

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

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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: "Let us pray. Most sovereign God, the Lord of Lords, and the King of Kings, we ask that You will smile upon this Body. Father, we ask that You would extend Your mercy upon them. May You extend Your wisdom and Your understanding. But most of all, most gracious King, we ask that You will bestow Your love upon them. Because we're reminded of Your word, it says that Your love covers a multitude of faults. This we kindly ask and pray in Your Son's name. Amen."

Speaker Madigan: "Roll Call for... excuse me, the Pledge of Allegiance by Representative 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 Hartke: "Roll Call for Attendance. Representative Currie."

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

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Osmond is excused 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 Bolin: "Committee Report. Representative Bugielski,

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Chairperson from the Committee on Financial Institutions, to which the following measure/s was/were referred, action taken on Thursday, November 21, 2002, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 729. Sup... supplemental Calendar #1 is being distributed."

Speaker Madigan: "Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker. Would like to rise to a point of personal privilege."

Speaker Madigan: "State your point."

Black: "Thank you so much. Ladies and Gentlemen of the House, first and foremost I want to wish all of you a most happy and joyous Thanksgiving. Obviously, some of you have more to be thankful for than others, but all in all, it's still I hope, a very happy Thanksgiving. We do have an announcement on our side of the aisle, I want you to come over and wish Lisa Rawlings the very best today. She will be leaving early next week for a sunrise wedding on the beach in beautiful Jamaica. So, when we reconvene in early December, Lisa Rawlings will no longer be known as Lisa Rawlings, but I can't pronounce her married name so you'll have to ask her yourself. Congratulations, Lisa."

Speaker Madigan: "Mr. Smith."

Smith: "Thank you, Mr. Speaker. I would like to inform the House that my seatmate here, Representative Holbrook, will be celebrating his birthday on Saturday. He says he's ageless, and in honor of his birthday we have some donuts down in front, if you haven't already had one. Please have one in Tom Holbrook's honor."

Speaker Madigan: "Mr. Clerk, on Supplemental Calendar #1, what is the status of Senate Bill 729?"

Clerk Bolin: "Senate Bill 729, a Bill for an Act concerning

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taxes. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Clerk, what is the status of Senate Bill 729?"

Clerk Bolin: "Senate Bill 729 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Mr. Clerk, put that Bill on the Order of Second Reding. Mr. McGuire, are you prepared on House Bill 4938?"

McGuire: "...To accept the Amendatory Veto on House Bill 4892, 4938, excuse me. And if there are any questions I will try to answer the questions. It's a straightforward Bill. We have a Amendatory Veto and we are ready to accept the Amendatory Veto."

Speaker Madigan" "Representative Currie."

Currie: "Thank you. If the Sponsor would yield for a few questions..."

Speaker Madigan: "Sponsor yields."

Currie: "...just for legislative intent. Thank you. So, as I understand that what you're trying to do here is sort of clean up language, put the crim... criminal penalty into the same part of the statute that says you may not knowingly destroy or deface."

McGuire: "I believe that's correct. Yes, Representative."

Currie: "So, and... and you've added digitalized and electronic records to the definition of what is a public record?"

McGuire: "Yes, yes."

Currie: "So, it's... it's straightforward cleanup, you're not trying to make any substantive changes..."

McGuire: "No."

Currie: "...in the definition, what counts as a public record and your not applying penalties to people who accidentally

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deface or harm..."

McGuire: "Correct."

Currie: "But let me just ask you this. And I just really want to make sure that we're not changing the substantive law about what is a public record and what the employee's obligation is."

McGuire: "That's correct."

Currie: "So..."

McGuire: "I guess I'm not sure of myself."

Currie: "I guess I'm not sure exactly what that underlying substantive law means. Are you in any way trying to make an employee worry that failing to keep some piece of paper that crosses his or her desk might make them liable for criminal penalties?"

McGuire: "Well, what we're trying to do is make as simple as possible. And actually, the Bill refers only one, one different penalty. And I think you have stated the Bill much better than I could."

Currie: "But... you're not trying to make people worry as they sit at their desks..."

McGuire: "No, no."

Currie: "...that failure to keep this document is suddenly gonna send them to the slammer? Is that right?"

McGuire: "Yes."

Currie: "So what kind of standard would you say the employee ought to be using in deciding whether this is a record that must be kept or one that can be tossed?"

McGuire: "You're exactly right."

Currie: "A kind of reasonable person standard."

McGuire: "Yes."

Currie: "That's current law. You don't change that at all?"

McGuire: "That's right."

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Currie: "Okay, thank you very much."

McGuire: "That's right. Thank you."

Speaker Madigan: "Mr. Black. Mr Hartke in the Chair."

Black: "Yes, thank you very much, Mr. Speaker. The esteemed Majority Leader asked all the good questions, the Sponsor gave all of the right answers. The Governor's Amendatory language simply cleans up an error in the Bill, and with that I know of no objection to the Bill. Thank you very much."

Speaker Hartke: "Mr. Black, have you concluded? Further discussion? The question is, 'Shall the House accept the Governor's specific recommendation for change with respect to ho... House Bill 4938?' All those in favor... This is final action. All those in favor signify by sim... voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. This... There are 116 Members voting 'aye', 0 voting 'no' and 0 voting 'present'. And this Bill, having received the required Constitutional Majority, the House accepts the Governor's specific recommendation for change regarding House Bill 4938. Chair recognizes Representative Curry. For what reason do you seek recognition?"

Curry: "Mr. Speaker, I rise for a point of personal privilege. I'd like to be recognized because I have a class here from Mount Zion High School, Government Class, visiting the State Capitol today. So I would like everyone to welcome them and give them a nice round of applause."

Speaker Hartke: "Welcome to your State Capitol. We're happy to have you. On page 2 on the Calendar, on House Bills-Third Reading appears House Bill 2887. Representative Flowers, 2787, Representative Flowers."

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Clerk Bolin: "House Bill 2787, a Bill for an Act concerning managed care. Third Reading of this House Bill."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I offer House Amendment #1 to address a problem that was the subject of a special investigation news report on Channel 2 News in Chicago entitled Critical Size by the reporter Pam Zekman on October 31st regarding the inappropriate use of facilities often referred as 'urgent care centers'. Pam Zekman found that public confusions about the scope of practice of these facilities can be the difference between life and death. A hospital emergency room required by law to be staffed by a qualified emergency room doctors and equipped to handle life-threatening situations, urgent care centers are not. And in some cases, these urgent care centers are no different than a doctor's office. Mrs. Zekman, reported on a case of Tommy Rogerson, whose mother took him to the Advocate Dreyer Urgent Care Center in Aurora with a high fever, he was nausea (sic-nauseous) and he had severe headaches. It took three hours to see the doctor on duty. Mrs. Zekman found that medical records show that Tommy had a nasal congestion for 2 days, a temperature of 103 and white blood counts elevated to 26,100, A normal reading is 4 thou... between 4 and 10,000. An osteopath whose specialty is in family practice diagnosed Tommy with a sinus infection and sent him home with prescriptions for antibiotics. Tommy's mother drove him home, but immediately called for an ambulance when he became unresponsive. He was taken to the hospital where it was determined that he had bacteria (sic-bacterial) meningitis, a potential lethal disease if untreated. Ladies and Gentlemen, Tommy died the following

