first obligation is to take care of ourselves, not to go on the public role. So our children can benefit from our fruit, let them work for theirs. There are ways to transfer businesses and assets. This Bill isn't going to jeopardize that. This Bill is going to say, we have an obligation to take care of ourselves first before the public takes care of us."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #4 to Senate Bill 1165. Representative Meyer to close on the Amendment."

Meyer: "Thank you, Madam Chairman. Again, I'd like to remind the Chair that I would like a roll call also and I think they've agreed to that. Ladies and Gentlemen of the House, I think this is a good Amendment. It does allow for people to be treated fairly and the same. It will help us in terms of the moneys that are expended for Medicaid in this state and make sure that those that can afford to pay for their own care do pay for that at the time that one needs to use Medicaid that their will be moneys available for those who are truly in need for that reason also. I ask for a favorable vote. Thank you."

Speaker Flowers: "The Gentleman moved for the adoption of Amendment #4 to Senate Bill 1165. All those in favor vote 'aye'; opposed vote 'no'. Voting is now open. Representative Schoenberg, you have one minute to explain your vote."

Schoenberg: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Sponsor of the Amendment was indeed correct and if you look at the figures provided by the Economical

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and Fiscal Commission, we in Illinois do spend more on long term care Medicaid funding by far over the national average and the Gentleman is correct that this is one of several remedies that we should be considering in order to do something about that problem."

Speaker Flowers: "Representative Currie, you have one minute to explain your vote."

Currie: "Thank you, Speaker and Members of the House. We're not talking here about major sums of wealth, we're talking about people, working class people who have very limited assets, very limited opportunity to pay their own bills in nursing home care. The effect of this Amendment is to say that they will spend a longer time unable to get that care because the state will not come in to pick up the tab. We're not talking about millionaires, we're not talking about affluent suburbanites in metropolitan Chicago. We're talking about ordinary folks who don't have what it takes in order to make sure that one spouse can stay in the community and the other can pay for full price care in a state nursing home. Who do you think this Amendment is about? This Amendment's about real people, ordinary people, people who are not rich, people who are not affluent. Instead of three months before they can go into that home, instead of three months, this Amendment says six months, nine months, a year, eighteen months. By definition these are people who need care. They need institutional care and they can't afford to pay for it by themselves. The only responsible way to ensure they get that care, Members of this House, is to vote 'no' on this Amendment."

Speaker Flowers: "Representative Wojcik to explain your vote."

Wojcik: "I would like to explain my vote. I think what we're

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talking about here is that single person who has gone through this spousal impoverishment has lost their spouse, has gone down to the \$65,000 and maybe spend some more money down to maybe \$30,000 and now they're seeking a level of dignity. All they have left is a little bit of pride and their children and maybe they want just a little bit to go to their children instead of seeing everything going down the drain. This is a good Bill, this is a Bill probably for a lot of the widows who are out there who are losing their dignity and they're losing all of their valuable dollars. I think we should see more green votes and help that single person who is looking for an element of dignity."

Speaker Flowers: "Have all voted? Have all voted? The Clerk, shall take the record. On this Amendment there's 80 voting 'aye', 32 voting 'no'. The Amendment is adopted. Are there any further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #5, offered by Representative Krause."

Speaker Flowers: "Representative Krause on Amendment #5."

Krause: "Thank you, Speaker. This Amendment also amends the Public Aid Code and again it refers to property transfers that are made in order to determine eligibility for public aid. The attempt of this Amendment which has been suggested by the Auditor General is to be consistent in uniform again with the standards to determine eligibility. The Amendment just basically lays out three items that the department should apply in determining the eligibility for the thirty months. It also provides that the department shall place on the applicant, the burden of proofing that a transfer within thirty months preceding the application for aid was made for reasons other than to qualify for or to

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increase the need for aid and I move for the adoption of the Amendment."

Speaker Flowers: "The Lady move for the adoption of Amendment #5 to Senate Bill 1165. Seeing no discussion, all those in favor say 'aye'; opposed, 'no'. The Amendment is adopted. Mr. Clerk, is there any further Amendments?"

Clerk McLennand: "Floor Amendment #6, offered by Representative Krause."

Speaker Flowers: "Representative Krause on Amendment #6."

