

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Crawford: "We bow our heads and lift our hearts. Most sovereign and almighty, most gracious God, our heavenly Creator, who has dominion over life and death, grant to us the grace to remember with love and reverence that we are to go forth in peace, with courage, holding fast to that which is good. Father, rendering to no one evil for evil, but help us and strengthen us to strengthen the fainthearted, to support the weak, to help the afflicted, and to honor all people, loving and serving them in the same love and spirit in which You have loved us. This we pray. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Chuck Hartke."

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

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Flower (sic-Flowers) and Morrow are excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show, also, that Representative Eileen Lyons is excused, and also, Representative Terry Parke."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Speaker Madigan: "Mr. Clerk, take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports."

Speaker Madigan: "Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure was referred, action taken on November 16, 2000, reported the same back with the following recommendations: 'approved for consideration' House Amendment #1 to House Bill 4738. A Message from the Senate. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has passed a Bill of the following title, and the passage of which I'm instructed to ask the concurrence of the House of Representatives, to wit: Senate Bill 1975.'"

Speaker Madigan: "On page 3 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 851. Mr. Harold Murphy. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 851 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Granberg, has been approved for consideration."

Speaker Madigan: "Mr. Granberg on the Amendment. Mr. Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 encompasses the Agreed Bill between the Illinois Municipal League and the Federation of Police, for all the downstate police. It is comparable and packaged to the downstate firefighters' agreement which we reached a year ago. It makes the provisions retroactive, so it takes effect at the same time as the downstate fire. Again, this is an Agreed Bill between the Municipal League

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

and the downstate police. They negotiated in good faith over the summer. They arrived at a successful conclusion during these negotiations. And I would ask for your support."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Is there any discussion? The Chair recognizes Mr. Black."

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

Speaker Hartke: "The Sponsor yields."

Black: "Representative, I do appreciate the work you've done on this over the summer. I'm still trying to read the Amendment, so for the record, just let me ask you. There are no other pension provisions in this Bill. It is your intent and the Bill is currently in the form where it only deals with the downstate police pension fund. Is that correct?"

Granberg: "Absolutely, Mr. Black. You are correct as you always are. It only affects the downstate police pension provisions. There are no other pension items on this Amendment."

Black: "And it would be your intent that it stay in that form?"

Granberg: "Yes."

Black: "Thank you very much."

Speaker Madigan: "Representative Cowlshaw."

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

Speaker Madigan: "The Sponsor yields."

Cowlshaw: "Just two quick questions. What is included in the downstate police? Are any of those individuals who would be eligible for these pensions living in areas in Northeastern Illinois?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Granberg: "As defined, Representative, it is the downstate police system. So you say Northeastern, I'm not quite sure where you mean. Obviously, it would not be Cook County, or Chicago."

Cowlshaw: "Is it all counties other than Cook?"

Granberg: "It would be every municipality outside of Cook."

Cowlshaw: "Very good. That's the first question. The second is, I apologize for this but it is a little noisy, and I was trying to listen to what you said. Did you say that the provisions of this Amendment are retroactive?"

Granberg: "Yes. We made it retroactive to last year to coincide with the benefit package the downstate firefighters received. The Illinois Municipal League agreed with this. Everything is agreed."

Cowlshaw: "Well, Representative, I... it very well may be that this is not a relevant issue but I believe that the Constitution of the State of Illinois prohibits the Legislature from ever passing anything that is retroactive except taxes. We can make taxes retroactive but nothing else. Have you asked someone who is an expert in constitutional law, and the interpretation thereof as to whether this is likely to be challenged in court on the basis that it is unconstitutional?"

Granberg: "It was the agreement, Representative, that this was not a constitutional issue. That, in fact, this could take place. They do not anticipate any challenges."

Cowlshaw: "Very good. I just wanted to make sure that that issue had been addressed. Thank you very much for your answers. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Johnson, Tom: "Representative Granberg, I haven't had a chance to really look at this, but does this Bill... does this contain any provisions in here for military buyback for the police?"

Granberg: "Mr. Johnson, Representative Black asked the question if there were any other provisions. This affects downstate police only. There are no other provisions affecting any other groups. That is not included."

Johnson, Tom: "Okay. Was there any discussion of military buyback, or do you know if there's any trailer Bills or not, or why that was not included?"

Granberg: "Representative Johnson, negotiations we conducted that was not a subject of these negotiations. That would be something that might be included, potentially, in an omnibus pension Bill, or some other pension package."

Johnson, Tom: "Okay. Thank you."

Speaker Madigan: "Mr. Hoeft."

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

Speaker Madigan: "Sponsor yields."

Hoeft: "As the Republican Chairman of the House Pension Committee, I know it's been a struggle for a long time trying to get equity between the police and the firemen and I compliment you for the work you've done. Basically, this brings the firemen and the policemen in unity except for the policemen have to pay slightly more because of some cost factors. Is that not correct?"