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morning. The doctors misdiagnosed his symptoms. The urgent care center failed to see an... to send Tommy to the hospital and despite the fact that there was a considered... what happened at the hospital was considered negligent and contribute to the child's death. A nurse at the center has testified that Tommy's white cell count was extremely high and that she was surprised to learn that Tommy was not being hospitalized immediately and given a high level of intravenous antibiotics. In this case, the use of a term 'urgent care' inappropriately suggested that that center could provide emergency room care and that was wrong and it caused the death of Tommy. WBBM reporter Pam Zekman also described the case of Barbara Barnes, who was having chest pains and trouble breathing and went to an urgent care center in Batavia because she had been referred there by her health maintenance organization for evaluation. After a chest x-ray, the center the center suspected pneumonia. She was taken home and died from a heart attack four hours later. The Barnes family is suing the attending physician for her wrongful death. The Barnes family claimed that Barbara died of arrhythmia, a disturbance of the heart rate, which may have been treatable at a hospital. The lawsuit also charges that the HMO discouraged and penalized insured patients from obtaining care at a hospital emergency room. The purpose of House Bill 2787, as amended by the House, is to assure that no... that there is more appropriate use of prompt care facilities and there is no public confusion about the use of such facilities with respect to medical emergencies. I understand that hospital emergency services are not always the most appropriate level of care for patients seeking the unscheduled medical care or for patients who do

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not have a regular physician who can treat a significant or acute medical condition not considered critical, debilitating, or life-threatening. I, also understand that hospital emergency rooms are over-utilized and too often overburdened with many injuries or illnesses that could be managed in a less intensive clinical setting or a physician's office. This over-utilization of hospital ER rooms also contribute to the excess medical and health insurance costs. And we also know that some managed care patients are being directed to use alternative health care facilities such as prompt or urgent care facilities for certain noncritical medical emergencies. Enrollees are not always sure about the policies and the procedures that must be followed in the use of such facilities, especially when they experience a serious medical problem that require emergency e... medical services. It's clear that prompt and urgent care centers are growing... are a growing alternative to hospital emergency rooms. At the same time, the use of the term 'urgent' or 'emergent' (sic-emergency) or a similar word or phrase in a prompt care facility posted or in its advertised name can... can confuse the public and prospective patients regarding the type of service offered relative to those provided by a hospital emergency room. There is a significant risk to a public health and safety if persons requiring treatment for a critical care or life-threatening condition inappropriately use prompt care facilities, it can cause their death. There is a need to more clarify and define the role and the function of prompt care facilities in the health care delivery system. And to more effectively educate health care payers and consumers about the most appropriate use of such facilities. This legislation is still a work in



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progress and I expect that there will be additional recommendations for change by interested parties. I have been reviewing this legislation with several health authorities over the past few days, including the Department of Public Health, the Department of Insurance, the State Medical Society, the Illinois Hospital Association representatives and other various health maintenance organization and health plans. I believe that they are all in support of the basic purpose of this legislation, to prevent further confusion about the use of urgent care centers and to ensure the medical emergencies are treated by hospital emergency rooms. Everyone who has contacted me about this legislation has agreed to continue working toward that objective and have agreed to continue to working toward final passage of this Bill. In my discussion with the Illinois Department of Public Health, I agreed to consider... to consider alternative language that they will be drafting over the course of the next few days. I expect that to be a constructive process and that a final agreement can be reached before the end of the Veto Session. It is important that we act on this matter this Session to prevent... to prevent further cases similar to those cases we have learned about this week. Ladies and Gentlemen, I urge for the passage of House Bill 2787. Thank you."

Speaker Hartke: "Further discussion on the... on the legislation. The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "The Sponsor indicates that she will yield."

Parke: "Good morning, Mary."

Flowers: "Well, good morning, Representative Parkes (sic-Parke)."

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How are you this morning?"

Parke: "I'm well."

Flowers: "Great, I'm so glad to hear that."

Parke: "So, now you've read from your prepared text for about five minutes, could you just in two sentences tell us what this does?"

Flowers: "In less than two sentence, the objective of this legislation is to... will be to: #1 eliminate the word or words or 'prompt', 'emergency', 'emerge' care from the sophisticated doctors' office's to educate the public that that is all that they are, doctor offices."

Parke: "Okay... that doesn't in itself doesn't sound terrible. How do you educate 'em? How do you educate the consumer when they see the sign and they walk in the door? How do you do that in the... from the car to that, is there a newspaper ads or what?"

Flowers: "I'm glad you stated that. First of all, those signs should be removed because that's misrepresentation of what they actually do there. They are not an urgent care center because the word 'urgent' is a derivative from the word emergency. And one will assume that if they saw the sign urgent care that they could go there. And also, the HMOs have been referring their patients to those doctors' offices and you know that we passed a Consumer Bill of Rights and if a patient feel that they have an emergency they, by law, are able to go to the closest emergency room."

Parke: "And who are you going to use to enforce this Bill?"

Flowers: "As I stated, Representative Parkes, (sic-Parke) and the reason I read the remarks is because I wanted to make sure that you understood all the people that were involved and how it came to be. The Department of Public Health and I

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also want to include probably the Attorney General's Office and the Department of Insurance."

Parke: "That's in your Bill?"

Flowers: "That will be in the final draft. Yes, that is the intent of this legislation."

Parke: "What is, what do you mean fr... what do you mean final draft? What is this Bill?"

Flowers: "This is the Bill that we're working from. But because of the time constraints and it's important that we get the Bill passed this Session because there's the holiday season coming upon us and there may be accidents or people may not know that the urgent care centers are not urgent care centers. So the..."

Parke: "Well, you realize, of course, that this is... if it passes here it goes to the Senate and there again, if no action's taken in the Senate, then... you're gonna have to wait for the Spring Session. Isn't that right?"

Flowers: "But hopefully, Sir, because this is a life and death situation and we do know already of two deaths and there are many more out there, we don't want this to involve into more. And if we can eliminate one other person from going to an urgent care center, knowing that the care that's provided there is not urgent and if they need urgent care they should go to a hospital ro... an emergency hospital room."

Parke: "Well, I have a question on the procedure here. Now, if you're gonna tell'em that they need to take their signs down, they're probably gonna have to change their stationary, change the ads in the phonebook. Do we... are you talking abo ut some kind of tax credit for these... these companies?"

Flowers: "Sir, what I'm saying is, there cannot be no

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misrepresentation of what that office really is and what really goes on there. There cannot be false advertisement."

Parke: "False advertisement, hmm. If somebody says that they are a... surgery center and do stitches, is that considered a misrepresentation if they're not doing surgery?"

Flowers: "There's all kinds of different types of surgery. But there... if there is emergency surgery, see there... there's a... that's a surgery center. So you have gone there, knowing that you're going to anticipate some type of surgery. But when you see the sign that says 'emerge' or 'urgent' and when you look up the word 'urgent' and you find the word in the... the regular dictionary, I looked up the word 'emergent' or 'urgent' in the dictionary and each one was a synonym of the other. That's false representation because they do not, they do not deal with emergency services. As a matter of fact, I need to bring this to your attention. If you go to the web page of..."

Parke: "Representative Flowers."

Flowers: "Yes."

Parke: "I... appreciate that and I'm just trying to make a point as that..."

Flowers: "But I... I'm trying to make a point to you, also."

Parke: "Well, all right, but I now I have, I have other..."

Flowers: "Because this is false advertisement here in this picture it says emergencies..."

