

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

145th Legislative Day

November 20, 2002

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 the Allegiance."

Pastor Crawford: "Let us pray. Most gracious and most kind Father, we honor You as the great Jehovah shalom, the God of the perfect peace. Father, we ask that You would grant to us a peace that would pass all of our understanding. Father, we ask that You would rule us and govern us by Your grace. We will forever keep our eyes and our minds upon You. For You said they that do so that You would keep them in perfect peace. This we kindly ask in Your Son's name. Amen."

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

Hassert: - 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 Representative Turner is excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present today."

Speaker Madigan: "Mr. Clerk, take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn

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Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 20, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' House Bill 2643 and House Bill 4736 referred to Second Reading Short Debate. Representative Barbara Flynn, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 20, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' Amendment #2 to House Bill 6306. Representative Howard, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Wednesday, November 20, 2002, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 4736. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Wednesday, November 20, 2002, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to Senate Bill 980. Representative Morrow, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Wednesday, November 20, 2002, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 2643. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Wednesday, November 20, 2002, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 1240.

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Representative Flowers, Chairperson from the Committee on Health Care Availability & Access, to which the following measures were/was referred action taken Wednesday, November 20, 2002, reported the same back with the following recommendation: 'do pass as amended Shorted Debate' House Bill 2787. Introduction of Resolutions. House Resolution 1080, offered by Representative Granberg; House Resolution 1098, offered by Representative Lou Jones; House Joint Resolution 88, offered by Representative Poe, are assigned to the Rules Committee. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "The Chair recognizes Representative Currie for a Motion on Senate Bill 729."

Currie: "Thank you, Speaker and Members of the House. I move to suspend the posting requirements so that Senate Bill 729 can be heard in the House Financial Institutions Committee respe... regardless of the posting requirement."

Speaker Madigan: "You've all heard the Motion. Those in favor will signify my saying 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Novak. Mr. Novak. Did you wish to move on House Bill 2? Mr. Novak."

Novak: "Could we a.... just take the Bill out of the record for a second, please and I'll come back to you? If you don't mind."

Speaker Madigan: "Mr. Capparelli, did you wish to take action on House Bill 4179? Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. I would like to adopt the Veto Motion on House Bill 4179. The Amendatory Veto restores the word 'official' to the duties of paramedics... personnel, rather than the word 'authorized' and it gives an effective date January 1, 2003."

Speaker Madigan: "The Gentleman moves that the... Gentleman moves

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that the House accept the Governor's Amendment. The question is, 'Shall the House accept the Governor's specific recommendations for change, with respect to House Bill 4179 ?' Those in favor signify my voting 'yes'; those opposed by voting 'no'. Has Representative Howard voted? Mr. Clerk. Mr. Clerk. Mr. Clerk, take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Motion, having received the required Constitutional Majority, the House does accept the Governor's specific recommendations for change, and this Bill is hereby declared passed. Mr. McGuire on House Bill 4938."

McGuire: "Thank you, Mr. Speaker. We are prepared to accept the... excuse me, Amendatory Veto from the Governor. And I'll answer any questions if you may have them, otherwise we will vote to accept the Amendatory Veto. Thank you."

Speaker Madigan: "The Gentleman moves to accept the Governor's Amendment. Is there any discussion? The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, it's very hard to hear. Could you enlighten us as to what the Amendatory Veto language added or detracted from the underlying Bill?"

Speaker Madigan: "Mr. Black did you say that you're having trouble with your hearing?"

Black: "Yes, I'm sorry. What did you say?"

Speaker Madigan: "Many people have been talking about that Mr. Black."

Black: "Yes, I... I... a it's the sign of my advancing age, Mr. Speaker."

Speaker Madigan: "And you said it."

Black: "No, my wife said it, but whatever."

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Speaker Madigan: "Okay. So..."

Black: "What was the Governor's specific language, the change?"

McGuire: "Well, let me see, Representative Black, as I read it... it's Section 3, records as property of state, all records' and on page 3 by replacing line 5 with the following, 'prohibited by law reports and records of the obligation' and on page 13, line 22 by inserting subsection (b) of after of."

Black: "Well, it appears..."

McGuire: "I'm sure that answers your question."

Black: "Well, it appears that his language reduced the penalty that you had in the underlying Bill from a felony back to a misdemeanor. I just wanna make sure that you are in a agreement with that."

McGuire: "Representative Black, we're gonna take the Bill out of the record for just a moment."

Black: "What'd you say?"

McGuire: "We're gonna take the Bill out of the record for just a moment."

Black: "Oh... you. Ah... fine. Thank you."

McGuire: "You're welcome."

Speaker Madigan: "Mr. Novak. Mr. Novak on House Bill 2."

Novak: "Thank you, Mr. Speaker. I now move that we accept the Governor's Amendatory Veto on House Bill 2. House Bill 2 was an initiative of the administration in conjunction with a broadbase coalition to provide a grants program through DCCA for fueling infrastructure around the State of Illinois that were related to alternative fueling vehicles, such as flexible fuel engines. The coalition was made up by the State Chamber of Commerce, the corn growers, the Farm Bureau, the environmentalists, organized labor. Unfortunately, the budget... budget problems caused the

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Governor to withdraw any funding for this program for this fiscal year because it's a new program. We changed the Bill to provide for the acceptance of funds from private sources, such as the Clean Energy and Community Foundation that we created a few years ago. The language that the Governor amended, AV'd, was technical in nature. The Bill was written in about a year before it finally passed and some of the language had to be brought up-to-date and more current. And the language dealing with the advisory board was a written in a more definitive manner with respect for what their duties and responsibilities is. So, with that, I'll be more than happy to answer any questions."

Speaker Madigan: "The Gentleman moves to accept the Governor's Amendment. Is there any discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 2?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. The Motion, having received... the Motion, having received a required Constitutional Majority, the House does accept the Governor's specific recommendations for change, and this Bill is hereby declared passed. Is Mr. Acevedo in the chamber? Did you wish to consider House Bill 4074? Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to... to accept the Amendatory Veto on House Bill 4074 which would allow retired police officers to conduct electronic surveillance."

Speaker Madigan: "The Gentlemen moves to accept the Governor's Amendment. Is there any discussion? There be no discussion, the question is, 'Shall the House accept the Governor's

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specific recommendations for change with respect to House Bill 4074?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. The Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change, and this Bill is hereby declared passed. Mr. Durkin, House Bill 5652. Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. I move to override the Amendatory Veto on House Bill 5652 which is threefold. It makes changes in the 15, 20, life provision based on a Supreme Court case. Specifically speaks to the issue of... I'm sorry, it's a... it makes changes under the aggravated robbery statute as it applies to the 15, 21, life statute, but also it includes provisions which states that vehicular... aggravated vehicular homicide and controlled substance and cannabis trafficking would be subject to the 85 percent incarceration 'truth in sentencing' legislation."

Speaker Madigan: "Mr. Durkin, did you move to override the Governor?"

Durkin: "That's correct, Mr. Speaker. I move to override."

Speaker Madigan: "All right. Fine. So, the Gentleman moves to override the Governor's Veto. The Chair recognizes Mr. Delgado."