Granberg: "Yes, that's correct."

Hoeft: "I'd like my colleagues on the Republican side to remember last year we struggled to get this equity. This is a bipartisan effort. The Municipal League has worked with it, and I would ask that all my colleagues think through the fact that this ought to be a bipartisan vote to bring

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

equity from the police and the firemen, those that protect our communities. We should come back and have that same balance between these two groups. And I'd urge the Republican side to vote 'yes'."

Madigan: "Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Floor Amendment #2 to Senate Bill 851. As you remember, this spring this was an issue that this side of the aisle we were very assertive in terms of how important it was as far as downstate police are concerned. And certainly, a salute to Representative Granberg in his efforts to get this accomplished as well. And it really is a bipartisan issue, and one that is a case of fairness as far as our downstate police are concerned. Want to take an opportunity to thank the Policemen Benevolent Protective Association as well as the FOP in terms of their ability to work together with the Municipal League to negotiate this agreement which is fair to both sides of the issue. And certainly, it is one that has been needed for a long time and I'm glad to see it happening today in the General Assembly."

Speaker Madigan: "Mr. Granberg to close."

Granberg: "Thank you, Mr. Speaker. Thank you, Representative Tenhouse and the Members of the other side of the aisle. Again, this is a bipartisan measure. I just want to thank the Members on that side of the aisle, Speaker Madigan, Representative Murphy and Representative Smith for their... the great deal of assistance they rendered in this matter. This cuts across party lines. It's about bringing equity to downstate police. It's agreed, and I would appreciate your support."

Speaker Madigan: "The question is on the Amendment. Those in

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 851, a Bill for an Act amending the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Harold Murphy."

Murphy: "Thank you, Mr. Speaker. The Amendment becomes the Bill. We thoroughly discussed that, previously, so I would like a favorable vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. This is Third Reading. Please record yourself. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, on the Order of Senate Bills-Third Reading, there appears Senate Bill 1047. Mr. McKeon. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "Senate Bill 1047, a Bill for an Act amending the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. Senate Bill 1047 has been amended with House Amendment #1 which changes the higher formula computation for SERS accrued employees rule 85 and contribution rate increases for alternative formula employees. I'll gladly answer any questions from Members of the House."

Speaker Madigan: "Mr. Poe."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Poe: "Mr. Speaker, I would like to ask the Chair to entertain a Motion to move this Bill back to Second for an Amendment?"

Speaker Madigan: "Mr. McKeon, it's your Bill."

McKeon: "It's not my desire, Mr. Speaker, to place any other Amendments on the Bill."

Speaker Madigan: "I think the answer's no."

Poe: "Thank you."

Speaker Madigan: "Thank you. Is there any discussion on the Bill? There being no discussion on the Bill, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'. Mr. Black."

Black: "Mr. Speaker, I can't get the Bill to come up on my system. Could you hold off just a second, please? All right, there it is. Thank you very much, Mr. Speaker. I've read the Bill now. I appreciate your indulgence."

Speaker Madigan: "You read the whole Bill?"

Black: "Believe it or not downstaters can read quickly."

Speaker Madigan: "I guess that's why you did so well in school. We're back on Third Reading. Mr. Novak."

Novak: "Yes. Thank you, Mr. Speaker. Mr. McKeon, could you just tell everybody who this is for? All I see on my analysis is it deals with a judge's article, on pensions for judges."

McKeon: "That was the original Bill. House Amendment #1 becomes the Bill which is a substantial rewrite. The partisan analysis you have on your laptop talks about who it applies to. Primarily, it applies to state police, state air pilots, other state employees performing security or quasi police functions, as well as security employees of mental health facilities, and makes some other changes with respect to academic year to be counted as a full year for employees of the State Board of Education. And also,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

coverage for members of labor organizations representing state employees who were former state employees. Changes the in... Makes changes to the contribution rates, also, for alternative formula employees. Does that answer your question, Representative?"

Novak: "I tried to listen, I couldn't hear you. I'm sorry."

McKeon: "Well, I'm wearing an earplug here so I can hear you. I think it has something to do with changes to the sound system here in the building."

Novak: "Okay. I mean, are any credits transferred from one reciprocal system to another? I mean, for instance..."

McKeon: "Everything in here is SERS."

Novak: "Is SERS?"

McKeon: "....."

Novak: "All right. Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, as far as you know, is this not the last pension Bill that's active in the House?"

McKeon: "Mr. Black, I would not presume having the knowledge to answer that question. I think that's something that we'd have to take up with Leadership."