Parke: "This Bill, this Bill doesn't deal with false advertisement. It deals with changing a name. Now, I have a question. Is it your intent to just to make it so that the consumer understands what is available by virtue of the name? That's your intent, isn't it? So, if it says emergency, then emergencies can be treated? If it's not an

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emergency, then it shouldn't have a ser... We're not, we're not gonna set up an ability for people to sue because the name might have been misinterpreted or misunderstood. Your intent is simply to solve a problem of making sure your, yours and my consumer knows that what the services are that they're... that are provided there."

Flowers: "Simply, yes."

Parke: "Okay. But again, there's no... aren't you also gonna turn to Department of Registration and Regulation on licensing? Have you decided to do anything there?"

Flowers: "You know, I thought about that, originally. I was going to do that and then I changed my mind. And the reason why, a doctor's office is a doctor's office is a doctor's office. And that's all we're talking about here. These signs that says urgent care centers are nothin... are nothing more than a doctor's office or a clinic. So therefore, it is not my intent to regulate what a doctor does in his or her office."

Parke: "So, when the Bill is in the Senate, then you're going to continue to work with the Senate Sponsor to put in more language to solve whatever problems you haven't addressed at this point in time?"

Flowers: "We have sat and talked with the various people, the Department of Public Health, the Department of Insurance, the Illinois Medical Society, various health plans and we all agree that the name is detrimental to the people in the State of Illinois. And so..."

Parke: "Okay, but I got to talk about the practical... practical aspect of the legislation."

Flowers: "Yes, yes."

Parke: "So, you said that the Bill's not done yet?"

Flowers: "No."

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Parke: "So, you're gonna send it to the Senate?"

Flowers: "Yes."

Parke: "The Senate Sponsor's going to work with you and try to put in what you need to get it?"

Flowers: "Yes."

Parke: "And then, when will it come back? 'Cause it's not going to be able to come back in the next two weeks when we're back from Veto? Are you going to try to do it in January before we adjourn, sine die? Is that your intent?"

Flowers: "Well, you know what, that's a possibility. And some... but I do anticipate before the end of this General Assembly that this Bill will come back on concurrence."

Parke: "You're hope... you're hopeful that..."

Flowers: "Yes, Sir."

Parke: "Good luck."

Speaker Hartke: "Further discussion? Chair recognizes Representative Krause."

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

Speaker Hartke: "The Sponsor will yield."

Krause: "Representative Flowers, this Bill was presented in Health Care Committee yesterday and I strongly support the legislation and the work that you have done on this. Mr. Lumpkin testified yesterday in support of the legislation and particularly under the legislation the steps now that the department must take and I think it is necessary to educate the public. It was very clear that the words 'urgent', 'emergi' and any other similar reference cannot be used for these facilities. Have you had any conversations with him as to just where, in fact, the department might go as far as educating the public or getting out rules and regulations now that, in fact, can

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limit what has occurred in this instance?"

Flowers: "Representative, I haven't heard back from the department because the Bill..."

Krause: "All right."

Flowers: "...we just got it out yesterday. But it is their intent to work on this over the next several days. And for the next Veto sh... Session, I anticipate the language to be worked out and ready to be heard."

Krause: "It would seem to me, though, that the Bill is generally in the order in which it should be. And do you anticipate any type of changes, except some more perhaps, language expanding further? Or do you think the legislation generally seems to set out what needs to be done?"

Flowers: "Right. And if your concern again is the registration part, again I can assure you it is not my intent because as I stated earlier, these are just doctor's offices."

Krause: "Okay. Thank you very much. I think you've done a very good job on the Bill. And just, to the Bill, very briefly."

Speaker Hartke: "To the Bill."

Krause: "I think this legislation, House Bill 2787, indeed is necessary. It brings out a very current issue and a current issue that must be addressed in our state, and that is that, in fact, we must adopt and require rules to really regulate the use of the terms 'urgent', 'emergi' or similar that are used in these facilities. The time has come that these were... which really proliferate the state, in fact, as was testified they are really doctor's office and they should not be in any way led to represent that they are emergency rooms. I do support the legislation and urge the sup... a 'yes' vote."

Speaker Hartke: "Further discussion? Chair recognizes the Lady

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from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I also rise in support of this legislation. In the Health Care Committee, the Director of Public Health, Director Lumpkin, pointed out some glaring omissions in oversight of health care facilities that has simply gone untouched and unnoticed. And very specifically, he mentioned many years ago when these facilities first began appearing in the areas near Chicago, he began concern... became concerned that those with medical emergencies might feel that they could get the same treatment at a 'urgent care' as they could at a hospital-based emergency room. We then heard some very tragic testimony of a woman whose mother was directed by her HMO to go to such an urgent care facility before she could go to a hospital. And the woman ended up dying of heart problems. We also heard testimony concerning a young boy that ended up having bacterial meningitis and died, but was not referred to a... emergency room and was not diagnosed at the urgent care. I think what's important and it's important to have extended-care facilities, perhaps 24-hours extended-care facilities for those who have urgent... have medical needs that perhaps do not require a hospital but do require late hour availability. However, these facilities should indicate they are extended-care facilities for us... as far as hours, but not indicate by their wording, by their advertising that they are actually emergency rooms. I think this is very important for the health of our citizens and I'm... I'm actually shocked that it's gone unregulated this long. And I urge support of this Bill."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Flowers to close."



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Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, I would just urge a favorable vote for House Bill 2787. And I also would like to add Representative Krause and Representative Klingler as cosponsors to the legislation. Thank you very much."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2787?' This is final action. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative McKeon, are you prepared to call your Bill? The House will be at ease for a few minutes. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "House Resolution 1007, offered by Representative Capparelli; House Resolution 1008, offered by Representative Delgado; House Resolution 1009, offered by Representative Morrow; House Resolution 1010, offered by Representative Brady; House Resolution 1011, offered by Representative Morrow; House Resolution 1012, offered by Representative Howard; House Resolution 1014, offered by Representative McGuire; House Resolution 1015, offered by Representative Joseph Lyons; House Resolution 1016, offered by Representative Garrett; House Resolution 1017, offered by Representative Garrett; House Resolution 1018, offered by Representative Garrett; House Resolution 1019, offered by Representative Garrett; House Resolution 1020, offered by Representative Garrett; House Resolution 1021, offered by Representative Garrett; House Resolution 1022, offered by Representative Monique Davis; House Resolution 1023,

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offered by Representative Monique Davis; House Resolution 1024, offered by Representative Barbara Flynn Currie; House Resolution 1025, offered by Representative Barbara Flynn Currie; House Resolution 1026, offered by Speaker Madigan; House Resolution 1027, offered by Representative O'Connor; House Resolution 1028, offered by Representative O'Connor; House Resolution 1029, offered by Representative Morrow; House Resolution 1030, offered by Representative Morrow; House Resolution 1031, offered by Representative Barbara Flynn Currie; House Resolution 1032, offered by Representative Barbara... by Representative Julie Curry; House Resolution 1033, offered by Representative Granberg; House Resolution 1034, offered by Representative Julie Curry; House Resolution 1035, offered by Representative Flowers; House Resolution 1036, offered by Representative Flowers; House Resolution 1038, offered by Representative Dale Righter; House Resolution 1039, offered by Representative Kurtz; House Resolution 1040, offered by Representative O'Connor; House Resolution 1041, offered by Representative O'Connor; House Resolution 1042, offered by Representative Flowers; House Resolution 1043, offered by Representative Garrett; House Resolution 1044, offered by Representative Morrow; House Resolution 1045, offered by Representative Daniels; House Resolution 1046, offered by Representative Julie Curry; House Resolution 1047, offered by Representative Giles; House Resolution 1048, offered by Representative Flowers; House Resolution 1049, offered by Representative Kosel; House Resolution 1050, offered by Representative Kosel; House Resolution 1051, offered by Representative Daniels; House Resolution 1052, offered by Representative Flowers; House Resolution 1053, offered by Representative Flowers; House Resolution 1054, offered by