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

Speaker Madigan: "Sponsor yields."

Delgado: "Representative Durkin, on this particular legislation can you help me understand how nonviolent criminals in the future or nonviolent offenders who would go in, would this also affect them also?"

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Durkin: "No. This just affects the drug kingpins who transport controlled substance and cannabis within the State of Illinois. I don't consider them nonviolent. But this is not intended to apply to nonviolent criminals. This is a... these are the Pablo Escobars, the drug lords who have destroyed our state and our nation over the past decades."

Delgado: "Okay. 'Cause my concern, Representative, and I know you always file very noble and good legislation. My concern on this one, on the override, is the fact that it also deals with the small-time person too, someone who would try to push in the transition centers, someone who would try and... to keep it in a community setting. In that sense, indeed, this would affect them on their day-to-day good time. Is that correct?"

Durkin: "No, that's incorrect. This is for people who traffic narcotics and that is a... I can speak from my experience cause I was a narcotics prosecutor in Chicago. And the trafficking cases were the ones in which individuals who transport goods through our... try to smuggle it through the airports, through our train stations and as we see on a weekly Sunday basis we see the trucks that are stopped along I-55 and I-57 with bales of cocaine, heroin, cannabis. Those are the individuals. The other individuals you're talking about if they are charged with distribution of a small amount of marijuana, that is why we had a statute which deals with them, it's called possession of cannabis with the intent to distribute or just strict possession of cannabis, not trafficking."

Delgado: "And so you're suggesting that that category would not be included?"

Durkin: "No, it doesn't include those individuals. It's strictly the individuals who are transporting the narcotics within

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this state for the purpose of distributing in our streets. I mean, this is the individuals who as I mentioned earlier, these are not the small-time."

Delgado: "Well, it's not affecting a certain class, I mean this seems to be a net. That doesn't seem to be dealing just with one particular class and that's my concern. Having talked to some folks in the Governor's office there seems to be a consensus on how it will affect those individuals we're trying to steer into a pretrial intervention type cases."

Durkin: "Well, do you..."

Delgado: "Trying to... and these are cases that... that... that are normally in treatment and that's my concern. And so we must look at this very deeply because I think it's a... it's a big net and I understand what you're trying to do here. However, I'm very concerned about future inmates going in and the amount of prisoners that we're gonna wind up having that may not belong there and belong in another setting."

Durkin: "Well, I think that, ya know, the individuals who need treatment are not the people who traffic, the people who distribute, and the people who have..."

Delgado: "I agree... I agree."

Durkin: "And those are ones in which this legislation will affect. Perhaps if we do make Illinois a zero tolerant state, tell these individuals, the Columbian drug lords if you're going to come in and pollute our streets, roll the dice. And if you get caught you are going to serve a great amount of time..."

Delgado: "Oh, I'm with you."

Durkin: "...and that's what this legislation does."

Delgado: "Oh, I'm with ya on..."

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Durkin: "So maybe, if we get these individuals and we are... the statement goes out and people are not going to play the old games that they have over the years with the distribution of narcotics. We wouldn't have to worry so much about treatment. But the fact is, is because of these very people the Pablo Escobars, the Columbian... heroin drug lords and the whatnot who are the ones who are creating these problems, so."

Delgado: "Right. And would you have numbers in terms of how many of them in regards in contrast to the overall population we're talking about? How many in five years? I mean, cause you're talking about high profile cases, which are one here one there, over a span of five to ten years. And I do have a concern that this net is to wide."

Durkin: "Out of Cook County it's about 30 a year. I mean, that was my experience. But it was individuals who were charged, were the ones who were the... and the ones that I tried. I tried a case in which street gang members had kilos of cocaine which they had wrapped around their bodies and they were using it. They were mules from L.A. to California and we pick them up at the airport. So, it's individuals who are charged. Each one of them..."

Delgado: "Well, under 'truth and sentencing' laws however, Representative, aren't they covered all ready? Under the 'truth in sentencing' laws they would have to serve the maximum."

Durkin: "No."

Delgado: "Under... under your hypothetical."

Durkin: "No. They were not subject to it under the 'truth in sentencing' laws. No."

Delgado: "All right. Well to the Bill, Mr. Speaker. Representative Durkin, it's a very noble... I... I... we

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worked very well together. I'm a little concerned about this particular piece of legislation on this. I would ask all Members to really look at it well. And to understand that we have to make sure we do take out that big drug dealer, the one that's going down on I-55 if you will, with a trailer load and we do have provisions that are there in Class X and M's. We also have a quite a few people who get caught in the dragnet and indeed, there is a movement in Illinois as there is on a national level to seek treatment, to make sure we keep recidivism down and make sure we do the right thing. And I would at this point, from our side of the aisle, I would ask for a 'no' vote."

Speaker Madigan: "Representative O'Brien."

O'Brien: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

O'Brien: "Thank you. Rep... Representative Durkin, I just have a couple of questions. Is the provision of the offense of cannabis trafficking or controlled substance trafficking, isn't it dependant on the weight, the volume of the illegal substance that they have?"

Durkin: "If I'm not mistaken, I think it's its own separate offense. I'm not sure if there is a specific. I have to look through to see if there is a certain weight requirement. I think it's a question of the intent."

O'Brien: "If I told you that under a cannabis trafficking it requires possession of 25 hundred grams, you know, and that's the... the minimum weight. It doesn't matter if you got it in your pocket, got it in a truck, but it goes by amount and not necessarily by your intent."

Durkin: "You may be correct with that, but I think the question is the intent as to whether or not this a seizure is one which is based under the definition that we had under the

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cannabis and controlled substance trafficking statute, which is a... the... I mean..."

O'Brien: "Well... But I guess what I am saying is, is that what triggers trafficking as opposed to and possession with intent to deliver, is nothing more than 24 hundred grams as opposed to 25 hundred grams."

Durkin: "That may be the case, I'm not... I can't be certain, but I... you obviously probably know... studied a little more than I have over the last few days but..."

O'Brien: "Do you know what the English weight or the American weight of 25 hundred grams is? I was never that good at the metric system I can tell you, Representative Durkin."

Durkin: "Well, somebody asked me what the price of milk was in Carbondale during the campaign and if we're going down that same line I think I'll probably give the same response, but I'm not a..."

O'Brien: "I guess what my concern is with this Bill is there are so many things that, ya know, there is discretion right now in the sentencing guidelines and if you're convicted of cannabis trafficking and the law with left the way it is today, you could be sentenced up to 15 years in jail for the first or prison for the first offense. There's discretion in the statute, I think, because the difference in trafficking as opposed to possession with intent to deliver is that weight. And I think that while we wanna punish our... our traffickers and we wanna make sure that people are not... the law is not too lenient, we also wanna make sure that judges have the authority to use some discretion so that perhaps at some point they can look at the totality of the circumstances and determine that maybe this person should serve... should be sentenced to 15 years. Even if they still had the opportunity for good

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credit, they would be there 7 and a half years. And we're saying that a judge, if he used his discretion and gave him 7 and a half would have to serve three-fifths and I just think because this isn't typically a crime where there is violence in and of itself in a crime of trafficking, that we should leave this statute alone and make... and save 'truth in sentencing' crimes for those that are most violent in society. And with that, I would urge my colleagues to take it very serious look at this a piece of legislation and to sustain the Governor's Amendatory Veto."