Krause: "Thank you, Speaker. Again, the Amendment #6 also amends the Public Aid Code. What this Amendment does to us is to allow DCFS to maximize funds back to the State of Illinois. The Amendment provides that 20% of the funds received under the Federal Emergency Assistance would be placed in the DCFS children service fund. Eighty percent would be placed in GRF. The funds are funds that are reimbursed under the Federal Emergency Assistance program. GRF, under this would gain an additional \$21.6 million and I again move for the adoption of the Amendment."

Speaker Flowers: "The Lady moves for the adoption of Amendment #6 to Senate Bill 1165. Seeing no discussion, all those in favor say 'aye'; opposed, 'no'. The 'ayes' have it, the Amendment's adopted. Mr. Clerk, are there any further Amendments?"

Clerk McLennand: "Floor Amendment #7, offered by Representative Krause."

Speaker Flowers: "Representative Krause on Floor Amendment #7."

Krause: "Thank you, Speaker. Amendment #7 provides for and requires an annual COLA adjustment for the Department of Mental and Developmental Disabilities grants and contracts with the local community agencies. This was former House Bill 3907. It is needed because it does provide finally

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for the COLA increases for these community agencies that provide in the area of mental health and again, I move for the adoption of this Amendment."

Speaker Flowers: "The Lady moves for the adoption of Floor Amendment #7 to Senate Bill 1165. On that, is there any discussion? The Lady moves for the adoption of Amendment #7 to Senate Bill 1165. On that, is there any discussion? Representative Granberg."

Granberg: "Thank you, Madam Speaker. We're looking at the Amendment and the underlying Bill. I would ask the parliamentarian to review Amendment #7 to see whether it is germane."

Speaker Flowers: "Representative Granberg, your point is well taken. The Bill deals with Public Aid and Human Services. The Amendment addresses wage increases for employees of the Department of Mental Health. Representative Black on the Amendment."

Black: "Yes, I've had an inquiry of the Chair on that ruling. Could I ask you a question? You said the underlying Bill dealt with the Public Aid Code, correct?"

Speaker Flowers: "Correct."

Black: "The Amendment deals primarily with community assistance. I'm sorry..."

Speaker Flowers: "Public Aid and Human Services."

Black: "Public Aid and Human Services."

Speaker Flowers: "Yes."

Black: "And the Amendment deals with DMH and DD, isn't that Human Services?"

Speaker Flowers: "It deals with wage increase for mental health workers."

Black: "I thought it would be very similar to the previous Amendment dealing with Medicaid issues and things of that

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sort. Same general subject matter."

Speaker Flowers: "Further Amendments, Mr. Clerk."

Clerk McLennand: "Floor Amendment #8, offered by Representative Wyvetter Younge."

Speaker Flowers: "Representative Wyvetter Younge on Floor Amendment #8."

Younge, W.: "Thank you, Madam Speaker. House Amendment #8 to Senate Bill 1165 would extend earnfare permissibly for the Illinois Department of Public Aid an additional three months. In a situation in which there is a job and a situation in which the employee is well thought of by the place of employment. This Amendment basically has been drafted by the Illinois Department of Public Aid and the Senate Sponsor of the Bill has agreed to the Amendment. I move for the adoption of the Amendment."

Speaker Flowers: "The Lady moves for the adoption of Amendment #8 to Senate Bill 1165. On that, is there any discussion? Seeing none all those in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Amendment's adopted. Are there any further Amendments, Mr. Clerk? Representative Black, you have your light on."

Black: "Oh, only for about the last two minutes. I was going to ask the Sponsor a question on 8 but that's okay. You've already left 8 and it's attached to the Bill, it's an outstanding Amendment. We'll come back to 8 later."

Speaker Flowers: "Thank you, Representative Black. Mr. Clerk, are there any further Amendments?"

Clerk McLennand: "Floor Amendment #9, offered by Representative Granberg."

Speaker Flowers: "Representative Granberg on Floor Amendment #9."

Granberg: "Thank you, Madam Speaker. I don't want to increase Representative Black's blockage. So, because we ruled the

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previous Amendment non-germane, I withdraw Amendment #9."