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Representative Lou Jones; House Resolution 1056, offered by Representative Franks; House Resolution 1057, offered by Representative Joseph Lyons; House Resolution 1058, offered by Representative Joseph Lyons; House Resolution... House Resolution 1059, offered by Representative Berns; House Resolution 1060, offered by Representative Julie Curry; House Resolution 1061, offered by Representative Julie Curry; House Resolution 1062, offered by Representative Morrow; House Resolution 1063, offered by Representative Crotty; House Resolution 1064, offered by Representative Granberg; House Resolution 1065, offered by Representative Barbara Flynn Currie; House Resolution 1067, offered by Representative May; House Resolution 1068, offered by Representative O'Connor; House Resolution 1069, offered by Representative O'Connor; House Resolution 1070, offered by Representative Colvin; House Resolution 1071, offered by Representative Colvin; House Resolution 1072, offered by Representative Howard; House Resolution 1073, offered by Representative Howard; House Resolution 1074, offered by Representative Howard; House Resolution 1075, offered by Representative Howard; House Resolution 1076, offered by Representative Howard; House Resolution 1077, offered by Representative Howard; House Resolution 1079, offered by Representative Yarbrough; House Resolution 1081, offered by Representative Novak; House Resolution 1082, offered by Representative Novak; House Resolution 1083, offered by Representative Novak; House Resolution 1084, offered by Representative Morrow; House Resolution 1085, offered by Representative Morrow; House Resolution 1086, offered by Representative Daniels; House Resolution 1087, offered by Representative Monique Davis; House Resolution 1088, offered by Representative Monique Davis; House Resolution

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1089, offered by Representative Monique Davis; House Resolution 1090, offered by Representative Monique Davis; House Resolution 1091, offered by Representative Monique Davis; House Resolution 1092, offered by Representative Monique Davis; House Resolution 1093, offered by Representative Monique Davis; House Resolution 1094, offered by Representative Monique Davis; House Resolution 1095, offered by Representative Monique Davis; House Resolution 1096, offered by Representative Monique Davis; House Resolution 1099, offered by Representative Capparelli; House Resolution 1100, offered by Representative Daniels; House Resolution 1101, offered by Representative McCarthy. And House Joint Resolution 86 offered by Representative Joseph Lyons."

Speaker Hartke: "You've heard the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Members, we are not prepared to adjourn yet. Adjournment Resolution."

Clerk Rossi: "House Joint Resolution 89 offered by Representative Currie."

HOUSE JOINT RESOLUTION 89

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Thursday, November 21, 2002, it stands adjourned until Tuesday, December 3, 2002 at 1:00 p.m.; and when the Senate adjourns on Thursday, November 21, 2002, it stands adjourned until Tuesday, December 3, 2002 at 3:00 p.m."

Speaker Hartke: "You've heard the Adjournment Resolution. All

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those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Adjournment Resolution is adopted. Is Representative McKeon in the chamber? Are you prepared to run your Bill? Mr. Clerk, what is the status of Senate Bill 1240?"

Clerk Rossi: "Senate Bill 1240, a Bill for an Act respecting education. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McKeon."

McKeon: "Thank you, Mr. Speaker. Senate Bill 1240, which I present to the Assembly, is an Agreed Bill with the City of Chicago, Chicago Public Schools, Chicago business community, the Illinois Federation of Teachers, the Chicago Teachers Union, as well as college teachers' unions, and many other unions working in the Chicago public schools and the community colleges. 1995, we passed an historic agreement in the General Assembly to transfer responsibility for the management of the Chicago schools to the Mayor of Chicago and the Chicago School Board. And over those years much has been accomplished, quality teachers, quality administrators, quality instruction, and test scores are now moving, not in all cases, but now moving in the directions that they should and we need to continue the process of improvement. What this Bill represents is an historic second step for the Illinois General Assembly. What we have achieved is a collaboration, a partnership between the administration and teachers to work on issues of policy, class size, where appropriate to bargain those issues. The one collective purpose, the singleness of purpose that quality education and learning by the students of the Chicago Public Schools is our primary goal and that union and management can work together to achieve those goals. Secondarily, and that's

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the overriding part of the Bill, it expands the charter school system from 15 to 50, adds certification requirements for teachers over a time period within the charter schools to again keep moving those test scores, some of which are not as good as we would like to have them, but in the direction that we want, and to provide school choice for parents of students in the Chicago Public School System. I urge your support and will answer any questions that the Members of the Body may have."

Speaker Hartke: "Is there any discussion? Chair recognizes Representative Collins, the Lady from Cook. Representative Collins."

Collins: "Thank you, Mr. Speaker. I rise in... against House... Senate Bill 1240, but I did speak with the teachers' union, Jackie Gallagher and Michael McClain of the civic community organization, Vince Williams from the Chicago Board of Education, and John Dunn for the City of Chicago and Mr. Speaker that we would sit down in January and try to come up with something because it is too late. But I do not agree on the charter schools and I do wanna add that the charter schools should be set to a standard. There are six schools in the City of Chicago... six high schools that are at or above the 70 percentile in reading and that is... that... I know that the schools are working hard for that, but we need to do better. And to open up 15 charter schools that we're hoping to move, that there are some standards to be set and that these teachers are certified and so in good consciousness (sic-conscience) I cannot vote when I have children in my community who are crying out that their parents are saying to them as well, that they cannot read and they can't help their children read because they cannot read. Thank you."

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Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you and will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Parke: "Representative, in... you presented this in committee yesterday?"

McKeon: "Yes, Sir."

Parke: "Did anybody rise in opposition to this legislation?"

McKeon: "There was testimony from a Mr. Bob Picker regarding his concerns about the impact on charter schools outside of Chicago, which this Bill does not apply to. But there... as you know, I'm sure, in the charter school movement, nationally and in some parts of this state, the effort has been to keep no accreditation requirements for teachers, maximum flexibility, no teacher certification, no requirements. His concern was that if we impose these requirements, which I think are appropriate for accreditation, that that will have a trickle down affect in schools outside of the City of Chicago. And we assured him that this Bill only applies to the City of Chicago."

Parke: "Mr. Speaker, Mr. Speaker, I'm sorry. I'm looking directly at him and I can't hear him because there's so much noise going on."

Speaker Hartke: "Shhh. Please, let's tone down the rhetoric just a little bit. Mr. McKeon, would you speak up."

McKeon: "Yes, thank you. This is a very important Bill so I hope the Membership can maintain their attention. Mr. Parke, we did have testimony from one person who was opposed to the imposition of certification requirements for teachers and he represents many of the downstate charter schools which are not impacted by this Bill. It only applies to the Chicago Public Schools. So, there are different schools of

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thought or philosophy about charter schools. The charter school movement from its inception indicated that they did not want that kind of intervention or teacher certification requirements. We did assure him that this..."