Speaker Madigan: "Representative Monique Davis."

Davis, M. "Thank you, Mr. Speaker. I rise in support of the Governor's Veto because I do not believe that we want to extend, or give the criminal penalties for nonviolent crimes, or have those people spend as much time in prison as a manslaughter case. I think that the Governor wisely, wisely looked at what the ramifications and the results of that legislation would be. And it would truly dig a little deeper into the pockets of taxpayers. It would dig a little deeper and yet, not solve a problem, it would not solve a problem. Nonviolent criminals, keeping them in prison a longer period of time is very costly, Representative. I would vote 'no' this Bill. I would vote 'no' not to override the Governor's wise Amendatory Veto. Thank you."

Speaker Madigan: "Mr. Durkin to close."

Durkin: "Yes. Thank you, Mr. Speaker. I do appreciate the comments and concerns by my colleagues but we're talking about a special class of individual, who... destroyed neighborhoods, destroyed generations of young adults over the past years. These are not the people who sell the dime bags on the streets. These are the people transport heroin, cocaine, cannabis within the State of Illinois. And as I

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said earlier, I think this should be a zero tolerance state. If you wanna roll the dice, if you wanna bring this, and you wanna transport these illegal narcotics in this state, take your risk. But this is a state in which we should no longer tolerate these individuals receiving the same type of classification as any individual as a minor burglar or a trespasser. These are dangerous individuals and I challenge anyone who says that this is not a... this is a violent crime let's just look and see what this has done to our neighborhoods, these specific individuals. They thrive off this a... off the destruction of our young adults. So, Mr. Speaker, I appreciate this opportunity and I ask for an 'aye' vote."

Speaker Madigan: "The question is, 'Shall House Bill 5652 pass notwithstanding the Governor's specific recommendations for change?' This Motion requires 71 votes and this is final action. All 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 40 'ayes', and 71 'noes'. And the Motion fails. Ladies and Gentlemen, we have a special guest today and I would ask the staff to retire to the rear of the chamber and that the Members take their seats. The staff would retire to the rear of the chamber and if Members would take their seats. Standing beside... behind me is Mr. Robert Culshaw who is the Consul General for Great Britain assigned to the City of Chicago and to the Midwest region. And he's here briefly and he wants to bring greetings from his boss, the Queen of England."

Robert Culshaw: "Mr. Speaker, Members of the House, it is a great honor to be here in the House this afternoon. I'm grateful

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for the chance to bring greetings from my boss, who is indeed, the Queen, although many would say I also work for Tony Blair, which I'm pleased to do. We do have a very close UK-US relationship as you don't need me to remind you and it may be needed in the days ahead over Iraq and other international issues connected with that. But I really wanted just to bring you one other thought which is about the British relationship with this state, with the state of Illinois, and to say this, that when I came here to become Consul General in 1999 we had about \$5 or \$6 billion of investment in this state and that figure today is over 8 billion and it employs about 55,000 people in the State of Illinois. So that is part of the connection, there's also the trading relationship, which we're very pleased with, we think that it's greatly to the benefit of both parties, the UK and Illinois and I hope that the volume of that trade, the volume of investment and the number of jobs that they support will continue to rise. Thank you very much."

Speaker Madigan: "On Supplemental Calender #1 there appears House Bill 2643. Representative Currie. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 2643, has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative... Floor Amendment #1, offered by Representative Morrow, has been approved for consideration."

Speaker Madigan: "The Chair recognizes Mr. Morrow on the Amendment."

Morrow: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 2643 addresses an internal audit finding that caused the Capital Development Board to halt to Groundbreakers Program. The

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Groundbreakers Program allows Executive Director of the Capital Development Board to choose architect and engineering firms on small contract up to 25,000. This is allowed the director to choose small or new firms many of which have been minority or female-own... owned firms the establish a record with the Capital Development Board in order to qualify for larger projects in the future. The Capital Development Board is asking for this change due to several projects on hold pending the outcome of this legislation and to get the finding addressed before the new administration comes in, to allow them to continue the Groundbreakers Program. This Bill codifies industry practice for the last 10 years. I'll be glad to answer any questions on Floor Amendment #1 to House Bill 2643."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, is there in current law an exemption for these contracts of \$25,000 or less or does this codify?"

Morrow: "It just codifies, Representative Black."

Black: "All right. Now, Representative, I've known you for many years. You and I came down here about the same time. This isn't a... we're not headed down the road of small pin-striped patronage with this Amendment, are we?"

Morrow: "No Sir, no... no, this was... this was a program that was created by former director, Kim Robertson, to try to attract more minority engineering and architectural firms with... to be utilized by the Capital Development Board."

Black: "On an architectural firm contract, isn't their contract generally a percentage of the total contract?"

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Morrow: "No, it's a... it's a... it's a flat fee."

Black: "So, in this Amendment, if the flat fee is to be \$25,000 or less, the contract... stay with me on this, when the contract can be awarded without a competitive bid process?"

Morrow: "And... and that's... that's how it's done now."

Black: "That's the practice, but we're codifying the practice."

Morrow: "That's correct."

Black: "Okay. But you don't think that we're opening up something that a year from now we may want to come back and reexamine."

Morrow: "Representative Black, this... this program has been in effect now for the last ten years and we haven't had any problems with it."

Black: "All right. Did the architectural firm for the renovated Soldier Field, was that contract less than \$25,000?"

Morrow: "I'm not sure, but I'm sure with... with Soldier Field being only \$700 million contract..."

Black: "All right, some..."

Morrow: "I'm sure..."

Black: "Something tells..."

Morrow: "...his fee was more than \$25,000."

Black: "Something tells me it was far in excess of \$25,000..."

Morrow: "Well, yeah."

Black: "...but it's just a wild guess. Ya know, I... I'm just sure it was. How many firms would be impacted by this? It doesn't... I guess what I'm asking, it makes no difference the size of the firm. It could be one of the world reknowned architectural firms, but if their contract was 25,000 or less there would not have to be a bid or review process for the contract. Correct?"

Morrow: "That's correct."

Black: "All right. Does this also then take into effect a land

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surveyor? If you hire a land surveyor to survey property that is to be developed, his or her fee if under \$25,000 would not have to have any contractual or bid provisions."

Morrow: "This... this does include land surveyors, as long as the construction contract is valued less than 25,000."

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

Speaker Madigan: "The question is, 'Shall the House adopt the Amendment?' Those in 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. House Bill 2787. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 2787 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 4736. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 4736 has been reading a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Children's Memorial Hospital is the largest provider of pediatric services to children in Illinois and the largest provider of services to our Medicaid clients who are children in Illinois. Recently, Children's moved some of its care facilities just down the block because they are engaged in a substantial remodeling of the pediatric intensive care unit an expansion thereof and also the emergency room. And

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that move brings into question, creates a glitch in the reimbursement system, so that services provided outside of the main facility are reimbursed at a much lower rate by the state's Medicaid Program. I believe Children's hadn't anticipated that when they made these moves. This legislation would provide that the children's hospitals only, those that are affiliated with adult care centers, who provide these services within a mile of the parent facility, that regular Medicaid reimbursement rates would apply. We cannot afford to put Children's Memorial Hospital at financial risk. This facility is too critical to our sick children and I would appreciate your support for the Amendment."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. Lady yield?"