Black: "Yeah, that's what scares me. It appears from what staff has indicated to me that this is the only pension Bill that would be considered to be active or alive in the House, and we had hoped that the alternative formula for the Illinois Department of Transportation workers' pension might have been added to this Bill. Obviously, and I don't want to... don't misunderstand me, anybody in the chamber, the Sponsor of this Bill did not make any commitment to our side of the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

aisle that he would do that or that he could do that. So, we have no difficulty with you wanting to move your Bill, but I would like the record to reflect that many of us, I think on both sides of the aisle, would have appreciated the opportunity to put the Illinois Department of Transportation workers' alternative formula pension provisions in this Bill. That can't be done at this time. Hopefully, it's an issue that the Senate will be able to consider, or that we might find some way to consider in the remaining three days of the Veto Session. And we, for the record, I want you to know that we do appreciate the fact that you were willing to discuss it with us, and we understand that there are some things we can do and sometimes there are things we can't do, but you were very kind to at least let us discuss it with you. Thank you."

McKeon: "Representative Black, I concur with you very much. I strongly support the provisions that we've talked about. I understand, however, that those provisions are currently in a Senate Bill that may be moving over to this chamber when we return."

Speaker Madigan: "Mr. Black, for purposes of the record, you just stated that you were afraid of the Leadership. Did you wish to offer any exceptions to that statement? Mr. Black."

Black: "What did I say?"

Speaker Madigan: "I thought I heard you say that you were afraid of the Leadership."

Black: "Well..."

Speaker Madigan: "And I thought maybe..."

Black: "... let me..."

Speaker Madigan: "... you'd want to offer some exceptions."

Black: "No, let... Well, fear may be too strong a word, Mr.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Speaker. I certainly respect Leadership. There are times, however, I certainly don't agree with some Leadership positions that are taken. And I certainly don't agree with the Leadership position taken on this Bill. But the Bill before us is all we get to vote on, so that's what we'll do."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there were 113 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, there appears House Bill 4738. Mr. McCarthy. Mr. Clerk, what is the status of House Bill 4738?"

Clerk Rossi: "House Bill 4738 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative McCarthy, has been approved for consideration."

Speaker Madigan: "Mr. McCarthy on the Amendment."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment to House Bill 4738, as we discussed in the Revenue Committee that I would add it on the floor, basically allows for the transfer of \$24 million from the Tobacco Settlement Recovery Fund to the Homeowners' Tax Relief Fund. It also makes the appropriation possible by copying the same language from the earlier Bill that says, 'subject to appropriation the Department shall make the rebate payments'. And finally, after discussing in committee, we talked about the fact that it could be misread to think it's any principal residence, so we added

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

the word 'Illinois' after the word 'principal' on page 2, line 13, to make sure everyone understands that it is an Illinois residents only that the property tax rebate would be applicable to. Thank you. And I would appreciate passage of the Amendment."

Speaker Madigan: "Mr. Skinner."

Skinner: "Yes there, I believe, has been a request for a fiscal note, did somebody read it?"

Speaker Madigan: "Mr. Clerk, could you respond to the Gentleman's inquiry?"

Clerk Rossi: "A fiscal note has been requested on the Bill, but the fiscal note has not been filed."

Skinner: "May I then ask the Sponsor how much this would cost? He said \$24 million and I have estimates from one source said it would be more than twice that much, or could be more than twice that much."

McCarthy: "I don't know what your source is, but I tried many, many sources to get a more exact amount. And both the Department of Revenue, the Comptroller's Office have termed it to be 'indeterminable' but I have full confidence that with the \$24 million transfer in addition to the \$11 million approximate dollars that are still left in there from the original transfer of \$280 million on the previous Bill sponsored by the Minority Leader. With that total, I have every confidence that this will more than satisfy the additional rebates."

Skinner: "So give me the total amount that you think it's gonna take."

McCarthy: "I think it's gonna cost... the best estimate we can get is somewhere between \$20 million and \$28 million at the top by transferring \$24 million additional dollars it will give us a balance of close to \$35 million in there. And

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

there's also a mechanism in the Bill for any money that is unencumbered on May 1st of next year, to be transferred into the Budget Stabilization Fund, as was in the original Bill."

Skinner: "I'm sorry, Representative, the sound system is not up to par. The money that's left over is going to be transferred where?"

McCarthy: "In the original property tax rebate, income tax rebate Bill, the money would be transferred automatically into the Budget Stabilization Fund on January 1st of 2001. Now, what we... "

Skinner: "All right. I'm getting the first word, the legislative what?"

McCarthy: "I don't understand your question now."

Skinner: "Into what fund does it end?"

McCarthy: "According to the language of the original House Bill, it was going to be transferred to the Budget Stabilization Fund on January 1st of 2001. Now our Bill stipulates that that transfer will now be done on May 1st of 2001, but it's the same, you know, transfer as far as any unencumbered amount."

Skinner: "Well, may I state for the record that I've asked the Legislative Research Unit to do a study to try to figure out how much it would cost. I have not yet received the report, but I've talked to the gentleman doing the report, Charlie Minert, and I think he told me that his best estimate was \$58 million (5-8)."