Parke: "Do you think... do you think his concern is a valid concern?"

McKeon: "I think it's a philosophical argument."

Parke: "Philosophical, okay. Now, this only applies to the City of Chicago?"

McKeon: "That is correct."

Parke: "And expands charter schools from what number to what number?"

McKeon: "From 15 to 30."

Parke: "Is the Illinois Federation of Teachers and the Illinois Education Association have... what is their position on this?"

McKeon: "They're all in support of the Bill."

Parke: "Do you know if... besides the gentleman who testified if anyone else is opposed to your legislation?"

McKeon: "I know that a few of my colleagues here are... have some concerns."

Parke: "Some colleagues, yes, okay. But I'm talking about special groups."

McKeon: "No."

Parke: "Has the charter school association, if there is such a thing in Illinois, did they work with you and are they supportive of this?"

McKeon: "They understand what the City of Chicago is trying to do. They're concerned that there would be a trickle down beyond... in future legislation, that this was a bad first step from their philosophical point of view, where it might impact the imposition of teacher accreditation requirements



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for their teachers."

Parke: "In your opinion, does this Bill negate any of the Chicago school reforms that we put in about eight years ago?"

McKeon: "In my opinion, and when I met with the new administration from the Chicago Teachers Union, we have focused the union, the administration, the mayor, the other stakeholders on one single purpose, the academic performance of the child. This is a major shift with the union, collective bargaining. The mayor recognizes this, CPS recognizes this and they're going to be active participants in planning and policymaking within the schools."

Parke: "Do you have anything built into your legislation to sunset it, to have it re...?"

McKeon: "Representative, could you repeat your question?"

Parke: "Yes. Do you have anything built in to sunset this legislation or to give the General Assembly a report on the success of it? Is there any way to monitor, to make sure that, in fact, we're achieving the ultimate goal of making every child a... giving every child a better education?"

McKeon: "There are reporting requirements that the Board... Chicago Public School Board and the Chicago Teachers Union must report to the Illinois General Assembly on their activities in collaboration and efforts as well as outcomes, in terms of improving student performance."

Parke: "Thank you, Representative."

McKeon: "Mr. Speaker, I believe Representative Delgado, my chief cosponsor would like to speak to the Bill."

Speaker Hartke: "Yes, he is listed here. Chair recognizes Representative Currie."

Currie: "Thank you, Speaker. Will the Gentleman yield for a question, please?"

Speaker Hartke: "The Gentleman will yield for a question."

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Currie: "There's a concern over what is the meaning of the limitation on the single cap campus for the charter schools in Chicago. So, I'm asking for legislative intent in paragraph (b) of Section 27A-5 the Bill references limiting new charter schools to 'one campus'. My question is this, would a charter school headed by one principal but having separate buildings serving different grade levels fall under the 'one campus' definition? Would it still be one campus...?"

McKeon: "Yes, yes."

Currie: "Okay. Thank you very much. And I appreciate your hard work on this and I appreciate the help and support you've had from the business community, from the teachers, from the City of Chicago. I think this is an excellent piece of legislation and I strongly support it."

McKeon: "Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, there was an article in one of the Chicago papers today that gave me a reason to pause and I reread the article. And the slant of the article... Maybe that's not a bad... Maybe that's not the right word. The article insinuated that this was the beginning of the dismantling of Chicago school reform. What would your comment be to that article?"

McKeon: "I think that's totally incorrect. I think this is the next step forward. Now, when we talk about mediation in terms of the permissive bargaining requirements, the mediation... If we go to mediation it is not mandatory. The school board still has the authority, if they choose to and I think it would be unwise, to implement their policies

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at the objection of the Chicago teachers. But it is, Mr. Black, and I think the article is wrong in its perspective, is a formalized collaboration between teaching professionals and the administration as well as the City of Chicago in achieving that singular goal of increasing student performance. It's bringing the teachers to the table and letting them have a voice, yet if we have an issue of the permissive, items that were restored it, goes to mediation. It is still not binding on the school board but I think the school board would be... would be foolish not to take that input into consideration."

Black: "I thank you for that answer. And I think that sets many of our minds at ease. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "Ladies and Gentlemen of the House, since 1995 the Chicago School Reform Act, I think, while people of good will may disagree, I think most people would agree the Chicago School Reform Act of 1995 has accomplished some tremendous good for the students in the Chicago Public School System. I've always commended the mayor and the people that he chose to bring that about. I remember well when Bill Bennett, the former Secretary of Education, at one time called the Chicago Public Schools the worst urban school district in the country and later came back to Chicago and said it might be, in fact, probably was at that time a beacon of hope for urbanized... large urbanized school systems. The reforms that have been made. And I'm glad that you... your perspective is that of mine. I do not think that this is anywhere near the beginning of the dismantling of that very important Act of 1995. In fact, I think your school system continues to improve and this is an effort to continue that improvement. All parties to

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this are in agreement. I think it's simply a way to bolster student achievement, enhance the quality of the education that the students of Chicago not only should have but must have to compete in this new century and to maintain a balanced budget. Many people were not in this chamber in years before Chicago School Reform when every year we would meet down here for a crisis and that the Chicago Public Schools had either in funding, or labor strife, or one issue after another. I don't think anyone, regardless of your views on the Chicago School Reform Act of 1995, would want to go back to those days. We're making progress. I think Senate Bill 1240 simply enhances the ability of the city to continue that progress that is so vitally important, not only just to the students of the City of Chicago Public Schools, but really and truly, the State of Illinois. I commend you for the work. I commend all of those, including the mayor of Chicago, for what they've done with this law. I think they've made it work. They've become an example for large, urbanized school systems and I hope that continues. And I hope that any attempt to dismantle that reform Act would be met by opposition, people on both sides of the aisle. This is a good Bill. I intend to vote 'aye'."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Monique Davis."

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

Speaker Hartke: "Sponsor indicates that he will yield."

Davis, M.: "Representative, can you tell us how many charter schools are operating in the State of Illinois?"

McKeon: "You have to speak... I can't hear you."

Davis, M.: "How many charter schools are operating in the State of Illinois?"

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McKeon: "Approximately 25."

Davis, M.: "Twenty-five. How many are in Chicago?"

McKeon: "Fifteen."

Davis, M.: "There are 15 in Chicago. And this Bill is asking for how many additional charter schools?"

McKeon: "Fifteen."

Davis, M.: "So, that would be 30?"

McKeon: "Correct."

Davis, M.: "Can you give us the racial breakdown of the children who attend charter schools in the State of Illinois?"

McKeon: "They're primarily children of color."

Davis, M.: "Not primarily, give me the percentages."

McKeon: "Almost... It's my recollection it's over 90%."

Davis, M.: "Over 90% of the children who attend charter schools are African American or Latino. Is that correct?"

McKeon: "That's correct..."

Davis, M.: "Less than 10%..."

McKeon: "... and their parents have chosen..."

Davis, M.: "Less than 10% are Caucasian. Is that correct?"

McKeon: "Please repeat your question, Ma'am."

Davis, M.: "Less than 10% of the children who attend charter schools are Caucasian children?"

McKeon: "That is correct."

Davis, M.: "Okay. Do you read the papers, Representative, on the scores of achievement of children in Chicago Public Schools or in the state?"

McKeon: "I read the Chicago Public Schools."