Speaker Flowers: "Withdraw Amendment #9, Mr. Clerk. Are there any further Amendments?"

Clerk McLennand: "Floor Amendment #10, offered by Representative Schoenberg."

Speaker Flowers: "Representative Schoenberg on Floor Amendment #10."

Schoenberg: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. First I'd like to thank the Chair for pronouncing my name correctly. You were obviously reading it off the board where it was spelled fanatically. Floor Amendment #10 is the Elder Care Savings Bond Act, the Elder Care Savings Bond Act. This is almost identical to the measure which we passed overwhelmingly with Representative Ryder's sponsorship. The only exception is that with...at the request of the Department of Public Health which was to be administering the grant program. The grant program which is a component of the Elder Care or the Harry and Louise Bonds is administered through the Treasurer. The Department of Public Health supports this. This was formally part of House Bill 1 which was also Co-Sponsored by myself and Representative Weller. I'd be happy to answer any questions and I urge your affirmative support."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #10, to Senate Bill 1165. Seeing no discussion, all those in favor say 'aye'; opposed. 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #11, offered by Representative Weller."

Speaker Flowers: "Representative Weller on Floor Amendment #11. Withdraw, Mr. Clerk. Are there any further Amendments?"

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Clerk McLennand: "Floor Amendment #12, offered by Representative Weller."

Speaker Flowers: "Representative Weller on Floor Amendment #12."

Weller: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Amendment #12 contains two provisions which have received a strong bipartisan support, both the House, the Senate and also in the House Health Care Committee. The Amendment #12 contains legislation which creates the medical care savings account, a legislation which has passed this House overwhelmingly with strong bipartisan support. It also contains a tax deduction for taxpayers, self-employed taxpayers, similar to that currently enjoyed by corporations. This language is basically identical to language which passed the House Health Care Committee 28 to 1, I believe, earlier this Spring is similar to language which passed the House without opposition. I know of no opposition. I have discussed it with the Sponsor of the Bill we're amending this language on. He supports this Amendment and I'd be happy to answer any questions but I ask for your support in the adoption of the Amendment."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #12, to Senate Bill 1165. Seeing no discussion, all those in...Representative Granberg on the Amendment."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Flowers: "He indicates that he will."

Granberg: "Representative Weller, was this our similar legislation. Did that go through the Health Care Committee?"

Weller: "Can you repeat your question? I can't hear you."

Granberg: "Did something similar to this go through the Health Care Committee? I believe you and Representative McAfee had similar ideas that went through Representative Phelps

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committee."

Weller: "This legislation, there is a similar Bill, House Bill 1 which passed the House Health Care Committee with the medical care savings accounts language in it. There are a number of other Bills similar to this in which I have been working with those Sponsors to help pass this initiative in the law. Has strong bipartisan support. In fact, a Resolution endorsing this type of legislation was sponsored by the Speaker last year and it was endorsed by the entire House unanimously."

Granberg: "It was my understanding that you might have had a Bill in the Health Care Committee that was a mirror of this. That's why I did not know."

Weller: "That this language is very similar to House Bill 1 which is a Bill I had in Health Care Committee and which passed the House Health Care Committee 28 to 1."

Granberg: "Okay..."

Weller: "...And Representative Schoenberg was a Co-Sponsor with me of the Bill."

Granberg: "Alright, thank you."

Weller: "Thank you, Representative."

Speaker Flowers: "The Gentleman move for the adoption of Amendment #12, to Senate Bill 1165. Seeing no further discussion, all those in favor say 'aye'; opposed, 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments."

Speaker Flowers: "Third Reading. Representative Shirley Jones, for what reason do you rise?"

Jones, S.: "(Foreign Language)."

Speaker Flowers: "Pardon me, Representative Jones? Representative Black. Representative Black, for what

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reason do you rise?"

Black: "Yes, I rise on behalf of many of us who are sitting out here hungry and impatient. The Board just went off, we seem to have an electrical failure. We're not getting any direction from the Chair. Nothing, nothing against you, Madam Speaker. It certainly isn't personal but we haven't had a whole lot of direction all year, but that's another story. What are we doing? Are we adjourning?"

Speaker Flowers: "Representative Black, we're thinking about it."

Black: "What?"