McCarthy: "I understand your comments."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Black: "Representative, are you aware that Illinois is one of the few states that does not levy the state income tax on pension income?"

McCarthy: "Correct."

Black: "Would this not then be... and I've had similar calls that I know you've had, but would this not in effect then be giving one group of people kind of a double tax holiday or break, if you will?"

McCarthy: "I don't think so. I mean, I see this as a property tax rebate. I know the original legislation was written as a property tax rebate based on your income tax filing. However, I think that this is a one-time program. I think it is more than justified to try and extend it to every property tax payer in the state and they have to pay property taxes to get it. We're not giving it to people who don't pay a tax, so I just think it just extends the program onto those people that were left out, and I think it's more than justified."

Black: "Are you comfortable in how these people will be identified if they, in fact, did not file an income tax form? Where's the database that will identify these people?"

McCarthy: "Well, you're not on the Revenue Committee, but we did discuss that yesterday. The onus is on the new people who want to file for this. I think we'll have no problem getting them to file the form. I don't think it's going to be a very complicated form. It's basically... can use the form that's on the back of our Illinois Income Tax now with an exception saying that any rebate you already receive, under Section 2081 would be... you know you wouldn't be applicable for this. I think the language of the Bill clearly states that people are not going to be able to get

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

a double rebate. And I think this is something that is more than justified, and I'm very comfortable with it."

Black: "How will the people get this form? Will they..."

McCarthy: "The form would be made available by the Department of Revenue, since they're the one who is going to be, you know, accessing the form. We will use the, you know, normal state sources in order to make the application of this form available. And also, I plan on personally, and I'm sure most of the Representatives and Senators would do their best to inform their local news media. I know the news media in my area have been very, very interested in this legislation, and I hope to use that source in order to make sure all those who could avail themselves of it, will. I mean, there may be some people that will fall through the cracks and I regret that, but I think we'll do everything possible to make it known to the general public. And hopefully, all of those that will be available, or will be able to access it, will."

Black: "Have you had any any conversations with the Department of Revenue on the specifics, the mechanics? How will they administer the program? I guess more importantly, have they given you any reasonable assurance that they can, in fact, administer this program fairly, so that either everyone is notified... My fear is, Representative, many seniors in Illinois have already left for Florida, Arizona, South Texas, they leave during the winter. That brings me to a Bill I'd like to discuss, but that's not allowed under House rules. How are they going to get the form? I mean, I suppose you could rely on, if they have children, the children may send them the form, but I think that the possibility exists that thousands of these people will not get the form. And since there is a cutoff, I assume that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

if they don't get the form back in by March 1st, if I read this correctly, then they're out of luck. And many of these people will not return to Illinois until mid-April."

McCarthy: "I share your concern, but I think we have to make this some finite time period. I think leaving it going on forever is irresponsible. And while there may be some people that are left out of it, I think... I know in my case and I think most of our fellow colleagues will do everything in their power to make it known to everyone. I mean, to say that nobody's going to fall through the cracks is probably irresponsible, but I think through, you know, our sources and the news media sources, we'll be able to get the word out there. And I know there's a lot of interest, you know, coming into my office from not only people who live in my district, but all over the Chicago suburban area. And I plan on getting back with them personally, and I think that it will be in everyone's best interest to make sure their constituents are well aware of this. I think we'll get good cooperation from the news media, but I do share your concern. I think there'll be some egg on my face personally if some people fall through the cracks, but I wasn't willing to allow it to just go on forever, which is why I made such tight time frames."

Black: "Has anyone from the American Cancer Society approached you about this additional usage of tobacco settlement money? I know they weren't happy last year. I assume they're not happy with this either."

McCarthy: "They really have not. But, you know, I think your assumption is probably correct."

Black: "Well, I think it was about two weeks ago, and excuse me I have the article but it's upstairs, I don't have it with me on the floor. A federal judge, I don't even know, scratch

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

that. I don't know if it was a federal judge. A judge in Florida, now there's a state that we've heard from lately, but a judge in Florida ruled about two weeks ago on a class action tobacco suit, and upheld a punitive damage award that I think... I stand corrected if I'm wrong, I think that punitive action award was in excess of \$100 billion. Now there was talk last spring that depending on what happened in that Florida case there are various escape clauses in the tobacco settlement, i.e., if they lose profitability, if the cigarette portion of a business goes into bankruptcy and a hundred billion dollar lawsuit may very well put some in bankruptcy. The tobacco settlement that we have said will bring 9 billion to Illinois may very well disappear. So, you're sure that that's the best source of revenue, and I know you can say rightfully so, well, that's what we did last year. And there are those who said we shouldn't have done that. But are you sure the tobacco money is, in fact, there?"