Davis, M.: "What children are at the very bottom of the academic achievement level in the State of Illinois and especially in Chicago?"

McKeon: "Those... Actually, those reports don't reflect..."

Davis, M.: "I can't hear you."

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McKeon: "Those reports don't reflect the fact because they don't measure it. At the very bottom are Native American children, second to that, Black and Hispanic."

Davis, M.: "African-American children score at the very bottom of your standardized tests or your state achievement tests. Would you think that those who were in most need of professionalism would be given teachers who are not necessarily certified teachers?"

McKeon: "That's what the Bill is doing. It's increasing the percentage over the next few years..."

Davis, M.: "What year, Representative?"

McKeon: "... to 75%..."

Davis, M.: "What year?"

McKeon: "Three years from now."

Davis, M.: "No, it's not three years. What year?"

McKeon: "Well, I'm sorry. I misspoke, Representative. 2006 and 2007."

Davis, M.: "So, in the year 2006, Representative, you're saying in the year 2006 these children will have 75% of the charter school teachers certified? But, the year 2002, the year 2003, the year 2004, the year 2005, that's four years. So, are you telling me that some children may never see a certified teacher if they're now in fourth grade?"

McKeon: "That is correct."

Davis, M.: "Representative, we're talking about children who are, according to some of your own measures, at the bottom of the barrel. Would you consider hiring or using an uncertified doctor for the sickest patient?"

McKeon: "It would not be my preference."

Davis, M.: "Pardon?"

McKeon: "I said it would not be my preference."

Davis, M.: "It would not be your preference to hire a

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noncertified physician for the sickest patient, but you would agree to have a noncertified teachers for the least achieving students?"

McKeon: "No, I don't agree. And this legislation is attempting to address that issue. And Representative, we cannot in the next academic year move to 75% or a hundred percent in one year or six months."

Davis, M.: "Why? Why?"

McKeon: "It is not logistically... the teachers are not there. But, we're going to make significant progress even though the charter school movement opposes what we're doing."

Davis, M.: "Can you explain what this Bill says in reference to increasing the number of alternatively certified people?"

McKeon: "The legislation which mandates the increase of certified teachers allows the use of the alternative certification program and does not place a cap on the number so..."

Davis, M.: "It does what with the cap?"

McKeon: "There would be no cap."

Davis, M.: "There would be no cap on the number of people who would be alternatively certified?"

McKeon: "That is correct."

Davis, M.: "Is that for the charter schools or all over the State of Illinois."

McKeon: "For the charter schools."

Davis, M.: "Just the charter schools?"

McKeon: "In Chicago."

Davis, M.: "They couldn't teach all over the state?"

McKeon: "In Chicago only."

Davis, M.: "They could only... Listen carefully, people. Listen really carefully. These rapidly certified people, alternatively certified, could only teach in Chicago where the majority of children are African American or Latino."

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These people that we're talking about, alternatively certified, would not teach your children. I don't want them to teach mine either. Representative, have you heard of a germaneness clause in the State of Illinois in the State Legislature? Germaneness."

McKeon: "Now, Representative, because of my hearing impairment you may..."

Davis, M.: "No, we can... Mr. Speaker, could you have some order..."

McKeon: "Madam Chairman,..."

Davis, M.: "... so they can hear?"

Speaker Hartke: "Shhh, please."

McKeon: "Madam Chairman, it's not only the noise. If you could maintain face-to-face contact with you (sic-me), I could better understand what you're saying. I am hearing impaired. I have a 55% hearing loss and because of the use of hearing aids, which I'm sure you respect the needs of people with disabilities, I hear all this background noise. Now, I can hear Bill Black over there better than I can hear you standing here. So, I'm asking you, you know, will you maintain eye contact so I can understand..."

Davis, M.: "I may not. You look at me. You look at me. I don't have to look at you. Look at me."

McKeon: "I've been doing that since you've been asking..."

Davis, M.: "Well, you wanna read my lips, look at me. My question was..."

McKeon: "I can't do that when you're looking over there."

Davis, M.: "Do you remember the question?"

McKeon: "No, I couldn't hear the question because..."

Davis, M.: "I said, have you heard of... do you... are you aware of a germaneness, germaneness in reference to legislation that passes out of this Body? Issues that are joined



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together must be germane. They must be of a similar (sic-similar) content. You are aware of that?"

McKeon: "And in my opinion, this... the components of this Bill are germane. Madam Representative, if you want to object to that you can bring that to the Leadership. My opinion..."

Davis, M.: "This legislation joins two issues that are not germane. One is restoring the bargaining rights to teachers in Chicago only, restoring the bargaining rights that we lost with the 1995 School Reform law. We support teachers' unions being able to bargain effectively with school boards. On the other hand, you're adding charter schools. The issues are not germane. Hopefully, the court will insist that you separate them. So, my question to you was, are you familiar with germaneness in this Body?"

McKeon: "I've answered that question, Representative."

Davis, M.: "Representative, were you in the Body in the spring when this Body increased the qualifications necessary for a teacher to teach or do their student teaching? Are you familiar with legislation that this Body passed just this past spring that said teachers had to meet certain qualifications if they're in a teaching program before they could even student teach?"

McKeon: "I voted for that legislation."

Davis, M.: "You voted for that legislation. So, in this Bill... are we saying, even though those teachers who go through a certification program, have to meet certain standards before they can teach... we're saying we're going to alternatively certify a group who don't have to adhere to those standards but we're going to limit them on where they can practice. They can only practice in Chicago, on minority children. Is that what your Bill is telling us?"

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McKeon: "No."

Davis, M.: "That is exactly what your Bill is telling us. What your Bill is saying is these quickly certified people or these alternatively certified people can only practice in Chicago. Because for the rest of the state we said you've got to raise the standards, you've got to increase the standards before you can even student teach. Don't you remember that Bill?"

McKeon: "And, Madam... Representative, in the rest of the state's charter schools there remains no standard, no requirement. We're talking about the Chicago Public Schools. We are for the first time, as you are strongly arguing for, establishing some standards. They may be certified in the normal process..."

Davis, M.: "Let me ask you this, Representative..."

McKeon: "Madam, I have not finished speaking."

Davis, M.: "Okay. Sorry."

McKeon: "They may go through the standard certification process. They may even go through a master teaching program, but we also say they may, they may go through the alternative process. That doesn't mean a hundred percent of them."

Davis, M.: "Do you believe that a teacher... the teacher curriculums in our different universities and colleges maybe we should do away with it? I mean, do you think perhaps it's not valuable what teachers learn when they go through a teacher certification program in our universities and our college? Do you believe that what they learn in reference to child development and what they learn in reference to methods... Do you believe that these are so unnecessary that we just can throw those issues out? I mean, maybe the university should get rid of a teaching curriculum."

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McKeon: "Representative, you know my teaching background as a college professor and an educator and my performance in this General Assembly. I regard your question as a personal affront, a personal affront. You can introduce your own legislation. You can expand it. You can require master teachers. Introduce the Bill. Your questions, your last question in particular, for someone who has supported higher education, who has been an educator in institutions of higher education, I regard as a personal affront."

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

Speaker Hartke: "To the Bill."