Speaker Madigan: "The Sponsor yields."

Stephens: "Representative, does this affect those of us in border areas, the children's hospitals in St. Louis or is it just in Cook County?"

Currie: "It's not limited to Cook County. The affect is only relevant however, if a facility is actually providing some services off the main campus but within a mile of the main campus."

Stephens: "Thank you."

Currie: "So, this was... this came out by a particular situation, a particular decision."

Stephens: "Gotcha. Thanks very much."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

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Black: "Representative, it appears to be drafted very narrowly. I won't make that a parliamentary inquiry as to whether or not it's special interest legislation. You've been here long enough to know that it's drafted in such a way that I don't think that it is. But it clearly would seem to have a primary impact on one hospital."

Currie: "Well, the Department of Public Aid says there may be a few others."

Black: "That's my fear."

Currie: "So, it is not... it is not drafted only with respect to Children's Hospital, but the issue arises because when we left in May we thought and Children's Memorial Hospital thought that they would be entitled to a certain level of reimbursement. Because of the decision to move people so they could carry on the construction projects, our assumption and their assumption does not bear fruit. We're trying to correct it, we're trying to make sure that they have access to the reimbursement levels that we thought we were setting for them."

Black: "Since it seems the underlying problem may be tied to a construction project, did you give any thought to a sunset clause in this language? My concern is as you mentioned, other hospitals/clinics wanting similar treatment that could put extreme pressure on a very fragile Medicaid budget."

Currie: "All right. Representative, I'm not sure that they will not in the long run continue to operate some of these services away from the main campus. And again, remember that we have CHAP payments, we have always treated the children's hospitals differently because of their fragile fiscal conditions and because of the important role they serve to our State's Medicaid clients. And I think for that

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reason the precedent that this might set is, in fact, not a very strong one, it's very, very limited."

Black: "Do you have a... an estimated impact on additional Medicaid dollars that would flow to Children's Memorial, should this become law?"

Currie: "I believe... I believe that in this fiscal year something between one and one and a half million dollars, half of that of course is federally reimbursable. The Department of Public Aid was in committee today and they did not take a position on this measure."

Black: "All right. Thank you very much, Representative. And Mr. Speaker and Ladies and Gentlemen of the House, to the Amendment. Again it... it... I'm certainly not rising in opposition to the hospital that I think this would be beneficial to. I am a... I am raising some concerns as the Sponsor did that there may be other hospital/clinics dealing with children who may want similar treatment. In a Medicaid budget that is stretched to the point beyond being tight, it... it might difficult in all due respect to the Sponsor when it comes time for Third Reading on this, it might be difficult for someone like me to vote 'yes'. But I am familiar with the work of the hospital in question and certainly applaud their efforts and they are known far beyond the boundaries of Illinois for what they do. But when all is said and done, as much as we try often to take a statewide and a statesman like position on certain Bills, Medicaid reimbursement has become a highly charged emotional issue in this budget year. I would simply caution some of my colleagues when it comes time for a Third Reading vote that you understand this legislation. It's certainly hard to oppose on its merits. But I want you to make sure that you're comfortable going home and

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telling your nursing homes in your hospitals, particularly in rural medically-underserved areas, how we can find a million or a million and a half, no matter how valuable the service being rendered might be, but you can't find a million or a million and a half for your nursing home in your district, or a medically-underserved hospital in your district. It's that slippery slope that we so often find ourselves on. I am... I'm not going to move that we have a record vote on this Amendment, give the Sponsor the time to work this Amendment because I have nothing at all... I do not stand in opposition to what she's attempting to do. I'm simply trying to alert some of my colleagues that it... as renowned as this particular hospital is, it will open up some of us to questions about if you can do it for one and some how find the money why couldn't you do it for the nursing home in your area or the hospital in your area? Sometimes these questions are very difficult, if not impossible to answer. And I simply raise that as a cautionary note. But I would ask that we put the Amendment on by voice vote, when it comes time to vote I hope all of us will understand the issue at hand."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Currie, how much out of the General Revenue Fund for this?"

Currie: "Well, as I said earlier, the anticipation when we left here in May, our expectation, the Department of Public Aid's expectation and Children's Memorial Hospital expectation was that they would receive reimbursement at their usual rates for the clients they serve all year long. The October decision pushed by virtue of their construction

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projects, construction projects that we support has meant an automatic lowering of their anticipated reimbursement rate. We believe that the total cost is somewhere between one and one and a half million dollars, half of that General Revenue Funds. I reiterate, we thought we had already given them that money. It is this glitch that we are trying to correct today, a glitch that happened after we finished our budgeting work in the spring."

Mulligan: "I thought we had cut a reimbursement rates at the end of the budget Session. How... how would this affect the other Children's Hospital?"

Currie: "It should not have an affect on them unless they too are forced to move out of current facilities while they do construction projects and move down the street."

Mulligan: "So, this only covers the same patients they would normally be covering if they weren't..."

Currie: "Yes, and we expected that they would be serving those people with in the main facility. The construction project has pushed them out the door. This only says that if you're within a very short walk of the main facility, the Children's Hospital will be entitled to the reimbursement we thought we were getting them in May."

Mulligan: "So, does this increase the rate that they would receive as opposed to what other hospitals received if it were a simular situation?"

Currie: "Yes, because of the situation that created the glitch."

Mulligan: "So, at what rate are they going to be reimbursed?"

Currie: "Traditional Children's Hospital reimbursement rate."

Mulligan: "Which was cut at the end of Session."

Currie: "And I'm not seeking to restore anything that was cut at the end of Session with this legislation. I'm only trying make Children's Hospital whole, as we thought it was and

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they thought they were and the Department of Public Aid thought they were, when we finished our budgeting program in May."

Mulligan: "But other childrens hospitals will still receive that cut."

Currie: "And so would Children's, this only has to do with the differential reimbursement depending on where the service is provided. They have had to move out of their usual facility. They're expanding their intensive care unit, they're working on their emergency room. So, the children's services are being provided down the street, same services, same clients. I wanna make sure that they get the same reimbursement."

Mulligan: "Seems to me a little... a little confusing as to whether they would've received that money either way. You feel that they'll lose that reimbursement because it's not at a certain address?"

Currie: "That's right, that's exac... you hit... you hit nail on the head, Rosemary. And in October they had the shift and that was not... they were not anticipating that the shift would result in a financial glitch."

Mulligan: "All right. Thank you."

Speaker Madigan: "The question is, 'Shall the House adopt the Amendment?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Floor Amendments."

Speaker Madigan: "Put the Bill on Third Reading. Mr. Morrow, on your Bill 2643. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 2643, a Bill for an Act in relation to state procurement. Third Reading of this House Bill."

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Speaker Madigan: "Mr. Morrow."