McCarthy: "Well, you know, my reason for pursuing this legislation is that I think this is a one-time only thing. I mean, we'd all love to pass more permanent tax relief for our citizens, but I think we're being fiscally responsible by making this a one-time thing. And my legislation is just to say, we did this a one-time basis and this is to catch up for those who weren't able to avail themselves to that. So, I think it is very fiscally responsible to do it the way that this legislation pursues. But I share with you, as far as, you know, any future legislation that makes this relief permanent based on, you know, expected proceeds from that cigarette deal should be handled very cautiously."

Black: "Does your legislation address various real estate tax

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

exemptions and deferrals that some seniors have taken advantage of? There is the seniors' assessment freeze. There are methods by which you can forego paying property taxes to a certain value of your house. Now, if they have taken advantage of some of these programs, particularly programs where they are not paying property taxes, as one of our programs allows them to do until they have gotten to a certain value of the house, and then when the house is sold upon their death, or whatever, the local governments will receive the deferred dollars that they have not gotten because of the property tax freeze or nonpayment. Those people are going to get the reimbursement too, even though, in fact, they may not have paid any property tax?"

McCarthy: "They will not. They will not. As with the original legislation, I think it was written correctly to say, these are for property taxes paid. So, like in my case, I get a homeowner's exemption in Cook County, well I didn't get any rebate on that amount that was exempted and no one else did either in the original legislation or in this legislation. If they didn't pay any property taxes in 1999, they will be applicable for no rebate. I think that was well covered in the original Bill and that continues on in this piece of legislation as well."

Black: "Once again, in the question that came up last year, Representative, doesn't do a thing for people who live in apartments, correct?"

McCarthy: "Correct."

Black: "And that's an awful lot of people in the City of Chicago. I mean, there are thousands and thousands and thousands of people, so it doesn't do anything for people who live in apartments. And I do appreciate your forthrightness in answering the questions. Let me... And perhaps, it's

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

rhetorical but maybe you could enlighten me. If the Department of Revenue, who are up to their eyeballs right now in the Circuit Breaker Program expansion that kicks in, in a little more than six weeks, and if they find that they don't have the people power, and they don't have the ability to administer this program in a timely fashion because they can't do a long delay because your deadline will... then the program simply won't work. If the Department at a later date says, look we can't do it, either let us hire new people, do a supplemental, or we cannot get the forms, we cannot administer the program, then who becomes the responsible party? Do I refer all of my seniors to your office?"

McCarthy: "To my office at Danville. Thank you. You know, that concern was addressed before the committee and the Department of Revenue spokesperson said that it would be, you know, a new burden on them, but he did not say it would be an impossible burden. I think that the value of this more than justifies placing that additional burden on them. And I have every confidence it's not going to be... I mean, they have access to these records. We talked about that in committee, about, you know, they don't have any access to property tax records. And the question came up, well how are they approving all these property tax credits on the millions of returns that we just got the rebate for? So then it came out that of course they have access to those records. And while it will be an additional burden, I think it's a justified burden and I have every confidence that they will meet the mandate in this legislation."

Black: "Thank you very much, Representative. Mr. Speaker, to the Amendment. The Gentleman... I don't question the fact that his intentions are noble. There are a lot of unanswered

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

questions about this Bill, not among the least of which is the potential for an administrative nightmare. I'm not certain... At least with the other program, whether you favored it or didn't favor it, the data was easily accessible through the Department of Revenue database on the Illinois Income Tax System. My fear is that seniors who do not file an Illinois Income Tax form, because we don't tax pension income, rightfully so, I might add, it may be a nightmare to administer this program. My fear is that people will be left out, not contacted, through no fault of the Representative. It's just that I'm not sure there is a database that is going to ensure a fair and equitable notice of the program. And when that happens and the March 1st deadline arrives, as we did with last year's program, some people will be happy, some people will be very unhappy. And I guess it's the nature of our business that that's what we do. I have some serious concerns about just how this program will work. I have some serious concerns that we're going into this without a clear picture of what the actual cost may be, and at some point, at some point, another group will come down, i.e., apartment dwellers and say, look you've taken care of just about everybody that owns a house, you left us out. And at some point this Body has to say, we did the best we could. We thought last year's program was fair and I have a lot of people in my district who don't agree with that. We're using a source of revenue that may be depleted and that anti-smoking people are certainly not going to be happy with. So, there are a lot of unanswered questions on the Gentleman's Amendment. And while it's very difficult to vote against seniors, I would suggest that we have a spirited and clear debate, and that you vote on this issue

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

very carefully. Thank you, Mr. Speaker."

Speaker Madigan: "The question is, 'Shall the House adopt the Amendment?' Those in favor of the Amendment signify by voting 'aye'; those opposed by voting 'no'. This question is on the Amendment. Those in favor of the Amendment vote 'aye'; those opposed vote 'no'. Have all voted who wish? There are 2 people not voting. The Clerk shall take the record. On this question, there are 113 people voting 'yes', 1 person voting 'no'. The Amendment is adopted. Mr. Clerk, are there any further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration."