Davis, M.: "Senate Bill 1240 is a piece of legislation to increase, in Chicago only, the number of charter schools. The children who will be attending these schools are children who are the lowest scorers in the State of Illinois. Their achievement and academic scores are not what they should be. Therefore, instead of allowing teachers who do not have regular certification, maybe none whatsoever, to come in and teach these children is very unfair. It discriminates against these children because we're allowing standards with them that are not around the rest of the State of Illinois. I, too, support Chicago teachers getting their bargaining rights. But, I do not support increasing in the City of Chicago 15 charter schools in which our children will be taught by uncertified people for the year 2002, the year 2003, the year 2004, the year 2005, and then in 2006, 75% of these people have to be certified. I care more about my children than that. I may not lose, I may not win on this floor. I may lose but I have to say to you it is wrong. It is wrong for anyone, the civic group or whoever they are, it is wrong to decide that the children who need the best educators, the children

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who need the most instructional time, it has been decided that they will get the least. Our children deserve the same as every child in the State of Illinois. And if the rest of the state has certified people we should have certified people, too. And you should stop this. You should stop it now. It's out of hand. It's disrespectful. It's disingenuous. If you don't want certified teachers, get rid of certification programs in your colleges. Vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair and then a comment about this Bill, if I may, please?"

Speaker Hartke: "You may."

Cowlshaw: "The first inquiry is, I am really curious about this, Mr. Speaker. And Speaker Madigan is right there near you, perhaps, you could inquire of him, as well. Yesterday, while Speaker Madigan was in the Chair and when this Bill was first called for the purposes of adopting an Amendment and then moving it to Third Reading, there were five hyphenated Sponsors listed on that board. They included two whose names are: Rutherford and Beaubien. During the process of the discussion and debate about the Amendment and prior to its adoption, miraculously... and frankly at the time I thought, dear me, there must be a little mouse loose somewhere in the mechanism and that's why somehow or another the two names that had been there totally disappeared into the mist and instead we have now five names, nowhere are the names Rutherford and Beaubien. Mr. Speaker, my inquiry is this: under what procedural rule or tradition do we change the sponsorships of Bills, the major

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five-Member hyphenated sponsorships, without the consent or even having advised the people whose names are going to be removed? I would submit to you, Mr. Speaker, that it is every bit as important and significant to be sure we have the people who want to be on a Bill on that Bill, as it is to be sure the people who don't want to be on a Bill are not on that Bill. To attribute to someone else the work, the effort, and the drafting that has been done by people who have been the Sponsors of a piece of legislation for a long time is, in only my opinion, Mr. Speaker, comparable to something called 'plagiarism' and I don't believe most of us approve of that. Could I please have an answer to my inquiry?"

Speaker Hartke: "Yes, Representative. One, I think the question was answered yesterday; however, our parliamentarian, Mr. Uhe, will respond."

Parliamentarian Uhe: "Representative Cowlshaw, on behalf of the Speaker and in response to your inquiry, I will simply read pertinent language from Rule 37."

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

Parliamentarian Uhe: "Representative Cowlshaw, I will... In response to your inquiry read the pertinent language from House Rule 37."

Cowlshaw: "All right."

Parliamentarian Uhe: "The principal Sponsor may change the sponsorship of the Bill to that of one or more other Representatives. Such change may be made at any time the Bill's pending before the House by filing a notice with the Clerk."

Cowlshaw: "So the Sponsor, Mr. McKeon, decided to change those sponsorships and submitted that in writing to the Chair (sic-Clerk) and once it was received it was changed on the

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board. Do I have that order of events correct?"

Speaker Hartke: "That is the Chair's understanding. They were submitted to the Clerk."

Cowlshaw: "Okay, very good. In that event, I would at least like to suggest as a matter of simple civility and courtesy to one another that it would be advisable if you intend to take somebody's name off of a Bill that you could at least have the decency to walk across the aisle and tell the person that you are going to do that, rather than do it without that person's knowledge. It seems to me, Mr. Speaker, that we could behave a little better toward one another than somehow we so frequently do. And now if I may, to the Bill."

Speaker Hartke: "To the Bill."

Cowlshaw: "I wanna commend the Sponsor for working very hard on this and for a large number of people who have worked with him to arrive at the negotiated provisions that are contained herein. Charter schools, of course, are an experiment. They're an attempt to find a better way to do things better for all children and I think that perhaps one of the things in looking at this Bill and how this fits in with the whole of the Chicago school reform efforts that have been carried forward so nobly in Chicago, I think when one looks at that one can only remember Harry Truman. When Harry Truman was the President of this nation he had a little sign on his desk that said, 'the buck stops here.' The people of this nation loved that man because he accepted responsibilities. One of the reasons that the Chicago school efforts have been successful is because there was one individual who was in charge. It was not a question of where the buck stops, everybody knew that the buck stopped with Mayor Richard Daley, who accepted those

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responsibilities gladly, who has worked very hard and very effectively to improve the schools in Chicago. It is the people from Mayor Daley's Office who came down here among others and asked us to please support this legislation. The guy where the buck stops wants this. It is a matter of local control. We all say we're for local control. That's essentially what this is. I urge you to vote 'yes'."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Whiteside, Mr. Mitchell."

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

Speaker Hartke: "Sponsor will yield."

Mitchell, J.: "Now, Representative McKeon, I'm gonna look right at you because we both need some help here. While I'm looking directly at you so that you can possibly read my lips, the short caucus... we have to understand that no tall people like Representative Davis can stand between us..."

McKeon: "He better move pretty quick."

Mitchell, J.: "Okay. Representative, I just have some questions to clarify some things. First of all, no way does this Bill allow for binding arbitration on issues that are a concern between the Chicago Teachers Union and the Board of Education. Is that correct?"

McKeon: "That is correct."

Mitchell, J.: "When we set up the mediation process is that done by a management-labor team that will mediate the situation that is of concern?"

McKeon: "That is correct."

Mitchell, J.: "Okay and that mediation team then simply sheds light on issues that have been concerned over the years, in fact since 1995, when the initial reform was passed."

McKeon: "Except certain issues were not on the table for

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discussion."

Mitchell, J.: "Okay, but... but there are other issues. Is there, in fact, a no-strike clause in effect that's still in effect and has been accepted by the Chicago Teachers Union?"

McKeon: "Yes."

Mitchell, J.: "So, we are not going to see the education of children stopped by a strike action in the near future because all sides came to the table and agreed that they could use a mediation process that still accepted Mayor Daley and the Board of Education's final decision on the matters?"

McKeon: "That is correct."

Mitchell, J.: "So that portion of the '95 reform is still intact, which was probably the key portion that has allowed the change to move forward?"

McKeon: "Yes."

Mitchell, J.: "Does this affect in any way the... the local control of schools through the process that's been put in place so that we still have input from each local area of the schools in Chicago?"

McKeon: "No changes have been made to the local school council, provisions of the original Bill."

Mitchell, J.: "Now... okay. In the definition of charter schools, I think had been defined as schools of choice. Am I correct?"

McKeon: "Right, there are no admission tests. It is by application from anywhere within the system and..."

Mitchell, J.: "So nobody forces any particular group, Latino, Black, White could go there. They are not told they have to go there. Is that correct?"

McKeon: "That is correct."



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Mitchell, J.: "So, this is still a choice?"

McKeon: "Yes, and there are 4,200 students on the waiting list and that's the major rationale for..."

Mitchell, J.: "So, there are students that had chosen this, not citizens that are saying, 'Look we don't have a public school in your area, you've gotta go to the charter school.' So, is there a Bill in process that you know of by anyone who spoke today or anybody else in this chamber that has requested that all charter schools have a hundred percent certified teachers in them?"