Speaker Flowers: "We're thinking about it."

Black: "Well, if nothing else heaven for bid that we could possibly go to the Order of Appropriations. That would be fun."

Speaker Flowers: "We've done that already, Representative Black."

Black: "Not a whole lot."

Speaker Flowers: "Just a little."

Black: "But see on the Order of Appropriations, I can usually leave the Floor. So, if we could go, I recognize my good friend and number cruncher up there, Representative Ryder. So I just assumed maybe we were getting ready to go to the Order of Appropriations so I could go back and rest."

Speaker Flowers: "We're at ease for a moment."

Black: "Okay, I have some Senate Bills you can call while we're at ease."

Speaker Flowers: "No thank you, Representative Black."

Black: "Oh thank you, alright."

Speaker Flowers: "Representative Monroe Flinn, for what reason do you rise?"

Flinn: "Well, Madam Speaker, it's obvious that this was going to happen some time. When we had the Skinner Amendment which we lasted 45 minutes on, if you had anything that long that

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lasts for you, you'd burn out too. I think it looks like a picture tube to me."

Speaker Flowers: "We agree with you, Representative Monroe Flinn. The House is preparing to adjourn until 12:00 noon tomorrow. Yes, right now, we are preparing. Agreed Resolutions, Mr. Clerk."

Clerk McLennand: "House Resolution 2850, offered by Representative Novak; House Resolution 2861, offered by Representative Younge; House Resolution 2878, offered by Representative McAfee; House Resolution 2880, offered by Representative Rutherford; House Resolution 2881, offered by Representative Andrea Moore; House Resolution 2882, offered by Representative Zickus; House Resolution 2884, offered by Representative Parke; House Resolution 2885, offered by Representative Parke; House Resolution 2886, offered by Representative Tim Johnson; House Resolution 2887, offered by Representative Tim Johnson; House Resolution 2888, offered by Representative Tim Johnson; House Resolution 2889, offered by Representative Tim Johnson; House Resolution 2890, offered by Representative Tim Johnson; House Resolution 2891, offered by Representative Tim Johnson; House Resolution 2892, offered by Representative Tim Johnson; House Resolution 2893, offered by Representative Tim Johnson; House Resolution 2894, offered by Representative McAfee; House Resolution 2895, offered by Representative McAfee; House Resolution 2896, offered by Representative Giglio; House Resolution 2898, offered by Representative Black; House Resolution 2899, offered by Representative Schakowsky; House Resolution 2900, offered by Representative Curran; House Resolution 2901, offered by Representative Cowlshaw; House Resolution 2902, offered by Representative Andrea Moore;

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House Resolution 2903, offered by Representative Weller;
House Resolution 2904, offered by Representative Lou Jones;
House Resolution 2905, offered by Representative Kubik;
House Resolution 2906, offered by Representative Clayton;
House Resolution 2907, offered by Representative Younge."

Speaker Flowers: "Granberg moves for the adoption of the Agreed Resolutions. All those in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Resolutions are adopted. Death Resolutions, Mr. Clerk."

Clerk McLennand: "House Resolution 2879, offered by Representative Woolard, with respect to the memory of Caroline Serati. And House Resolution 2897, offered by Representative Black, with respect to the memory of Sarah Ann Ault."

Speaker Flowers: "Representative Granberg move for the adoptions of the Death Resolutions. All those in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Resolutions are adopted. General Resolutions."

Clerk McLennand: "House Resolution 2883, offered by Representative Ostenburg."

Speaker Flowers: "Committee on Assignments. Representative Lang, Representative Lang for announcements."

Lang: "The House Judiciary Committee will be continuing it's exploration of Pate Philips Riverboat Bill tomorrow morning at 9:00 a.m. in Room 118."

Speaker Flowers: "Representative Currie for what reason do you rise? Representative Currie."

Currie: "Just to announce that the Medicaid Task Force hearing is scheduled for 5:00 p.m. tomorrow, Wednesday in Room 114 in the Capitol Building. Everyone..."

Speaker Flowers: "The House now stands adjourned until 12:00 noon tomorrow allowing for perfunctory time. Representative

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Granberg moves that the House now stand adjourned until 12:00 noon tomorrow. All those in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The House now stands adjourned."

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