Speaker Madigan: "What is the status of the request for a fiscal note?"

Clerk Rossi: "A fiscal note, a state mandates note, a state debt impact note have been requested on the Bill. And those notes have not been filed."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Mr. McCarthy. Mr. McCarthy. You're finished?"

McCarthy: "I just want to thank you, Mr. Speaker."

Speaker Madigan: "You're welcome. On page 2 of the Calendar, on the Order of House Bills-Third Reading, there appears House Bill 4577. Representative Monique Davis. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 4577, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Madigan: "Representative Davis."

Davis, M.: "Mr. Speaker, I would like for Julie Hamos, Representative Hamos to answer questions on this Bill, it is her Amendment."

Speaker Madigan: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

very important Bill that I know you have all received lots of correspondence, and phone calls, and contacts about. You've received contacts by a very broad coalition that includes parents of developmentally-disabled children, of providers, of children and adults in Illinois, of unions, of employers, of clergy, of advocates. This is really a unique coalition coming together to speak directly from the heart about why it's important to attract and retain quality staff in community programs for the developmentally disabled. This Bill would grant a \$1 an hour wage increase plus about 20% in benefits. Again, this goes only to community-based services that serve adults and children with developmental disabilities. And I'd be glad to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. Mr. Black."

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

Speaker Madigan: "State your inquiry."

Black: "We're debating the Bill not an Amendment, correct?"

Speaker Madigan: "That's correct."

Black: "Okay. Thank you. Representative, I do appreciate the fact you and I have had correspondence on this Bill over the summer and you've been very kind to answer my letters of inquiry. It would be fair to assume or fair to say, would it not, that there are community-based providers who are opposed to your Bill?"

Hamos: "I don't know of anyone who is opposed to the Bill. There are some community-based providers that wish that it had gone further, and that's not that unusual in this process."

Black: "Did you not receive a letter from the Lester and Rosalie, and excuse me I don't know how this is pronounced, Anixter Center on North Clark Street in Chicago? I think I sent

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

you a copy of that."

Hamos: "Yes, and the Anixter Center was in committee the other day. They did make the trip down here, but they did not testify in opposition. I am aware, however, that they have some concerns because they do wish that the Bill had gone further to include direct-care workers who work with the mentally ill."

Black: "Yeah, and that's a good point. There are two things that concern me about this Bill, and maybe you can address one. There are centers who serve our most in-need people in this state that have unionized and have union contracts. This Bill, as I understand it, would supersede a union contract. Perhaps they're in the first year of a three-year contract of wages, and then this Bill will come in and give people who work for that agency covered under a contract, if they're involved in the developmental disabilities delivery area, will give them a dollar raise. Correct?"

Hamos: "Well, I don't believe that this Bill supersedes any union contracts. This Bill provides an additional source of funding in eight different line items that the community services may apply for. They don't have to apply for it, and really, if they are in a position where they don't want to give the full dollar to all of their different programs, they're not required to apply for this. And this does not supersede any union contracts."

Black: "That's a very important point. Now, let me make sure I understood what you said. If a community-based provider has a contract for wages and working conditions, you're telling me that that board then would have the inherent legal right to say, don't send us the money, we are not going to award it. Our wages are determined by our contract. And they can refuse the money then. Is that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

what you're telling me?"

Hamos: "Exactly. This would be an RFP that would be put out by the state that community-based service programs may apply for. We're just providing some additional funds to the Department of Human Services to make this available."

Black: "Okay. So, the ultimate authority for giving or not giving this dollar wage increase would rest with the center and its governing board. We are not usurping any governing board of a community-based provider's ability to say, we appreciate the intent, as a community-based provider in my community said, 'We certainly appreciate the intent of what the Sponsor is trying to do, but it creates more problems for us than it solves.' So, if I'm hearing you correctly, that board could then say to the state through a proposal or correspondence, don't send us the money?"

Hamos: "That is correct."

Black: "All right. Because, I think one of the problems we have is that if you're involved in developmental disabilities you could get this increase, but in downstate rural areas somebody may work in developmental disabilities on Tuesday, then have a focus group or a group session with the mentally ill on Wednesday. And one of my providers said, 'What do I do then? Do I give them the dollar raise only when they're working with the developmentally disabled, and they can't get the increased wage when they're working with the mentally ill?' What would he do in a case like that?"

Hamos: "Yeah. Well, I think, you know, the community-based service programs in the State of Illinois have been underfunded for so long that they typically piece together their budgets with Band-Aids any way they can. And I know that some of the executives who run these organizations are among the most clever people in terms of doing that. I

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

know that some of them will be able to seek funding under this and some may not."