Morrow: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just a... move for the passage of House Bill 2643. I'll be glad to answer any questions."

Speaker Madigan: "This matter was debated on Second Reading. The Gentleman moves for passage of House Bill 2643. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? This is Third Reading. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hannig. Is Mr. Hannig in the chamber? Mr. Hannig, we'd like to call your House Bill 6306. And Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 6306, a Bill for Act concerning appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been Filed. Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

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

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. The Amendment deals with the question of reimbursements to nursing homes and would increase the... in total if adopted, would increase the reimbursement by \$55 million. So, I would ask for the approval of the chamber and be happy to answer any questions."

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

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

Speaker Madigan: "Sponsor yields."

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Black: "Representative, on Amendment #2, that would seem to be the language that the folks regarding the commitment to care were down here lobbying for yesterday. Is that... that would meet the budget figures to replace the 5.9% cut in Medicaid reimbursement for long-term care that was made last spring?"

Hannig: "Representative, I think the total amount that we cut last year in terms of dollars was \$110 million. If this Amendment is adopted we... it would suggest that we restore 55 million or about half."

Black: "All right. Just one question and I don't mean it to... it'll sound cynical, I don't mean for it to be that way, but I... I trust your judgement. You've been a... you've been a... an appropriations spokesman and a budget negotiator for many years. I certainly don't have any problem with the Amendment. My only fear is can we find the money to meet the intent of this and other Amendments?"

Hannig: "Well, Representative, I think when we argue the whole Bill my... my point is that we when we left here, when we passed the Bill here in May and left, we thought we had a plan on the one hand to... to securitize some cigarette monies and then that would allow us to do certain things and we went down a different path. And I'm suggesting maybe we should revisit both of those issues."

Black: "Is the securitization still an option?"

Hannig: "Yes."

Black: "I notice in Economic & Fiscal the amount of money that we're getting is not... is not meeting projections from the tobacco settlement. If we do securitize do you have any idea how many years... years worth of the settlement we would have to securitize to meet some of the commitments we'd like to meet? Will it be 4 years, 5 years?"

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Hannig: "Representative, I think we authorized the Governor and his representatives to... to negotiate a deal that would... would raise up to \$750 million. So, I believe the Governor's Office through the Bureau of the Budget and the rest his... his experts have a lot of flexibility on how they do it. We simply limited the upper amount."

Black: "All right. Yeah, I'll... I'll defer to your judgement on that because it... it... it's the only light that I see at the end of the tunnel. And I don't whether that's gonna happen and I'm sure you don't either. But just a... an implementation question if I could. If this supplemental passes and if it later it becomes law, do you... do we have to do a trailer Bill to change the implementation Act from last May, early June to enable the nursing homes to take advantage of this supplemental?"

Hannig: "It's my understanding, Representative, that we do that now by administrative rule, that we set the rates by rule. So, I believe that if the money was in hand and the executive branch signed the Bill, that then they would then be able to implement it almost immediately."

Black: "But... but, in fact, Representative, were not the rates frozen by statute that appeared in the implementation Bill? Didn't we specify what the rates would be in the implementation Act? And if that's the case, then I think it would take statute to change the rates."

Hannig: "Representative, you I... I'll be happy to look that up and you could be right, but in any case it's not an issue that we could address in this Bill."

Black: "I understand that."

Hannig: "I think you made a... I think you made a..."

Black: "I'm just trying to figure out if we have to do a follow up."

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Hannig: "I think you made a good point and we will find an answer to it."

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

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment and the Chair recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, now the initial underlying Bill was \$153 million?"

Hannig: "I'm sorry, could you repeat the question?"

Parke: "The underlying Bill was \$155 million."

Hannig: "Yes, Representative."

Parke: "And now this is gonna kick it up to \$203 million?"

Hannig: "It... it... not that amount... 195."

Parke: "Ohh."

Hannig: "And that's a gross amount, Representative?"

Parke: "I understand that the underlying Bill went from 150 to 163 in committee."

Hannig: "That's correct."

Parke: "So... so therefore, this laid on top will bring it over \$200 million. Well, regardless. And you're gonna... your think you're that you're going to pay for this by securitization of the tobacco money, is that what you're saying?"

Hannig: "Representative, I... I think when we passed the budget last year, in May it was..."

Parke: "But the Governor hasn't done that, has he?"

Hannig: "You're correct, he has not."

Parke: "And the money's is not available at this point, is it?"

Hannig: "He could use his authority."

Parke: "Well, what if he doesn't do that?"

Hannig: "Well, Representative, if he doesn't... ya know, what if

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he doesn't sign the Bill? I don't know. I mean, what I'm trying to do is move forward with a proposal that I think makes sense and addresses some problems. And I'm suggesting that the Governor already has a mechanism that he can use to fund this."

Parke: "Well, if he doesn't do that, do you have a tax source that you're gonna propose? Are you gonna introduce some kind of a tax enhancement and if so, can you tell the Body what that would be?"

Hannig: "No, Representative, I'm not going to introduce that."

Parke: "So, we're... we're talking about passing legislation as a well intended some of this is, without having a funding source. Is that really fair?"

Hannig: "No, Representative, I'm saying that the securitization of \$750 million which is law, is a source that the Governor could use."

Parke: "Yeah, but if the Governor chooses not to do it, then it isn't gonna be done. I mean he... he has the authority but he's chosen not to do that."

Hannig: "Well, I suppose if he chose not to... to pay for any amount of money he... he could do that, but I mean we have to pass appropriation Bills and that's where I think we can fund from."

Parke: "Well, what if we needed that money for fiscal year '04? Rather than to spend it on supplemental appropriation today, what if we needed it to take care of expenditures that are projected for '04 budget..."

Hannig: "Representative..."

Parke: "...and we spend them now?"

Hannig: "What if we wanted to save it for '05 or '06? I mean, that's..."

Parke: "Well, I'm talking about what we foresee in the

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upcoming..."

Hannig: "All I'm suggesting is that I have a Bill that I believe will address some important items in the budget. I've also said how I thought that the Governor could fund it. There are alternative ways that you could do all of these things and I'm not saying that... that any one given way is absolutely right or wrong but I think this is a good Bill and I'd ask for you to support it."

Parke: "Thank you. To the Bill. Ladies and Gentlemen of the House, I know this is a difficult issue. I mean, the strains on our budget are just tremendous, and I know that the Sponsor is trying to take care of immediate concerns that are, in many case's legitimate. But I think that we should allow the new administration coming in and the new General Assembly to deal with the issues of a new '04 budget and if the securitization is a source of revenue we may need that money to be spent in some other direction. To spend it now and have less money to take care of the overall needs of the State of Illinois just doesn't make sense to me at this point in time. I would ask that the Body vote 'no' on the supplemental appropriation and let's wait until the new fiscal year, the new General Assembly and look at the overall cost to this Body, the overall expenses. Because quite frankly, you spend this money now then you're gonna have to be voting for some kind of a tax enhancement for fiscal year '04 when the new General Assembly comes in. I think to do the patchwork now does not solve our problem for the next fiscal year. Ladies and Gentlemen, I'd ask you to vote 'no' and wait for the next fiscal year. Thank you."