McKeon: "Not a hundred percent."

Mitchell, J.: "Okay, yours is 50% to 75% down the road. Do you know of anything like that that's in the hopper at this time?"

McKeon: "It hasn't been filed, but there is a Bill that one of my colleagues is... is addressing..."

Mitchell, J.: "Recently?"

McKeon: "...the issue recently, as of this morning..."

Mitchell, J.: "As of this morning."

McKeon: "... and currently..."

Mitchell: "But prior to this there was nothing."

McKeon: "Right. Currently... currently, all of the four players in the negotiation process are not supporting that change, but we are all, as well as myself, committed to sitting down with the Representative and talking..."

Mitchell, J.: "President Debra Lynch has... has really bent over backwards in the negotiations in this whole process, learned the art of compromise and has come up with a way to slowly, but surely instill certified teachers into the charter school system, which has never been done before. And now we have a situation where we'll have 30 charter schools in Chicago. Now, is this Chicago proper or is this

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Chicago and the Chicago area including the collar counties?"

McKeon: "Only the City of Chicago."

Mitchell, J.: "Okay. Now, within the City of Chicago we're going to be able to check test scores there versus test scores in other places that don't have certified teachers to see if there is a huge disparity down the road."

McKeon: "That is correct."

Mitchell, J.: "So, we will have more and more valid information to see what affect certified teachers are going to have on the test scores of children in charter schools."

McKeon: "Yes."

Mitchell, J.: "And we can also compare that to public schools, which by the way can't find certified teachers right now. With the teacher shortage we've got it would be impossible to put all certified teachers in all of the charter schools and the public schools. We'll be lucky to find enough public school teachers that are certified for the public schools."

McKeon: "That's correct. It's a major crisis of... a major crisis of this decade will be the acute shortage of certified teachers throughout the State of Illinois."

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

Speaker Hartke: "To the Bill."

Mitchell, J.: "Ladies and Gentlemen of the House, anytime you go into negotiations the art of compromise is how you get things done. This Bill is a perfect example of not having everything that everybody wants. I have heard from several Members of my side that have told me that this is the end of charter schools because we are forcing them to hire certified teachers. I have had other colleagues come to me as an educator and say this is a terrible Bill because it

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still doesn't insist that we have all certified teachers. So, this really is a happy medium for those that negotiated and maybe a unhappy medium for others. And at any negotiated Bill, you never get everything, but you move forward. I commend the Sponsor. I commend Chicago for tackling a problem that has been there since '95 and is moving forward. Ladies and Gentlemen, if there's any Bill in the Veto Session that's worthy of an 'aye' vote, this one's it. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? Chair recognizes Representative Daniels."

Daniels: "Mr. Speaker, Ladies, and Gentlemen..."

Speaker Hartke: "Shhh."

Daniels: "... of the House, I rise in strong support of Senate Bill 1240. I wanna commend the Sponsor and all the other people involved in this for their actions. In particular, I wanna recognize the leadership role of the Civic Committee of the Commercial Club of Chicago who was instrumental in Chicago school reform and working for the improvement of Chicago schools. As you all know, from the extended dialogue, there's a concern here, there are many features of this Bill. None more important, though, than the increase of charter schools in the City of Chicago by 15. With all of the discussion that's taken place in the issues of certification, I think it's very clear this Bill is needed. It's supported in a very broad base across, not only the City of Chicago, but for many other areas, as well. So, for the children of Chicago, for the people of Chicago, I gladly endorse and will support this Bill. Recommend your favorable vote."

Speaker Hartke: "Further discussion? Representative McKeon, it is your desire to have Representative Delgado close?"

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Seeing that no one is seeking recognition, Representative Delgado to close."

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1240 became a... a wonderful opportunity to bring history to the City of Chicago, Chicago teachers, to have a opportunity to discuss, debate, and find solutions to smaller class sizes, to making sure that we have all the necessary instruments in the classroom, to be part of the dialogue because they're the ones that have direct contact with our children. Many, many, many groups deserve a job well done on such an important project and actually as a last action for me as a soon to be former Member of the Elementary & Secondary Education Committee, I feel very proud to have been part of this legislation. Having walked through it, having been dragged through those coals, working with the variety of groups that came together from labor, to the civic committees, to the school children themselves, a lot of the moms and dads. And today we bring it to com... it actually is a culmination of all of those entities and now today we finally get to break for a wonderful Thanksgiving. And bring it... I'm sure we're gonna see all 'green' votes up there today. And again for me, as my last action on the Secondary Elementary Committee, to me, I'd like to close out my tenure on that committee with being able to say, let's make sure we all vote 'green'. And have a wonderful Thanksgiving. Thank you, Mr. Speaker."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1240?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Mr. Clerk, take the record. On this question, there are 105 Members voting 'yes', 8 Members voting 'no', 3 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Speaker Madigan in the Chair."

Speaker Madigan: "On page 2 of the Calendar, on the Order of House Bill-Third Reading appears House Bill 4736. Representative Currie."

Clerk Rossi: "House Bill 4736, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. We discussed this Bill at length when it was in the Amendment stage yesterday. This is a measure that is attempting to correct a glitch in reimbursement that developed for Childrens Memorial Hospital when, because of construction work at the main facility, they began providing some services at another facility within three-tenths of a mile. The measure provides that a childrens hospital that is in that situation, any childrens hospital would be entitled to hospital size reimbursement. I do not know of any opposition to this measure and I would appreciate your support for passage of the Bill."

Speaker Madigan: "The Lady has moved for the passage of the Bill. There being no discussion, the question is... Mr. Daniels."

Daniels: "Mr. Speaker, I'd like to just add that I think this is a worthwhile Bill for a great hospital, a great organization and I wholeheartedly endorse it."

Speaker Madigan: "Are there... 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? The Clerk shall take the record. On this

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question, there are 115 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The House is prepared to adjourn and we will return after Thanksgiving on Tuesday, December 3rd. There being nothing further, Representative Currie moves that the House stand adjourned until Tuesday, December 3rd, at 1 p.m. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until Tuesday, December 3rd, at 1 p.m., providing Perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Messages from the Senate. A message from the Senate by Mr. Harry, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a Bill of the following title, the Veto of the Governor to the contrary notwithstanding, in the passage of which I am instructed to ask the concurrence of the House to wit, Senate Bill 1756 and Senate Bill 2160. I am further directed to transmit to the House of Representatives the following copy of the Governor's Veto message to the Senate, passed by the Senate November 20th 2002, by a three-fifths vote. A message from the Senate by Mr. Harry, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a Bill of the following title, the Governor's specific recommendations for change to the contrary notwithstanding, in the passage of which I am instructed to ask the concurrence of the House to wit, Senate Bill 2117 and Senate Bill 2155. I am further directed to transmit to the House of Representatives the following copy of the Governor's specific recommendations for change to the Senate, action taken by the Senate, November 20th, 2002. A message from

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the Senate by Mr. Harry, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate is 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 the concurrence of the House to wit, Senate Bill's 1583, 1622, 1657. I am further directed to transmit to the House of Representatives the following copy of the Governor's specific recommendations for change to the Senate, action taken by the Senate, November 20th, 2002. Introduction and First Reading of House Bills. House Bill 6320 offered by Representative Parke, a Bill for an Act concerning patient health information. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."