Black: "And I do agree with your one statement. The real issue we're faced with is the underfunding of these kinds of services that we're asking community-based providers to give. That's the real issue. What's the projected cost figure of this dollar increase for those involved in developmental disabilities?"

Hamos: "The dollar figure is about \$75 million, and we think almost all of it is medicaid reimbursable. So, for the General Revenue Fund it's about \$37.5 million."

Black: "But, do we have any assurance, given what we have heard out of Washington for the last two months, that our medicaid reimbursement from Washington, which is a considerable amount of money to the State of Illinois, almost a half a billion dollars, do we have any definitive answer yet from Washington as to whether they're going to strip that from us, or that we will continue to be able to access the federal reimbursement for medicaid and these kinds of services?"

Hamos: "As far as I know, Representative Black, the issue that's pending in Congress does not affect these services in these kind of programs."

Black: "Okay. What would it take... You say this is 75 million, gives a dollar wage increase to those working only in the developmentally disabled field, it doesn't do a thing for those people who are working with the mentally ill. What would it take... Do you have an estimate on how much funding it would require to bring the community-based providers up to the full funding to do the job with our most at-risk citizens that we ask them to do and we have not been sending the money? How short are we?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Hamos: "Unfortunately, Representative Black, I don't have the answer. I have tried to get the answer, because this is a compelling argument to me and you may know that I would care very much about trying to also improve the services for the mentally ill. I have not been able to get an answer. I have been told, however, that the key difference between services for the mentally ill and developmentally disabled is that the mentally ill is not medicaid eligible for the most part. So, it seemed like a very big price tag at this time, and we took kind of an incremental approach."

Black: "Okay. Well, thank you very much, Representative. I do appreciate your effort in this Bill. And I certainly appreciate the fact that you have taken time to answer my inquiries by mail and answer the inquiries that some of my agency directors have had about your intent with this Bill. To the Bill, Mr. Speaker, if I might. Ladies and Gentlemen of the House, there isn't any question that this Bill will pass overwhelmingly. But some of my colleagues... and I think because of Representative Hamos's work, she answered the most serious question that any downstate or rural Legislator had. Many of the directors of these agencies who are creative people and who know how to get the most out of a dollar of anybody I have ever met in my life, but many of them called me and said, look you are creating a horrible problem for my agency if you mandate I pay my workers who are only involved in developmentally disabled work an extra dollar, then the people who are doing the work in my agency with the mentally ill do not get the dollar. You know, just imagine what that would do. It would be like saying, those of us who sit in the third row of the House would get an extra \$10 per diem but the rest of you would not. That would be delightful. I can hear

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

that discussion now. I think the saving grace of your Bill, although the price tag is high, is one, the director can refuse or his/her board can refuse to take the money if they think it creates an administrative problem which they don't want to deal with. Or in the case of a union contract, they have bargained wages and conditions and they don't want to say... because they would immediately be in a grievance situation if certain people under the contract got an additional dollar. They would immediately be in a grievance position. So, with your assurance that they still have the ability to control and run their agency as they see fit, I think that eliminates most of the concern that I have. I would simply caution people who in rural areas, so many of the people in our community-based providers have to do multi tasks, one day they may work with the severely and profoundly disabled. The next day they may work with a... in a group setting with those who have serious emotional or mental problems. The next day they may be working with people who have substance abuse problems. And the methodology of who gets the money and under what conditions is also a concern to those agencies that are sorely understaffed, and people do a variety of tasks. I think what you need to remember when you vote on this program, it's a \$75 million cost and it is but the first step. And I would hope that we all keep in mind that the dollars required to meet the obligations to our citizens who are at the greatest risk goes far beyond this \$75 million. We are chronically underfunding our community providers, and we are putting people at risk. So this is but one step, and if you are not prepared to take the other steps and to spend the millions and millions of dollars more that it will take, then you ought to at least be

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

honest enough to vote 'no' if you're not going to join with the Sponsor and vote 'yes' on the many steps yet to come to get to the position where we fully fund our providers to our citizens who are at great risk. Representative, again, let me thank you for your indulgence. Let me thank you for answering the questions that my providers had posed to me. I really appreciate the fact that you responded quickly, succinctly, and I can assure you that the providers that came to me with questions appreciate the fact that you're forthright, answer questions, and will work with them on the difficult tasks to get to the funding level that we need to reach. Thank you very much."

Speaker Madigan: "We have now had one Democrat speak on the Bill, and one Republican speak on the Bill. There are four people seeking recognition. The Chair would suggest that, to the Democrats, we are planning a caucus to talk about the Bear's Stadium proposal and pension legislation. And the Chair would further suggest that at this time we go to a roll call on Third Reading. And, Mr. Clerk, those in favor of the Bill signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk... Recognizes Mr. Holbrook."