Speaker Madigan: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. Will the Representative

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yield?"

Speaker Madigan: "Sponsor yields."

Bellock: "I'd like to ask a question about the \$15 million in the original Bill. I don't have a copy of the Amendment, that if this insures that the nursing homes will receive \$15 million?"

Hannig: "The Amendment, if we would adopt it and the Bill, if it would then become law, would provide that we would restore \$55 million."

Bellock: "Fifty-five for the nursing homes?"

Hannig: "Yes, 55... 55."

Bellock: "And is that matched then or is that a match of the 15 and a little above that?"

Hannig: "What we're doing is, the original Bill started at 15. We're suggesting that we amend the Bill and add an additional 35... or 40 and that we... we end up with 55."

Bellock: "Okay."

Hannig: "So, the Amendment, which is the only thing we're actually debating right here would add an additional \$40 million onto the 55 that's already into the Bill."

Bellock: "Okay. And then does that receive a federal match?"

Hannig: "Yes, that is matchable by... by the Federal Government."

Bellock: "So, that would be close to a \$100 million that would be restored to the nursing homes?"

Hannig: "No, Representative, it would be 55 million, but we would get a match back on that money."

Bellock: "Okay. And is that... does this Bill also include the increase for the mental health workers?"

Hannig: "It does not, Representative."

Bellock: "The home health care workers?"

Hannig: "I don't believe that it does."

Bellock: "Thank you."

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Speaker Madigan: "Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. May I ask a question?"

Speaker Madigan: "Proceed."

Biggins: "Thank you. Representative, is there anything in this Bill that has to deal with the Illinois Supreme Court?"

Hannig: "Representative, the Bill or the Amendment does not deal with the Supreme Court."

Biggins: "Nothing about their automobiles that and their drivers, et cetera that they've been using... some of them, the male members, I believe, of the court have availed themselves of that. Are they still doing that, do you know?"

Hannig: "It does... this Amendment and this Bill does not address that issue, not a thing, Representative."

Biggins: "'Cause I think the female members decided they didn't need that, some say extravagance, but I wouldn't say that. But anyways, it's not in your... it's not in this Amendment or not in the Bill."

Hannig: "Nope, not on this Amendment or not in this Bill."

Biggins: "Thank you."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Hannig, I have a couple of questions about this. This is an Amendment to the Bill that came out of Public Safety on Monday, right?"

Hannig: "Yes."

Mulligan: "Why is it on the House Floor instead of being discussed in Human Service Appropriations?"

Hannig: "Representative, the underlying Bill which was introduced over the summer was assigned to that committee and it was heard on in that committee on, I believe on Monday."

Mulligan: "I find it very interesting that the majority of that

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Bill had to do with Human Service Appropriations that went to Public Safety."

Hannig: "Well, Representative, when you deal with issues on a supplemental that deal like with Department of Corrections, a significant part of it, it... it... I agree with you that there are may be more than one committee that could... you could arguably say could hear it, but that was the call of the Rules Committee."

Mulligan: "Even though you're putting the 55 million or you want to put 55 million as the total Bill passes back in the nursing home line, that's not gonna change the rate cut, so that doesn't mean that they can get that money to supplement or put the cut back to what it was before they had the rate cut."

Hannig: "Representative, I... I think Representative Black brought that issue up and you are correct that we do need to have a substantive Bill that changes the rates."

Mulligan: "Well, are you intending to do that?"

Hannig: "Well, Representative, this is an appropriation Bill and as you well know, appropriation Bills can't really deal with substantive changes."

Mulligan: "So, if you're putting 55 million back for nursing homes and Representative Currie put more money back in for children's hospitals, are... are was just gonna do piecemeal replacing money and then try to pass a Bill that changes the rates? Where are we going with it?"

Hannig: "Well, Representative, we would... we would... you are correct we would, in order to make this actually work for the nursing homes have to address the issue of rates through the statues. But we can't do it in this Bill, because it's a substantive change, not an appropriations change."

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Mulligan: "Would it allow you to reduce the time that they're paying the bills right now?"

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

Mulligan: "If you put the \$55 million in so it's available if we have it, would it reduce the time of the bill payment cycle?"

Hannig: "I think the pay... the bill payment problem for the most part is a lack of cash at the Comptroller's Office, but..."

Mulligan: "I'm sorry, I couldn't... I can't hear you."

Hannig: "I think that the problem that we have right now in paying bills is simply a lack of cash and we have to get the Governor convinced to sign on to the idea of the Bill that we passed and the Senate passed on securitization or some other type of short-term borrowing in order to get some cash."

Mulligan: "So did you say the Comptroller's Office is holding up the bills?"

Hannig: "Yes, the Comptroller's Office is holding some of the bills."

Mulligan: "So, this is not gonna necessarily help that unless the Comptroller's Office decides to start moving the bills out."

Hannig: "Well, Representative, in order to send a check to a nursing home you have to have the spending authority in the appropriation Bill and then you have to have the cash. Now, if we would pass this Bill, we would increase the spending authority and then if the Governor would use his powers on the securitization of tobacco payments we could also... or some other method we could also find the cash to pay the bills. So, we have to do both of those steps in any case."

Mulligan: "All right. So, you're preparing to do a different

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Bill and just putting the money in the line item that then maybe you'll address it in January."

Hannig: "Well, Representative, if... again maybe I'm not understanding the question, but we're trying in order to change the rates, we have to have appropriation and the language that would change the rates. This is the part that deals with the appropriation."

Mulligan: "All right. So my question is, when are you planning on changing the rates back?"

Hannig: "Well, Representative, I think if we... as we move the Bill along we need... we need to find a companion Bill to move along that would deal with... with the rate changes, but you're absolutely right."

Mulligan: "So, when you're done with this what's the total... what's the total gonna be on this Bill now?"

Hannig: "I think it actually is in about \$200 million range."

Mulligan: "So, it's... I'm trying to get this straight. It's bump up to 55 million total, in lieu of 15. It was 15 the way it came out and now it'll be 55."

Hannig: "This would bump it an additional 40."

Mulligan: "All right, thank you."

Hannig: "And that's a gross amount."

Speaker Madigan: "The question is, 'Shall the House adopt the Amendment?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk. Mr. Clerk."

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

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn

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Currie, Chairperson from the Committee on Rules, to which the following measures was/were referred, action taken on November 20, 2002, reported the same back with the following recommendations: 'to the floor for consideration' Amendment #3 to Senate Bill 1240."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 1240?"

Clerk Rossi: "Senate Bill 1240, a Bill for an Act respecting education. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative McKeon, has been approved for consideration."

Speaker Madigan: "Mr. McKeon. Mr. McKeon. Mr. McKeon. Mr. McKeon on the Amendment. On the Amendment for the Chicago School System."

McKeon: "Right. Mr. Speaker, I made a commitment to Representative Cowlshaw and other Members of the committee that we would hold this Bill on Second. Do we read the Bill a second time and to give them a day to look at the technical Amendment and then move it from second to third and debate the Bill tomorrow? Or Mr. Speaker, let me... can we pull out of this record for a minute and let me speak to Representative Cowlshaw?"

Speaker Madigan: "Not a good time. Mr. McKeon, how was it? Good time."

McKeon: "Was a good time. Thank you. It took a while to get her off the telephone but I've had a good time."

Speaker Madigan: "So, I guess we're on Second Reading. Mr. Clerk..."

McKeon: "We need to adopt... adopt the Amendment."

Speaker Madigan: "Mr. Clerk, the status of the Amendment. Mr. Clerk."

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Clerk Rossi: "Senate Bill 1240 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. Floor Amendment #3, offered by Representative McKeon, has been approved for consideration."

Speaker Madigan: "Mr. McKeon, on the Amendment."

McKeon: "Thank you, Mr. Speaker. This is a rather historic Bill for this chamber. In 1995, we worked very... through a very difficult Bill to give complete control over the Chicago Public Schools to the Mayor of Chicago. This Bill makes some significant modifications to that original Bill after the success and the learning that the city, the Chicago Public Schools, the Chicago Teachers' Union, have had in those intervening years. This is an Agreed Bill between the mayor, the Chicago Public Schools, the Chicago Teachers' Union, the Illinois Federation of Teachers, Chicago... Cook County College Teachers Union, as well as the community colleges. They worked very hard on this Bill all summer long. It has the support of both sides of the aisle and was passed unanimously out of the Elementary & Secondary Education Committee this morning. This Floor Amendment #3, is a technical Amendment that was agreed to by the Members of the committee. And Mr. Speaker, I move its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Rutherford."

Rutherford: "Thank you, Speaker. Just a few moments ago as I looked up there, I was one of the hyphenated Sponsors on this legislation. And I've now looked around and it's not. How... number one, I would think, just to be very candid, I mean, I don't mind that Representative McCarthy and Representative Acevedo are on there, but I think common courtesy should be extended to another Member if they're

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going to be bumped off as a hyphenated Sponsor on a piece of legislation. I think it is discourteous to not have the gracious professionalism to walk across the aisle and tell'em that."

Speaker Madigan: "I would agree with that if you had decided to remain here in the House."

Rutherford: "Well, maybe a Bill like this will come... "

Speaker Madigan: "But, you've... you've made your bed."

Rutherford: "Maybe, it'll come over to the Senate and I'll have a chance to get my name on it and bump Representative McCarthy or Acevedo off at that time."

Speaker Madigan: "Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative McKeon, I know you stated that this Bill was agreed upon by both sides of the aisle."

McKeon: "I was advised that Leadership on both sides of the aisle are in support of the Bill."

Davis, M.: "Well, I do not support this legislation, and the reason I don't support this legislation is because we're talking about African-American and Latino children. Now, we both know according to the scores that are made public every year, every year the scores that are made public the African-American children score the very lowest. And it would appear to me that if these children's scores are the very lowest that you would want the absolute best instructors to teach those children, rather than reducing the requirement that they be certified people. It appears you'd be seeking master degreed people. Do you have physicians who are uncertified working on sick people?"

McKeon: "Mr. Speaker, are we dealing with a technical Amendment?"

Speaker Madigan: "Mr. McKeon, I'm not familiar with all the

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details of the Amendment."

McKeon: "Mr. Clerk."

Speaker Madigan: "Mr. Clerk, there's a question. I believe this is an Amendment that was drafted by several people and it probably..."

McKeon: "We have a..."

Speaker Madigan: "...embodies an agreement among several people. Mr. McKeon."

McKeon: "We have a technical Amendment that Rules just released from committee directly to the floor."

Speaker Madigan: "This Amendment was just approved by the Rules Committee for consideration."

McKeon: "All right. This was the technical Amendment."

Speaker Madigan: "Okay."

McKeon: "I'd like to... your request, Ms. Davis, and I appreciate her comments. This is the cleanup Amendment to the language and I believe we have another Amendment which becomes the Bill that we'll be debating. Is that correct, Mr. Clerk?"

Davis, M.: "Well, let me just say to you and I appreciate your remarks, Representative. This is a technical Amendment, I will understand that. But in committee a Roll Call was being taken. Some people left the room because they chose not to vote in support of this legislation. And after they left, the Attendance Roll Call was used, which is very misleading. Therefore, every time 1240 comes on the board, I'm gonna make it a public record that I'm opposed to this Bill that reduces the qualifications of teachers of African-American and Hispanic children who go to charter schools."

Speaker Madigan: "Mr. Black."

Black: "Thank you, very much, Mr. Speaker. I simply rise in

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support of Amendment #3. It is a technical Amendment, it has nothing to do with the underlying Bill, and in fact, there's language that empowers the educational employer to decide to bargain. So, I can't imagine that anybody would be opposed to Amendment #3. I think most of my colleagues on this side of the aisle would rise to support Amendment #3, and if we care to debate the Bill at a later time, that's fine. But Amendment #3 is a... simply a technical Amendment and certainly has been agreed by almost everybody to the process. I'd urge an 'aye' vote or acceptance of Amendment #3."

Speaker Madigan: "The question is, 'Shall the House adopt the Amendment?' Those in favor say 'yes'; 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. Third Reading. The Bill shall be placed on the Order of Third Reading. Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. I just wanted to reiterate that I made a commitment to a number of people in the committee that this Bill would be available to Leadership and on our system on the laptops and so they'll have overnight and tomorrow until we call it on Third Reading to look at it. I made that personal commitment and I wanna just make sure that they're aware of it. Thank you."

Speaker Madigan: "Thank you. Mr. Clerk, what is the status of Senate Bill 980?"

Clerk Rossi: "Senate Bill 980 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie."

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Currie: "Thank you, Speaker and Members of the House. This measure would provide for a raise for members of the Metropolitan Water Reclamation District of Metropolitan Chicago. We based the numbers... the raises would be quite modest. We based their numbers on calculations from the 1991 salary increase approved by this chamber, going forward with cost of living numbers from the Bureau of Labor Statistics. We actually made the raises a little less than those numbers would have provided. These raises would be available only to three members of the MWRD this coming year because the others are still in the middle of their terms. This is a modest increase and of course, the cost would be borne by the people who support the work of the Metropolitan Water Reclamation District, not by state taxpayers. The total would amount to \$20 thousand this year. I'd appreciate your support for the Amendment."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'yes'; 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, how many times has this Bill been read?"

Clerk Rossi: "The Bill has been read a second time, previously."

Speaker Madigan: "All right. Read the Bill for a third time."

Clerk Rossi: "Senate Bill 980, a Bill for an Act concerning local governments. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker, Members of the House. We just discussed what this measure does. I'd appreciate your support."

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

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Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? This Bill will require 71 votes for passage. Have all voted who wish? Have all voted who wish? Has Representative Lou Jones voted? Have all voted who wish? The Bill will require 71 votes. The Clerk shall take the record. On this question there are 68 people voting 'yes', 44 voting 'no'. And the Bill fails. Mr. Colvin, do you seek recognition? Mr. Colvin. Do you seek recognition?"

Colvin: "Mr. Speaker, we'd like to put this Bill on postponement and move for consideration, please."