Holbrook: "Thank you, Speaker. I rise on a point of personal privilege. We're honored today and joined in the gallery by the third grade classes from Ellis School from Belleville, Illinois. Let's give them a round of welcome here. Thank you."

Speaker Madigan: "Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution 886, offered

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

by Representative Daniels; House Resolution 889, offered by Representative Monique Davis; House Resolution 891, offered by Representative Black; House Resolution 892, offered by Representative Scully; House Resolution 893, offered by Representative Scully; House Resolution 894, offered by Representative Scully; House Resolution 895, offered by Representative Scully; House Resolution 896, offered by Representative Novak; House Resolution 897, offered by Representative Wojcik; House Resolution 898, offered by Representative Wojcik; House Resolution 900, offered by Representative Scully; House Resolution 901, offered by Representative Currie; House Resolution 902, offered by Representative Currie; House Resolution 903, offered by Representative Mathias; House Resolution 904, offered by Representative Younge; House Resolution 905, offered by Representative McAuliffe; House Resolution 906, offered by Representative Currie; House Resolution 908, offered by Representative Erwin; House Resolution 909, offered by Representative Dart; House Resolution 910, offered by Representative Scully."

Speaker Madigan: "The Chair has read the Agreed Resolutions. Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolutions are adopted. The Clerk for the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution #76, offered by Representative Currie, be it resolved by the Senate of the 91st General Assembly of the State of Illinois the House of Representatives concurring herein, that when the two Houses adjourn on Thursday, November 16, 2000, the Senate stands adjourned until Tuesday, November 28, 2000, at 12:00 noon, and the House of Representatives stands adjourned until

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Tuesday, November 28, 2000, at 1:00 p.m."

Speaker Madigan: "Representative Currie moves for the adoption of the Adjournment Resolution. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. The Chair recognizes Mr. Ryder for the purpose of an announcement."

Ryder: "Thank you, Mr. Speaker. I have the honor of introducing the seniors from Jersey Community High School who are standing in the Speaker's Gallery. These are members of the Jersey Community High School Show Choir and Jazz Band who will be performing in the rotunda starting in just a few moments. So as we leave if you would like to stop by and hear some good songs and some good jazz, we invite you to stop by and join these two wonderful organizations of some outstanding students. And I would like to welcome the seniors from this organization to the House. Please join me in welcoming them."

Speaker Madigan: "The Chair recognizes Representative Lopez for the purpose of an announcement. Mr. Lopez"

Lopez: "Thank you, Mr. Speaker. Democrats will caucus immediately after Session in Room 114."

Speaker Madigan: "And I would remind all Democrats the purpose of the caucus is to receive a presentation from the Chicago Bears and to discuss pension legislation. Further advice. The schedule for next spring has been distributed so you should make sure that you get one before you leave town. Representative Currie moves that the House does stand adjourned until Tuesday, November 28 at 1 p.m. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until Tuesday, November 28 at 1 p.m., providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Introduction of Resolutions. House Resolution 907, offered by Representative Giglio; House Joint Resolution 74, offered by Representative Beaubien; House Joint Resolution 75, offered by Representative Stephens; House Joint Resolution 76, offered by Representative Ryder, are assigned to the Rules Committee. Introduction and First Reading of Senate Bills. Senate Bill 1191, offered by Representative Tenhouse, a Bill for an Act to amend the Uniform Disposition of Unclaimed Property Act. First Reading of this Senate Bill. Senate Bill 1867, offered by Representative Tenhouse, a Bill for an Act concerning taxation. First Reading of this Senate Bill. Senate Bill 1975, offered by Representative Black, a Bill for an Act concerning land claims. First Reading of this Senate Bill. Introduction and First Reading of House Bills. House Bill 4760, offered by Representative Skinner, a Bill for an Act concerning public health and safety. House Bill 4761, offered by Representative Julie Curry, a Bill for an Act concerning taxation. First Reading of this House Bill. House Perfunctory Session will come to order. Messages from the Senate. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has accepted the Governor's specific recommendations for change which are attached to a Bill of the following title, the acceptance of which I am instructed to ask the concurrence of the House, to wit: Senate Bill 810, a Bill for an Act to amend the Illinois Income Tax Act; and Senate Bill 1382, a Bill for an Act to amend the Criminal Code of 1961; and Senate Bill 1404, a Bill for an Act concerning the regulation of audiologists. I am further directed to transmit to the House of Representatives the following copy of the Governor's specific recommendations for change to the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

November 16, 2000

Senate, action taken by the Senate, November 15, 2000.'
Introduction and First Reading of House Bills. House Bill
4762, offered by Representative Bill Mitchell, a Bill for
an Act concerning presidential and vice-presidential
electors; House Bill 4763, a Bill for an Act regarding the
state police. First Reading of these House Bills. Being
no further business, the House Perfunctory Session stands
adjourned."