Speaker Madigan: "Mr. Colvin these kindhearted people on this side of the chamber are a little exercised. Mr... Mr. Black, is making a strange gesture."

Black: "Mr. Speaker, in all due request (sic-respect) of the Sponsor of the Bill, he was just a little short. Although he isn't, he's a very large man that I certainly don't want to get on the wrong side of, but to request Postponed Consideration, in all due respect, you needed to do that before the Speaker took the final record. I believe he took the final record, therefore your request should be ruled out of order. Again, I didn't speak in opposition of the Bill, but the process is still very important to me and you were just about 20 seconds too late on your request for postponed and I would ask the Chair to so rule."

Speaker Madigan: "Mr. Colvin. I think Mr. Colvin would probably withdraw his request."

Colvin: "Mr. Speaker."

Speaker Madigan: "Mr. Colvin."

Colvin: "Mr. Speaker, since we have not moved on to the next order of business, is it not in order that we can move for Postponed Consideration?"

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Speaker Madigan: "Under the rules, the option available to you would be for someone who voted on the prevailing side, which is the losing side, to move to reconsider the vote. All right. So, Mr. Fritchey moves to reconsider the vote. So, Ladies and Gentleman, if we could have your attention. The Chair had indicated that Mr. Fritchey had moved to reconsider the vote. Mr. Fritchey has withdrawn that Motion. However, the Chair is in receipt of a Motion from Mr. Franks, and that would be a Motion to reconsider the vote on Senate Bill 980. And on that question the Chair recognizes Mr. Parke."

Parke: "Thank you, Mr. Speaker. Now, that request is in writing? Okay, now isn't that supposed to be on the table for a period of time? Can it immediately be done? I thought it had to be on the table for awhile."

Speaker Madigan: "The parliamentarian advises me that we can consider it now."

Parke: "In an hour."

Speaker Madigan: "No, right now."

Parke: "You can... without... immediate consideration then?"

Speaker Madigan: "Yes."

Parke: "Okay."

Speaker Madigan: "Ladies and Gentleman, our status is that there's a Motion to reconsider the vote which will require 60 votes. Mr. Black."

Black: "Thank you very much, Mr. Speaker. I make a Mo... I make a Motion to Table the Motion to Reconsider."

Speaker Madigan: "Mr. Black has moved to table the Motion to Reconsider. Mr. Black's Motion requires more 'ayes' than 'nays'. Mr. Parke. Mr. Parke."

Parke: "Thank you, Mr. Speaker. Doesn't it require 71 votes, then?"

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Speaker Madigan: "No, it's a Motion to Table. We started with a Motion for passage..."

Parke: "Yes, Sir."

Speaker Madigan: "...which failed."

Parke: "Right."

Speaker Madigan: "And then there was a Motion to Reconsider which would have required 60 votes. And now, Mr. Black has filed a Motion to Table the Motion to Reconsider. The Motion to Table requires more 'ayes' than 'nays'. Mr. Parke."

Parke: "Then that requires 60 votes."

Speaker Madigan: "No, more 'ayes' than 'nays'."

Parke: "Oh just... just on the people voting."

Speaker Madigan: "More 'ayes'... yeah."

Parke: "All right. Thank you, Mr. Speaker."

Speaker Madigan: "All right. Ladies and Gentlemen, we're on a Motion to Table. If you are one who would like to reconsider that vote, then you vote 'no' on the Motion, right now. So, Mr. Black has moved to table and those in favor of Mr. Black... here's a good way to do it. Those in favor of Mr. Black vote 'yes'; those against Black vote 'no'. Take the record. If you're against Black vote 'no'. All right, Mr... Everybody should record themselves. Again, if you're against Mr. Black you'll vote 'no'. The Clerk shall take the record. On this question, there are 47 'ayes', and 69 'noes'. And Mr. Black's Motion to Table fails. Which takes us back to the Motion to Reconsider, which has been filed by Mr. Franks. And on that Motion, those in favor of Mr. Franks' Motion to Reconsider will vote 'yes'; the others will vote 'no'. This Motion will require 60 votes. This Motion requires 60 votes. This is a Motion to Reconsider. Mr. Clerk, take the record. On this question, there are 74 people voting 'aye', 41 people

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voting 'no'. And the Franks' Motion is adopted. So, we have reconsidered the vote on Senate Bill 980, which takes us back to the main question. And the question will be, 'Shall Senate Bill 980 pass?' Those in favor will vote 'aye'; those opposed will vote 'no'. This requires 71 votes. So, we're on the main question on the Bill. The Bill requires 71 votes to pass. Four people have not voted. Three people have not voted. Mr. Clerk, take the record. On this question, there are 72 people voting 'yes', and 43 people voting 'no'. And this Bill, having received an extraordinary Constitutional Majority, is hereby declared passed. The Chair is prepared to adjourn. Representative Currie moves that the House stand adjourned until 10 a.m. tomorrow morning, providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The House does stand... Ladies and Gentlemen, before you leave... before you leave, there's a committee meeting in the morning. Mr. Bugielski. All right, the Chair stands corrected. The meetings are this afternoon. So, a notice has been distributed. And there'll be a meeting of the Committee on Computer Technology and a meeting of the Committee on Financial Institutions immediately after adjournment. So, once again, the Motion is that the House stand adjourned until 10 a.m. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 10 a.m. tomorrow morning."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction - First Reading of House Bills. House Bill 6315, offered by Representative Hannig, a Bill for an Act in relation to public employee benefits. House Bill 6316, offered by Representative Lang, a Bill for an Act

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concerning tax collection. House Bill 6317, offered by Representative Morrow, a Bill for an Act concerning contracts. House Bill 6318, offered by Representative Lou Jones, a Bill for an Act relating to public utilities. House Bill 6319, offered by Representative Lou Jones, a Bill for an Act concerning public utilities. First Reading of these House Bills. First Reading of House Joint Resolution Constitutional Amendment #17.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT #17

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State..."

Clerk Rossi: "Attention Members. The Computer Technology Committee scheduled to meet immediately upon adjournment has been canceled. The Computer Technology Committee scheduled to meet immediately upon adjournment has been cancelled."

Clerk Rossi: "House Joint Resolution Constitutional Amendment 17. That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 25 to Article I of the Illinois Constitution as follows:

ARTICLE I

BILL OF RIGHTS

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SECTION 25. TAXPAYER SUITS

Notwithstanding any other provision of this Constitution or any law or judicial decision to the contrary, each taxpayer of this State or of any taxing district in this State has standing to bring suit in the circuit court to enforce the rights of taxpayers of the State or of any taxing district, as the case may be. These rights of taxpayers include, but are not limited to, the right, on behalf of the State or a taxing district, to enjoin the illegal disbursement of public funds, to recover public funds illegally expended, to recover anything of value obtained through the breach of a public official's fiduciary duty, and to enforce any rights of taxpayers recognized at common law or created by the General Assembly by law. Standing is subject to (i) giving any prior notice to or making any prior demand on a public official that is required by law to bring suit and (ii) complying with any procedures that are required by law.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. First Reading of this House Joint Resolution Constitutional Amendment. There being no further business, the House Perfunctory Session stands adjourned."